

ORDINANCE NO. 2333

INTRODUCED BY: ALLEN-THOMAS, FRANK, GRIMES, GUARDIOLA, HURST, HUSEMAN, MADERA, NOBLE, SMITH

AN EMERGENCY ORDINANCE AMENDING SECTION 5-41001 OF THE COMMERCE CITY REVISED MUNICIPAL CODE TO AMEND THE FIRE CODE OF THE CITY OF COMMERCE CITY, THE 2018 INTERNATIONAL FIRE CODE AS ADOPTED AND AMENDED, TO ALLOW THE LIMITED USE OF CERTAIN FIREWORKS IN COMMERCE CITY

WHEREAS, through Ordinance 2219 (November 4, 2019), the City Council adopted and amended the 2018 International Fire Code as the Fire Code of the City of Commerce City (“Fire Code”), with amendments codified at Section 5-41001 of the Commerce City Revised Municipal Code (“CCRMC”);

WHEREAS, the City Council desires to authorize the limited use of legal fireworks in Commerce City, as set forth in the Fire Code, to “permissible fireworks” that are lawful in the State of Colorado only on December 31 and July 3 and 4, between the hours of 10:00 a.m. and 11:00 p.m., in a safe manner;

WHEREAS, the State of Colorado defines “permissible fireworks” to include small fireworks with limited pyrotechnic capacity such as cylindrical fountains, cone fountains, wheels, ground spinners, illuminating torches, dipped sticks and sparklers, snakes, glow worms, and tube devices that shower sparks no more than fifteen feet, among others, but excludes any aerial or audible devices, such as mortars, bottle rockets, roman candles, and firecrackers;

WHEREAS, a \$500 mandatory penalty for a first offense and a \$1000 mandatory penalty for subsequent offenses are imposed convictions for violations of the CCMRC, including the Fire Code, relating to the unlawful possession, manufacture, storage, sale, handling, discharge or use of fireworks, pursuant to Section 1-3003(e) of the CCRMC, in addition to other applicable penalties;

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

SECTION 1. Findings. The recitals to this ordinance are incorporated as findings of the City Council. This ordinance is declared to be an emergency ordinance and is found to be immediately necessary for the preservation of the public health, safety, and welfare and in the public interest.

SECTION 2. Amendment to Fire Code. Section 5-41001 of the CCRMC and the Fire Code are amended as set forth in Exhibit A to this ordinance.

SECTION 3. Repealer. All other ordinances or portions thereof inconsistent or conflicting with this ordinance or any portion hereof are hereby repealed to the extent of such inconsistency or

SECTION 4. Effective Date. This ordinance shall be effective immediately upon passage.

INTRODUCED, PASSED ON FIRST AND FINAL READING AS AN EMERGENCY
ORDINANCE AND PUBLIC NOTICE ORDERED THIS 7TH DAY OF JUNE 2021.

CITY OF COMMERCE CITY, COLORADO

Benjamin A. Huseman, Mayor

ATTEST

Dylan A. Gibson, City Clerk

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Red strikethrough text shows deletions; blue underlined text shows additions.

*****BEGIN*****

Sec. 5-41001. Amendments.

The 2018 edition of the International Fire Code is amended in the following respects and adopted herein as amended:

(a) Section 101.1 is amended to read as follows:

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

(b) Section 102.11, entitled "Other Laws," is amended by addition of the following:

Whenever any county health department, state, federal, or local law or regulation imposes a greater or more restrictive requirement than required by this code, the provisions of those laws or regulations shall govern. Whenever the requirements imposed by this code are greater or more restrictive than the requirements imposed by any other law or regulation or resolution of any governmental body, then the requirement of this code shall govern.

(c) Section 103.1, entitled "General," is amended to read as follows:

103.1 General. The department of fire prevention is established within the jurisdiction under the direction of the fire code official. As used in this code, "department of fire prevention" shall mean the South Adams County Fire Protection District or Greater Brighton Fire Protection District, as applicable. The South Adams County Fire Protection District and Greater Brighton Fire Protection District are charged with the implementation, administration, and enforcement of the provisions of this code.

(d) New Section 103.1.1, entitled "South Adams County Fire Protection District," is added to read as follows:

103.1.1 South Adams County Fire Protection District. For the administration and enforcement of this code within the South Adams County Fire Protection District, the terms "chief," "chief of the fire department," "fire marshal," "bureau of fire prevention," "fire prevention bureau," "fire prevention engineer," and "fire code official" shall mean "Fire Marshal of the South Adams County Fire Protection District, Colorado," except in Section 104.11 where the term "chief" shall mean "Chief of the South Adams County Fire Protection District" and the term "fire department" shall mean the "South Adams County Fire Protection District."

(e) New Section 103.1.2, entitled "Greater Brighton Fire Protection District," is added to read as follows:

103.1.2 Brighton Fire Rescue District. For the administration and enforcement of this code within the Greater Brighton Fire Protection District, the terms "chief," "chief of the fire department," "fire marshal," "bureau of fire prevention," "fire prevention bureau," "fire prevention engineer," and "fire code official" shall mean "Fire Marshal of the Greater Brighton Fire Protection District," except in Section 104.11 where the term "chief" shall mean "Chief of the Greater Brighton Fire Protection District" and the term "fire department" shall mean the "Greater Brighton Fire Protection District."

