

## **ORDINANCE NO. 2190**

### **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GOLDEN, COLORADO, REPEALING AND REENACTING CHAPTER 16.04 OF THE CITY OF GOLDEN MUNICIPAL CODE TO ADOPT BY REFERENCE, WITH CERTAIN AMENDMENTS, THE 2021 INTERNATIONAL FIRE CODE AND PROVIDING PENALTIES FOR VIOLATIONS THEREFOR**

WHEREAS, the City of Golden (the "City") is a home rule municipal corporation organized in accordance with Article XX of the Colorado Constitution; and

WHEREAS, Section 5.13 of the City's Home Rule Charter and Section 31-16-201, *et. al*, C.R.S., permit the adoption by reference of standard codes; and

WHEREAS, the City has previously adopted by reference the 2018 International Fire Code; and

WHEREAS, periodically it is necessary for the City to update the fire code to protect the health, safety, and welfare of the public; and

WHEREAS, the City desires to adopt the 2021 International Fire Code; and

WHEREAS, copies of the 2021 International Fire Code will be available for inspection at the office of the Golden Fire Department located at 911 10<sup>th</sup> Street, Golden, CO 80401; and

WHEREAS, the City Council finds this ordinance and adoption of these codes by reference to be necessary in furtherance of the health, safety, and welfare of its citizens.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF GOLDEN, COLORADO, ORDAINS THAT:

Section 1. Chapter 16.04 of the Golden Municipal Code is hereby repealed and reenacted in its entirety to adopt by reference the 2021 International Fire Code, with amendments to read as follows:

#### **CHAPTER 16.04 – INTERNATIONAL FIRE CODE**

##### **16.04.010. – Adoption of the International Fire Code.**

The International Fire Code 2021 Edition, (referenced in this Chapter as IFC) published by the International Code Council, Inc., 500 New Jersey Ave NW, 6<sup>th</sup> Floor, Washington, DC 20001-2070; including appendices B, C, E, F, G, H, I; is hereby adopted by reference as the Fire Code of and for the City of Golden ("City") as if fully set out in this ordinance, except for such portions as are hereinafter deleted or amended in the following sections of this chapter.

**16.04.020. – IFC Section 103.2.**

IFC Section 103.2 (Appointment) is hereby repealed in its entirety and reenacted to read as follows:

**Sec. 103.2. Appointment.**

The IFC, as adopted and amended, shall be implemented, administered, and enforced by the Fire Code Official. The Fire Chief, with concurrence of the City Manager, may recommend the employment of technical inspectors.

**16.04.030. – IFC Section 103.3.**

IFC Section 103.3 (Deputies) is hereby deleted in its entirety.

**16.04.040. – IFC Section 105.5.16.**

IFC Section 105.5.16 (Explosives) is hereby amended with the addition of a new subsection 105.5.16.1 entitled "Model Rockets" to read as follows:

**Sec. 105.5.16.1 Model Rockets.**

An operational permit is required for the use or display of use of model rockets.

**16.04.050. – IFC Section 105.5.36.**

IFC Section 105.5.36 (Open Flames and Candles) is hereby repealed and reenacted to read as follows:

**Sec. 105.5.36. Open Flames and Candles.**

An operational permit is required to use open flames in connection with assembly areas, dining areas, or restaurants or drinking establishments, or tethered sky lanterns.

**16.04.060. – IFC Section 105.5.39.**

IFC Section 105.5.39 (Places of Assembly) is hereby amended with the addition of a new subsection 105.5.39.1, entitled "Accessory to Places of Religious Worship" to read as follows:

**Sec. 15.5.39.1. Accessory to Places of Religious Worship.**

An operational permit is required to operate a temporary overnight shelter as authorized in IBC Section 303.1.4 (as enacted in Golden Municipal Code Section 15.08.350).

