

**CITY OF EVANS, COLORADO**

**ORDINANCE NO. 630-15**

**AN ORDINANCE AMENDING CHAPTERS 2.18 AND 15.48 OF THE EVANS CITY CODE TO ALIGN THE CITY CODE WITH THE 2011 TRANSITION FROM A MUNICIPAL FIRE DEPARTMENT TO A FIRE DISTRICT AND TO FORMALLY ADOPT THE CITY'S FIRE CODE**

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

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

**WHEREAS**, Chapter 2.18, and the IGA approved by the voters of the Fire District, establish the relationship between the Fire District and the City; and

**WHEREAS**, the City Council wishes to align the City's Code with the transition from a municipal fire department to a fire district; and

**WHEREAS**, Chapter 15.48 contains the City's Fire Code, with local modifications, and empowers the Fire District to enforce the City's Fire Code to protect the citizens and the property of the City.

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

1. Chapter 2.18, establishing the relationship between the Fire District and the City, is hereby amended as depicted on Exhibit 1 to this Ordinance.
2. Chapter 15.48, the City's Fire Code, is hereby amended as depicted on Exhibit 2 to this Ordinance.
3. Severability. If any article, section, paragraph, sentence, clause, or phrase of this Ordinance is held to be unconstitutional or invalid for any reason such decision shall not affect the validity or constitutionality of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this ordinance and each part or parts thereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.
4. Repeal. Existing ordinances or parts of ordinances covering the same matters embraced in this ordinance are hereby repealed and all ordinances or parts of ordinances inconsistent with the provisions of this ordinance are hereby repealed except that this repeal shall not affect or

prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance hereby repealed prior to the effective date of this ordinance.

**INTRODUCED AND PASSED AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF EVANS ON THIS 15<sup>TH</sup> DAY OF SEPTEMBER, 2015.**

**ATTEST:**

The seal is circular with a dotted border. The words "CITY OF EVANS" are written along the top arc and "COLORADO" along the bottom arc. In the center, the word "SEAL" is written diagonally from the bottom-left to the top-right.

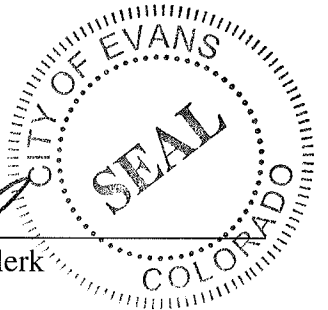
  
Raegan Robb, City Clerk


**CITY OF EVANS, COLORADO**

BY:   
John L. Morris, Mayor

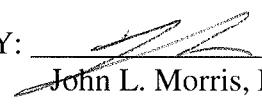
**PASSED AND ADOPTED ON A SECOND READING THIS 6<sup>TH</sup> DAY OF OCTOBER, 2015.**

**ATTEST:**

The seal is circular with a dotted border. The words "CITY OF EVANS" are written along the top arc and "COLORADO" along the bottom arc. In the center, the word "SEAL" is written diagonally from the bottom-left to the top-right.

  
Raegan Robb, City Clerk

**CITY OF EVANS, COLORADO**

BY:   
John L. Morris, Mayor

## CHAPTER 15.48 - International Fire Code (IFC)

### 15.48.010 - Document adopted by reference.

Pursuant to Section 31-16-201 et seq., C.R.S., there is hereby adopted as the fire code of the City, by reference thereto, the International Fire Code, 2012 edition, together with Appendices B through J included therein, of the International Code Council, 4051 West Flossmoor Road, Country Club Hills, IL 60478-5795. Copies of the IFC are on file in the Fire District's Office and may be inspected during regular business hours.

### 15.48.020 - Title for citation.

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

### 15.48.030 - Purpose.

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

### 15.48.040 - Scope of regulations.

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

### 15.48.050 - Interpretation of provisions.

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

### 15.48.060 - Applicability of Chapter.

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

#### 15.48.070 - Definitions.

As used in the International Fire Code:

City means the City of Evans, Colorado.

