

ORDINANCE NO. 8900

AN ORDINANCE AMENDING CHAPTER 2, TITLE III OF THE PUEBLO MUNICIPAL CODE RELATING TO AND ADOPTING THE 2015 INTERNATIONAL FIRE CODE PUBLISHED BY THE INTERNATIONAL CODE COUNCIL, INC., 4051 WEST FLOSSMOOR ROAD, COUNTRY CLUB HILLS, IL 60478, ALONG WITH CERTAIN AMENDMENTS THERETO AND PROVIDING REMEDIES AND PENALTIES FOR THE VIOLATION THEREOF

BE IT ORDAINED BY THE CITY COUNCIL OF PUEBLO, that: (brackets indicate matter being deleted, underscoring indicates new matter being added)

SECTION 1.

Section 3-2-21 of Chapter 2, Title III of the Pueblo Municipal Code is hereby amended to read as follows:

Sec. 3-2-21. Legislative findings; International Fire Code adoption by reference.

(a) Legislative findings.

(1) City Council hereby finds and declares that there are numerous fire, chemical and explosive risks within the City which affect or are likely to adversely affect public health, safety and welfare. To correct and prevent the existence of such adverse conditions and to achieve and maintain such levels of fire prevention and fire safety as will protect and promote public health, safety and welfare, the establishment and adoption of the **[2009] 2015** International Fire Code is necessary.

(2) The purpose of this Chapter is to protect public health, safety and welfare from the adverse effects of fire, explosions and chemical spills.

(3) The **[2009] 2015** International Fire Code provides reasonable and nationally recognized standards for fire prevention and safety.

(b) International Fire Code adopted by reference. The International Fire Code, **[2009] 2015** Edition, including the appendices thereto, promulgated and published by the International Code Council, Inc., 4051 West Flossmoor Road, Country Club Hills, IL, 60478, May **[2009] 2014**, hereinafter referred to as the International Fire Code (IFC), is hereby adopted and enacted by reference as the fire prevention code of the City; provided, however, that the following portions or provisions thereof are not hereby adopted: (a) the Preface, (b) the sample

form of ordinance adopting the IFC, and (c) Appendix A, Board of Appeals. Whenever this Code refers to the "International Fire Code" or "I.F.C.," the reference shall be taken to mean the International Fire Code, [2009] **2015** Edition, as adopted and amended in this Chapter.

(c) Copies of the I.F.C., [2009] **2015** Edition, are available in the office of the Fire Inspector for the City of Pueblo, 1551 Bonforte Blvd., Pueblo, CO, 81001 for distribution and sale to the public.

## SECTION 2.

Section 3-2-24 of Chapter 2, Title III of the Pueblo Municipal Code is hereby amended to read as follows:

Sec. 3-2-24. References to other codes.

(a) Whenever any provision of the International Fire Code contains a reference to the "International **[Fire] Electrical** Code" **[of] or** the "ICC Electrical Code," the reference shall be taken to mean the National Electrical Code, [2008] **2014** Edition, as adopted and amended by Chapter 3 of Title IV of this Code.

(b) Whenever any provision of the International Fire Code contains a reference to the "International Plumbing Code" or the "ICC Plumbing Code," the reference shall be taken to mean the [Uniform] **International** Plumbing Code, [2009] **2015** Edition, as adopted and amended by Chapter 4 of Title IV of this Code.

(c) Whenever any provision of the International Fire Code contains a reference to the "International Mechanical Code" or the "ICC Mechanical Code," the reference shall be taken to mean the International Mechanical Code, [2009] **2015** Edition, as adopted and amended by Chapter 5 of Title IV of this Code.

## SECTION 3.

Section 3-2-29 of Chapter 2, Title III of the Pueblo Municipal Code is hereby amended to read as follows:

Sec. 3-2-29. **Reserved** [Vehicles transporting hazardous materials including flammable liquids; inspections; approval.