#### **16.04.070. – IFC Section 107.2.**

IFC Section 107.2 (Schedule of Permit Fees) is hereby repealed in its entirety and reenacted to read as follows:

##### **Sec. 107.2. Schedule of Permit Fees.**

Fees for the fire department's review of development, construction and operational permit plans, issuance of permits, and inspections and/or witness testing for construction and operational permits and other related services as set forth in the IFC shall be established by resolution of City Council.

#### **16.04.080. – IFC Section 111.1.**

IFC Section 111.1 (Board of Appeals Established) is hereby repealed in its entirety and reenacted to read as follows:

##### **Sec. 111.1. 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 interpretation of this code, there shall be and is hereby created a Board of Appeals consisting of three (3) members. This Board shall be composed of a person appointed by the city manager, a person appointed by the appellant, and a person appointed by the two (2) appointees. The Fire Code Official shall be an ex-officio member of and shall act as the secretary to the Board but shall have no vote on any manner before of the Board. The Board members shall serve for the duration of the appeal. The Board shall conform to the standards set forth in Chapter 2.35 of the Golden Municipal Code and shall render their decisions and findings in writing to the appellant, with a duplicate copy to the Fire Code Official. A party may appeal the Board's decision to the city council in accordance with the procedure set forth in Section 16.04.090 of the Golden Municipal Code.

#### **16.04.090. – IFC Section 111.**

IFC Section 111 shall be amended with the addition of a new subsection 111.5 entitled, "Council Review of Decisions Rendered by Board of Appeals" to read as follows:

##### **Sec. 111.5. Council Review of Decisions Rendered by Board of Appeals .**

To appeal a decision of the Board of Appeals, a party must, within fifteen (15) calendar days of the Board's decision, submit a request for review to the City Clerk. After submittal of a request for review, the Fire Code Official shall, within fifteen (15) days, prepare a certified record. Within thirty (30) calendar days of submittal of a request for review, City Council shall, based only upon its review of the record, decide to uphold, overturn, or modify the decision of the Board of Appeals. City Council shall provide the parties a copy of its decision, via certified mail, within seven (7)

calendar days of making same. The Fire Code Official shall take immediate action in accordance with the decision of the Board of Appeals, or, if appealed to the City Council, in accordance with the decision of the City Council.

**16.04.100 – IFC Section 112.1.**

IFC Section 112.1 (Unlawful Acts) is hereby repealed and reenacted to read as follows:

**Sec. 112.1. Unlawful Acts.**

It shall be unlawful for a person, as defined and amended in IFC Section 202, to erect, construct, alter repair, remove, demolish, or utilize a building, occupancy, premise or system, or conduct operations regulated by this IFC Code, or cause same to be done, in conflict with or in violation of any of the provisions of this IFC Code or any rules and regulations, or any notices and orders issued pursuant to this IFC Code.

**16.04.110. – IFC Section 112.4.**

IFC Section 112.4 (Violation Penalties) is hereby amended to read as follows:

**Sec. 112.4. Violations Penalties.**

Person(s) who violate a provision of this IFC Code or fail to comply with any of the requirements thereof or who erect, install, repair or do work in violation of the approved construction documents or directive of the Fire Code Official, or of a permit or certificate used under the provisions of this IFC Code, shall for each offense be subject to the general penalty provisions set forth in Section 1.01.110 of the Golden Municipal Code.

**16.04.120. – IFC Section 113.4.**

IFC Section 113.4 (Failure to comply) is hereby deleted in its entirety.

**16.04.130. – IFC Section 202.**

IFC Section 202 (General Definitions) is hereby amended with the addition of definitions of "corporation counsel" and "model rockets" and with the repeal and replacement of the following definitions: Fire Code Official; fireworks; institution group I-4 daycare; jurisdiction; person; recreational fire; and residential group R-3 occupancy, to read as follows:

**Sec. 202. General Definitions.**

**CORPORATION COUNSEL.** The City Attorney.

**FIRE CODE OFFICIAL.** The Fire Chief of the City of Golden Fire Department or the Fire Chief's designated Fire Code Official and deputy Fire Code Officials.

