

CHAPTER 18

Fire Protection and Explosives

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ARTICLE I

In General

Sec. 18-1. Interference with equipment or devices prohibited.

It is unlawful for any person to interfere with any fire alarm, telegraph wire, fire alarm box or other fire alarm device or appliance of whatsoever kind or nature, or to remove any support therefrom or disconnect any wires therefrom.

(Ord. 8 §1, 2006)

Sec. 18-2. Fire hydrant standards.

Fire hydrant standards for the City shall be established by the Public Works Department in cooperation with the Clear Creek Fire Authority.

(Ord. 8 §1, 2006)

Sec. 18-3—18-10. Reserved.

ARTICLE II

Fire Prevention Code

Sec. 18-11. Adoption of code.

The International Fire Code, 2003 Edition, published by the International Code Council, Inc. (the "Fire Code"), expressly including Appendices B, C, D, E and F, is hereby adopted in the general form and content adopted by the Clear Creek Fire Authority, save and except such portions as are deleted, modified or amended by Section 18-12 below.

(Ord. 8 §1, 2006)

Sec. 18-12. Amendments to the International Fire Code.

(A) The following sections of the Fire Code are deleted in their entirety:

- (1) Section 103, Department of Fire Prevention;
- (2) Section 108, Board of Appeals; and
- (3) Section 3307, Blasting.

(B) Section 101.1 of the Fire Code is amended by inserting "the City of Idaho Springs" within the brackets and removing the brackets.

(C) Section 109.3 of the Fire Code is amended to read in its entirety as follows:

"Any person who violates a provision of this code or fails to comply with any of the requirements thereof, or who erects, constructs, alters or repairs a building or structure in violation of the approved construction documents or directive of the building official or of a permit or certificate issued under the provisions of this code, shall be subject to penalties as set forth in Section 1-8 of the Idaho Springs Municipal Code."

(D) Section 111.4 of the Fire Code is amended to read in its entirety as follows:

"Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to the penalties as set forth in Section 1-8 of the Idaho Springs Municipal Code."

(E) Section 3204.3.1.1 of the Fire Code, second paragraph, is amended to read in its entirety as follows:

"Storage of flammable cryogenic fluids in stationary containers outside of buildings is permitted only when specifically authorized by the Fire Code Official in consultation with the Idaho Springs Building Official."

(F) Section 3308 of the Fire Code, regarding fireworks display, is superseded to the extent of any inconsistency with the provisions of Sections 12-28-101 through 12-18-113, C.R.S., as amended.

(G) Section 3404.2.9.5.1 of the Fire Code is amended to read in its entirety as follows:

"Storage of Class I and II liquids in aboveground tanks outside of buildings is permitted only when specifically authorized by the Fire Code Official in consultation with the Idaho Springs Building Official."

(H) Section 3406.2.4.4 of the Fire Code is amended to read in its entirety as follows:

"Storage of Class I and II liquids in aboveground tanks is permitted only when specifically authorized by the Fire Code Official in consultation with the Idaho Springs Building Official."

(I) Section 3804.2 of the Fire Code is amended to read in its entirety as follows:

"Aggregate capacity at any one installation for the storage of liquefied petroleum gas shall be limited to an amount specifically authorized by the Fire Code Official in consultation with the Idaho Springs Building Official.

"Exception: In particular installations, this capacity limit shall be determined by the Fire Code Official, in consultation with the Idaho Springs Building Official, after consideration of special features such as topographical conditions, nature of occupancy and proximity to buildings, capacity of proposed containers, degree of fire protection to be provided and capabilities of the local fire department."

(Ord. 8 §1, 2006)

Sec. 18-13. Enforcement agency.

(A) The Fire Code shall be enforced by the Clear Creek Fire Authority.

(B) The "Fire Code Official" referenced throughout the Fire Code shall be the person or persons appointed to act as such by the Board of Directors of the Clear Creek Fire Authority.

(C) Whenever in the enforcement of this Code or another code or ordinance, the responsibility of more than one (1) code official or agency is involved, it shall be the duty of the code officials involved to coordinate their inspections and administrative orders as fully as practicable so that the owners and occupants of the structure shall not be subjected to visits by numerous inspectors or to multiple or conflicting orders. Whenever an inspector from any agency or department observes an apparent or actual violation of some provision of a law, ordinance or code not within the inspector's authority to enforce, the inspector shall report the findings to the code official having jurisdiction.

(Ord. 8 §1, 2006)

Sec. 18-14. Appeals.

(A) Appeals of orders, decisions or determinations made by the Fire Code Official relative to the application and interpretation of the Fire Code adopted by this Chapter shall be heard and decided upon by an Appeals Board consisting of the Board of Directors of the Clear Creek Fire Authority and such additional persons as it may deem necessary who are qualified by experience and training to pass upon such matters.

