

CHAPTER 11

Fire Protection

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ARTICLE I

Volunteer Fire Department

Division 1. Generally

Sec. 11-1. Department created, office of chief established.

There is hereby created a department of the City to be known as the Volunteer Fire Department of the City. There is also created the office of Chief of such Volunteer Fire Department. (Ord. 405)

Sec. 11-2. Members; powers and duties at fires.

All officers and members of the Volunteer Fire Department shall have and they are hereby vested with the powers, authority and duties of special police officers, and their duties during every emergency created by fire within the City shall be as follows:

- (1) To direct and divert traffic in the vicinity of the burning premises and upon the streets, avenues and alleys leading to and from the premises.
- (2) To prevent the looting of all premises occupied by them or otherwise involved in any fire.
- (3) To arrest and take into custody all person who shall drive any vehicle over and across the fire hose or against or upon any fire equipment or otherwise interfere with the duties of the Department and all persons who shall refuse to obey orders properly given by any fireman on duty. (Ord. 405)

Sec. 11-3. Compensation.

No officer or member of the Department shall receive any compensation except such as may from time to time be fixed by resolution of the City Council. (Ord. 405)

Sec. 11-4. Authority to adopt bylaws.

The Volunteer Fire Department shall have authority to adopt bylaws and from time to time amendments thereto not inconsistent with the ordinances of the City and laws of the State. Such bylaws may pertain to membership and qualifications and control all matters relating to such Volunteer Fire Department; provided, however, that such bylaws and any amendments thereto before becoming effective shall require the written consent and approval of the City Council. (Ord. 405)

Sec. 11-5. Quarters and equipment.

The City Council shall designate and furnish suitable quarters for the Volunteer Fire Department and such apparatus and equipment as shall from time to time be deemed by the City Council necessary and advisable. All such quarters, apparatus and equipment shall remain the property of the City and shall at all times be subject to inspection, supervision and control of the City Council. (Ord. 405)

Division 2. Fire Chief

Sec. 11-6. Annual report of Fire Chief, powers of assistant chief.

The Fire Chief shall be the chief executive officer of the Volunteer Fire Department. He or she shall on the first Tuesday of each year report to the City Council the condition of his or her department and all equipment in his or her charge and make such recommendations relative thereto as he or she shall deem proper. The Fire Chief shall be in command of all men and equipment while on duty. If, for any reason the Fire Chief is unable to perform his or her duties, the assistant chief or next ranking officer present shall exercise all of the powers of the Chief. (Ord. 405)

Sec. 11-7. Monthly report.

It shall be the duty of the Chief of the Fire Department to report in writing every month during the term of his or her office to the City Council of the work done during the preceding month and to make such recommendations relative to changes, repairs, etc., as he or she shall deem proper. (Ord. 405)

Sec. 11-8. Duty to receipt for equipment.

The Fire Chief shall receipt for all articles of apparatus, equipment and supplies received by the Volunteer Fire Department and shall, at the time of making his or her annual report required by Section 11-6 as well as at the time of his or her retirement as Fire Chief, account to the City Council for each and every article so received. (Ord. 405)

Sec. 11-9. Inspection of buildings; right of entry.

It shall be the duty of the Fire Chief or Fire Marshal to cause annual inspection to be made of all businesses, buildings and structures within the City and upon request to inspect all such buildings and all fire hazards within the City at any time and to make such recommendations relative thereto as shall be deemed proper. The Fire Chief or Fire Marshal shall have authority to appoint such members of the Department as he or she shall deem necessary to assist in the inspections. While in performance of their duties, the Fire Chief or Fire Marshal and such firefighters as shall be assigned by him or her to this duty shall have authority to enter upon and into any premises within the City and the buildings which may be the subject of their investigation. (Ord. 405; Ord. 830, §14)

Sec. 11-10. Unlawful to hinder Chief or Fire Marshal.

Any person in charge or possession of any building within the City, whether as agent, owner or tenant, who shall refuse access to such building or in any other manner disobey the lawful orders of the Chief of the Fire Department or Fire Marshal while in the performance of his or her duties as described in this Division, shall be guilty of a misdemeanor. (Ord. 405; Ord. 830, §15)

ARTICLE II

Fire Prevention

*Division 1. Compressed and Liquefied Petroleum, etc. **

Sec. 11-24. License for installation; fee; bond.

