

ORDINANCE NO. 02, Series 2018  
INTRODUCED BY: MAYOR PRO TEM GUSTAVO REYNA

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAFAYETTE,  
COLORADO, REPEALING AND REENACTING IN ITS ENTIRETY SEC 45-46 AND  
SEC 45-47 OF ARTICLE III OF CHAPTER 45 OF THE CODE OF ORDINANCES,  
CITY OF LAFAYETTE, COLORADO, REGARDING ADOPTION OF THE  
INTERNATIONAL FIRE CODE 2015 EDITION.**

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

Section 1. Fire Codes, Sec 45-46 and Sec 45-47 of Article III of Chapter 45 of the Code of Ordinances, City of Lafayette, Colorado, is repealed in its entirety and reenacted to provide:

**Section 45-46. Adoption.**

Pursuant to Title 31, Article 16, Part 2, Colorado Revised Statutes, as amended, there is hereby adopted as the fire code for the City of Lafayette, Colorado, by reference thereto, the International Fire Code, 2015 Edition, published by the International Code Council, 5203 Leesburg Pike, Ste. 708, Falls Church, Virginia, 22041-3401, including except as specifically amended herein Chapters 1 through 80, inclusive, and Appendix B – Fire Flow Requirements for Buildings, Appendix C – Fire Hydrant Location and Distribution, Appendix D – Fire Apparatus Access Roads, Appendix E – Hazard Categories, Appendix F – Hazard Ranking, and Appendix G – Cryogenic Fluids – Weight and Volume Equivalents, Appendix H – Hazardous Materials Management Plan (HMMP) and Hazardous Materials Inventory Statement (HMIS) Instructions, Appendix I – Fire Protection Systems – Noncompliant Conditions all to have the same force and effect as if set forth herein in every particular.

**Section 45-47. Amendments to the International Fire Code.**

The International Fire Code, 2015 Edition, is hereby amended to read as follows:

(A) DEPARTMENT OF FIRE PREVENTION. Section 103 of the International Fire Code 2015 Edition is amended as follows:

103.4 Liability. Subsection is deleted in its entirety.

103.4.1 Legal Defense. Subsection is deleted in its entirety.

(B) ENFORCEMENT AUTHORITY. Section 104.1 of the International Fire Code 2015 Edition is amended as follows: The Fire Chief and the Chief's designees are hereby authorized to enforce the provisions of the International Fire Code 2015 Edition.

(C) REQUIRED OPERATIONAL PERMITS. Subsection 105.6 of the International Fire Code is amended to read as follows:

105.6 Required Operational Permits. An operational permit shall be obtained from the Fire Prevention Bureau prior to engaging in the following activities, functions,

operations, or practices unless otherwise specified in the International Fire Code 2015 Edition.

1. 105.6.2 Amusement buildings;
2. 105.6.5 Carnivals and fairs;
3. 105.6.11 Cryogenic fluids;
4. 105.6.15 Explosives, explosive materials, and fireworks;
5. 105.6.17 Flammable and combustible liquids:

(a) To remove Class I or II liquids from an underground storage tank used for fueling motor vehicles by any means other than the approved, stationary on-site pumps normally used for dispensing purposes.

(b) To install, alter, remove, abandon, place temporarily out of service (for more than 90 days) or otherwise dispose of an underground, protected above-ground or above-ground flammable or combustible liquid tank.

(c) To change the type of contents stored in a flammable or combustible liquid tank to a material which poses a greater hazard than that for which the tank was designated and constructed.

6. 105.6.20 Fumigation and thermal insecticidal fogging;
7. 105.6.20.1 Fumigation and/or associated operations for removing biological, chemical, or other naturally occurring agents, chemicals, organisms, or substances.
8. 105.6.21 Hazardous Materials
9. 105.6.27 Liquid- or gas-fueled vehicles or equipment in buildings for

display, demonstrating, or operation. This shall not apply to parking garages, private garages, repair garages, or other buildings normally utilized for the operation, repair, restoration, and storage of motor vehicles.