(B) An application for appeal shall be based on a claim that the true intent of the Fire Code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of the code do not fully apply or an equally good or better form of construction is proposed. An application for an appeal must be made to the Fire Authority within ten (10) days of the Fire Code Official's decision being appealed. A written request must be submitted to the Authority, and the appeal shall be scheduled before the Board of Directors at its next regular meeting.

(C) The Board of Directors must render a decision on every application within thirty (30) days after its first meeting at which the appeal was presented.

(Ord. 8 §1, 2006)

Sec. 18-15. Penalties for violations of code.

(A) Any person who violates any of the provisions of the Fire Code as adopted and amended herein or fails to comply therewith, who violates or fails to comply with any order made thereunder, who builds in violation of any detailed statement of specifications or plans submitted and approved thereunder or any certificate or permit issued thereunder 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 Directors of the Clear Creek Fire Authority or by a court of competent jurisdiction, within the required time, shall be subject to the penalties set forth in Section 1-8 of this Code.

(B) The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.

(Ord. 8 §1, 2006)

Sec. 18-16—18-20. Reserved.

ARTICLE III

Clear Creek Fire Authority

Sec. 18-21. Clear Creek Fire Authority.

In order to maximize public fire-fighting capabilities and the delivery of emergency services on a regional basis, the City has entered into an intergovernmental agreement creating the Clear Creek Fire Authority. Pursuant to the Clear Creek Fire Authority intergovernmental agreement, the Clear Creek Fire Authority shall have and exercise all those powers and functions as vested in a fire protection district under Sections 32-1-1001 and 32-1-1002, C.R.S., as amended, and as limited by the intergovernmental agreement, and shall exercise such powers and functions within the City.

(Ord. 8 §1, 2006)

Sec. 18-22. Delegation of authority to enforce fire codes and conduct inspections; fees.

Consistent with and subject to the Clear Creek Fire Authority intergovernmental agreement as referenced in Section 18-21 above, the Clear Creek Fire Authority is hereby delegated the authority and power to enforce all fire codes and fire safety regulations within the City, to undertake and conduct fire code and fire safety inspections and to set, charge and collect reasonable fees with respect thereto.

(Ord. 8 §1, 2006)

Sec. 18-23—18-30. Reserved.

ARTICLE IV

Blasting and Use of Explosives

Sec. 18-31. In general.

(A) The storage and use of explosives within the City shall be governed by this Article. It is unlawful for any person to store or use explosives, to conduct blasting operations or to display fireworks within the City except in compliance with this Article.

(B) Blasting operations, the transportation, storage and use of explosives and the display of fireworks shall be conducted in conformity with this Article, and in conformity with applicable regulations set forth in the Fire Code as adopted from time to time by the City, except to the extent that such regulations are modified, either expressly or by necessary implication, by the provisions of this Article.

(C) The person appointed to oversee the Public Works Department shall administer and enforce the provisions of this Article on behalf of the City. Said person shall notify the Police Department and the Clear Creek County Fire Authority of all administration and enforcement activities.

(Ord. 8 §1, 2006; Ord. 2 §1, 2008)

Sec. 18-32. Definitions.

As used in this Article, the following words shall be construed to have the meanings defined below:

Blasting operations. The use of explosives within the City.

Blasting permit. A permit issued by the City pursuant to this Article.

Blasting plan. The plan, and any amendments thereto, for conducting blasting operations, as approved by the City pursuant to this Article.

Explosives shall be construed to include the term *explosive materials*, and both of said terms shall have the meanings provided for them in the Fire Code, as adopted from time to time by the City.

Fireworks and *fireworks display* shall have the meanings provided for them in the Fire Code, as adopted from time to time by the City.

(Ord. 8 §1, 2006; Ord. 2 §2, 2008)

Sec. 18-33. Permit required.

A blasting permit issued by the City shall be required for the use of any explosives within the City. In order to obtain a permit, the applicant must meet all of the requirements of this Article and all other applicable local, state or federal laws, ordinances, rules and regulations. A blasting permit is personal to the individual to whom it is issued and may not be assigned.

(Ord. 8 §1, 2006)

Sec. 18-34. Qualifications for permits.