Chapter 27 of the International Fire Code, as adopted by this Chapter, is amended by the addition of the following new Section 2706 to read as follows:

"Section 2706. Transport of hazardous materials.

"2706.1 It shall be the duty of the owner of any vehicle used for the delivery of hazardous materials, including flammable liquids, within the City

to have such vehicle inspected annually by some agency approved by the Chief of the Fire Department, and to file a report of such annual inspection with the Fire Department before the first day of January each year. It shall be unlawful for any person to operate any vehicle for which an inspection report has not been filed for the current year. The inspection report shall be made on forms furnished by the Fire Department, and shall certify that the vehicle has been inspected and found to be in safe condition and complies with all structural and safety requirements prescribed by this Chapter and the International Fire Code. Any vehicle which is involved in an accident shall be reinspected and a report of the reinspection filed with the Fire Department before it is put back into service.

“Section 2706.2 A certificate of approval shall be issued by the Fire Department for each vehicle for which an inspection report has been filed. Certificates of approval shall be valid until the first day of January following the date of issuance. The Chief of the Fire Department may refuse to grant such certificate of approval for good cause shown, or may revoke or suspend a certificate for noncompliance with the provisions of this Chapter.

“Section 2706.3 The Chief of the Fire Department, or his duly authorized representative, is authorized and empowered to inspect any vehicle, apparatus or equipment used to transport hazardous materials, including flammable liquids, at any time or place in the City, and shall have the authority to prohibit the use of any vehicle which does not conform to the requirements of this Chapter or the International Fire Code.”]

#### SECTION 4.

Section 3-2-30 of Chapter 2, Title III of the Pueblo Municipal Code is hereby amended to read as follows:

Sec. 3-2-30. – Routing; local delivery.

Chapter **[27]50** of the International Fire Code, as adopted by this Chapter, is amended by the addition of the following new section **[2708] 5006** to read as follows:

“Section **[2708] 5006**. Designated routes for hazardous materials.

**[“2708.1] 5006.1** It shall be unlawful for any person to drive or operate any tank truck or vehicle, empty, loaded or partially loaded with hazardous materials, including flammable liquids, where such load did not originate in delivery to any point within the City, except upon the routes designated by the Chief of the Fire Department and the Traffic Engineer, and approved by the City Manager. Routes are subject to change as conditions warrant.

**["2708.2] 5006.2** It shall be unlawful for any person in making deliveries of hazardous materials, including flammable liquids, within the City to drive or operate any vehicles loaded or partially loaded over or upon any street or alley except on routes approved by the Chief of the Fire Department. A routing map shall be filed with the Fire Department, subject to approval of the Chief of the Fire Department and the Traffic Engineer, and shall include all retail stations on each side of the street handling or selling hazardous material, including flammable liquids, to any consumer.

**["2708.3] 5006.3** Trucks making deliveries of hazardous materials, including flammable liquids, within the City shall follow the approved routes as designated in Subsection **["2708.2]5006.2** wherever possible.

**["2708.4] 5006.4** During loading and unloading operations, wherever possible, such trucks shall be off the street and not impeding other traffic.

**["2708.5] 5006.5** Trucks are prohibited inside ~~[nay]~~ **any** building during delivery operations and all containers shall be filled outside buildings.

**["2708.6] 5006.6** When trucks are making deliveries to retailer stations of hazardous materials, including flammable liquids, there shall be a liquid and vapor-tight connection maintained between the truck and the tank or receptacle being filled."

## SECTION 5.

Section 3-2-33 of Chapter 2, Title III of the Pueblo Municipal Code is hereby amended to read as follows:

Sec. 3-2-33. – International Fire Code; fireworks.

