

Adopted Fire Code – Milliken, CO

ARTICLE VI - Fire Code⁴¹

Footnotes:

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Editor's note— Ord. No. [692](#), §1, adopted March 12, 2014, repealed former §§ 18-6-10—18-6-40, and enacted new §§ 18-6-10—18-6-40 as set out herein. The former §§ 18-6-10—18-6-40 pertained to similar subject matter and derived from Ord. 440, §1, 2001; and Ord. 481, §1, 2003.

Sec. 18-6-10. - Adoption.

- (a) Pursuant to Title 31, Article 16, Part 2, C.R.S. there is adopted as the building code of the Town, by reference thereto, The International Fire Code, 2012 Edition, issued and published by the International Code Council, 4501 West Flossmoor Road, Country Club Hills IL 60478-5795, including appendices B, C, D, H, I and J, is hereby adopted by reference as the fire code of the District. The purpose of the fire code is to provide minimum standards to safeguard life and limb, health, property and public welfare by regulating 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; and to provide for the issuance of permits and collection of fees therefore. At least one (1) copy of the International Fire Code, 2012 Edition, shall be on file in the office of the fire department, and may be inspected during regular business hours.
- (b) This Code shall be in effect within the territorial limits of the Milliken Fire Protection District.

(Ord. No. [692](#), §1, 3-12-2014)

Sec. 18-6-20. - Copy on file.

At least one (1) copy of the International Fire Code, 2012 Edition certified to be a true copy, and any supplements thereto, shall be on file in the office of the Town Clerk and may be inspected by an interested person between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday, holidays excepted. The code as finally adopted shall be available for sale to the public through the office of the Town Clerk at a moderate price.

(Ord. No. [692](#), §2, 3-12-2014)

Sec. 18-6-30. - Amendments.

The International Fire Code 2012 edition, adopted herein is hereby modified by the following amendments:

(1) Section 202 General Definitions

Where the term "Board" is used, it shall be held to mean the Board of Directors of the Milliken Fire Protection District.

Where the term "Board of Appeals" is used, it shall refer to the District's Board or to the boards established by the applicable municipalities or counties, if any.

Where the term "Bureau of Fire Prevention" is used, it shall be held to mean either the entire Fire Prevention Division or those employees (paid or volunteer) designated by the Chief to carry out enforcement duties relating to the prevention of fires and suppression of arson.

Where the term "Chief" or "Chief of the Bureau of Fire Prevention" is used, it shall be held to mean the Chief of the Milliken Fire Protection District, or a designated member of the District.

Wherever the word "District" is used, it shall mean the Milliken Fire Protection District

Wherever the word "Jurisdiction" is used in the adopted Code and Standards, it is meant to be inclusive of the boundaries of the Milliken Fire Protection District as it now or may hereafter exist.

Where other Codes are referenced, it shall mean the currently adopted codes by either the Town of Milliken or Weld County.

Where NFPA standards are referenced, it shall mean the most recent edition of such standard, except for the National Electric Code which shall be the edition as adopted by either the Town of Milliken or Weld County.

- (2) Section 101.1 amended - Title. IFC Section 101.1 (Title) is amended by the addition of the term "Milliken Fire Protection District" where indicated.
- (3) Section 105.6 amended - Operational Permits. The International Fire Code is amended by deletion of Sections 105.6.11, 105.6.15, 105.6.17, 105.6.29, 105.6.35, 105.6.38, 105.6.46 as published.
- (4) Section 108 amended - Board of Appeals. Section 108 of the International Fire Code is amended by deletion of Section 108.1 as published and adoption of the following:

108.1 Board of Appeals established. The board of appeals is established and governed as the Milliken Fire Protection District Board of Directors.
- (5) Section 109.1 amended - Unlawful Acts. Section 109.1 of the International Fire Code is amended by addition of the following:

109.1.1 Unlawful parking. Vehicles parked in fire apparatus access roads marked in accordance with Appendix D Section 103.6 shall be in violation of the municipal code and model traffic code of the town where located.
- (6) Section 109.4 amended - Violation Penalties. Section 109.4 of the International Fire Code is amended by deletion of Section 109.4 as published and by adoption of the following:

Section 109.4 Violation penalties.