(A) In order to obtain a blasting permit, the applicant must:

- (1) Have a current explosives permit issued by the Colorado Department of Employment and Training pursuant to Section 9-7-101 *et seq.*, C.R.S., as amended.
- (2) Provide proof of required workers' compensation insurance.
- (3) Provide a corporate surety bond in the principal sum of five hundred thousand dollars (\$500,000.00) or a public liability insurance policy for the same amount, for the purpose of the payment of damages to persons or property which arise from or are caused by the blasting operations of a permit holder, and to indemnify the City against any and all damages arising from permitted blasting.
- (4) Provide evidence that the applicant is otherwise qualified to use explosives and is state-certified in surface blasting operations.
- (5) Submit the fee, as set forth in the City's fee schedule, upon submission of the application.

(B) The City may specify a greater or lesser amount for the bond required in Subsection (A) above when conditions at the location of use indicate that a greater or lesser amount is required.

(Ord. 8 §1, 2006)

Sec. 18-35. Blasting operations.

(A) Blasting and drilling operations shall be conducted only between the hours of 8:00 a.m. and 5:00 p.m. Monday through Friday, except holidays, unless the approved blasting plan provides for blasting at other times.

(B) Explosives shall be handled only by the permittee.

(C) No person shall be on the property for which a blasting permit is issued or where explosive materials are being handled or stored while under the influence of alcohol, intoxicants, narcotics or other DEA-controlled substances during blasting operations.

(D) No person shall smoke tobacco or any other substance within fifty (50) feet of any explosive material or have in his or her possession any matches, lighters or other spark-producing materials during blasting operations.

(E) No open flames shall be allowed on the property for which a blasting permit is issued during blasting operations.

(F) Only nonelectric initiation systems with twenty-five-ms delay intervals may be used. Electric detonators or blasting caps are allowed only for the initiation of the blast.

(G) Prior to firing a blast, the permittee shall make certain that surplus explosive materials are in a safe place, that all persons and vehicles are at a safe distance or under sufficient cover and that an adequate warning signal has been given.

(H) The permittee shall remove all debris, blasting caps and other materials related to the blasting operations from the site prior to leaving the site each day of blasting operations.

(I) When blasting is done in a congested area or in close proximity to a structure, railway, highway or any other installation, precautions shall be taken to minimize earth vibrations and air blast effects. Blasting mats or other protective means shall be used to prevent fragments from being thrown.

(J) Whenever blasting is being conducted in the vicinity of utility lines or rights-of-way, the blaster shall notify the appropriate representatives of the utilities at least twenty-four (24) hours in advance of blasting, specifying the location and intended time of such blasting. Verbal notices shall be confirmed with written notice. In an emergency situation, the time limit shall not apply when approved by the City.

(K) During the time that holes are being loaded or are loaded with explosive materials, blasting agents or detonators, only authorized persons engaged in drilling and loading operations or otherwise authorized to enter the site shall be allowed at the blast site. The blast site shall be guarded or barricaded and posted. Blast site security shall be maintained until after the post-blast inspection has been completed.

(L) After the blast, the following procedures shall be observed:

(1) No person shall return to the blast area until allowed to do so by the blaster in charge.

(2) The blaster shall allow sufficient time for smoke and fumes to dissipate and for dust to settle before returning to or approaching the blast area.

(3) The blaster shall inspect the entire blast site for misfires before allowing other personnel to return to the blast area.

(Ord. 8 §1, 2006)

Sec. 18-36. Notification prior to blasting operations.

The permittee shall notify the Public Works Department, the Clear Creek Fire Authority and the Chief of Police at least forty-eight (48) hours prior to any blasting operations. The permittee shall again notify the Public Works Department not more than sixty (60) nor less than thirty (30) minutes prior to any ignition of an explosive.

(Ord. 8 §1, 2006)

Sec. 18-37. Blasting plan.

The permittee must submit, as part of the permit application, a detailed plan of the proposed blasting operations. All blasting operations shall be conducted in strict accordance with the approved blasting plan. Any changes to the planned blasting operations must be submitted as an amendment to the blasting plan and approved by the City prior to conducting any blasting operation. The plan shall include:

(1) A map of one (1) to twenty (20) scale with north arrow, depicting the property for which a blasting permit is sought; the work area relative to any structures and underground or overhead improvements; the location and duration of storage of any explosive materials to be used in the blast before, during and after each blast; the spacing, depth and diameter of boreholes; the area to be cleared of vehicles and persons immediately prior to and during any blast; and any other information required by applicable law, rule or regulation or which the City determines is reasonably necessary to protect the public health, safety or welfare.

- (2) A description of the maximum amount of explosives per day; the type of explosive product used; the method of ignition of the explosive; the loud warning signal to be sounded prior to each blast; the manner of locating and detonating any misfires; the manner in which qualified emergency and utility personnel are to be put on notice and called to respond in the event of any emergency; the manner of clearing the site after blasting operations, including returning the site to its original condition; and any other information required by applicable law, rule or regulation or which the City determines is reasonably necessary to protect the public health, safety or welfare.