(a) The introductory paragraph of Section **["3301.1] 5601.1** of Chapter **[33] 56** of the International Fire Code is amended to read as follows:

**["3301.1] 5601.1** Scope. The provisions of this Chapter shall govern the possession, manufacture, storage, handling, sale and use of explosives, explosive materials, fireworks and small arms ammunition. The provisions, requirements and prohibitions set forth in Sections 3-2-51 through 3-2-57 of the Pueblo Municipal Code, as amended, shall be in addition to, and not in substitution of, provisions set forth in this Chapter. In the event of any direct conflict between such sections of the Pueblo Municipal Code and this Chapter **[33] 56**, the most restrictive requirement shall apply."

(b) The remainder of Section **["3301.1] 5601.1** is unchanged.

## SECTION 6.

Section 3-2-53 of Chapter 2, Title III, of the Pueblo Municipal Code is hereby amended to read as follows:

Sec. 3-2-53. – Items not considered fireworks; permits for sale.

(a) Those items listed in Section 3-2-51 which are not included as fireworks are sold in any temporary or permanent place of business shall only be sold in a B-3, B-4, I-1, I-2 or I-3 Zone District as defined in Title XVII of this Code; provided, however, that the sale of the same in any temporary or permanent place of business shall be restricted to the period of seven (7) days prior to the Fourth of July in each year, and the use thereof if obtained from a temporary or permanent place of business shall be restricted to the hours between 7:00 a.m. and 12:00 midnight on the Fourth of July.

(b) Any person wishing to sell those items described in this Chapter which are not considered fireworks and are sold in any temporary place of business shall obtain a permit therefor. Application for a permit to sell such items for each location shall be made by June 15 of each year. A permit fee of one hundred dollars (\$100.00) shall be charged for each location and shall be paid to the City license officer in the Finance Department. Seventy-five dollars (\$75.00) of the permit fee shall be refunded to the applicant if the site of the sale of these items is cleaned of all stands, refuse and debris constructed or caused by said sale to the satisfaction of the Chief of the Fire Department, or his or her authorized representative, by July 10 of each year. No permit granted hereunder shall be transferrable.

(c) No person shall be issued a permit to sell those items described in Section 3-2-51(1)(b) which are not considered fireworks if he or she has been convicted of any offense involving the possession, sale, transportation or use of fireworks within a period of two (2) years prior to the time application for a permit is made.

## SECTION 7.

Section 3-2-54 of Chapter 2, Title III of the Pueblo Municipal Code is hereby amended to read as follows:

Sec. 3-2-54. – Regulations and permits for display.

(a) The requirements of this Chapter shall be in addition to the regulations contained in the **[Uniform] International** Fire Code previously adopted by Section 3-2-21 of this Code. This Chapter shall govern should there be any inconsistency between the International Fire Code and this Chapter.

(b) The Chief of the Fire Department shall have the power to adopt reasonable rules and regulations for the granting of permits for supervised public display of fireworks at any time by fair associations, amusement parks and other organizations or groups of individuals. Such rules and regulations may provide minimum qualifications for persons conducting and supervising a display as pyrotechnic operators. Every such display shall be handled by a qualified operator who shall be approved by the Chief of the Fire Department. Every display shall be of such character and so located that, in the opinion of the Chief of the Fire Department, such display shall not be hazardous to property or endanger any person.

(c) Any person wishing to conduct a fireworks display shall obtain a permit therefor from the Chief of the Fire Department or his or her authorized representative. Application for a permit shall be made in writing not less than fifteen (15) days prior to the date of the display. Application shall be made upon a form adopted by the Fire Chief which shall: identify the applicant; identify the operator who shall conduct and supervise the display; state the qualifications and expertise of the operator; identify the premises where the display will be conducted; and contain a signed written consent of the owner of said premises to the display being conducted upon his or her property. A permit fee of thirty dollars (\$30.00) shall accompany the application and shall be collected by the License Officer in the Finance Department. No permit granted hereunder shall be transferable.