**FIREWORKS.** A combustible or explosive composition, or any substance, or any device prepared for the purpose of producing a visible or audible effect by combustion, explosion, deflagration, or detonation. Fireworks (1.4G) include blank cartridges; toy pistols, toy cannons, toy canes, or toy guns in which explosives are used where the explosive content of the device or cap exceeds 0.25 grains; firecrackers; torpedoes; sky rockets; Roman candles; or other devices of like construction; any devices containing an explosive or flammable compound; any tablet or other device containing an explosive substance; and any device determined to be permissible fireworks according to Colorado Revised Statutes, and/or Colorado Code of Regulations as same may be amended from time to time. Fireworks (1.4G) do not include paper caps containing an average of 0.25 grains of explosive content per cap or less; toy pistols, toy canes, toy guns or other devices for use with such caps.

**INSTITUTIONAL GROUP I-4, DAYCARE FACILITIES.** This group shall include buildings and structures occupied by persons of any age who receive custodial care for less than twenty-four (24) hours by individuals other than parents or guardians, relatives by blood, marriage or adoption and in a place other than the home of the person cared for. A facility such as the above with six (6) or fewer persons shall be classified as Group R-3 or shall comply with the International Residential Code in accordance with IFC Section 102.1 of the International Building Code. Rooms and spaces within places of religious worship providing such care during religious functions are not included in this definition and shall be classified as part of the primary occupancy.

- (i) Adult care facility- a facility that provides accommodations for less than twenty-four (24) hours for more than six (6) unrelated adults and provides supervision and personal care services shall be classified as Group I-4.

**Exception:** Where occupants are capable of responding to an emergency situation without physical assistance from the staff, the facility shall be classified as Group R-3.

- (ii) Childcare facility- a facility that provides supervision and personal care services on less than a twenty-four (24) hour basis for more than six (6) children two and one-half (2-1/2) years of age or less shall be classified as Group I-4.

**Exception:** A child day care facility that provides care for more than six but no more than one hundred (100) children two and one-half (2-1/2) years or less of age, where the rooms in which the children are cared for are located on a level of exit discharge serving such

rooms and each of these child care rooms has an exit door directly to the exterior, shall be classified as Group E.

**JURISDICTION.** The City and all real property with the city limits and real property outside the city for which the fire department has contractually agreed to provide fire protection services and where such agreement specifically states that such real property for the purpose of fire protection services is subject to the fire department's jurisdiction.

**MODEL ROCKET.** An amateur rocket that:

1. Uses no more than one hundred twenty-five (125) grams (4.4 ounces) of propellant;
2. Uses a slow-burning propellant;
3. Is made of paper, wood, or breakable plastic;
4. Contains no substantial metal parts; and
5. Weighs no more than one thousand five hundred (1,500) grams (53 ounces), including the propellant.

**PERSON.** Any natural person, firm, association, joint venture, joint stock company, partnership, organization, club, company, corporation, business trust, or their manager, lessee, agent, servant, officer, or employee.

**RECREATIONAL FIRE.** An outdoor fire burning materials other than rubbish or waste from trimming, pruning, or raking vegetation; and where the fuel being burned is not contained in a permitted incinerator, outdoor fireplace, portable outdoor fireplace, or barbeque grill or barbeque pit and has a maximum pile size of three (3) feet or (914 mm) or less in diameter and two (2) feet (610 mm) or less in height and is used for pleasure, religious, ceremonial, cooking, warmth, or similar purposes.

**RESIDENTIAL GROUP R-3.** Residential occupancies where occupants are primarily permanent in nature and not classified as Group R-1, R-2, R-4 or I including:

- (i) Buildings that do not contain more than two (2) dwelling units.
- (ii) Adult care facilities that provide accommodations for six or fewer persons of any age for less than twenty-four (24) hours.
- (iii) Child care facilities that provide accommodations for six (6) or fewer persons of any age for less than twenty-four (24) hours.