No person shall engage in the business of installing liquefied petroleum or other type of compressed gas system or equipment used in connection with such systems without first securing a license from the City Council. Such license shall be renewed annually and shall be subject to revocation for violation of any of the provisions of this Article affecting such systems. Applications for such licenses shall be accompanied by a fee of ten dollars (\$10.00) in the case of applicants intending to engage in the handling of systems of less than one hundred fifty (150) gallons of water capacity and a license fee of one hundred dollars (\$100.00) in case of applicants intending to engage in the business of installing and servicing systems of more than one hundred fifty (150) gallons' capacity. Any such applications shall further be accompanied by a bond in the penal sum of one thousand dollars (\$1,000.00), to be signed by two (2) responsible sureties or a corporate surety company conditioned for the faithful compliance with all the terms and provisions of this Division. (1949 Comp., §4.0201)

Sec. 11-25. Installation permit; inspection fee.

An application for a permit for all installations shall be made to the Chief of the Bureau of Fire Prevention, accompanied by an inspection fee of one dollar (\$1.00) for systems with storage reservoirs underground, together with a statement of the size and location of the storage container to be used, the number and type of appliances to be installed, the date on which installation work will be commenced, and the address of the premises at which installation will be made. (1949 Comp., §4.0202)

Sec. 11-26. Inspection notice.

Upon completion of installation work, in all cases the installer shall give written notice to the inspector, containing the location of the premises where installation has been made; and thereupon the inspector shall inspect such installation within sixteen (16) hours after the time of such notification, during which time the installer shall not cover the installation or make it inaccessible for inspection purposes. (1949 Comp., §4.0203)

Sec. 11-27. Aboveground bulk storage generally.

(a) No new plants or facilities of any kind for the bulk storage of liquefied petroleum gas, except in approved tanks or containers with a water capacity of five hundred (500) gallons or less, shall be hereafter established in the City north of the centerline of the Burlington-Northern Railroad right-of-way.

(b) No person shall construct, operate, use or maintain any plant or facilities of any kind for the aboveground bulk storage of liquefied, compressed or liquefied petroleum gases in tanks or containers

* Editor's Note: **Ord. 830, §16 repealed Sections 11-22, 11-23 and 11-27--49. Section 11-50 has been renumbered as Section 11-27.**

larger than five hundred (500) gallons water capacity south of the centerline of the Burlington-Northern Railroad right-of-way without first obtaining a permit therefor from the City Council.

(c) A person desiring such a permit shall make written application therefor to the City Council. Such application shall show the location of and contain a detailed statement of the proposed operations to be conducted with the facilities. Detailed plans and specifications of the facilities proposed to be constructed, operated, used or maintained and a fee of one hundred dollars (\$100.00) shall accompany such application.

(d) The City Council in acting upon an application shall consider the location, nature of the facilities, the proposed operations, the hazards and dangers of injury or damage to persons and property and the possible effect upon the public safety and welfare. The City Council's determinations and conclusions on these considerations shall be final. The City Council shall in its sole discretion determine whether the application shall be accepted or rejected. If rejected, only the fee accompanying the application shall be returned to the applicant. If accepted, a permit shall be issued; provided that the applicant shall first deliver to the City Clerk a bond in favor of the City in the penal sum of two thousand dollars (\$2,000.00) to continue in effect for the life of the permit, executed by a responsible corporate surety, with the conditions of the bond being:

(1) That the applicant will construct, operate, use and maintain the facilities for which the permit is to be issued in full compliance with the standards of the National Board of Fire Underwriters for the Design, Installation and Construction of Containers and Pertinent Equipment for the Storage and Handling of Liquefied Petroleum Gases as the same are established when the permit is issued or may be thereafter from time to time altered, amended or enlarged.

(2) That the applicant will faithfully and fully comply with all the terms and provisions of this Division and all other ordinances of the City, present and future.

(3) That the applicant will save the City harmless from any and all claims and demands from any person whomsoever, arising because of, through or by virtue of the construction, operation, use or maintenance of the facilities covered by the permit to be issued.

(e) A permit issued pursuant to this Section shall cover and be continuous only for the facilities for which application was made and shall not be transferable. Upon the failure of a holder of a permit to fully comply with the terms and provisions of this Division or with the conditions of the bond herein required, such permit may be revoked without refund of fee by the City Council after a notice has been sent to the holder of the permit at the address shown on the application by regular mail and he or she has had an opportunity to be heard. In the event of such revocation, all construction, operation, use or maintenance of such facilities shall be immediately abated and stopped. (1949 Comp., §4.0227; Ord. 447, §3; Ord. 746; Ord. 830, §16)

Division 2. International Fire Code

Sec. 11-51. Adoption of *International Fire Code*.

