

## **TITLE 11**

### **FIRE PREVENTION AND PROTECTION**

#### **Chapter 11.04 Fire Prevention and Protection**

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## Chapter 11.04

### FIRE PREVENTION AND PROTECTION<sup>1, 2, 3.</sup>

<sup>1</sup> **Editor's note**—Section 1 of Ordinance No. 27-1973, repealed Ch. 9, pertaining to fire prevention and protection generally, fireworks and flammable liquids and certain other explosives. Former Ch. 9 was derived from Code 1962, §§ 1-3-5, 6-1-12, 6-1-37, 6-8-1—6-8-10; Ord. No. 18-1967, § 1 and Ord. No. 19-1970, § 1. Section 2 of Ordinance No. 27-1973 amended the Code by adding former §§ 9-1—9-4 as a new Ch. 9 (Ch. 11.04) as herein set out.

<sup>2</sup> **Cross reference**—Buildings and Building Regulations, Title 8; Chief of Fire Department to be ex officio member of Board of Appeals and Examiners, § 8.08.020; Separate containers required for ashes, § 12.04.040; Control of ashes during transportation, § 12.04.090; Duty of superintendent of waterworks to maintain fire hydrant, § 25.08.020(d); access to fire hydrants by fire department, § 25.08.030.

<sup>3</sup> **State law reference**—Fire safety assistance by State Division of Fire Safety, Section 24-33.5-120 C.R.S.; Building and Fire Regulations, Section 31-15-601 C.R.S., et seq.; Codes adopted by reference, Section 31-16-201, C.R.S., et seq.

#### Sec. 11.04.010. Fire limits.

The fire limits of the City shall be the same as the territorial limits thereof, including additions thereto and all provisions of this Chapter shall be enforceable within said limits. (Code 1971, § 9-1; Ord. No. 27-1973, § 2)

#### Sec. 11.04.020. Adoption of the International Fire Code.

Pursuant to the power and authority conferred by the laws of the State and the Charter of the City, it is hereby adopted as the Fire Code of the City, by reference thereto, the International Fire Code, 2003 edition, including the appendix, except Sections A, E, F and G of said appendix of such code published by the International Code Council, Inc., 4051 West Flossmoor Road, Country Club Hills, Illinois, 60478-5795 all to have the same force and effect as though set forth herein in every particular. (Ord. No. 1-2003, § 1; Ord. No. 20-2004, § 1)

**Charter reference**—Authority of City to adopt standard codes, § 5.04.130.

**State law reference**—Authority to adopt codes by reference, Section 31-16-201 C.R.S.

#### Sec. 11.04.030. Amendments.

The International Fire Code herein adopted shall be amended as follows:

(a) Section 101.1 is hereby amended that "Aspen Fire Protection District" shall be inserted as the name of the jurisdiction.

(b) Section 102.6 and 102.7 are hereby amended by the addition of the following:

"The most current NFPA Code cycle shall be utilized.

"Exception: When that current cycle is less than a year from the previous cycle, the previous cycle may be used with the approval of the fire code official."

(c) Section 103.2 is hereby amended by the addition of the following:

"For the purposes of this code, the term "Fire Code Official," there may be inserted "fire marshal" or "fire chief," it being the intention of this amendment that all powers and duties attributed to these persons be assumed equally."

(d) The following sentence shall be added to Section 104.6.3:

"Copies of all such records shall be forwarded to the office of the fire marshal."

(e) Section 104.10 is hereby amended as follows: The phrase "fire department" shall read "fire chief."

(f) Section 108.1 is hereby amended to read:

"Appeals shall be in accordance with Chapter 8.08 of this Code."

(g) Section 109.2.2 is hereby amended by the addition of the following to read:

"(1) If the building or other premises is owned by one (1) person and occupied by another, under lease or otherwise and the notice of violation requires additions to or changes in the building or premises such as would be considered real estate and become the property of the owner, said notice and order shall be directed to such owner of the building or premises.

"(2) Every notice of violation pursuant to this Chapter shall set forth a time by which compliance with the notice violation is required. The time specified shall be reasonable according to the circumstances of the particular hazards or condition to which the notice and order pertains. Immediate compliance may be required in any case which represents extreme or imminent danger to persons or property.

"(3) Except for cases where immediate compliance is required, violations pursuant to this Chapter may be appealed as set forth in Section 108.1.

"(4) In cases where immediate compliance is required, the notice of violation so stating shall be final and conclusive."

(h) The definition of *guest* in Section 202 shall be added:

"*Guest* shall mean any person hiring or occupying a room or bed for living or sleeping purposes."