(d) It shall be unlawful to store, house or keep those items described in Section 3-2-51(1)(b) which are not considered fireworks in any building or structure unless such building or structure is provided with a sprinkler system that is properly constructed and maintained according to the **[Uniform] International** Fire Code and the **[Uniform] International** Building Code.

## SECTION 8.

Section 3-2-58 of Chapter 2, Title III of the Pueblo Municipal Code is hereby amended to read as follows:

Sec. 3-2-58. - Unlawful conduct and criminal penalties; revocation of permits; other enforcement.

(a) It shall be unlawful and a Class 1 municipal offense for any person to knowingly violate, disobey, omit, neglect, refuse or fail to comply with or resist the enforcement of any provision of this Chapter or of the International Fire Code, and, upon conviction thereof, the punishment therefor shall be a fine of not more than one thousand dollars (\$1,000.00) or imprisonment for not more than one (1) year, or both such fine and imprisonment.

(b) It shall be unlawful and a Class 1 municipal offense for any person to refuse or fail to timely comply with any order issued by the Chief of the Fire Department, the head of the Division of Fire Prevention or other designated fire inspector pursuant to the provisions of this Chapter or the International Fire Code, and, upon conviction thereof, the punishment therefor shall be a fine of not more than one thousand dollars (\$1,000.00) or imprisonment for not more than one (1) year, or both such fine and imprisonment.

(c) It shall be unlawful and a Class 1 municipal offense for any person to knowingly make any false statement, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to any requirement of this Chapter or the International Fire Code, and, upon conviction thereof, the punishment therefor shall be a fine of not more than one thousand dollars (\$1,000.00) or imprisonment for not more than one (1) year, or both such fine and imprisonment.

(d) Any permit issued pursuant to the provisions of this Chapter or the International Fire Code may be suspended, terminated or revoked by the Chief of the Fire Department for:

(1) Any of the reasons stated in Section 105.5 of the International Fire Code; or

(2) Any material violation of the terms of said permit or requirements applicable thereto. In addition, the Chief may immediately suspend any permit issued pursuant to Section 3-2-53 of this Chapter upon the arrest of any permittee or any agent or employee of such permittee for possession of fireworks with intent to sell or offer to sell the same.

(e) In the event any owner or occupant of premises within the City shall refuse entry to the Chief or any fire inspector, or if any premises are locked and the Chief or any fire inspector has been unable to obtain permission of the owner or occupant to enter, the Municipal Court is authorized to issue a search warrant authorizing such entry in accordance with the procedures set forth in the Colorado Municipal Court Rules.

(f) In the event that any owner or occupant of premises within the City, or any licensee or permittee, shall fail or refuse to comply with any provision of this Chapter, the International Fire Code or any license or permit issued thereunder, the City may initiate an action for injunctive relief in any court of competent jurisdiction to compel compliance with said Chapter, International Fire Code, license or permit.

(g) The enforcement remedies set forth in this Section and in Section 109 of the International Fire Code are hereby expressly declared to be cumulative, and the exercise of any one (1) or more of them is not dependent upon the exercise of any other remedy, nor does the exercise of any one (1) or more of them constitute any bar or limitation to the exercise of any other.

(h) Subsection **[109.3] 109.4** and **[109.3.1] 109.4.1** of the International Fire Code are amended to read as follows:

**"[109.3] 109.4** Violations; abatement.

"The provisions set forth in Section 3-2-58(a) through (g) of the Pueblo Municipal Code shall govern with respect to remedies and penalties for violation of, or noncompliance with, this code."

## SECTION 9.

Section 3-2-60 of Chapter 2, Title III of the Pueblo Municipal Code is hereby amended to read as follows:

Sec. 3-2-60. – Additional modifications to the International Fire Code.

The following Sections or Subsections of the International Fire Code and Appendices thereto, as adopted by this Chapter, are amended as follows:

- (1) The definition of "Fire Apparatus Access Road" in Section **[502.1] 202** is amended to read as follows:

**"FIRE APPARATUS ACCESS ROAD.** A road on private property that provides fire apparatus access from a public way to a facility, building or portion thereof. This is a general term inclusive of all other terms such as fire lane, private street, parking lot lane and access roadway."