Any person, partnership or corporation who violates this chapter or fails to obey it, or who violates or fails to obey any order made under it, or who builds in violation of any detail statement or specifications or plans submitted and approved under it, or builds in violation of any certificate or permit issued under it, commits a separate offense for each day or part of a day the violation exists. Offenses are punishable according to Colorado law and the Milliken Municipal Code. Imposition of one penalty for any violation shall not excuse the violation, nor permit it to continue; and all such persons shall correct or remedy such violations or defect within a reasonable time.
- (7) Chapter 1 of the International Fire Code is amended by the addition of a new Section 114 to read as follows:

SECTION 114: Enforcement and appeals of the 2012 International Fire Code

The Chief shall enforce the provisions of this Article and the International Fire Code and shall inspect or cause to be inspected all buildings, structures, property, premises, and public places, except for the interior of any private dwelling, in accordance with the procedures set forth in §32-1-1002 (3), C.R.S. All inspections shall be recorded in an inspection report.

A "Notice of Violation or Hazard" may be issued by the Chief or his/her designee concerning violations or hazards which are not corrected on-site during an inspection. Said Notice shall be signed by the inspector and contain, as a minimum, the following information.

- A. Date of inspection;
- B. Name/address of premises inspected;
- C. Name of inspector;
- D. Nature of violations, including specific reference to section/subsections of code;
- E. Date of compliance/re-inspection;
- F. Suggested methods of correction, if applicable;
- G. Right to appeal to Board;
- H. Consequences of failure to correct the violation.

An "Order for Immediate Correction of Hazard" may be issued by the Chief:

- A. For failure to correct a violation or hazard within the time specified in a previously issued Notice of Violation or hazard; or
- B. For violating the code or state statute where said violation renders the building, structure or premises especially liable to fire or is hazardous to the safety of the occupants thereof, or which is so situated as to endanger other property as set forth in § 32-1-1002(3)(c), whether or not a Notice has been previously issued.

An Order shall be signed by the Chief of his/her designee and shall contain, as a minimum, the following information:

- A. Date of issuance;
- B. Name/address of premises inspected;
- C. Nature of violation or hazard;
- D. Time limit for correction;
- E. Right to appeal, if any, to the Board;
- F. Right of appeal to Court and time limit;
- G. Penalties for violation of order;
- H. Signature of Chief or his/her designee;
- I. Acknowledgement of receipt signed by owner, lessee, agent or other responsible person.

An appeal of a Notice of Violation or Hazard may be made to the Board by delivery to the Chief in writing a notice of appeal within five (5) days of the issuance of the Notice of Violation or Hazard. The appeal shall be heard at the next regular meeting or special meeting called for that purpose. The Board may affirm, rescind, or modify the Notice and may enter into such enforcement agreements as it deems proper.

An appeal of an Order for Immediate Correction of Hazard may be made to the Board only if no previous appeal has been made of a previously issued Notice of Violation or Hazard concerning the same violation of hazard. An appeal of an Order must be in writing and filed with the Board within three (3) days of issuance of the Order.

The Board shall hear all such appeals and application for relief and render its decision thereon in accordance with its bylaws, rules and regulations.

In the event no appeal is made to the Board pursuant to this code or to the court pursuant to § 32-1-1002(3), C.R.S., and compliance with the Order and/or correction of the hazard has not occurred, the Board may, upon recommendation by the Chief or upon its own motion, refer the matter to the Town Attorney for prosecution and enforcement.

An appeal shall suspend the time limits for compliance or correction of a fire hazard or hazards, until the appeal is resolved for appeals of a Notice of Hazard which is issued pursuant to the terms contained herein. An appeal shall not suspend the time limit for compliance or correction of life safety deficiencies or violations. An appeal of an Order issued pursuant to the terms contained herein shall not suspend the time limits for compliance or correction, and compliance or correction shall be made or rendered forthwith, unless the Order is suspended by the Board.

- (8) Section 308 amended - Open Flames. Section 308.1.1 of the International Fire Code is amended in part, by the addition of the following language:

The lighting of, and the release of, Sky Lanterns shall be prohibited.