(i) The definition of *street* in Section 202 shall be added:

"*Street* shall mean any thoroughfare, alley or public space not less than sixteen (16) feet in width which has been dedicated or deeded to the public for public use."

(j) Section 307.1.1 is hereby added to read:

"Open burning shall be prohibited from May 31 to October 1.

"EXCEPTION: Open burning may be permitted or prohibited at any time when in the opinion of the Fire Code Official the atmospheric conditions are conducive for safe burning."

(k) Section 308.3.6 is hereby amended to read:

"The use of indoor pyrotechnic and open flame displays shall be prohibited.

"Exception: Indoor pyrotechnics and open flames shall be permitted if all the following conditions are met:

"(1) A permit shall be issued for each display.

"(2) The building is fully equipped with an approved fire sprinkler system.

"(3) The building is fully equipped with an approved and monitored fire alarm system.

"(4) The display is handled and performed by a certified pyrotechnician possessing a valid certificate issued by the State.

"(5) There are at least two (2) standby personnel equipped with the appropriate fire extinguishers and familiar in the use of that fire extinguisher.

"(6) A safety plan is filed and approved by the fire marshal's office.

"(7) In accordance with NFPA 160 and NFPA 1126."

(l) Section 308.3.7 is hereby amended by the addition of the following:

"The use of indoor pyrotechnic and open flame displays in a Group A occupancy shall be prohibited.

"Exception: Indoor pyrotechnics shall be permitted if all the following conditions are met:

"(1) A permit shall be issued for each display.

"(2) The building is fully equipped with an approved fire sprinkler system.

"(3) The building is fully equipped with an approved and monitored fire alarm system.

"(4) The display is handled and performed by a certified pyrotechnician, possessing a valid certificate issued by the State.

"(5) There are at least two (2) standby personnel equipped with the appropriate fire extinguisher and familiar in the use of that fire extinguisher.

"(6) A safety plan is filed and approved by the fire marshal's office.

"(7) In accordance with NFPA 160 and NFPA 1126."

(m) Section 310.9 is hereby added to read:

"Hotels, etc.

"(1) It shall be unlawful for any person to cause a fire through the use or misuse of tobacco in any form or of matches or lighters used in connection therewith, in any hotel, motel, rooming or lodging house.

"(2) All managers or operators of hotels, motels, rooming or lodging houses shall post in a conspicuous place within such hotel, motel, rooming or lodging house a copy of Section 310.9 along with the penalty imposed for such violation. Any person violating said section shall be guilty of a misdemeanor. Such posting shall be done at no expense to the City."

(n) Section 508.5.4 is hereby added to read:

"Snow removal operations shall not prevent fire hydrants from being immediately discernible or hinder gaining immediate access."

(o) Section 903.2a is hereby added to read:

"Every apartment house, town house, lodging house, dormitory, convent, monastery, rooming house, condominium or hotel two (2) stories or more in height and containing four (4) or more dwelling units shall have installed therein an approved automatic sprinkler system throughout the premises. Fire separations shall not constitute separate buildings for this purpose. This includes all R-3 occupancies."

(p) Section 903.2b is hereby added to read:

"Any building, including attached garages, in excess of five thousand (5,000) square feet or in a location that is difficult to access as determined by the Fire Code Official, shall be equipped with an approved automatic sprinkler system including the installation of a fire department connection. A minimum of a three (3) sprinkler head hydraulic calculation shall be submitted for approval, a larger number of sprinkler head calculations may be required depending on the structural design. Fire separations shall not constitute separate buildings for this purpose. This includes all R-3 occupancies."

(q) Section 903.4 is hereby added to read:

"Automatic sprinkler systems protecting one (1), two (2) or multiple family dwellings that are not monitored shall operate in the following manner:

"(1) All water flow activations shall be capable of sounding an interior audible alarm notifying all occupants simultaneously.

"(2) All water flow activations shall be capable of activating an exterior audible/visual alarm. This alarm shall be located so as to be visible from the nearest fire department access road. A second visual device may be required to delineate the fire department connection.

"(3) The activation of any water control device shall be capable of activating the light portion only of the exterior audible/visual signal."

(r) Section 903.4 Exception #1 is hereby deleted.

(s) Section 903.4.2 shall be added to read:

"For R-3 occupancies: Interior audible water flow signals capable of notifying all occupants simultaneously shall be provided. A visual and audible water flow alarm shall be installed on the exterior of the building. This alarm shall be located so as to be visible from the nearest fire department access road. A second visual device may be required to delineate the fire department connection. Where the R-3 occupancy is a duplex, triplex or greater, audible alarms shall notify all of the occupants simultaneously upon a water flow activation. Exterior visual and audible alarms shall activate on the unit of origin only."