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

Corporation Counsel means the City Attorney.

IFC means the 2012 Edition of the International Fire Code.

International Fire Code means the 2012 Edition of the International Fire Code.

Jurisdiction means the City of Evans.

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

#### 15.48.080 - IFC local amendments.

The following IFC sections are amended as follows:

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

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

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

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

The following appendices published by the International Code Council and NFPA standards are specifically adopted and made part of the Fire Code of the City of Evans:

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

9. Appendix J, Building Information Sign.

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

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

4. IFC Sec. 104 is amended to read:

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

5. IFC Sec. 105 is amended to read:

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

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

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

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

"105.6.30 Open burning. An operational permit is required for the kindling or maintaining of an open fire or a fire on any public street, alley, road or other public or private ground in accordance with Section 307. Instructions and requirements of the permit shall be adhered to.

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

"Exceptions:

"1. Tents used exclusively for recreational camping purposes;

"2. Tents open on all sides, which comply with all the following: (2.1) Individual tents having a maximum of 700 square feet; (2.2) The aggregate area of multiple

tents placed side by side without a fire break clearance of not less than 12 feet shall not exceed 700 square feet; and (2.3) A minimum clearance of 12 feet to structures and other tents shall be provided."

6. IFC Sec. 108 is amended to read:

"108 Board of Appeals.

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

7. IFC Sec. 307 is amended to read:

"307 Open burning, recreational fires and portable outdoor fireplaces.

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

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

"307.2 Permit required. A permit shall be obtained from the fire code official in accordance with Section 105.6 prior to kindling a fire for recognized silvicultural or range or wildfire management practices, prevention or control of disease or pests, or a recreational fire. Application for such approval shall only be presented by and permits issued to the owner of the land upon which the fire is to be kindled.

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

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

8. IFC Sec. 501.4 is amended to read:

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

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

9. IFC Sec. 902 is amended to read:

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

10. IFC Section 5301.3 is added to read:

"5301.3 Maximum capacity of CNG. The storage of compressed natural gas (CNG) shall be prohibited in areas zoned R as defined by the City of Evans. Within the limits established by law restricting the storage of CNG for the protection of heavily populated or congested commercial area, the aggregate capacity of any one installation shall not exceed 500 gallons water capacity (70,000 cubic feet). The aggregate capacity for any one installation for the use as a wholesale or retail bulk storage plant shall not exceed 500 gallons water capacity."

11. IFC Sec. 560.1.1.a is added to read:

"5601.1.a Prohibited and limited acts.

"a. Prohibited explosives: The storage of explosives and blasting agents is prohibited, except for temporary storage for use in connection with approved blasting operations; provided, however, this prohibition shall not apply to wholesale, retail stocks and small arms ammunition, explosive bolts, explosive rivets or cartridges for explosive-actuated power tools in quantities involving less than 20 pounds of explosive material. A valid permit in accordance with Section 105.6.14 is required."

12. IFC Sec. 5704.2 is added to read:

"5704.2.a Storage.

"a. Prohibited locations: Any new bulk plants for the storage or manufacture of flammable or combustible liquids are prohibited within any areas within the City of Evans zoned solely or primarily for residential occupancies or for mercantile

establishments primarily retail in character. The zoning designation of the City of Evans zoning ordinance shall govern as to the zoning characteristics of such area.

"Exceptions:

- "1. Legal nonconforming. Bulk storage tanks legally installed and in use as of April 19, 1983, may be continued in use, provided that such tanks are located and installed in accordance with the latest adopted edition of the International Fire Code and provided further, that other applicable provisions of this code and the City of Evans Code of Ordinances are complied with.
- "2. Variance. Upon payment of a variance fee, review and recommendation of the Board of Appeals, the Evans City Council may grant a variance to the prohibitions in Section 3406 of the International Fire Code above for permits granted under Chapter 16.28, Oil and Gas Exploration and Development, if the Evans City Council finds that (a) such variance will not create an undue safety hazard and will not adversely affect surrounding property; and (b) good cause exists. All bulk storage authorized by the Evans City Council variance is subject to the construction, location and other applicable standards set forth in the latest adopted edition of the International Fire Code."

