

**TOWN OF MINTURN, COLORADO
ORDINANCE NO. 8 - SERIES 2011**

**AN ORDINANCE OF THE TOWN OF MINTURN REPEALING AND
REENACTING SECTIONS 18-5-10 AND 18-5-20 OF CHAPTER 18 OF
THE TOWN OF MINTURN MUNICIPAL CODE TO ADOPT BY
REFERENCE THE 2009 EDITION OF THE INTERNATIONAL FIRE
CODE**

WHEREAS, in promotion of the public health, safety and welfare of the inhabitants of the Town of Minturn, the Town Council desires to update its ordinances by adopting the 2009 International Building Codes with amendments; and

WHEREAS, section 11.11 of the Home Rule Charter and section 31-16-202, C.R.S., as amended, permit the contemplated adoption by reference of such codes upon notice and hearing as provided in Section 31-16-203, C.R.S.; and

WHEREAS, the Minturn Town Council held a public hearing, with proper notice provided, to consider adoption of such International Codes as required by law; and

WHEREAS, copies of said International Codes are available in the Planning Office at the Minturn Town Center; and

WHEREAS, the Town Council has determined, based on the evidence and testimony presented at the public hearing, that the adoption of these codes, as amended herein, will further the health, safety and welfare of the inhabitants of Minturn; and

NOW, THEREFORE, THE TOWN OF MINTURN, COLORADO, ORDAINS as follows:

Section 1. Article 2 of Chapter 18 of the Minturn Municipal Code is hereby repealed and reenacted to read as follows:

Section 18-7-10. International Fire Code adopted.

a) The *International Fire Code*, 2009 Edition 2nd printing as published by the International Code Council, 500 New Jersey Avenue, NW, 6th Floor, Washington, DC 20001 is hereby adopted by reference as the Town of Minturn Fire Code as if fully set out in this Ordinance with the additions, deletions, insertions and changes as set forth in this Article.

(b) No building shall be hereafter constructed, erected, enlarged, altered, or moved into the Town unless the same shall, as to design, construction, quality of materials and workmanship, conform with the IFC, as adopted and as amended.

Section 18-7-20. Amendments.

The following sections of the 2009 International Fire Code are hereby revised as follows:

- (1) Section 109.3 Violation Penalties shall be amended to read: Persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter or do work in violation of the approved construction documents or directive of the fire code official, or of a permit or certificate used under provisions of this code, shall be guilty of misdemeanor, punishable by a fine of not more than one thousand dollars (\$1,000.00) or by imprisonment not exceeding one (1) year, or by both such fine and imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense. The imposition of a penalty for any violation of this code 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 specifies, each day that a violation occurs or that a prohibited condition is maintained shall constitute a separate offense. The application of the above penalty or penalties shall not be held to prevent the enforced removal of any prohibited condition.

109.3.1 Abatement of violation. In addition to the imposition of the penalties herein described, the fire code official is authorized to institute appropriate action to prevent unlawful construction or to restrain, correct or abate a violation; or to prevent illegal occupancy of a structure or premises; or to stop an illegal act; conduct of business or occupancy of structure on or about any premises.

109.3.2 Issuance of summons and complaint by fire code official. Pursuant to the general enforcement powers conferred upon fire protection districts in Section 30-15-401.5, C.R.S. to enforce fire safety standards, and subject to the provisions of this code, the fire code official 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 the Eagle County Court or the Municipal Court of the Town in which the violation is alleged to have occurred. The fire code official shall file executed summonses and complaints with Clerk of the County Court or the Clerk of the Municipal Court, and notify the District Attorney or the Town Attorney, as appropriate, of such filing.

- (2) Section 307 is repealed and replaced with the following:

Section 307

Recreational Fires

307.1 General. A person shall not kindle or maintain or authorize to be kindled or maintained any open burning unless conducted in accordance with this section.