That certain document, a copy of which is on file in the office of the City Clerk, being marked and designated as the *International Fire Code*, 2003 edition, including Appendix B, Fire-Flow Requirements for Buildings; Appendix C, Fire Hydrant Locations 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, as published by the International Code Council, be and is hereby adopted as the *Fire Code* of the City, regulating and governing the safeguarding of life and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said *Fire Code* on file in the office of the City Clerk are hereby referred to, adopted, and made a part hereof, as if fully set out in this Article with the additions, insertions, deletions and changes, if any, prescribed in Section 11-57. (Ord. 688, §1 (part); Ord. 30, §1; Ord. 923, §1; Ord. 990, §§1, 2 (Part 4))

Sec. 11-52. Establishment and duties of Bureau of Fire Prevention.

(a) The Fire Code shall be enforced by the Bureau of Fire Prevention in the Fire Department of the City which is hereby established and which shall be operated under the supervision of the Fire Chief.

(b) The Fire Marshal shall be appointed by the City Council on the basis of examination to determine his or her qualifications.

(c) The Fire Chief shall recommend to the City Council the employment of technical inspectors who, when such authorization is made, shall be selected through an examination to determine their fitness for the position. The examination shall be open to members and nonmembers of the Fire Department, and appointments made after examination shall be for an indefinite term with removal only for cause. (Ord. 668, §1 (part); Ord. 830, §2; Ord. 990, §§1,2 (Part 4))

Sec. 11-53. Definitions.

Wherever the word *jurisdiction* is used in the *Fire Code*, it is the City of Fort Morgan, Colorado. (Ord. 668, §1(part); Ord. 830, §3; Ord. 990, §§1, 2 (Part 4))

Sec. 11-54. Reserved.

Sec. 11-55. Storage limits for flammable or combustible liquids.

(a) Storage of flammable or combustible liquids shall be permitted at licensed bulk plants which may be located at such places as shall be permitted by the zoning code, or any other applicable laws or ordinances of the City.

(b) The *Fire Code* shall not be construed to prohibit the storage of flammable or combustible liquids in aboveground tanks which are placed and contained entirely within a concrete vault or basement-like structure (containment vault) which is constructed and which remains at or below the surface grade of the surrounding lands and which meets or complies with all of the following specifications:

(1) The location and construction shall be in compliance with all applicable codes and ordinances of the City;

(2) The containment vault shall be located not less than one hundred (100) feet from the exterior boundaries of the property on which it is constructed;

(3) If the containment vault is covered, it shall be provided with a ventilating system meeting the specifications of all applicable provisions of the *Fire Code* and ordinances of the City;

(4) The walls of the containment vault shall be a minimum of nine (9) inches above the surrounding grade and a minimum of two (2) feet between the bottom of the tank or container and the floor of the containment vault, and a minimum of three (3) feet separating a tank or container from any other tank or container placed therein, as well as a minimum of three (3) feet between any tank or container and the walls of the containment vault;

(5) The inside of the containment vault shall be treated with a substance which resists the passing through or absorption of the fuels, chemicals or liquids kept in the tanks placed therein. (Ord. 732, §1; Ord. 830, §5; Ord. 990, §§1, 2 (Part 4))

Sec. 11-56. Storage limits for flammable cryogenic fluids, Class I and II liquids and liquefied petroleum gas.

(a) The geographic limits referred to in Section 3204.3.1.1 of the *Fire Code*, in which the storage of flammable cryogenic fluids in stationary containers is prohibited, are hereby established as the City limits.

(b) The geographic limits referred to in Section 3404.2.9.5.1 of the *Fire Code*, in which the storage of Class I and Class II liquids in aboveground tanks outside of buildings is prohibited, are hereby established as the City limits.

(c) The limits referred to in Section 3406.2.4.4 of the *Fire Code*, in which the storage of Class I and Class II liquids in aboveground tanks is prohibited, are hereby established as the City limits.

(d) The geographic limits referred to in Section 3804.2 of the *Fire Code*, in which the storage of liquefied petroleum gas is restricted for the protection of heavily populated or congested areas, are hereby established as the City limits. (Ord. 668, §1(part); Ord. 830, §6; Ord. 923, §2; Ord. 990, §§1,2, (Part 4))

Sec. 11-57. Amendments to *Fire Code*.