- (iv) Congregate living facilities (non-transient) with sixteen (16) or fewer persons.
- (v) Congregate living facilities (transient) with ten (10) or fewer persons.
- (vi) Lodging houses (transient) with five (5) or fewer guestrooms and ten (10) or fewer persons.
- (vii) Adult care and childcare facilities that are within a single-family home are subject to compliance with the International Residential Code.

**16.04.140. – IFC Section 308.1.4.**

IFC Section 308.1.4 (Open-Flame Cooking Devices) is hereby repealed in its entirety and reenacted to read as follows:

**Sec. 308.1.4. Open-Flame Cooking Devices.**

Charcoal burners and solid fuel cooking devices shall not be operated on combustible balconies or within ten (10) feet of combustible construction, with the following exceptions:

1. One (1) and two (2) family dwellings.
2. Where buildings, balconies and decks are protected by an automatic sprinkler system.
3. LP-gas cooking devices having one LP-gas container connected for use with a nominal twenty (20) pound LP-gas capacity maximum.

**16.04.150. – IFC Section 308.1.6.3.**

IFC Section 308.1.6.3 (Sky Lanterns) is hereby amended to read as follows:

**Sec. 308.1.6.3. Sky Lanterns.**

A person shall not release or cause to be released an untethered sky lantern. Tethers for sky lanterns shall be no more than twenty-five (25) feet in length, shall be securely fastened to the ground, and shall be approved by the Fire Code Official. Sky lanterns shall not be tethered within fifty (50) feet of a structure or combustible material. Conditions that could cause a fire to spread to within twenty-five (25) feet of a structure shall be eliminated prior to ignition. A permit shall be obtained from the Fire Code Official in accordance with IFC Section 105.6. Sky lanterns of any type shall be prohibited when atmospheric conditions or local circumstances make such activities hazardous.

**16.04.160. – IFC Section 403.11.3.**

IFC Section 403.11.3 (Crowd Manager) is hereby amended to read as follows:

**Sec. 403.11.3 Crowd Manager.**

When required by the Fire Code Official, facilities or events involving the gathering of more than five hundred (500) people shall be provided with crowd managers in accordance with IFC Sections 403.11.3.1 through 403.11.3.3.

**16.04.170. – IFC Section 405.8.**

IFC Section 405.8 (Initiation) is hereby repealed in its entirety and reenacted to read as follows:

**Sec. 405.8. Initiation.**

If any occupancy required to conduct regular fire evacuation drills is located within a multi-occupancy building provided with a fire alarm system, alternative means of initiation of a fire alarm or other evacuation drill as approved by the Fire Code Official shall be permitted.

**16.04.180. – IFC Section 506.1.2.**

IFC Section 506.1.2 (Key Boxes for Non-Standardized Fire Service Elevator Keys) is hereby repealed and reenacted to read as follows:

**Sec. 506.1.2. Key Box for Non-Standardized Fire Key Service Elevator Keys.**

When required by the Fire Code Official, key boxes provided for the non-standardized fire service elevator keys shall comply with IFC Section 506.1 and all of the following:

1. The key box shall be compatible with an existing rapid entry key box system in use by the jurisdiction and approved by the Fire Code Official.
2. The front cover shall be permanently labeled with the words "FIRE DEPARTMENT USE ONLY – ELEVATOR KEYS."
3. The key box shall be mounted at each elevator bank at the lobby nearest to the lower level of fire department access.
4. The key box shall be mounted five feet six inches (5'6") (1676 mm) above the finished floor to the right side of the elevator box.
5. Contents of the key box are limited to fire service elevator keys. Additional elevator access, tools, keys and important



information pertinent to emergency planning or elevator access shall be permitted where authorized by the Fire Code Official.