(t) Section 907.1.3 is hereby added:

"All plans for fire alarm systems submitted for approval shall have affixed the signature of a NICET Level 3 or higher in the field of fire alarm design.

"Exception: Where the fire alarm system designer has the equivalent of NICET Level 3 training, all certificates and documentation shall be presented for compliance."

(u) Section 907.1.4 is hereby added:

"All fire alarm system installations shall be supervised by a person having a NICET Level 2 or higher in the field of fire alarm installation.

"Exception: Where the fire alarm system installer has the equivalent of NICET Level 2 training, all certificates and documentation shall be presented for compliance.

"Note: For Sections 907.1.3 and 907.1.3.1, designers and installers shall have eighteen (18) months from the date of adoption (6/14/04), for compliance."

(v) Section 907.1.5 is hereby added:

"All fire alarm systems required by this code shall be addressable, analog systems.

"Exception: With the approval of the fire marshal a conventional system may be used if that system is used only to monitor a fire sprinkler system."

(w) Section 907.2.1 is hereby amended to read:

"A manual and automatic fire alarm system shall be installed in accordance with NFPA 72 in Group A occupancies having an occupant load of one hundred (100) or more. Portions of Group E occupancies occupied for assembly purposes shall be provided with a fire alarm as required for the Group E occupancy."

(x) Section 907.2.1 Exception is hereby deleted.

(y) Section 907.2.2 is hereby amended to read:

"A manual fire alarm system shall be installed in Group B occupancies having an occupant load of one hundred (100) or more persons or more than fifty (50) persons above or below the lowest level of exit discharge."

(z) Section 907.2.2 Exception is hereby deleted.

(aa) Section 907.2.3 Exception 2, Subsection 2.7 is hereby added:

"Where the building is equipped throughout with an approved automatic sprinkler system and the alarm notification devices will activate upon sprinkler water flow."

(bb) Section 907.2.7, Exception is hereby deleted.

(cc) Section 907.2.8.1, Exceptions are hereby deleted.

(dd) Section 907.2.8.2 is hereby added:

"Automatic fire alarm shall be installed in all common areas, laundry rooms and mechanical rooms."

(ee) Section 907.2.8.2, Exception is hereby deleted.

(ff) Section 907.2.9 is hereby amended to read:

"Every apartment house, townhouse, lodging house, dormitory, convent, monastery, rooming house, condominium or hotel two (2) stories or more in height and containing four (4) or more dwelling units shall have installed therein an approved automatic and manually operated fire alarm system so designed that all occupants of the building may be warned simultaneously. Fire alarm systems shall be installed in accordance with I.F.C. Section 907.2

and nationally recognized standards. Fire separations shall not constitute separate buildings for this purpose. This includes all R-3 occupancies other than single-family dwellings."

(gg) Section 907.2.9 Exceptions is hereby deleted.

(hh) Section 907.3 is hereby added to read:

"All fire alarm systems shall be installed and in operation within one year of notification by the fire prevention bureau."

(ii) Section 907.3.1.5 is hereby amended to read:

"A fire alarm system shall be installed in existing Group R-1 hotels and motels of more than two stories and with four or more dwelling units."

(jj) Section 907.3.1 Exception is hereby deleted.

(kk) Section 907.3.1.7 is hereby amended to read:

"Every apartment house, town house, lodging house, dormitory, convent, monastery, rooming house, condominium or hotel two (2) stories or more in height and containing four (4) or more apartments or guest rooms shall have installed therein an approved automatic and manually operated fire alarm system so designed that all occupants of the building may be warned simultaneously. Fire alarm systems shall be installed in accordance with I.F.C. Section 907.2 and nationally recognized Standards. Fire separations shall not constitute separate buildings for this purpose. This includes all R-3 occupancies other than single-family dwellings."

(ll) Section 907.3.1.7 Exceptions is hereby deleted.

(mm) Section 907.4.1 Exception is hereby deleted.

(nn) Section 907.10.1.1.2 is hereby added to read:

"The exterior visual signals shall meet the following requirements:

"(1) The light used shall be of the strobe type producing at least one million (1,000,000) candle power or incandescent flashing type which can be plainly seen for at least one thousand five hundred (1,500) feet in all directions of approach.

"(2) Lights are to be red in color for systems equipped with a fire department connection and yellow in color for systems not having a fire department connection.

"(3) In systems with fire department connections the light is to be located at least twelve (12) feet above and as directly vertical to the fire department connection as possible. In systems without fire department connections the light is to be located so as to be visible from the nearest street.

