

**ORDINANCE NO. 35
(SERIES OF 2002)**

AN EMERGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ASPEN, COLORADO, TO AMEND SECTION 11.04 OF THE MUNICIPAL CODE OF THE CITY OF ASPEN – FIRE PREVENTION AND PROTECTION AND TO AMEND SECTION 24.16 OF THE MUNICIPAL CODE OF THE CITY OF ASPEN – RESIDENTIAL PARKING PERMIT SYSTEM FOR THE PURPOSE OF IMPLEMENTING NEW REGULATIONS ENSURING THE SAFETY OF CONSTRUCTION SITES.

WHEREAS, the City Council of the City of Aspen directed the Community Development Director and the Chief Building Official of the Community Development Department to propose amendments to the Municipal Code to improve fire protection for construction sites and improve emergency access and parking for construction sites; and,

WHEREAS, the amendments requested relate to Section 11.04.030, Fire Prevention and Protection - Amendments, and to Section 24.16, Residential Parking Permit System, of the Aspen Municipal Code; and,

WHEREAS, pursuant to Section 1.04.060, amendments to the Municipal Code may be approved by City Council by adoption of an Ordinance; and,

WHEREAS, the Chief Building Official, the Community Development Director, and the Aspen Fire Marshal recommend adoption of the amendments, as described herein, to the afore mentioned sections for the purpose of protecting the public health, welfare, and safety; and,

WHEREAS, City Council reviewed and considered the recommendations of the Chief Building Official, the Community Development Director, the Aspen Fire Marshal, and members of the public during a duly noticed public hearing; and,

WHEREAS, the City Council finds that the amendments, as hereinafter described, meet or exceed all applicable standards and that the approval is consistent with the goals and elements of the Aspen Area Community Plan; and,

WHEREAS, the City Council finds that this Ordinance furthers and is necessary for the promotion of public health, safety, and welfare and should be adopted as an Emergency Ordinance pursuant to Section 4.11 of the City Charter.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASPEN, COLORADO, THAT:

Section 1:

Section 24.16 of the Municipal Code of the City of Aspen, Colorado, which section defines, describes, authorizes, and regulates the on-street parking permit program within the City of Aspen shall hereby be amended by adding a section related to requirements for construction staging areas, construction parking areas, and emergency access areas for construction sites within the City of Aspen which said section shall read as follows:

24.16.240 Construction Staging Area, Parking, and Emergency Vehicle Access Management Plan

To ensure proper public health, welfare, and safety, the City of Aspen requires approval of job site plans describing construction staging area(s), location and number of construction-related vehicles, and ensuring proper emergency vehicle access for construction projects within the City of Aspen. These plans are required for all residential construction or remodeling of 1,500 square feet, or more, for any construction or remodeling involving multi-family buildings (three or more units), or for any construction or remodeling involving commercial buildings. All other construction activity shall be considered exempt from these provisions.

The construction project shall be issued street parking permits for the expected duration of the project for a fee. Parking permits issued, pursuant to an approved Construction Staging Area, Parking, and Emergency Vehicle Access Management Plan, shall permit the all-day on-street parking of construction related vehicles within the specified construction parking area for the duration of the construction project. Construction vehicles parked outside of the approved area or after the specified construction duration shall be considered in violation.

The Chief Building Official shall require submission of a Construction Staging Area, Parking, and Emergency Vehicle Access Management Plan with submission of building permit documents. A building permit shall not be issued until such plan has been reviewed and approved by the Chief Building Official.

All construction staging and construction parking shall be confined to the areas defined in the approved plan for the job site. Workers shall be encouraged to carpool. Emergency access, as described in the approved plan for the job site, shall at no time be blocked. A stop work order may be issued upon non-compliance.

Section 2:

Section 11.04.030 of the Municipal Code of the City of Aspen, Colorado, which Section defines, describes, and authorizes the regulations for fire prevention and protection within the City of Aspen shall hereby be amended by adding a section related to requirements for construction projects within the City of Aspen and the use of temporary heating systems which said section shall read as follows:

(ii) The following shall be added to Section 8203.2.1.2:

To ensure proper public health, welfare, and safety, the City of Aspen requires any construction site using fuels to generate temporary heat for the purpose of conditioning space during the process of construction shall be equipped with:

1. Signaling devices capable of detecting dangerous levels of heat and/or smoke and capable of notifying a qualified party with responsibility to monitor the site and respond to the alarm and take appropriate actions;

2. As an alternate, an approved fire watch plan and schedule may be substituted for the alarm requirement;
3. Associated supply lines shall be protected from flame or heat impingement resulting in failure of the appliance or supply hoses resulting in free flow of volatile fuel into the atmosphere and/or fire situation;
4. A free flow shut-off valve shall be required on all propane tanks supplying temporary heat systems; or,
5. Any other plan acceptable to the Fire Marshal.

Prior to the installation of any temporary heating device(s), the system equipment check list, prepared and maintained by the Fire Marshal, shall be submitted and approved by the Fire Marshal's Office. It shall be the responsibility of the contractor to notify the Fire Marshal prior to the activation of any temporary heating device.

The principal contractor or home owner-builder shall submit a statement acknowledging and agreeing to the terms of this section with submission of building permit documents. A stop work order may be issued upon non-compliance with provisions of this section.

(j) Section 16 of the Appendix II-A of the Uniform Fire Code is amended as follows:

Section 3:

This Ordinance is adopted as an emergency ordinance, pursuant to Section 4.11 of the City Charter, and shall be effective November 1, 2002 and apply to all currently permitted and active construction projects within the City of Aspen thereafter.

Section 4:

This Ordinance shall not affect any existing litigation and shall not operate as an abatement of any action or proceeding now pending under or by virtue of the ordinances repealed or amended as herein provided, and the same shall be conducted and concluded under such prior ordinances.

Section 5:

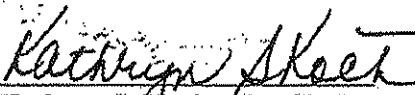
If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional in a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and shall not affect the validity of the remaining portions thereof.


Section 6:

A public hearing on the Ordinance shall be held on the 15th day of October, 2002, at 5:00 p.m. in the City Council Chambers, Aspen City Hall, Aspen Colorado, fifteen (15) days prior to which hearing a public notice of the same was published in a newspaper of general circulation within the City of Aspen.

INTRODUCED, READ AND ORDERED PUBLISHED as provided by law,
by the City Council of the City of Aspen on the 23rd day of September , 2002.

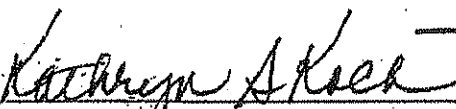
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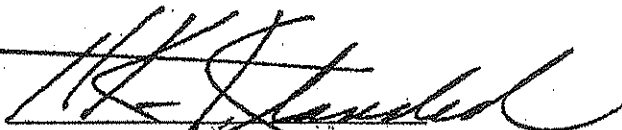

Kathryn S. Koch, City Clerk


Helen K. Klanderud, Mayor

FINALLY, adopted, passed and approved this 15th day of October 2002.

Attest:


Kathryn S. Koch, City Clerk


Helen K. Klanderud, Mayor

Approved as to form:


City Attorney