

## **TOWN OF GYPSUM, COLORADO**

### **ORDINANCE NO. 04 SERIES 2024**

#### **AN ORDINANCE PROVIDING FOR THE ADOPTION AND ENFORCEMENT OF THE GYPSUM FIRE PROTECTION DISTRICT AND GREATER EAGLE FIRE PROTECTION DISTRICT FIRE CODES**

WHEREAS, the Town of Gypsum (“Town”) is a home rule municipality duly organized and existing under Articles XX of the Colorado Constitution and the Town’s Home Rule Charter effective October 21, 1982; and

WHEREAS, by Ordinance No. 1, Series 1985, and pursuant to the provisions of Sections 31-16-201 through 31-16-208 of the Colorado Revised Statutes, as amended, the Town Council adopted the Gypsum Municipal Code (“Code”), consisting of a codification of the Town’s ordinances of a general and permanent nature; and

WHEREAS, the Gypsum Fire Protection District (“Gypsum Fire”) and Greater Eagle Fire Protection District (“Greater Eagle Fire”) each provide fire protection services within the Town’s boundaries; and

WHEREAS, Gypsum Fire, via Resolution 2023-4, readopted the 2021 International Fire Code with amendments (“Gypsum Fire 2021 IFC”), and Greater Eagle Fire, via Resolution 2022-4, adopted the 2021 International Fire Code with amendments (“Greater Eagle Fire 2021 IFC”); and

WHEREAS, pursuant to Section 32-1-1002(1)(d), Colorado Revised Statutes and the provisions of this Ordinance, the Town desires to adopt and allow enforcement of the Gypsum Fire 2021 IFC and Greater Eagle Fire 2021 IFC within the portions of the respective fire protection district boundaries that overlap with the Town’s boundaries; and

NOW, THEREFORE, be it ordained by the Town Council of the Town of Gypsum, Colorado that:

**Section 1. Adoption of Gypsum Fire 2021 IFC.** The Town hereby adopts and approves the Gypsum Fire 2021 IFC, pursuant to the additions, insertions, deletions, and changes prescribed in this Resolution. Gypsum Fire shall have authority to enforce its fire code within the portion of its boundaries that overlap the Town’s boundaries. Any inconsistency between the Gypsum Fire 2021 IFC and the Code shall be resolved in favor of the Code.

**Section 2. Adoption of Greater Eagle Fire 2021 IFC.** The Town hereby adopts and approves the Greater Eagle Fire 2021 IFC, pursuant to the additions, insertions,

deletions, and changes prescribed in this Resolution. Greater Eagle Fire shall have authority to enforce its fire code within the portion of its boundaries that overlap the Town's boundaries. Any inconsistency between the Greater Eagle Fire 2021 IFC and the Code shall be resolved in favor of the Code.

**Section 3. Amendment of Subsection 15.01.030.** Subsection 15.01.030 of the Code is amended pursuant to Exhibit A, attached hereto and incorporated herein by this reference.

**Section 4. Amendment Subsection 15.01.040(7).** Subsection 15.01.040(7) of the Code is amended pursuant to Exhibit A, attached hereto and incorporated herein by this reference.

**Section 5. Public Inspection.** Copies of this ordinance and the Gypsum Municipal Code are available for public inspection at the office of the Gypsum Town Clerk.

**Section 6. Public Hearing:** A public hearing on this Ordinance shall be held on the 12<sup>th</sup> day of March, 2024 at 7:00 p.m. at the Town of Gypsum Town Hall, 50 Lundgren Boulevard, Gypsum, Colorado.

**Section 7. Effective Date.** This Ordinance shall become effective as a permanent Ordinance five (5) days after publication, following final adoption after a public hearing held on the 12<sup>th</sup> day of March, 2024 at 7:00 p.m. at the Town of Gypsum Town Hall, 50 Lundgren Blvd., Gypsum, Colorado.

**Section 8. Severability.** If any portion of this Ordinance, or the Gypsum Municipal Code amended hereby, is found to be void or ineffective, it shall be deemed severed from this Ordinance, and the remaining provisions shall remain valid and in full force and effect.

## **EXHIBIT A**

### **AMENDMENTS TO SECTIONS 15.01.030 and 15.01.040(7) OF THE CODE**

**Subsection 15.01.030.** The following definitions contained in Subsection 15.01.030 are deleted and replaced in their entireties with the following:

(4) *Chief of the fire department* shall mean the head of either Gypsum Fire Protection District or Greater Eagle Fire Protection District, depending on which district has jurisdiction, or their regularly authorized deputies.