- (2) The definition of "Public Way" in Section **[1002.1, Definitions] 202**, is amended to read as follows:

**"PUBLIC WAY.** A street, alley or other parcel of land that has been platted, deeded, dedicated or otherwise permanently appropriated to the public for public use or a private roadway subject to a public ingress, egress or access easement."

- (3) Subsection 609.3.3.1 is amended to read as follows:

**"609.3.3.1. Inspection.** Hoods, grease-removal devices, fans, ducts and other appurtenances shall be inspected at intervals specified in Table 609.3.3.1 or as approved by the fire code official. Inspections shall be completed by qualified individuals. High volume operations may remain at historical 6-month frequencies."

- (4) Paragraph 1 of Subsection **[2403.2] 3103.2** is amended to read as follows:



**“3103.2 Approval Required.** Tents and membrane structures having a tent or membrane surface area in excess of 1,600 square feet or having an occupancy of more than fifty (50) persons shall not be erected, operated or maintained for any purpose without first obtaining a permit and approval from the fire code official.”

- (5) Section [1002.1, Definitions]**202** is amended by the addition of a new definition for “Emergency Vehicle Access” to read as follows:

**“EMERGENCY VEHICLE ACCESS.** A continuous and unobstructed paved or otherwise approved way of ingress and egress from a public way to a development specifically intended for the use of emergency service vehicles and not the general public.”

- (6) **Section 202 is amended by the addition of the term “EMERGENCY VEHICLE ACCESS” to the list of terms referenced in Section 1002 and defined in Chapter 2.**

- [(6)](7) Subsection D102.1 of Appendix D is amended to read as follows:

**“D102.1. Access and loading.** Facilities, buildings or portions of buildings hereafter constructed shall be accessible to fire department apparatus by way of a public way or an approved fire apparatus access road with an asphalt, concrete or other approved driving surface which shall comply with the most recent Roadway Classification Design Standards and Policies adopted by City Council Resolution NO. 10264 pursuant to the authority of Section 12-4-7 of the Pueblo Municipal Code, as amended.”

- [(7) Subsection D103.1 of Appendix D is amended to read as follows:

**“D103.1 Fire apparatus access roads.** Fire apparatus access roads shall be designed and constructed in accordance with this Appendix D and all other applicable requirements of the International Fire Code. Where a fire hydrant is located on a fire apparatus access road, the minimum road width shall be twenty-six (26) feet (7925 mm). See Figure D103.1.”

- (8) Paragraph 1 of Subsection D103.5 of Appendix D is amended to read as follows:

“1. The minimum gate width shall be as determined by the Fire Chief.”

- (9) Figure D103.1 of Appendix D is amended by the deletion of the 70' diameter cul-de-sac so as to appear as follows:



**[(12)](9)** Subsection D106.1 of Appendix D is amended to read as follows:

**“D106.1 Multiple-family residential projects having more than 100 dwelling units or generating more than 600 vehicle trips per day.** Multiple-family residential projects having more than one hundred (100) dwelling units or generating more than six hundred (600) vehicle trips per day shall be equipped throughout with two (2) separate directions via public roadways.”

**[(13)](10)** Subsection D107.1 of Appendix D is amended to read as follows:

**“D107.1 One- or two-family dwelling residential developments.** Developments of one- or two-family dwellings where the number of dwelling units exceeds sixty (60) or the development generates more than six hundred (600) vehicle trips per day shall provide unimpeded access from two (2) separate directions via public roadways.”

**“EXCEPTIONS:**

“1. Where there are between sixty (60) and one hundred (100) dwelling units on a single public or private access way and all dwelling units are protected by approved residential sprinkler systems, public access from two (2) directions shall not be required; however, a secondary emergency vehicle access shall be required.