"(4) A sign with the words "FIRE, CALL FIRE DEPARTMENT" (black on a white background and large enough to be visible from the center of the adjacent street) shall be mounted directly above the light.

"(5) The light shall not replace the audible alarms but is to be used in conjunction with it.

"(6) The visual and audio signal shall be together on a circuit separate from all others except exit signs."

(oo) Section 907.10.3 is hereby added to read:

"An inside audible alarm is to be installed whenever an alarm is required by Chapter 9 of the International Fire Code and Chapter 9 of the International Building Code. In the case of public assembly areas with an occupant load of one hundred (100) or more persons or where, in the opinion of the Building Official or the Fire Marshal, the installation of an inside alarm may result in creating panic, the alarm signal shall be installed in an attended area (e.g., projection booth, manager's office) from where there can be effectuated an orderly evacuation of the assembly area pursuant to the system approved by the Building Official or Fire Marshal."

(pp) Section 913.4 #3 is hereby deleted.

(qq) Section 1008.1.8.7 #3 is hereby amended to read:

"In stairways serving not more than two (2) stories, doors are permitted to be locked from the side opposite the egress side, provided they are openable from the egress side."

(rr) Section 1024.12 Exceptions 1, 3 and 4 are hereby amended by: inserting "seventy-five (75) seats" for "two hundred (200) seats."

(ss) Section 1026.5 #2 is hereby amended to read:

"Group B occupancies with one hundred (100) or more total occupants. For high-rise buildings and smoke proof enclosures, see the Building Code. Emergency systems shall be supplied from storage batteries or an on-site generator set and the system shall be installed in accordance with the requirements of the Electrical Code."

(tt) Section 2204.3 is hereby added to read:

"A safety plan and safety equipment technical data shall be submitted for review prior to approval. Unsupervised private dispensing shall be by permit only."

(uu) Section 3301.1.3 is hereby added:

"Exception 5: The storage, sale, use and handling of toy caps, sparklers and smoke snakes shall be permitted."

(vv) Section 3301.2.4 is hereby amended to read:

"Before a permit is issued, as required by Section 3301.2, the applicant shall file with the City or County a corporate surety bond in a principal sum equal to the amount required by the Colorado state statutes, the County or the City, of persons engaging in similar activities or a public liability insurance policy for the same amount, for the purpose of the payment of all damages to persons or property which arise from or are caused by, the conduct of any act authorized by the permit upon which any legal judgment results. The fire code official may specify a greater or lesser amount when, in his or her opinion, conditions at the location of use indicate a greater or lesser amount is required. Public agencies shall be exempt from this bond requirement."

(ww) Section 3304.10.8 is hereby added to read:

"Storage of explosives in quantities exceeding fifty (50) pounds shall be in a Type I magazine, except that a Type 3 magazine may be used for temporary storage of a larger quantity of explosives at the site of blasting operations where such amount constitutes not more than one (1) day's supply for use in current operations. At the end of the day's operations, any remaining explosives shall be safely destroyed or returned to a Type 1 magazine."

(xx) Section 3304.10.9 is hereby added to read:

"Storage of explosives in quantities of fifty (50) pounds or less shall be in Type I or Type II magazines, except that explosives in any quantity when stored in remote locations shall be in Type I, bullet resistant magazines."

(yy) Section 3304.10.10 is hereby added to read:

"The handling and firing of explosives shall only be performed by the person possessing a valid explosives certificate issued by the State."

(zz) Section 3308.1.2 is hereby added to read:

"The use of indoor pyrotechnic displays shall be prohibited.

"Exception: Indoor pyrotechnics shall be permitted if all the following conditions are met:

"(1) A permit shall be issued for each display.

"(2) The building is fully equipped with an approved fire sprinkler system.

"(3) The building is fully equipped with an approved and monitored fire alarm system.

"(4) The display is handled and performed by a certified pyrotechnician and possessing a valid certificate issued by the State.

"(5) There are at least two (2) standby personnel equipped with the appropriate fire extinguisher and familiar in the use of that fire extinguisher.

"(6) A safety plan is filed and approved by the fire marshal's office.

"(7) In accordance with NFPA 160 and NFPA 1126."

(aaa) Section 3404.2.13.2.4 is hereby added to read:

"Hereafter no tank for the storage of flammable fluid in excess of ten (10) gallons shall be erected, repaired, renewed or replaced either wholly or partially above ground. Where in the opinion of the fire code official an existing tank constitutes a fire hazard through neglect or disrepair, he or she shall order such tank removed; however, tanks or other facilities for the storage of Class 6 fuel oil may be installed above ground if approved by the fire code official and in accordance with existing codes and regulations pertaining to above ground storage."