6. In buildings with two (2) or more elevator banks, a single key box shall be permitted to be used where such elevator banks are separated by not more than thirty (30) feet (9144 mm). Additional key boxes shall be provided for each individual elevator or elevator bank separated by more than thirty (30) feet (9144 mm).

**Exception:** A single key box shall be permitted to be located adjacent to a fire command center or the nonstandard fire service elevator keys shall be permitted to be secured in a key box used for other purposes and located in accordance with IFC Section 506.1.

#### **16.04.190. – IFC Section 507.1.**

IFC Section 507.1 (Required Water Supply) is hereby amended with a new subsection 507.1.1 entitled, "Water Supply During a Fire Emergency" to read as follows:

##### **Sec. 507.1.1. Water Supply During a Fire Emergency.**

When a fire is in progress, the Fire Chief (or Senior Fire Officer present on scene) in command of fire suppression activities shall, if necessary, have control of such portions of the waterworks of the city as are necessary to combat the fire.

#### **16.04.200. – IFC Section 510.2.**

IFC Section 510.2 (Emergency Responder Communication Coverage in Existing Buildings) is hereby repealed in its entirety and reenacted to read as follows:

##### **Sec. 510.2. Emergency Responder Communication Coverage in Existing Buildings.**

Existing buildings shall be provided with approved radio cover for all disciplines of emergency responders as required in Chapter 11 of the IFC. Such required radio coverage systems as determined in Chapter 11 of the IFC, shall be installed and acceptance tested by July 1, 2024.

#### **16.04.210. – IFC Section 901.6.3.**

IFC Section 901.6.3 (Records) is hereby amended with the addition of a new subsection 901.6.3.2 entitled, "Third Party Reporting" to read as follows:

##### **Sec. 901.6.3.2. Third Party Reporting.**

The Fire Code Official is authorized to require inspection, testing, and maintenance contractors to utilize third party tracking and reporting of the real time status of fire protection and detection and/or life safety systems.

**16.04.220. – IFC Section 906.1.**

IFC Section 906.1 (Where Required) is hereby repealed in its entirety and reenacted to read as follows:

**Sec. 906.1. Where Required.**

Portable fire extinguishers shall be installed in all of the following locations:

1. In new and existing Group F, H, I, M, R-1, R-4 and S occupancies.

**Exceptions:**

- 1.1. In storage areas of Group S occupancies where forklift, powered industrial truck or powered cart operators are the primary occupants, fixed extinguishers, as specified in NFPA 10, shall not be required where in accordance with all of the following:
  - 1.1.1. Use of vehicle-mounted extinguishers shall be approved by the Fire Code Official.
  - 1.1.2. Each vehicle shall be equipped with ten (10) pound 40A:80B:C extinguisher affixed to the vehicle using a mounting bracket approved by the extinguisher manufacturer or the Fire Code Official for vehicular use.
  - 1.1.3. Not less than two (2) spare extinguishers of equal or greater rating shall be available on-site to replace a discharged extinguisher.
  - 1.1.4. Vehicle operators shall be trained in the proper operation, use and inspection of extinguishers.
  - 1.1.5. Inspection of vehicle-mounted extinguishers shall be performed daily.
2. Within thirty (30) feet (9144 mm) distance of travel from commercial cooking equipment and from domestic cooking equipment in Group 1-1; 1-2, Condition 1; and R-2 college dormitory occupancies.

3. In areas where flammable or combustible liquids are stored, used, or dispensed.
4. On each floor of structures under construction, except R-3 occupancies, in accordance with IFC Section 3316.1.
5. Where required by sections indicated in Table 906.1.
6. Special-hazard areas, including but not limited to laboratories, computer rooms and generator rooms, where required by the Fire Code Official.
7. In new and existing A, B, and E occupancies equipped throughout with quick response sprinklers, and in R-2 occupancies also equipped with portable fire extinguisher with a minimum rating of 1-A:-B:C, portable fire extinguishers shall be required only in locations specified in section 2 through 6 above.