10. 105.6.28 LP7 gas;
11. 105.6.29 Magnesium;
12. 105.6.32 Open burning;
13. 105.6.37 Private fire hydrants;
14. 105.6.38 Pyrotechnic special effects material;
15. 105.6.45 Temporary membrane structures and tents.

(D) **REQUIRED CONSTRUCTION PERMITS.** Subsection 105.7 of the International Fire Code 2015 Edition is amended to read as follows:

105.7 Required Construction Permits. Upon approval of required construction documents, as required by subsection 105.4, a fire protection permit shall be obtained from the Fire Prevention Bureau prior to initiating any alterations, construction, installation, modification, remodel, of any fire protection system or other fire- or life-safety system, as defined by the International Fire Code 2015 Edition. The following fire protection systems shall require submittal of plans, specifications, design and installation criteria, as required by the Fire Code Official, prior to issuance of a fire protection permit, those not listed are excluded from the requirements of this section:

1. 105.7.1 Automatic fire-extinguishing systems;
2. 105.7.3 Compressed gases;
3. 105.7.4 Cryogenic Fluids;
4. 105.7.6 Fire alarm and detection systems and related equipment;
5. 105.7.7 Fire pumps and related equipment;

6. 105.7.8 Flammable and combustible liquids;
7. 105.7.10 Hazardous materials;
10. 105.7.12 LP-gas;
9. 105.7.13 Private fire hydrants;
10. 105.7.16 Spraying and dipping;
11. 105.7.17 Standpipe systems;
12. 105.7.18 Temporary membrane structures, and tents.

(E) FEES. Section 105 of the International Fire Code 2015 Edition is amended to add sections 105.8 and 105.9 to read as follows:

105.8 Operational Permit Fees. The fee for operational permits required by subsection 105.6 of the International Fire Code 2015 Edition shall be as set forth in the fee schedule adopted by resolution by the City Council. Fees shall be collected by the City's Planning and Building Department. The Fire Code Official is authorized to waive the fee in accordance with approved standard operating guidelines for administering permits for activities described in subsection 105.8.

105.9 Construction Permit Fees. Permit fees and taxes are required for fire protection and life safety systems required by subsection 105.7 of the International Fire Code 2015 Edition for initiating any alterations, construction, installation modification, remodel, of any fire protection system or other fire- or life-safety system, as defined by the International Fire Code 2015 Edition. These fees shall be assessed by and paid to the City in accordance with the provisions of the fee schedule adopted by resolution by the City Council.

(F) BOARD OF APPEALS. Section 108 of the International Fire Code 2015 Edition is amended to read as follows:

108.1 Board of Appeals. 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 members. This board shall be composed of a person appointed by the city administrator, a person appointed by the appellant, and a person appointed by the two 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 matter before the committee. The board members shall serve for the duration of the appeal. The board 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 a court of competent jurisdiction.

108.3 Qualifications. The board of appeals shall consist of members who are qualified by experience and training, as verified by the fire code official, to pass on matters pertaining to the hazards of fire, explosions, and or fire protection systems. The board members may not be employees of either the jurisdiction or the appellant. The board members may not be personally, financially, contractually, professionally, or otherwise indebted, obligated, or bound to the appellant in any manner, nor may they be in any position where they might receive benefit, either personally or professionally, from any decision

rendered.

(G) VIOLATIONS. Section 109 of the International Fire Code 2015 Edition is amended to read as follows:

109.1 Unlawful Acts. It shall be unlawful for a person, firm or corporation to erect, construct, alter, repair, remove, demolish or utilize a building, occupancy, premises or system regulated by the International Fire Code 2015 Edition , or cause same to be done, in conflict with or in violation of any of the provisions of the International Fire Code 2015 Edition.

109.3 Notice of Violation. When the Fire Code Official finds a building, premises, vehicle, storage facility or outdoor area that is in violation of the International Fire Code 2015 Edition , the Fire Code Official is authorized to prepare a written notice of violation describing the conditions deemed unsafe and, when compliance is not immediate, specifying a time for re-inspection.