(bbb) Section 3406.2.4 is hereby amended to read:

"The capacity of permanent above-ground tanks containing Class I or II liquids shall not exceed one thousand one hundred (1,100) gallons (4164 L). The capacity of temporary above-ground tanks containing Class I or II liquids shall not exceed five hundred (500) gallons (1892

L). Tanks shall be of the single-compartment design. A permit shall be obtained from the fire marshal for the storage or keeping of volatile inflammable fluids in excess of five (5) gallons in any building and of ten (10) gallons on any premises. The fire marshal is further authorized to issue temporary permits for the above ground storage of such fluids in tanks which shall not exceed a five hundred (500) gallon capacity for the purpose of providing fuel for heavy equipment used in building construction, earth moving, earth grading or similar operations and such permits may be issued only for sites where there are not close hazards. Such temporary permits shall be issued with the time limits set which shall conform to the reasonably necessary time for completion of the individual job for which the permit is issued."

(ccc) Section 3406.6.1.12 is hereby added:

"The maximum length of the delivery hose used to connect the tank vehicles being filled shall not exceed twenty (20) feet."

(ddd) Section 3406.6.1.13 is hereby added:

"Tank delivery vehicles used for the delivery of flammable liquids as defined in this article having an aggregate capacity in excess of one thousand five hundred (1,500) gallons shall be equipped with a single cargo tank mounted thereon, self-propelled and of the diesel-powered type."

(eee) Section 3406.6.1.14 is hereby added:

"It shall be unlawful for any motor vehicle having a tank capacity in excess of two thousand five hundred (2,500) gallons liquid capacity to deliver LP gas to any place of storage within the corporate limits of the City."

(fff) Section 3406.6.1.15 is hereby added:

"It shall be unlawful for any motor vehicle having a tank capacity in excess of five thousand (5,000) gallons aggregate or with any one (1) compartment thereof in excess of two thousand five hundred (2,500) gallon individual capacity, to deliver flammable liquids to any place of storage within the corporate limits of the City."

(ggg) Section 3406.6.1.16 is hereby added:

"It shall be unlawful for any motor vehicle transporting flammable liquids in excess of five thousand (5,000) gallons or any motor vehicle transporting LP gas in excess of two thousand five hundred (2,500) gallons liquid or any vehicle transporting explosives and other dangerous articles, to remain within the City for a period exceeding one (1) hour, unless as provided herein."

(hhh) Section 3406.6.1.16 is hereby added:

"It shall be unlawful for any motor vehicle other than a tank delivery vehicle as defined herein to deliver flammable liquids, LP gas or other dangerous articles to any place of storage within the corporate limits of the City."

(Ord. No. 13-1996, § 2; Ord. No. 35-2002, § 2; Ord. 1-2003, § 2; Ord. No. 20-2004, § 2)

#### **Sec. 11.04.040. Penalties for violations.**

Any person, firm or corporation violating any provision of the International Fire Code or amendments thereto or any other provisions of this Chapter shall be deemed guilty of a misdemeanor and

each person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of the International Fire Code or this Chapter is committed, continued or permitted and upon conviction of any such violation such person shall be punished by a fine, imprisonment or both a fine and imprisonment, as set forth in Section 1.04.080 of this Code. (Code 1971, § 9-4; Ord. No. 27-1973, § 2; Ord. No. 13-1977, § 4; Ord. No. 57-1986, § 4; Ord. No. 9-1989, § 4; Ord. No. 12-1996, § 8)

**Sec. 11.04.050. Purpose.**

The International Fire Code, 2003 Edition, hereinabove adopted by reference is to govern the maintenance of building and premises; to safeguard life, health, property and public welfare by regulating the storage, use and handling of dangerous and hazardous materials, substances and processes and by regulating the maintenance of adequate egress facilities. (Ord. No. 1-2003, § 3; Ord. No. 20-2004, § 3)

**Sec. 11.04.060. Copies on file.**

(a) Three (3) copies of the primary code and secondary code being considered for adoption by this Ordinance, all certified to be true copies by the Mayor and City Council, shall be on file with the City Clerk and shall be open for public inspection in his or her office at City Hall, any weekday between the hours of 9:00 a.m. and 5:00 p. m., at least fifteen (15) days preceding the public hearing on the ordinance codified herein.

(b) One (1) copy of the Code may be kept in the office of the chief enforcement officer instead of in the office of the City Clerk. The City Clerk shall at all times maintain a reasonable supply of copies of the Code available for purchase by the public. (Ord. No. 1-2003, § 4; Ord. No. 20-2004, §§ 4, 5)