(a) The *Fire Code* is amended by the deletion of all of Section 105 pertaining to "Permits" and by the deletion of Section 108 pertaining to "Board of Appeals."

(b) The *Fire Code*, Section 903.2.10.1, **Stories and basements without openings**, is amended by the addition of the following:

"Exceptions: 1. *Basements:* Existing structures which would otherwise be required to install automatic fire-extinguishing systems by the terms and provisions of this Section may substitute a continuously monitored (24-hour) smoke/fire alarm system (electronically monitored by a third party off premises) in those areas otherwise required to be sprinklered, provided the basement area is of 2-hour construction; this means the entire envelope (floors, walls, ceiling and doors) must meet or exceed the requirements for 2-hour fire resistance.

"2. *All existing buildings, stories above the basement:* Existing structures which would otherwise be required to install automatic fire-extinguishing systems by the terms and provisions of this Section may substitute all of the following items:

"c) a continuously monitored (24-hour) smoke/fire alarm system (electronically monitored by a third party off premises);

"d) all the exits required by the *International Building Code*; and

"e) all the openings required by the *International Fire Code*.

"When exceptions are not allowed: The foregoing exceptions shall not apply if any area of the existing structure:

"1. Undergoes a major remodel as determined by the Building Department; or

"2. There is a change in the occupancy, classification, or use of the structure."

(c) The *Fire Code*, Section 903.1.10.1.3, **Basements**, is amended by the addition of the following:

"Exception: Existing structures required to install automatic fire-extinguishing systems by the terms and provisions of this Section may substitute a continuously monitored (24-hour) smoke/fire alarm system (electronically monitored by a third party off premises) in those areas otherwise required to be sprinklered, provided the basement area is of 2-hour construction; this means the entire envelope (floors, walls, ceiling and doors) must meet or exceed the requirements for 2-hour fire resistance.

"When exceptions are not allowed: The foregoing exceptions shall not apply if any area of the existing structure:

"1. Undergoes a major remodel as determined by the Building Department; or

"2. There is a change in the occupancy, classification, or use of the structure."

(d) The *Fire Code*, Section 108, **Board of Appeals**, is repealed in its entirety and readopted to read and provide as follows:

"There shall be and hereby is created a Board of Appeals consisting of five members who are qualified by experience and training to pass judgment on matters pertaining to hazards of fire, explosives, hazardous conditions or fire protection systems and are not employees of the City. The Board of Appeals shall be appointed by the City Council and hold office at its pleasure. The Fire Chief shall be an ex officio member and shall act as secretary of the board, but shall have no vote on any matter before the Board. The Board shall adopt reasonable rules and regulations for conducting its investigations and shall render decisions and findings in writing to the Fire Chief, with a duplicate copy to the appellant.

"The grounds for an appeal and the jurisdiction of the Board of Appeals shall be limited to the following:

"1. The suitability of alternate materials and types of construction proposed as an equivalent method of protection or safety;

"2. To provide for reasonable interpretations of the provisions of the *Fire Code*;

"3. A determination by the Fire Chief, Fire Marshal or Building Official that the rehabilitation of an existing building or structure is a repair or renovation, alteration, reconstruction, change of use or addition;

"4. The disapproval of an application, refusal to grant a permit applied for or issuance of a corrective order by the Fire Chief;

"5. Whenever it is claimed that the provisions of the *Fire Code* do not apply or that the true intent and meaning of the *Code* have been misconstrued or wrongly interpreted.

"Any appeal must be filed with the City Clerk within thirty (30) days from the date of the decision from which the appeal is taken."

(Ord. 830, §7; Ord. 840; Ord. 923, §2; Ord. 990, §§ 1, 2 (Part 4))

Sec. 11-58. Issuance of summons and complaint by Fire Chief and Fire Marshal.

Pursuant to the general police powers conferred upon municipalities in Section 31-15-401, C.R.S., and subject to the provisions of the *Fire Code*, the Fire Chief and/or Fire Marshal may arrest a person without a warrant whenever he or she has reasonable cause to believe that the person to be arrested has committed a misdemeanor in his or her presence which he or she has the discretionary duty to enforce, and to issue a summons to appear in Court. The Fire Chief or Fire Marshal shall deposit executed summonses and complaints with the City Clerk for filing with the Court. (Ord. 831, §1; Ord. 990, §§1, 2 (Part 4))

Sec. 11-59. Reserved.

Sec. 11-60. New materials, processes or occupancies which may require permits; alternate materials and methods.