(Ord. 8 §1, 2006)

Sec. 18-38. Manufacture and storage of explosives prohibited.

Explosives shall not be manufactured or stored anywhere within the City. Explosives may not be anywhere other than at locations approved in writing by the City, except that explosives may be stored at the location of blasting operations in accordance with the terms of an approved blasting plan.

(Ord. 8 §1, 2006)

Sec. 18-39. Corrective measures.

(A) Upon discovery of any deficiency in the performance by a permittee of his or her obligations hereunder, the City may:

- (1) In the event of an emergency, do everything necessary to cure the deficiency, particularly where hazards exist due to the failure of the permittee to restore or maintain the site in accordance with the provisions and conditions of the permit or approved blasting plan.
- (2) In the event of a nonemergency, give written notice to the permittee of the nature and location of such deficiency, including a reasonable time not less than twenty-one (21) calendar days within which the permittee must cure the same. Such period of time may be extended by the City upon application for good cause shown. In the event of failure of the permittee to perform the required work within the time provided, the City may, but shall have no obligation to, cure the deficiency.

(B) The City may recover from the permittee any and all costs of work performed by it pursuant to this Section, including the cost of labor, equipment, materials and administrative costs. The City may apply any deposit, bond, letter of credit, insurance payment or other security in its possession to payment of such costs.

(Ord. 8 §1, 2006)

Sec. 18-40. Revocation of permit.

The City may revoke any permit issued pursuant to this Article if the permittee is found to have violated any of the provisions listed above, or in any of the following circumstances:

- (1) The permittee violates any of the provisions of the ordinances of the City governing the activities authorized by the permit or an approved blasting plan;
- (2) The permittee obtains a permit or blasting plan approval by fraud or misrepresentation;
- (3) The permittee fails to maintain the required insurance, bond or other guarantee of performance during the operations authorized by the permit; or
- (4) Revocation is otherwise necessary to maintain the public health, safety or welfare.

The City shall advise the permittee in writing of the grounds for revocation of the permit, and the permittee may appeal such revocation to the City Council.

(Ord. 8 §1, 2006)

Sec. 18-41. Violation and penalties.

In addition to any other penalties authorized by this Code, the City is authorized to enforce this Article by injunction, including both the enjoining of contemplated acts or omissions in violation of the terms of a permit or approved blasting plan, and mandatory injunction to require the removal of excavation or fill accomplished without or in viola-

tion of the terms of a permit or approved blasting plan. In any such action, the City shall be awarded its costs of suit, including attorneys' fees.

(Ord. 8 §1, 2006)

Sec. 18-42. Fireworks display permit.

(A) A fireworks display permit issued by the City shall be required for the display of fireworks within the City. In order to obtain a permit, the applicant must meet all of the requirements of this Article and all other applicable local, state or federal laws, ordinances, rules and regulations, including but not limited to the Fire Code as adopted from time to time by the City; Article 28, Title 12 of the Colorado Revised Statutes, entitled Fireworks; the requirements of the National Fire Protection Association, NFPA 1124, 1988 edition, Code for the Manufacture, Transportation, and Storage of Fireworks and NFPA 1123, 1990 edition, Standard for Public Display of Fireworks; and the rules and regulations of the Colorado Department of Public Safety, Division of Fire Safety, concerning the transportation, storage and display of fireworks, as each of these may be amended from time to time.

(B) An application for a fireworks display permit shall be submitted to the City Clerk at least twenty (20) days prior to the start of any permitted activities and shall include the following:

- (1) A completed application for a fireworks display permit on a form provided by the City, which shall include a provision by which the applicant agrees to indemnify the City against all claims on account of injury, loss or damage that arise out of or are related to the fireworks display which is the subject of the permit.
- (2) A current fireworks display permit issued by the Colorado Department of Public Safety pursuant to Section 12-28-101, et seq., C.R.S., along with all materials submitted along with the application for such permit.
- (3) Proof of required workers' compensation insurance, if applicable.
- (4) A corporate surety bond in the principal sum of five hundred thousand dollars (\$500,000.00) or a public liability insurance policy for the same amount, for the purpose of the payment of damages to persons or property that arise from or are caused by the fireworks display of a permit holder, and to indemnify the City against any and all damages related to the permitted fireworks display.
- (5) The fee, as set forth in the City's fee schedule.

(C) The City Council may grant a permit for supervised public displays of fireworks to any civic or nonprofit organization or group upon receipt of a complete, written application.

(D) Fireworks display permits shall not be transferable or assignable.
(Ord. 2 §3, 2008)

Sec. 18-43—18-50. Reserved.