13. IFC Sec. 5404.2.9.2.1 is amended to read:

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

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

"5704.2.9.5.a Location of aboveground tanks.

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

"Exceptions:

- "1. Prohibited and legal nonconforming. Any such aboveground tanks legally installed and in use as of April 19, 1983, may be continued in use, provided that such tanks are located and installed in accordance with the latest edition of the National Fire Protection Association Pamphlet Nos. 30 & 58 and provided further, that other applicable provisions of latest adopted edition of the International Fire Code and the City of Evans Code of Ordinances are complied with.
- "2. Variance for storage of flammable or combustible liquids in C, I, and P.U.D. zones. Upon payment of variance fee, review and recommendation of the Board of Appeals, the Evans City Council may grant a variance to the prohibitions in Section 5704 of the International Fire Code above for permits granted under Chapter 16.28, Oil and Gas Exploration and Development, and/or for aboveground storage in C, I, and P.U.D.



zoning districts as defined by the City of Evans, if the Evans City Council finds that: (a) such variance will not create an undue safety hazard and will not adversely affect surrounding property; and (b) good cause exists. All aboveground storage authorized by Evans City Council variance is subject to the construction, location and other applicable standards set forth in the latest adopted edition of the International Fire Code."

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

"5706.1.a Construction sites. The aboveground storage of Class I and II liquids shall be allowed on a temporary basis at construction sites for the purpose of refueling of construction equipment. A maximum of 1,100 gallons will be allowed at the site and shall have secondary containment. Gravity feed tanks will not be allowed for refueling equipment."

16. IFC Sec. 5706.3 is amended to read:

"5706.3 Well drilling and operating. Wells for oil and natural gas shall be drilled and operated in accordance with City of Evans Municipal Code Chapter 16.28; OIL AND GAS EXPLORATION AND DEVELOPMENT."

17. IFC Sec. 5706.6.5 is added to read:

"5706.6.5 Tank vehicle routes.

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

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

18. IFC Sec. 5804.3 is added to read:

"5804.3 Maximum capacity (LPG) within established limits. The storage of liquefied petroleum gas shall be prohibited in areas zoned R as defined by the City of Evans. The Evans City Council, upon review and recommendation of the Board of Appeals, may grant the storage of aboveground liquefied petroleum gases with C, I, and PUD Zones upon finding that: (a) such variance will not create an undue safety hazard and will not adversely affect surrounding property; and (b) good cause exists. All aboveground storage authorized by Evans City Council variance shall be in accordance with the latest edition of the adopted International Fire Code. Within the limits established by law restricting the storage of liquefied petroleum gas for the

protection of heavily populated or congested commercial area, the aggregate capacity of any one installation shall not exceed 2,000 gallons water capacity. The aggregate capacity for any one installation for the use as a wholesale or retail bulk storage plant shall not exceed 2,000 gallons water capacity. The foregoing prohibitions shall not apply to existing storage installations in existence on August 1, 1972, the effective date of the first adoption of the Uniform Fire Code.

"Exceptions:

- "1. The storage and use of liquefied petroleum gas in residential areas for barbeques, RV's or other recreational uses shall be limited to portable containers of 10 gallon water capacity or less. The total amount to be allowed in storage or use shall be limited to 20 gallons water capacity.
- "2. The storage and use of liquefied petroleum gas in areas zoned residential or commercial as defined by the City of Evans that do not have natural gas supplied to the area shall meet the requirements of Section 5803."