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(f) Section 104.3, entitled "Right of entry," is hereby deleted in its entirety and the following is added in lieu thereof:

104.3 Right of entry. The fire code official's right to enter and inspect property shall be exercised in accordance with section 1-3001 of the Commerce City Revised Municipal Code, as amended from time to time.

(g) Section 106, entitled "Fees," is deleted in its entirety and the following is added in lieu thereof:

SECTION 106 - FEES

106.1 Payment of fees. The fees for any permit issued pursuant to this code, as well as related fees for work done in connection to or concurrently with the work authorized by a permit, shall be set by resolution of the city council. The city council is also authorized to establish a refund policy, and to impose additional fees for any person who commences any work before obtaining the necessary permits. No permit shall be valid until the appropriate fees have been paid, except emergency permits issued pursuant to Section 105.1.4.

(h) Section 109, entitled "Board of Appeals," is hereby deleted in its entirety and the following is added in lieu thereof:

SECTION 109 - APPEALS

109.1 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. For provisions relating to the board of appeals, see section 5-21 of the Commerce City Revised Municipal Code.

(i) Section 110, entitled "Violations," is deleted in its entirety and the following is added in lieu thereof:

SECTION 110 - VIOLATIONS

110.1 Unlawful acts. No person or entity shall violate a provision of this code, or fail to comply therewith or with any of the requirements thereof. No person or entity shall fail to comply with any order issued by the fire code official under this code. No person or entity shall erect, construct, alter, repair, remove, demolish or utilize a building, occupancy, premises or system regulated by this code, or cause same to be done, except in conformity with all of the provisions of this code and in conformity with the terms and conditions of any permit, certificate, or other approval issued under this code, or of any directive of the fire code official.

110.2 Penalties and enforcement. Violations of this code are subject to enforcement through the penalties, procedures, and remedies specified in article V, chapter 5 and other applicable provisions of the Commerce City Revised Municipal Code, at the discretion of the City.

(j) Section 112, entitled "Stop Work Order," is deleted in its entirety and the following is added in lieu thereof:

SECTION 112 - STOP WORK ORDER

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112.1 General provisions. Where the fire code official finds any work regulated by this code being performed in a manner either contrary to the provisions of this code or in a manner that is dangerous or unsafe, the fire code official is authorized to issue a stop work order in accordance with the provisions of section 5-5007 of the Commerce City Revised Municipal Code, as may be amended from time to time.

- (k) Section 503.2.1, entitled "Dimensions," is amended to read as follows:

SECTION 503 - FIRE APPARATUS ACCESS ROADS

503.2.1 Dimensions. Fire Apparatus Roads shall have an unobstructed width of not less than 24 feet (7315.2 mm), exclusive of shoulders, except for approved security gates in accordance with Section 503.6, and an unobstructed vertical clearance of not less than 13 feet 6 inches (4115 mm).

- (l) Section 507.5.1.2, entitled "Hydrant for automatic sprinkler systems," is added to read as follows:

SECTION 507 - FIRE PROTECTION WATER SUPPLIES

Section 507.5.1.2 Hydrant for automatic sprinkler systems. Buildings equipped with an automatic sprinkler system installed in accordance with 903.3.1.1 and 903.3.1.2 shall have a fire hydrant within 150 feet (45720 mm) of the fire department connection.

Exception: The distance shall be permitted to exceed 150 feet (45720 mm) where approved by the fire code official.

- (m) Section 903.4.2.1, entitled "Audible and visual," is added to read as follows:

SECTION 903 - AUTOMATIC SPRINKLER SYSTEMS

Section 903.4.2.1 Audible and visual. Approved audible and visual devices shall be installed throughout all buildings provided with an automatic sprinkler system.

- (o) Section 5601.1.3, entitled Fireworks, is amended to read as follows:

SECTION 5601.1.3 – FIREWORKS

The possession, manufacture, storage, handling and use of fireworks are prohibited except as provided in this section. Any fireworks held, offered for sale, manufactured, stored, or used, in violation of this section may be seized, taken, and removed, at the expense of the owner.

Exceptions:

1. Storage and handling of fireworks as allowed in 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 Section 5608.
4. The possession, storage, sale, and handling of "permissible fireworks," as defined by C.R.S. § 24-33.5-2001(11), as may be amended, that are Division 1.4G fireworks, provided that such fireworks and facilities comply with NFPA 1124, CPSC 16 CFR

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- Parts 1500 and 1507, and DOTn 49 CFR Parts 100-185, as applicable for consumer fireworks.
5. The outdoor use of “permissible fireworks,” as defined by C.R.S. § 24-33.5-2001(11), as may be amended, between the hours of 10:00 a.m. and 11:00 p.m. on July 3, July 4, and December 31 of any year, by persons over the age of sixteen years or, when under direct adult supervision, by persons under the age of sixteen years.
 6. The possession, manufacture, storage, handling and use fireworks that do not meet the definition of fireworks, pursuant to C.R.S. § 24-33.5-2001(5)(b), as may be amended.

*****END*****