- (9) Section 403.2 amended - Public Safety Plan. Section 403.2 of the International Fire Code is amended by deletion of Section 403.2 as published and by adoption of the following:

403.2 Public Safety Plan. In all occupancies, where the fire code official determines that an indoor or outdoor gathering of persons has a potential adverse impact on public safety through diminished access to buildings, structures, fire hydrants and fire apparatus roads, or where such gatherings adversely affect public safety services of any kind, the fire code official shall have the authority to order the development of, or prescribe a plan for, the provision of an approved level of public safety.

- (10) Section 503.2.3 amended - Surface. Section 503.2.3 of the International Fire Code is amended by deletion of Section 503.2.3 as published and by adoption of the following:

Section 503.2.3 Surface. The full width of fire apparatus access roads shall be constructed with at least the first lift of an approved type of paving material in place and meet all of the construction requirements of the local Design Standards and Construction Specifications.

- (11) Section 503.2.5 amended - Dead Ends. Section 503.2.5 of the International Fire Code is amended in part, by the addition of the following language:

Dead end roads in excess of 1,000 feet are not allowed.

- (12) Section 507.3 amended - Fire Flow. Section 507.3 of the International Fire Code is amended by deletion of Section 507.3 as published and adoption of the following:

507.3 Fire Flow. Fire flow requirements for buildings or portions of buildings and facilities shall be determined in accordance with Appendix B.

- (13) Section 510.1. amended - Emergency responder radio coverage in new buildings. Section 510.1 of the International Fire Code is amended by addition of the following Section 510.1.1 to read as follows:

510.1.1 Where required. Where adequate radio coverage cannot be established within a building, as defined by the fire code official, public safety radio amplification systems shall be installed in the following locations:

1. New buildings with a total building area greater than 50,000 square feet. For the purpose of this section, fire walls shall not be used to define separate buildings.
2. All new basements larger than 10,000 square feet.
3. Existing buildings meeting the criteria of item 1 or 2 of this section undergoing alterations or additions exceeding 50% of the existing aggregate area of the building as of the date of this ordinance.

Exceptions:

1. One and two-family dwellings and townhouses.

2. If approved by the fire code official, buildings that provide a documented engineering analysis indicating the building is in compliance with radio reception levels in accordance with Section 510.4.1 and final fire department testing.

- (14) Section 903.2.8 amended - Group R. Section 903.2.8 of the International Fire Code is amended by addition of the following language:

This section shall apply only to those areas not already exempted by ordinance or resolution by the Town of Milliken and/or Weld County.

- (15) Section 907.1.3 amended - Equipment. Section 907.1.3 of the International Fire Code is amended by deletion of 907.1.3 as published and adoption of the following:

907.1.3 Equipment. Systems and components shall be listed and approved for the purpose which they are installed. Only addressable fire alarm panels will be approved.

Exception: Fire alarm panels that can transmit individual specific initiating device information.

Section 907.1.3.1 Combination fire and security panels. A fire alarm system shall not be used for any purpose other than fire protection or control of fire protection systems. Combination fire and security panels are not permitted.

- (16) Section 908.7 amended - Carbon Monoxide Detection Systems. Section 908.7 of the International Fire Code is amended by addition of the following language at the end of the first paragraph:

Whenever a residential occupancy that has a fuel-fired appliance or attached garage has interior work performed that requires a permit, or whenever a residential property changes ownership or tenancy, a carbon monoxide detector shall be installed within 15 feet of any sleeping areas; those detectors may be battery operated, hard wired, or cord and plug type.

- (17) Section 5003.3.1 amended - Unauthorized discharges. Section 5003.3.1 of the International Fire Code is amended by deletion of Section 5003.3.1 as published and adoption of the following:

5003.3.1 Unauthorized discharges. The owner or person in possession or control of any property or the person in possession or control of any hazardous materials shall immediately notify the fire department when any unauthorized discharge of hazardous materials occurs. The following procedures are required in accordance with Sections 5003.3.1.1 through 5003.3.1.4.

- (18) Section 5704.2.9.6.1 amended - Locations where above-ground tanks outside of buildings are prohibited. Section 5704.2.9.6.1 of the International Fire Code is amended by deletion of Section 5704.2.9.6.1 as published and adoption of the following:

Section 5704.2.9.6.1 Locations where above-ground tanks area prohibited. Storage of Class I and Class II liquids in above-ground tanks outside of buildings is prohibited within the limits established as follows:

1. As addressed by any ordinance or zoning regulation adopted by the Town of Milliken.
2. Any area within unincorporated parts of Weld County within the Fire District which are not zoned industrial districts or agricultural as defined by the Weld County zoning ordinance.