109.3.1 Service. A notice of violation issued pursuant to the International Fire Code 2015 Edition shall be served upon the owner, operator, occupant, or other person responsible for the condition or violation, either by personal service, mail, or by delivering the same to, and leaving it with, some person of responsibility upon the premises. For unattended or abandoned locations, a copy of such notice of violation shall be posted on the premises in a conspicuous place at or near the entrance to such premises and the notice of violation shall be mailed by first class mail to the owner of the subject property at the address shown in the records of the Boulder County Assessor. Notice shall be deemed served on the date of receipt by the owner, if personally served, or upon the fifth day after mailing of the notice.

109.3.2 Compliance with Orders and Notices. A notice of violation issued or served as provided by the International Fire Code, 2015 Edition shall be complied with by the owner, operator, occupant or other person responsible for the condition or violation to which the notice of violation pertains.

109.3.3 Prosecution of Violations. If the notice of violation is not complied with promptly, the Fire Code Official is authorized to request the legal counsel of the jurisdiction to institute the appropriate legal proceedings at law or in equity to restrain, correct or abate such violation or to require removal or termination of the unlawful occupancy of the structure in violation of the provisions of this Code or of the order or direction made pursuant hereto.

109.3.4 Unauthorized Tampering. Signs, tags or seals posted or affixed by the Fire Code Official shall not be mutilated, destroyed or tampered with or removed without authorization from the Fire Code Official.

109.4 Violation Penalties is deleted in its entirety.

109.4.1 Abatement of Violation. In addition to the imposition of the penalties herein

described, the Fire Code Official is authorized to institute appropriate action to prevent unlawful construction or to restrain, correct or abate a violation; or to prevent illegal occupancy of a structure or premises; or to stop an illegal act, conduct of business or occupancy of a structure on or about any premises.

(H) STOP WORK ORDER. Section 111 of the International Fire Code 2015 Edition is amended as follows:

111.4 Failure to Comply is deleted in its entirety.

11-10-4: CHAPTER 5 FIRE SERVICE FEATURES of the International Fire Code, 2015 Edition is amended to read as follows:

(A) MARKINGS. Section 503.3 of the International Fire Code is amended to add Section 503.3.1 to read as follows:

503.3.1. The marking of fire lanes on private property devoted to public use shall be approved by the Fire Code Official in accordance with the International Fire Code 2015 Edition and the latest edition of the Uniform Traffic Control Manual.

(B) OBSTRUCTION OF FIRE APPARATUS ACCESS ROADS. Section 503.4 of the International Fire Code is amended to add Section 503.4.1 to read as follows:

503.4.2. The Fire Code Official or any of the Fire Code Officials designees, or the Police Department with knowledge of the existence of any vehicle parked in the fire lane, or in such manner as to interfere with the use of any fire hydrant, or in any manner in violation of this Section may have such vehicle towed away and the charges of such towing shall be assessed to the owner of such vehicle. The aforesaid violation shall be sufficient grounds to cause a citation to be issued. In the event of an emergency, the Fire Department shall have the authority to cause any vehicle blocking a fire hydrant or fire lane to be removed with the vehicle's owner to be responsible for any loss or damage resulting from removal of the vehicle. .

(C) PREMISES IDENTIFICATION. Section 505.1 of the International Fire Code 2015 Edition is amended to add Section 505.1.1 and 505.1.2 to read as follows:

505.1.1. Buildings having exterior rear or side access doors shall have approved address numbers, building numbers or approved building identification placed in a position approved by the Fire Code Official.

505.1.2. Buildings with multiple tenants with interior access doors shall have approved unit or space identification numbers, address numbers or other approved means of identifying individual tenant spaces or units.

(D) PRIVATELY OWNED HYDRANT SYSTEMS. Section 507 of the International Fire Code 2015 Edition is amended to add Section 507.5.3.1 and

507.5.7 to read as follows:

507.5.3.1. Privately owned hydrants shall be maintained at the expense of the private property owner, subject to the direction and requirements of the Fire Code Official. Such private hydrants shall be flushed and tested periodically according to the International Fire Code 2015 Edition. In the event such testing reveals that the flow from private hydrants is inadequate according to applicable standards, modifications necessary to meet these standards shall be ordered by the Fire Code Official and made at the expense of the property owner. All private hydrants shall be painted the same color as hydrants on public rights-of-way or elsewhere throughout the City. Appropriate markings or signs restricting parking in front of or adjacent to fire hydrants shall be required and must be approved by the Fire Code Official and implemented at the expense of the owner of the property. No point of connection to any private fire hydrant shall be left uncapped without permission of the Fire Code Official.