(5) *Code* shall mean the International Fire Code and the Fire Code Standards, 2021 Edition, as published by the International Fire Code Institute and as amended from time to time by either the Gypsum Fire Protection District or the Greater Eagle Fire Protection District; the Urban Wildland Interface per the local jurisdiction; the current state adopted edition of National Fire Protection Association Standards for reference; the International Building Code 2021 Edition; the International Residential Code, 2021 Edition; the International Energy Conservation Code, 2018 edition; the International Mechanical Code, 2021 Edition; the International Fuel Gas Code, 2021 Edition; the International Plumbing Code, 2021 Edition; the Edition of the National Electrical Code, and all appendix chapters, as adopted by the State of Colorado; the ICC/ANSI Accessibility Standards 2009 Edition, and the Colorado Manufactured Home Installation Program of the State of Colorado; and all amendments to said codes and standards as of the date of the adoption of this chapter and as set forth in section 15.01.040 of this chapter.

(13) *District fire code official* shall mean the fire chief of either the Gypsum Fire Protection District or Greater Eagle Fire Protection District (depending on which district has jurisdiction), and their duly authorized deputies, inspectors, staff and others reasonably involved in fire code administration and enforcement of existing nonresidential buildings, common areas of existing multi-family residential buildings, activities subject to operational permits, fire alarm systems, and fire sprinkler systems.

**Subsection 15.01.040(7).** Subsection 15.01.040(7) is deleted and replaced in its entirety with the following:

(7) The International Fire Code, 2021 Edition ("Fire Code"), as adopted with amendments by Greater Eagle Fire Protection District and Gypsum Fire Protection District is hereby adopted by the Town and incorporated into this chapter by reference:

(a) The code of the respective fire protection district shall be applicable within the boundaries of that district which overlap the boundaries of the Town. Any inconsistency between the following amendments and the amendments made by the applicable fire protection district shall be resolved in favor of the following amendments.

(b) Add the following Section 104.5.1 "Fire restrictions — declaration, amendment, rescission, or reinstatement" to the Fire Code:

Notwithstanding any provision of this code, in order to reduce the danger of uncontrolled fires starting or spreading within the Town, the Town Manager may, based on an evaluation of the fire danger and after consultation with the Fire Chiefs of the Gypsum Fire Protection District and the Greater Eagle Fire Protection District and the Eagle County Sheriff, declare, amend, rescind, or reinstate fire restrictions within the Town. Fire restrictions may restrict, condition, or prohibit any activities determined to pose the risk of starting or aiding the spread of uncontrolled fire. Fire restrictions shall be imposed by an order signed by the Town Manager stating its effective date, which may be immediately upon signature, its duration, which may be until repealed, and all restricted, conditioned, or prohibited activities. The Town Manager's order shall immediately be published on the Town's website and posted at the Town Hall. The Town Manager's order shall be promptly scheduled for consideration at a regular meeting of the Town Council, at which time the Council shall by resolution either confirm, modify, or rescind the Town Manager's order.

(c) Section 105.1.1 – "Permits required" – of the Fire Code is deleted in its entirety and replaced with the following:

105.1.1 Permits required. Operational permits required by this code shall be obtained from the District Fire Code Official. Construction permits required by this code shall be obtained from the Town Fire Code Official or designee. Permit fees, if any, shall be paid prior to issuance of the permit. Issued permits shall be kept on the premises designated therein at all times and shall be readily available for inspection.

(d) Section 105.1.3 - "Multiple permits for the same location" – is deleted in its entirety and replaced with the following:

105.1.3 Multiple permits for the same location. When more than one permit is required for the same location, the District Fire Code Official is authorized to consolidate operational permits into a single operational permit, and the Town Fire Code Official is authorized to consolidate construction permits into a single construction permit, provided that each provision is listed in the permit. A construction permit and an operational permit may not be consolidated into a single permit.

(e) Amendment of Section 105.2, 105.4, and 105.5. The phrase "fire code official" as used throughout Sections 105.2, 105.4, and 105.5, and their subsections, is deleted and replaced with the phrase "respective Fire Code Official."

(f) Amendment of Section 105.6 - "Required operational permits." The phrase "fire code official" as used throughout Section 105.6 and its subsections, is deleted and replaced with the phrase "District Fire Code Official."

(g) Section 307.2 – “Permit required” is deleted and replaced with the following:

307.2 Permit required. A permit is required prior to kindling a fire for recognized silvicultural or range or wildfire management practices, prevention, or control of disease or pests, or a bonfire. Application for such approval shall only be presented by and permits issued to the owner of the land upon which the fire is to be kindled and shall be obtained from the District Fire Code Official. Any other permitting approvals required by other jurisdictions, including but not limited to air quality permitting, must be obtained from the appropriate entity.

(h) Amendment of Chapter 45 "REFERENCED STANDARDS." Chapter 45, and all other references to the National Fire Protection Association standards, are revised to refer to the current edition of the NFPA.