- (19) Section 5706.2.4.4 amended - Locations where above-ground tanks are prohibited. Section 5706.2.4.4 of the international Fire Code is amended by deletion of Section 5706.2.4.4 as published and adoption of the following:

Section 5706.2.4.4 Location where above-ground tanks area prohibited. The storage of Class I and Class II liquids in above-ground tanks is prohibited within the limits established as follows:

1. As addressed by any ordinance or zoning regulation adopted by the Town of Milliken.
2. Any area within unincorporated Weld County within the Fire District which are not zoned industrial districts or agricultural as defined by the Weld County zoning ordinance.

- (20) Section 5806.2 amended - Limitations. Section 5806.2 of the International Fire Code is amended by deletion of Section 5806.2 as published and adoption of the following:

Section 5806.2 Limitation. Storage of flammable cryogenic fluids in stationary containers outside of buildings is prohibited within the limits established as follows:

1. As addressed by any ordinance or zoning regulation adopted by the Town of Milliken.
2. Any area within unincorporated Weld County within the Fire District which are not zoned industrial districts or agricultural as defined by the Weld County zoning ordinance.

- (21) Section 6104.2 amended - Maximum capacity within established limits. Section 6104.2 of the International Fire Code is amended by deletion of Section 6104.2 as published and adoption of the following:

Section 6104.2 Maximum capacity within established limits. Within the limits established by law restricting the storage of liquefied petroleum gas for the protection of heavily populated or congested areas, the aggregate capacity of any one installation shall not exceed the following limits:

1. As addressed by any ordinance or zoning regulation adopted by the Town of Milliken.
2. As addressed by any ordinance or zoning regulation adopted by Weld County.

Exception:

These provisions shall not be interpreted so as to conflict with the provisions of Colorado Revised Statutes Title 8, Article 20 or Title 34 as amended. In the event of any conflict, the more restrictive provision shall prevail.

(Ord. No. [692](#), §3, 3-12-2014)

Sec. 18-6-40. - Variance procedure for propane use.

- (a) The owners of real property within the Town may process a petition for a variance to the Town's restriction on the use of propane as the primary heating source within the Town in accordance with the Town's established variance procedure.
- (b) The following guidelines shall be used by the Board of Trustees to determine whether the granting of this variance is appropriate:
 - (1) If the real estate owned by the applicant is less than one (1) acre in size, there must be adequate spatial buffering. The distance to adjoining property lines and structures shall not be less than fifty (50) feet. The tank shall be visibly buffered from the adjoining properties by berming, landscaping and fencing or a combination of the three (3). The cylinder itself should be placed on a permanent pad. The pad shall be at least four (4) inches above the ground level.
 - (2) The uses of structures adjoining the property for which the variance is being requested are not such that there would be an unreasonable danger to adjoining property owners. Special considerations should be given to locations near public facilities and commercial or industrial areas that use flammable or toxic products.
 - (3) The proximity of the building to a source of natural gas and the cost of connecting to the source. An estimate of the cost of connection shall be documented by a credible bid.
- (c) The Board of Trustees shall condition the grant of this variance upon a review of these conditions not less than every five (5) years, at which time the Board of Trustees shall determine whether the conditions set forth in Subsections (b) above are still applicable and are appropriate for the continued use of propane.

- (d) It is the intent of the Board of Trustees to reduce where possible the number of structures that use propane as their primary heating source, recognizing, however, that under the foregoing terms and conditions propane may be appropriate.

(Ord. No. [692](#), §4, 3-12-2014)

Sec. 18-6-50. - Violation, penalty.

It is unlawful for any person to violate any of the provisions stated or adopted in this Article. Every person convicted of a violation of any provision stated or adopted in this Article shall be punished by a fine not exceeding three hundred dollars (\$300.00), or by imprisonment not exceeding ninety (90) days, or by both such fine and imprisonment.

(Ord. 481 §1, 2003)