**TABLE 906.1 ADDITIONAL REQUIRED PORTABLE FIRE EXTINGUISHERS**

<b>Section</b>	<b>Subject</b>
303.5	Asphalt Kettles
307.5	Open Burning
308.1.3	Open Flames-Torches
309.4	Powered Industrial Trucks
1204.10	Portable Generators
2005.2	Aircraft Towing Vehicles
2005.3	Aircraft Welding Apparatus
2005.4	Aircraft Fuel-Servicing Tank Vehicles
2005.5	Aircraft Hydrant Fuel-Servicing Vehicles
2005.6	Aircraft Fuel-Dispensing Stations
2007.7	Heliports And Helistops
2108.4	Dry Cleaning Plants
2305.5	Motor Fuel-Dispensing Facilities
2310.6.4	Marine Motor Fuel-Dispensing Facilities
2311.6	Repair Garages
2404.4.1	Spray-Finishing Operations
2405.4.2	Dip-Tank Operations
2406.4.2	Powder-Coating Areas
2804.3	Lumberyards/Woodworking Facilities
2808.8	Recycling Facilities
2809.5	Exterior Lumber Storage
2903.5	Organic-Coating Areas
3006.3	Industrial Ovens
3107.9	Tents and Membrane Structures
3206.10	High-Piled Storage

3316.1	Buildings Under Construction or Demolition
3318.3	Roofing Operations
3408.2	Tire Rebuilding/Storage
3504.2.6	Welding and Other Hot Work
3604.4	Marinas
3703.6	Combustible Fibers
5703.2.1	Flammable and Combustible Liquids, General
5704.3.3.1	Indoor Storage Of Flammable and Combustible Liquids
5704.3.7.5.2	Liquid Storage Rooms For Flammable and Combustible Liquids
5705.4.9	Solvent Distillation Units
5706.2.7	Farms And Construction Sites – Flammable and Combustible Liquid Storage
5706.4.10.1	Bulk Plants And Terminals for Flammable and Combustible Liquids
5706.5.4.5	Commercial, Industrial, Governmental, or Manufacturing Establishments—Fuel Dispensing
5706.6.4	Tank Vehicles for Flammable and Combustible Liquids
5906.5.7	Flammable Solids
6108.2	LP-Gas

#### **16.04.230. – IFC Section 1032.11.**

IFC Section 1032 (Maintenance of the Means of Egress) is hereby amended with a new subsection 1032.11 entitled, "Exit Discharge Signage" to read as follows:

##### **Sec. 1032.11. Exit Discharge Signage.**

Where an exterior exit or exit discharge door or path is located in an area subject to vehicular parking, such exit, door, or path shall be marked with minimum three-inch (3") high by one-fourth inch (1/4") stroke contrasting letters on the exterior stating: "FIRE EXIT – NO PARKING WITHIN TEN (10) FEET".

#### **16.04.240. – IFC Section 1103.6.1.**

IFC Section 1103.6.1 (Existing Multiple-Story Buildings) is hereby repealed in its entirety and reenacted to read as follows:

##### **Sec. 1103.6.1. Existing Multiple-Story Buildings.**

Existing buildings and/or structures with occupied floors more than thirty (30) feet (9144 mm) above the lowest level of approved fire department access or more than thirty (30) feet (9144 mm) below the highest level of approved fire department access shall be equipped with an approved standpipe system.

#### **16.04.250. – IFC Section 5601.1.3.**

IFC Section 5601.1.3 (Fireworks) is hereby repealed in its entirety and reenacted to read as follows:

##### **Sec. 5601.1.3. Fireworks.**

It shall be unlawful for any person to possess, sell, furnish, give, use, or ignite fireworks.