307.1.2. Definition. For the purposes of this section, a recreational fire is defined as the burning of clean fire wood where the fuel area is no greater than three (3) feet in diameter and two (2) feet or less in height for pleasure, religious, ceremonial, cooking or similar purposes.

307.2 Prohibited burning. Outdoor burning that will be offensive or objectionable due to excessive smoke or odor emissions when atmospheric conditions or local circumstances make such fires hazardous shall be prohibited. Open burning of rubbish containing paper products, garbage, solid waste, rubber or other petroleum based products (including tires), building material, roofing material, animal carcasses, plastics, tree limbs and leaves, and lawn clippings shall be prohibited.

307.2.1 Extinguishment Authority. The Eagle River Fire Protection District and Minturn Police Department are authorized to order the extinguishment of any recreational fire that creates or adds to a hazardous or objectionable situation.

307.3 Location. The location for recreational fires shall not be less than five (5) feet from any property line and ten (10) feet from any neighboring structure including wooden fences.

307.3.1 Fires within the 30' river setback. No recreational fires shall be permitted within thirty (30) feet of the high water mark of any live stream in the Town of Minturn. Portable cooking devices may be used in this area; however, the dumping of ash in the river or setback area is strictly prohibited.

307.4 Attendance. Recreational fires and portable outdoor fireplaces shall be constantly attended until the fire is extinguished. A minimum of one portable fire extinguisher complying with Section 906 with a minimum 4-A rating or other approved on-site fire extinguishing equipment, such as dirt, sand, water barrel, garden hose or water truck, shall be available for immediate utilization.

307.5 Additional Requirements. The following restrictions shall apply to all recreational fires and portable outdoor burning devices:

1. No recreational fire shall exceed three feet in diameter or two feet in height.
2. Only natural wood which has not been painted, varnished or coated with a similar material, has not been pressure treated with a preservative and does not contain resins or glues as in plywood or other composite wood products shall be used for a recreational fire.

307.6 Bonfires. The Town of Minturn reserves the right to conduct a bonfire in accordance with guidelines established by the Eagle River Fire Protection District.

Section 2. **Severability.** If any part, section, sub-section, clause or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance; and the Town Council for the Town of Minturn, Colorado hereby declares it would have passed this ordinance and each part, section, sub-section, sentence, clause or phrase thereof, irrespective of the fact that any one or more parts, sections, sub-sections, sentences, clauses or phrases be declared invalid.

Section 3. The Town Council hereby finds, determines and declares that this Ordinance is necessary and proper for the health, safety and welfare of the Town of Minturn and the inhabitants thereof.

Section 4. The repeal or the repeal and re-enactment of any provision of the Minturn Municipal Code as provided in this ordinance shall not affect any right which has accrued, and duty imposed, any violation that occurred prior to the effective date hereof, any prosecution commenced, nor any other action or proceeding as commenced under or by virtue of the provision repealed or repealed and re-enacted. The repeal of any provision hereby shall not revive any provision or any ordinance previously repealed or superseded unless expressly stated herein.

INTRODUCED, TITLE READ IN FULL, APPROVED ON FIRST READING AND ORDERED PUBLISHED IN FULL THE 4 DAY OF MAY, 2011. A PUBLIC HEARING ON THIS ORDINANCE SHALL BE HELD AT THE REGULAR MEETING OF THE TOWN COUNCIL OF THE TOWN OF MINTURN, COLORADO, ON THE 18TH DAY OF MAY, 2011, AT 7 P.M. IN THE MINTURN TOWN CENTER IN THE TOWN OF MINTURN, COLORADO.

Howe Klee Flaherty

Mayor

Attest:

[Signature]

Town Clerk



THE TOWN OF MINTURN, COLORADO, ORDAINS THIS ORDINANCE READ BY TITLE, ENACTED AND ORDERED PUBLISHED BY TITLE ONLY ON SECOND READING THIS 18th DAY OF MAY, 2011.

