

ORDINANCE NO. 2607

INTRODUCED BY: CHACON, DOUGLAS, DOUGLAS, DUKES, FORD, KIM, MADERA,
NOBLE, TETER

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 2021 INTERNATIONAL FIRE CODE AS ADOPTED AND AMENDED, TO ALLOW THE LIMITED USE OF CERTAIN FIREWORKS IN COMMERCE CITY

WHEREAS, on May 15, 2023, through Ordinance 2488, the City Council adopted and amended the 2021 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; and

WHEREAS, pursuant to Section 1-3003(e) of the CCRMC, a \$1000 mandatory penalty for a first offense and a \$2000 mandatory penalty for subsequent offenses are imposed on any person convicted for violations of any CCRMC provision, including the Fire Code, relating to the unlawful possession, manufacture, storage, sale, handling, discharge or use of fireworks, 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 found to be necessary for the preservation of the public health, safety, and welfare and in the public interest. This ordinance is declared to be an emergency ordinance and is enacted pursuant to Section 5.4 of the City Charter. The passage of this ordinance as an emergency ordinance is immediately necessary for the preservation of the public health, safety, and welfare and in the public interest for the reasons set forth in this ordinance.

SECTION 2. Amendment to Fire Code. Section 5-41001 of the C3BC 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.

SECTION 4. Effective Date. This ordinance shall be effective immediately upon passage pursuant to Section 5.4 of the City Charter.

INTRODUCED AND PASSED AS AN EMERGENCY ORDINANCE AND
PUBLIC NOTICE ORDERED THIS 17TH DAY OF JUNE 2024.

CITY OF COMMERCE CITY, COLORADO

Steve J. Douglas, Mayor

ATTEST

Dylan A. Gibson, City Clerk

BEGIN

DIVISION 10. – INTERNATIONAL FIRE CODE

Sec. 5-41000. – Adoption.

The City of Commerce City adopts the 2021 edition of the International Fire Code (IFC) to be known as the City of Commerce City Fire Code, including Appendix Chapters B, C, D, E, F, H, I, J, K, L, M and N and all standards contained in such code and appendix chapters, save and except such amendments as set forth in this article. The IFC is available to view for free on the International Code Council's website.

Sec. 5-41001. – Amendments.

The 2021 edition of the IFC is amended in the following respects and adopted herein as amended:

(a) *Section 101.1, entitled "Title," is amended to read as follows:*

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

(b) *Section 102.11, entitled "Other laws," is amended by the addition of the following:*
In the event of a conflict between the provisions of this code and any county health department, state or federal law, rule or regulation the more restrictive provision shall control.

(c) *Section 103, entitled "CODE COMPLIANCE AGENCY," is deleted in its entirety and the following is added in lieu thereof:*

Section 103 - Code Compliance Agency

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.

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 104.12 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."

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

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Brighton Fire Protection District,” except in Section 104.12 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.”

103.2 Appointment. The fire code official shall be appointed by the chief appointing authority of the jurisdiction.

103.3 Deputies. In accordance with the prescribed procedures of this jurisdiction and with the concurrence of the appointing authority, the fire code official shall have the authority to appoint a deputy fire code official, other related technical officers, inspectors and other employees. Such employees shall have powers as delegated by the fire code official.

(d) Section 104.3, entitled “Right of entry,” is 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.

(e) Section 107, entitled “FEES,” is deleted in its entirety and the following is added in lieu thereof:

Section 107 – Fees

107.1 Payment of fees At the discretion of the city, a permit shall not be valid until the fees prescribed by Article VI, Chapter 5 and other applicable provisions of the Commerce City Revised Municipal Code have been paid, nor shall an amendment to a permit be released until the additional fee, if any, has been paid.

(f) Section 111, entitled “MEANS OF APPEALS,” is deleted in its entirety and the following is added in lieu thereof:

Section 111 – Appeals

111.1 Board of appeals. Appeals of the decisions of the fire code official relating to the application and interpretation of this code shall be to the board of appeals and governed by Section 5-21 of the Commerce City Revised Municipal Code.

(g) Section 112, entitled “VIOLATIONS,” is deleted in its entirety and the following is added in lieu thereof:

Section 112 – Violations

112.1 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.

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112.2 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.

(h) Section 113, entitled "STOP WORK ORDER," is deleted in its entirety and the following is added in lieu thereof:

Section 113 - Stop Work Order

113.1 General. Where the fire code official finds any work regulated by this code being performed in a manner contrary to the provisions of this code, or in a dangerous or unsafe manner, 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.

(i) Section 903.3.1.3, entitled "NFPA 13D sprinkler systems," is amended to read as follows:

903.3.1.3 Residential sprinkler systems. Automatic sprinkler systems installed in Group R-3; Group R-4, Condition 1; and Group R-5 shall be installed throughout in accordance with Section P2904 of the International Residential Code.

(j) The definition for "ACCEPTED ENGINEERING PRACTICE" is added to Section 202 to read as follows:

ACCEPTED ENGINEERING PRACTICE. An engineered design or analysis performed by a registered design professional that conforms to nationally recognized principles, testing or standards; meets the functional intent of this code; and is approved by the building official.

(k) Section 5601.1.3, entitled "Fireworks," is amended to read as follows:

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, CSPC 16 CFR 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 (16) or, when under direct adult supervision, by persons under the age of sixteen (16) years.
6. The possession, manufacture, storage, handling, and use of items, materials, and equipment that are not included in the definition of fireworks pursuant to C.R.S § 24-33.5-

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2001(5)(b), as may be amended.

*****END*****