507.5.7. Existing Private Fire Hydrants. Existing hydrants which do not conform to City specifications or which do not face in the direction most consistent with emergency use by the Fire Department, as established by the Fire Code Official, shall be changed to meet the City's requirements by the property owner and at the property owner's expense, within 15 days of service of notice of the required changes upon the property owner or its agent.

(E) SPRINKLERS Section 903.3 of the International Fire Code 2015 Edition is amended to read as follows

903.3.2.1 Quick-response Automatic Sprinkler Heads. Quick-response sprinkler heads shall be installed in light hazard occupancies as defined in NFPA 13. Residential automatic sprinkler heads are prohibited.

903.3.2.2 Residential and Quick-response Automatic Sprinkler Heads. All installation of residential and quick-response automatic sprinkler heads shall be in strict accordance with their listings. Where listings authorize installation where prohibited in 903.3.2 and 903.3.2.1 the Fire Code Official may waive the requirements mandated by 903.3.2 and 903.3.2.1.

903.3.7.1 The Fire Department Connection (FDC) shall be located whenever possible on the street addressed side of the building in a location visible to the responding fire engine. The FDC shall have a fire hydrant within 100 feet in a location approved by the Fire Department.

(B) STANDPIPE SYSTEMS. Section 905 of the International Fire Code 2015 Edition is amended to add the following:

905.3.1. Building Height shall be amended by adding the following exceptions:

EXCEPTION 6: Class I standpipes are allowed to be manual systems.

EXCEPTION 7: Fire hose is not required for Class I standpipes. Standpipe hose outlets shall be 2-1/2-inch outlets with a 2-1/2-inch to 1-1/2-inch reducing cap.

905.3.8 Bridges and Roadway Overpasses. Where required to extend water supply to streets, highways, and rail systems a dry standpipe shall be installed in accordance with Fire Department requirements.

(C) FIRE ALARM AND DETECTION SYSTEMS. Section 907 of the International Fire Code 2015 Edition is amended to add Section 907.7.3.3 to read as follows:

907.7.3.3 The Fire Code Official shall determine the extent of zone coverage for fire alarm systems in all buildings and structures.

11-10-7: CHAPTER 56 EXPLOSIVES AND FIREWORKS of the International Fire Code 2015 Edition is amended to read as follows:

(A) EXPLOSIVES MATERIALS STORAGE AND HANDLING. Section 5604 of the International Fire Code 2015 Edition is amended to add Section 5604.1.1 to read as follows:

5604.1.1 General Storage Limitations. The storage of explosives and blasting agents is prohibited within all zones except PUD (Planned Unit Development) where such storage is specifically listed as an allowed use, except for temporary storage for use in connection with approved blasting operations; provided, however, that this prohibition shall not apply to wholesale and retail stocks of small arms, ammunition, explosive bolts, explosive rivets, or cartridges for explosive-actuated power tools in aggregate quantities involving less than 500 pounds of explosive material.

11-10-8: CHAPTER 61 LIQUEFIED PETROLEUM GASES of the International Fire Code 2015 Edition is amended to read as follows:

(A) Subsection 6104.2 of the International Fire Code 2015 Edition is amended to read as follows:

6104.2 Maximum Capacity within Established Limits. This maximum capacity limitation specifically applies to the following zoning areas: RA, RE, R1, R2, R3, R4, R5, B 1, C1, T1, and PUD (Planned Unit Development) zoned districts.

Section 2. 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 3. 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 4. The repeal or modification of any provision of the Code of Ordinances, City of Lafayette, Colorado, 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 5. This ordinance is deemed necessary for the protection of the health, welfare and safety of the community.

Section 6. Violations of this ordinance shall be punishable in accordance with Section 1-10 of the Code of Ordinances, City of Lafayette, Colorado, which reads as follows:

Sec. 1-10. General penalty; continuing violations; injunction.