Howe Klee Flaherty

Mayor

Attest:

[Signature]

Town Clerk



TOWN OF MINTURN ORDINANCE CHECKLIST

ord 8-2011

FIRST READING

5/4/11 The ordinance shall be introduced and read by title at any regular or special meeting. Copies shall be available to the public.

Pub 5/11/11 If the ordinance is approved on first reading, Mayor and Clerk must sign ordinance after first reading. It shall be published in full in a newspaper of general circulation within the Town. The minutes shall reflect number of votes for and against each ordinance.

_____ If the ordinance is tabled, it shall be reconsidered at subsequent meetings until it is approved with or without amendment or rejected by vote of the Council.

_____ The Council shall set a day, hour and place at which the Council shall hold a public hearing on the ordinance, and notice of such day, hour and place shall be included in the first publication.

SECOND READING

_____ The ordinance shall be introduced a second time at the meeting at which the public hearing on the ordinance is held. The ordinance may be read by title only on second reading. The ordinance may be amended before final approval or rejection by vote of the Council. The text of any such amendment or amendments shall be read in full.

_____ If the ordinance is substantially amended it shall be published in full after final passage. If not amended in substance, it may be published either by title or in full, as the Council may determine, after final passage.

_____ The minutes shall reflect the number of votes for and against the ordinance.

_____ A true copy of every ordinance shall be numbered and recorded in the official records of the Town. Its adoption and publication shall be authenticated by the signatures of the Mayor or Mayor Pro Tem and the Town Clerk and by the certificate of publication. Proof of publication for both readings shall be attached to the ordinance.

_____ The effective date of ordinances is seven (7) days after publication following final passage unless a later date is prescribed in the ordinance.

Mon, May 09, 2011

09:16:56

6507034

Ad Ticket #5

Acct: 1003134
Phone: (303)827-5645

Name: Town of Minturn
Address: PO Box 309

E-Mail:
Client:
Caller: Jay

City: Minturn
State: CO

Zip: 81645-0309

Receipt

Ad Name: 6507034D

Original Id: 0

Editions: 8VD/8VDI/

Class: 0990

Start: 05/11/11

Stop: 05/11/11

Color:

Issue 1

Copyline: 6507034 Ordinance No 8-2011

Rep: Pam Schultz

Lines:	148
Depth:	12.31
Columns:	2
Discount:	0.00
Commission:	0.00
Net:	0.00
Tax:	0.00
Total	281.20
Payment	0.00

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Ad shown is not actual print size

Thu, May 19, 2011
6548292

12:04:46

Ad Ticket #5

Acct: 1003134
Phone: (303)827-5645
E-Mail:
Client:
Caller: Jay Brunvand
Receipt

Name: Town of Minturn
Address: PO Box 309

City: Minturn
State: CO
Zip: 81645-0309

Ad Name: 6548292A

Original Id: 0

Editions: 8VD/8VDII

Class: 0990

Start: 05/21/11

Stop: 05/21/11

Color:

Issue 1

Copyline: Ordinance No 8-2011 6548292

Rep: Pam Schultz

**TOWN OF MINTURN, COLORADO
ORDINANCE NO. 8 - SERIES 2011**

Lines:	23
Depth:	1.93
Columns:	1
Discount:	0.00
Commission:	0.00
Net:	0.00
Tax:	0.00
Total	21.85
Payment	0.00

AN ORDINANCE OF THE TOWN OF MINTURN REPEALING AND REENACTING SECTIONS 18-5-10 AND 18-5-20 OF CHAPTER 18 OF THE TOWN OF MINTURN MUNICIPAL CODE TO ADOPT BY REFERENCE THE 2009 EDITION OF THE INTERNATIONAL FIRE CODE

INTRODUCED, READ BY TITLE, PASSED ON SECOND READING, APPROVED AND ORDERED PUBLISHED IN FULL THIS 18TH DAY OF MAY, 2011.

Mayor

Attest:

Town Clerk

Published in the Vail Daily May 21, 2011.
(6548292)

Ad shown is not actual print size