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

- A. Any person, firm or corporation violating any of the provisions of Chapter 15.48 of the Evans Municipal Code, as amended from time to time, shall be subject to the following administrative citation, enforcement, and abatement procedures:
  1. The term "Fire Chief" as used in this Section refers to the Fire Chief of the Evans Fire Protection District and his or her designee(s). Upon a determination by the Fire Chief of a violation of the Fire Code of the City of Evans, Colorado, the Fire Chief may serve, or cause to be served, a notice of violation(s) and an order to correct upon the responsible party. The notice of violation(s) shall be in writing and shall describe with reasonable detail the violation so that the responsible party may properly correct it. The notice of violation shall provide a reasonable time (typically seven (7) days) for correction given the circumstances of the violation, unless a longer period of time is specified in the notice based on the Fire Chief's determination of the amount of time reasonably needed to correct the violations. In circumstances involving the public health, safety or welfare, the Fire Chief may designate a period of less than seven (7) days to correct the violation.
  2. If the violations causing the issuance of the notice of violation(s) are not corrected within the specified time period, the Fire Chief may issue a final notice to correct. The final notice to correct shall be in writing and shall describe the violation(s) with sufficient detail to enable the responsible party to correct the violations. A copy of the preceding notice of violation(s) and order to correct may be attached to the final notice to correct. The final notice to correct shall advise the responsible party that if the violations are not remedied by the proscribed date, a citation into municipal court will be issued.
  3. Citations into Municipal Court may be issued by the Fire Chief or a police officer at any point, regardless of whether a notice of violation(s) or a final notice to correct has previously issued.
  4. All citations into Municipal Court shall be processed according to the procedures set forth in Chapter 1.16 of the Evans Municipal Code and shall be subject to the penalties set forth therein.

- B. Each day a violation exists or continues shall constitute a separate and distinct violation of the Fire Code of the City of Evans.
- C. The City may abate any violation not corrected within the time specified in a final notice to correct or a citation into Evans Municipal Court pursuant to the authority and procedures set forth in Section 1.16.050 of the Evans Municipal Code. The need to exercise the City's ability to abate shall constitute good cause for the court to award attorney's fees and costs in addition to the costs associated with the abatement of the violation(s).
- D. Administrative citation, enforcement, and abatement actions are intended to be cumulative in nature. The City may pursue one or more civil, criminal, and administrative actions, fees, fines, sentences, penalties, judgments and remedies and may do so simultaneously or in succession. The enactment of these remedies shall in no way interfere with the City's right or ability to prosecute violations, seek temporary restraining orders, or preliminary injunctions from a court of competent jurisdiction or to exercise other available remedies.

(Ord. 614-14, 2014; Ord. 552-13 §11)

15.48.100—15.48.260 - Repealed by Ord. 552-13 §9

## **CHAPTER 2.18 - Emergency Services**

### **2.18.010 – Provision of Emergency Services through Evans Fire Protection District**

In November 2011, the City organized the Evans Fire Protection District (“Fire District”) to provide fire suppression, fire prevention and public education, extrication and rescue, hazardous materials, ambulance (directly or through a third party) and emergency medical services (collectively, “Emergency Services”) to the citizens and property within the City. The Fire District is governed by a five member elected Board of Directors. The Fire District’s Fire Chief is responsible for the administration and operation of the Fire District, including fire code enforcement, directly or through a designee. (Ord. 972-95, 1995)

### **2.18.020 – City’s Contract with the Fire District for Emergency Services**

At the time it organized the Fire District, the City entered into an exclusive provider contract with the Fire District to provide Emergency Services to the City, its citizens and their property. The contract was approved by an overwhelming vote of the City’s citizens. The contract sets forth the terms and conditions upon which the Fire District will provide Emergency Services to the City, its citizens and their property. (Ord. 972-95, 1995)

### **2.18.030 - Duties and functions**

The duties and functions of the Fire Chief and the Fire District shall be the preservation and protection of life and property from and during fires or other emergencies as may occur in the City or the immediate vicinity of the City (mutual aid). (Ord. 972-95, 1995)