(a) It shall be unlawful for any person to violate, disobey, omit, neglect, refuse or fail to comply with or resist the enforcement of any provision of this Code, the City Charter or any other ordinance of the City of Lafayette, or to commit any act or omission declared to be a misdemeanor, except that unless conduct is specifically designated criminal herein, any offense which is not punishable by imprisonment in jail is not criminal and is deemed decriminalized, and unless a specific lesser penalty is specifically provided for the violation of any specific portion of this Code, the City Charter or any other ordinance of the City of Lafayette, the violation of any provision of this Code, the City Charter or any other ordinance of the City of Lafayette, shall be punishable as follows:

(1) Every person convicted of a violation of any provision of this Code, the City Charter or any ordinance of the City of Lafayette, except as above-stated, who is eighteen (18) years of age or more on the date of said violation shall be punished by a fine not exceeding one thousand dollars (\$1,000.00), or by imprisonment not exceeding one (1) year, or by both such fine and imprisonment.

(2) Every person convicted of a violation of any provision of this Code, the City Charter or any ordinance of the City of Lafayette, except as above-stated, who is under the age of eighteen (18) years at the time of said violation, shall be punished by a fine not exceeding one thousand dollars (\$1,000.00).

(3) Except as hereinafter provided, every person convicted of a violation of any provision of the Model Traffic Code of Lafayette, Colorado, and/or the Model Traffic Code for Colorado Municipalities as adopted and set forth in Articles I and II of Chapter 115 of this Code, shall be punished by a fine not exceeding one thousand dollars (\$1,000.00) except any person convicted of violating Section 4-6, Speed Contest, Section 5-1, Reckless Driving, Section 19-12, Compulsory Insurance, or Section 21-13, Eluding a



Police Officer, all being violations of the Model Traffic Code for Colorado Municipalities as adopted by the city, shall be punished by a fine not exceeding one thousand dollars (\$1,000.00), or by imprisonment not exceeding one (1) year, or by both such fine and imprisonment.

(b) In addition to the above penalties and fines, the city may obtain enforcement of its ordinances by seeking injunctive or other appropriate relief in a court of proper jurisdiction.

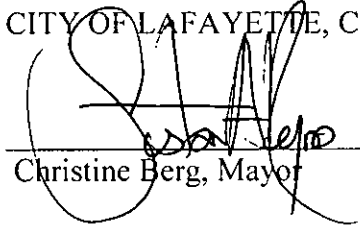
(c) Each day or portion thereof, during which any violation is committed, continued or permitted shall constitute a separate offense and shall be punishable as a separate offense.

Section 7 . This ordinance shall become effective upon the latter of the 10<sup>th</sup> day following enactment, or the day following final publication of the ordinance.

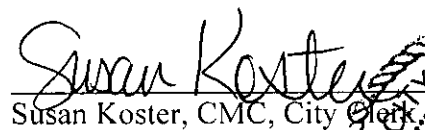
INTRODUCED AND PASSED ON FIRST READING THE 16<sup>th</sup> DAY OF JANUARY, 2018.

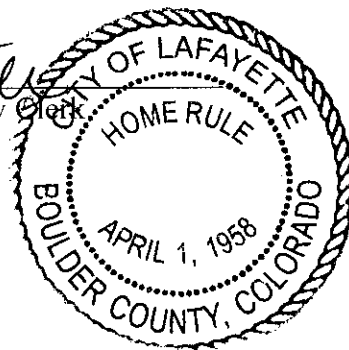
PASSED ON SECOND AND FINAL READING AND PUBLIC NOTICE ORDERED THE 6<sup>th</sup> DAY OF FEBRUARY, 2018.

CITY OF LAFAYETTE, COLORADO

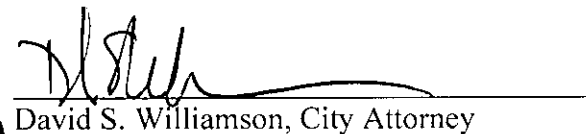
  
Christine Berg, Mayor

ATTEST:

  
Susan Koster, CMC, City Clerk



APPROVED AS TO FORM:

  
David S. Williamson, City Attorney