(a) The Building Official, the Fire Chief and the Fire Marshal shall act as a committee to determine and specify, after giving affected persons an opportunity to be heard, any new materials, processes or occupancies for which permits are required in addition to those now enumerated in the *Fire Code*. The Fire Marshal shall post such list in a conspicuous place and distribute copies thereof to interested persons.

(b) The inspection and enforcement provisions for alternate materials and methods shall be governed by Section 104.9 of the *Fire Code*. Said Section of the *Fire Code* is amended to add the Building Official and Fire Marshal as persons authorized to approve alternate materials and methods. (Ord. 830, §10; Ord. 923, §2; Ord. 990, §§1, 2 (Part 4))

Sec. 11-61. Penalties.

(a) It shall be unlawful for a person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy or maintain any building or structure or mechanical systems or equipment or cause or permit the same to be done in violation of the *Fire Code*.

(b) Any person, firm or corporation who shall violate any of the provisions of the *Fire Code*; who shall fail to comply therewith; who shall violate or fail to comply with any order thereunder; who shall build, construct, fabricate or install anything in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder; who shall fail to

comply with such an order within the time fixed therein, and from which no appeal has been taken; or who fails to comply with such an order as affirmed or modified by the Board of Appeals or by a Court of competent jurisdiction, within the required time, shall severally for each and every such violation and noncompliance, respectively, be guilty of a misdemeanor, punishable by a fine of not more than one thousand dollars (\$1,000.00) or by imprisonment for not more than one (1) year, or by both such fine and imprisonment. The imposition of a penalty for any violation shall not excuse the violation or permit it to continue; all such persons shall be required to correct or remedy such violations or defects within a reasonable time; and when not otherwise specified, each day that a violation occurs or that a prohibited condition is maintained shall constitute a separate offense.

(c) The application of the above penalty or penalties shall not be held to prevent the enforced removal of any prohibited condition. (Ord. 668, §1(part); Ord. 830, §11; Ord. 923, §3; Ord. 990, §§1, 2 (Part 4))

Sec. 11-62. Repeal of conflicting ordinances.

All former ordinances or parts thereof conflicting or inconsistent with the provisions of this Article or of the *Fire Code* as adopted and amended herein are hereby repealed. (Ord. 668, §1(part); Ord. 830, §12; Ord. 923, §4; Ord. 990, §§1, 2 (Part 4))

Sec. 11-63. Validity.

The City Council hereby declares that should any section, subsection, sentence, clause or phrase of this Article or of the *Fire Code* as adopted and amended herein be declared for any reason to be invalid, it is the intent of the City Council that it would have passed all other portions of the Article independent of the elimination herefrom of any such portion as may be declared invalid. (Ord. 668, §1(part); Ord. 830, §13; Ord. 923, §5; Ord. 990, §§1, 2 (Part 4))

Sec. 11-64. Reserved.

Division 3. Fireworks

Sec. 11-65. Authority to ban the sale and use of all forms of fireworks.

The City Council shall be authorized, from time to time, based upon climatic conditions related to the danger of fire, and upon the recommendation of the Fire Chief, to prohibit by Resolution the sale and use of all forms of fireworks as defined in Section 12-28-101(3), C.R.S., including permissible fireworks as defined in Section 12-28-101(8), C.R.S., and all other explosive materials for pyrotechnic displays within the City, except for professional firework displays specifically approved by the Fire Chief in advance of any such display, pursuant to Section 12-28-103, C.R.S. (Ord. 968)

Sec. 11-66. Enforcement.

Whenever such a ban has been declared by the City Council, the Police Chief is authorized and directed to enforce the ban on any sale of fireworks within the City and to seize, take and remove, at the expense of the owner, all stocks of fireworks, including permissible fireworks, offered or exposed for

sale, stored or held in violation of, and to seize, take and remove all such fireworks from a person using them in violation of a ban declared by the City Council. (Ord. 968)

Sec. 11-67. Penalties.

It shall be an offense for any person to violate a ban adopted by the City Council by Resolution pursuant to Section 11-65, and upon conviction, the following fines shall be imposed:

- (1) Not less than twenty-five dollars (\$25.00) for the first offense;
- (2) Not less than one hundred dollars (\$100.00) for the second offense within sixty (60) days of the first offense; and
- (3) Three hundred dollars (\$300.00) for each additional offense within sixty (60) days of the first offense.

Each incident of banned use or sale of fireworks shall constitute a separate offense. (Ord. 968)