“2. Planned, sequential developments that will connect with future public roadway networks of the City shall be allowed to construct up to two hundred (200) dwelling units or generate up to two thousand (2,000) vehicle trips per day without providing two (2) separate fire apparatus access roads or public roadways to the site.”

**(11) Subsection 912.4.2 is amended to read as follows:**

**“912.4.2 Clear space around connections. A hard surface working space of not less than 36 inches in width and 48 inches in depth, and a clear space of 78 inches in height shall be provided and maintained in front of and to the sides of wall-mounted fire department connections and around the circumference of free-standing fire department connections, except as otherwise required or *approved* by the fire chief.**

**(12) The title to Section 5307 is amended to read as follows:**

**“Section 5307 Carbon Dioxide (CO2) Systems used in  
Beverage Dispensing or Marijuana Applications”**

**(13) Subsection 5307.1 is amended to read as follows:**

**5307.1 General. Carbon dioxide systems with more  
than 100 pounds (45.4 kg) of carbon dioxide used in  
beverage dispensing or marijuana applications shall  
comply with Sections 5307.2 through 5307.5.3.**

**(14) Section 5307 is amended by the addition of a new Subsection  
5307.5.3 to read as follows:**

**5307.5.3 Warning signs where required. Approved  
warning signs indicating the danger involved and  
necessary precautions shall be posted on all doors and  
entrances to any room or other area where carbon dioxide  
can accumulate.**

**SECTION 10.**

A public hearing to consider the adoption of the 2015 International Fire Code, with modifications, shall be held in the Council Chambers, 1 City Hall Place, Third Floor, Pueblo, Colorado at 7:00 p.m. on August 10, 2015. The City Clerk is directed to publish notice of such hearing pursuant to Section 31-16-203 of the Colorado Revised Statutes.

**SECTION 11.**

The adoption of this Ordinance and the 2015 International Fire Code shall not impose any duty upon any person, firm, corporation, or other entity with regard to the enforcement or nonenforcement of this Ordinance or said code. No person, firm, corporation, or other entity shall have any private right of action, claim, or civil liability remedy against the City of Pueblo or their officers, employees or agents, for any damage arising out of or in any way connected with the adoption, enforcement, or nonenforcement of this Ordinance or said code. Nothing in the Ordinance or in said code shall be construed to create any liability, or to waive any of the immunities, limitations on liability, or other provisions of the Governmental Immunity Act, Section 24-10-101, C.R.S. *et seq.*, or to waive any immunities or limitation on liability otherwise available to the City of Pueblo or their officers, employees or agents.

**SECTION 12.**

If any part, section, subsection, sentence, clause or phrase of this Ordinance or the adopted 2015 International Fire Code is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance or of the 2015 International Fire Code.

### SECTION 13.

The Council finds and declares that a certified true copy of the 2015 International Fire Code, has been on file in the office of the City Clerk of the City of Pueblo for not less than 15 days preceding the public hearing referred to in Section 10 of this Ordinance, and shall remain in said office for public inspection. After adoption of this Ordinance, a copy of the 2015 International Fire Code shall be kept in the office of the Pueblo Fire Inspector, 1551 Bonforte Blvd. Pueblo, CO 81001. Copies of the 2015 International Fire Code shall be available through the Pueblo Fire Inspector for purchase by the public at a moderate price.

### SECTION 14.

The officers of the City are directed and authorized to perform any and all acts consistent with the intent of this Ordinance to effectuate the policies and procedures described herein.


### SECTION 15.

This Ordinance shall become effective 30 days after final passage and approval.

INTRODUCED: July 13, 2015

BY: Ed Brown  
Councilperson

APPROVED:   
PRESIDENT OF CITY COUNCIL

ATTESTED BY:   
CITY CLERK

PASSED AND APPROVED: August 10, 2015