##### **Exceptions:**

1. Storage and handling of fireworks as allowed in IFC Section 5604.
2. Manufacture, assembly, and testing of fireworks as allowed in Section 5605.
3. The use of fireworks for fireworks displays as allowed in IFC Section 5608.
4. The possession, storage, sale, handling and use of specific types of Division 1.4G fireworks where allowed by applicable laws, ordinances, and regulations, provided that such fireworks and facilities comply with the 2006 edition of NFPA 1124, CPSC 16 CFR Parts 1500 and 1507, and DOTn 49 CFR Parts 100-185, as applicable for consumer fireworks.

#### **16.04.260. – IFC Section 5704.2.9.6.1.**

IFC Section 5704.2.9.1.6.1 (Locations Where Above-Ground Tanks are Prohibited) is hereby amended to read as follows:

##### **Sec. 5704.2.9.6.1. Locations Where Above-Ground Tanks are Prohibited.**

Storage of Class I and II liquids in above-ground tanks outside of buildings is prohibited within the limits established by law as the limits of districts in which such storage is prohibited.

In addition to the requirements of the IFC, the storage of Class I and Class II liquids in above-ground tanks outside of buildings shall conform to the provisions of Title 18 (Planning and Zoning) of the Golden Municipal Code.

#### **16.04.270. – IFC Section 5706.2.4.4.**

IFC Section 5706.2.4.4 (Locations Where Above-Ground Tanks are Prohibited) repealed in its entirety and reenacted to read as follows:

##### **Sec. 5706.2.4.4. Locations Where Above-Ground Tanks are Prohibited.**

The storage of Class I and II liquids in above-ground tanks is prohibited within the limits established by law as the limits of districts in which storage is prohibited.

In addition to the requirements of the IFC, the storage of Class I and Class II liquids in above-ground tanks shall conform to the provisions of Title 18 (Planning and Zoning) of the Golden Municipal Code.

**16.04.280. – IFC Section 5806.2.**

IFC Section 5806.2 (Limitations) is hereby repealed in its entirety and reenacted to read as follows:

**Sec. 5806.2. Limitations.**

Storage of flammable cryogenic fluids in stationary containers outside of buildings is prohibited within the limits established by law as the limits of districts in which such storage is prohibited.

In addition to the requirements of the IFC, the storage of flammable cryogenic fluids in stationary containers shall conform to the provisions of Title 18 (Planning and Zoning) of the Golden Municipal Code

**16.04.290. – IFC Section 6104.2.**

IFC Section 6104.2 (Maximum Capacity Within Established Limits) is hereby repealed in its entirety and reenacted to read as follows:

**Sec. 6104.2. Maximum Capacity within Established Limits.**

Within the limits established by law restricting the storage of liquefied petroleum gas for the protection of heavily populated or congested areas, the aggregate capacity of any one installation shall not exceed a water capacity of one thousand (1,000) gallons, with maximum individual container capacity not to exceed five hundred (500) gallons water capacity.

**Exception:** In particular installations, this capacity limit shall be determined by the Fire Code Official, after consideration of special features such as topographical conditions, nature of the occupancy, and proximity to buildings, capacity of proposed LP-gas containers, degree of fire protection to be provided and capabilities of the fire department.

Section 2. Violations of this ordinance shall be punishable as set forth in Section 1.01.110 of the Golden Municipal Code, which reads as follows:

- (a) Whenever any section of this Code or any section of a rule or regulations promulgated hereunder for which the doing of any act is required, prohibited, or declared to be unlawful and no definite fine or penalty is provided for a violation thereof, any person convicted of violating such

section shall, for each offense, except as otherwise specified, be punished by a fine not exceeding the current maximum amount established by the state for municipal ordinance violations or imprisoned for a period of not more than six months, or by both such fine or imprisonment. Each day that a violation continues shall be deemed a separate offense.

- (b) Every person convicted of a violation of any of the provisions of chapter 10.04 (Traffic Code) whereupon conviction of such person is subject to the assessment of not more than four points (except for compulsory insurance) or a six-point offense of speeding (not more than 24 miles over the posted speed limit) against one's driving privilege, shall be punished by a fine only in an amount not to exceed the current maximum amount established by the state for municipal ordinance violations.
- (c) Trial by jury shall only be permitted in cases when, upon conviction, an individual is subject to imprisonment.
- (d) If an individual is charged with both a violation that upon conviction is subject to imprisonment and a violation with no possibility of imprisonment, and such violations arise out of the same act or transaction, such individual may have a trial by jury on all charges.
- (e) Any child (any person under 18 years of age) convicted of a violation of any provision of the code shall be, for each offense, fined in a sum not more than the current maximum amount established by the state for municipal ordinance violations. The municipal judge has the authority to order a child confined in a juvenile detention facility operated or contracted by the Colorado Division of Youth Services for failure to comply with a lawful order of the court including an order to pay a fine. Any confinement of a child for contempt shall not exceed 48 hours.
- (f) The city shall be entitled to recover all costs and expenses including reasonable attorney fees incurred in the prosecution and/or litigation of any person found to have violated any section of the municipal code or any rule or regulation promulgated under this Code.
- (g) To collect past due fines, penalties, costs, fees, surcharges and restitution, the city may assign such accounts to a private collection agency, which shall be entitled to recover costs of collection, in an amount not to exceed 25 percent of the amount of the assigned account. The court shall adopt a standing order outlining the process to be followed before collection of a fee is referred to collection.

Section 3. Copies of the International Fire Code, as referenced herein, shall be available for inspection at the Office of the City Clerk.

Section 4. 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 hereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.

Section 5. All other ordinances or portions thereof inconsistent or conflicting with this ordinance or any portion hereof is hereby repealed to the extent of such inconsistency or conflict.

Section 6. The repeal or modification of any provision of the Municipal Code of the City of Golden by this ordinance shall not release, extinguish, alter, modify or change in whole or in part any penalty, forfeiture or liability, either civil or criminal, which shall have been incurred under such provision. Each provision shall be treated and held as still remaining in force for the purpose of sustaining any and all proper actions, suits, proceedings and prosecutions for enforcement of the penalty, forfeiture or liability, as well as for the purpose of sustaining any judgment, decree or order which can or may be rendered, entered or made in such actions, suits, proceedings or prosecutions.

Section 7. This ordinance is deemed necessary for the protection of health, welfare and safety of the community.

Section 8. Codification Amendments. The codifier of the City's Municipal Code, Municode, is hereby authorized to make such numerical and formatting changes as may be necessary to incorporate the provisions of this ordinance within the Golden Municipal Code.

INTRODUCED, READ AND PASSED AS AN ORDINANCE, ON FIRST READING,  
AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF GOLDEN,  
COLORADO, THE 14TH DAY OF JUNE 2022.

READ, PASSED AND ADOPTED AS AN ORDINANCE ON SECOND READING,  
AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF GOLDEN,  
COLORADO, THE 26<sup>th</sup> DAY OF JULY, 2022.

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Laura M. Weinberg,  
Mayor

ATTEST:

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Monica S. Mendoza, CMC  
City Clerk



APPROVED AS TO FORM:

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Kathie B. Guckenberger

City Attorney

I, Monica S. Mendoza, City Clerk of the City of Golden, Colorado, do hereby certify that the foregoing ordinance was introduced on first reading and read at a regular business meeting of the City Council of said city, held on the 14<sup>th</sup> day of June, 2022 and was published as a proposed ordinance on the city website as the law directs seven days or more prior to its passage. A public hearing was held on the 26<sup>th</sup> day of July, 2022, and the said proposed ordinance was read on second reading. The ordinance was passed by the City Council and ordered published on the City of Golden website, as the law directs on the 26<sup>th</sup> day of July, 2022.

Witness my hand and official seal of the City of Golden, Colorado, on the 26<sup>th</sup> day of July, 2022.



ATTEST:

MONICA S. MENDOZA

Monica S. Mendoza, City Clerk of the City of Golden,  
Colorado