

**TOWN OF FRISCO
COUNTY OF SUMMIT
STATE OF COLORADO
ORDINANCE 21- 10**

AN ORDINANCE AMENDING CHAPTER 65 OF THE CODE OF ORDINANCES OF THE TOWN OF FRISCO, COLORADO, CONCERNING BUILDING CONSTRUCTION AND HOUSING STANDARDS, BY AMENDING SECTIONS 65-1 AND 65-4, CONCERNING THE ADOPTION OF AND AMENDMENTS TO THE INTERNATIONAL FIRE CODE, TO AMEND PROVISIONS CONCERNING STANDARDS AND PROCEDURES RELATED TO OPEN FIRES AND RECREATIONAL FIRES.

WHEREAS, the Town of Frisco, Colorado ("Town") is a home rule municipality, duly organized and existing under Article XX of the Colorado Constitution; and

WHEREAS, the Town has previously adopted, with amendments, the International Fire Code, 2018 Edition (the "Fire Code"); and

WHEREAS, based upon the recommendation of the Summit Fire and EMS Authority (the "District"), the Town desires to amend the Fire Code as it relates to open burning and recreational fires, to create better consistency in permitting procedures between the various local jurisdictions that are served by the District.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF FRISCO THAT:

Section 1. Subsection 65-1 C. of the Code of Ordinances of the Town of Frisco (the "Code"), concerning adoption of the International Fire Code, is hereby amended to read as follows:

C. *The International Fire Code*, including Appendix Chapters B, C, D, E, F, G, H, I, J, K, N, and amended Appendix Chapters O and P, 2018 Edition, First Printing: August 2017, Published by the International Code Council, Inc., 4051 West Flossmoor Road, Country Club Hills, IL 60478-8795 (the "*International Fire Code*"), all to have the same force and effect as if set forth herein in every particular. The subject matter of the adopted code includes comprehensive provisions and standards for the construction and maintenance of buildings and structures and is adopted for the purpose of protecting the public health, safety and general welfare;

Section 2. Subsection 65-4 (13) of the Code of Ordinances of the Town of Frisco (the "Code"), concerning definitions of terms, is hereby amended to read as follows:

(13) Section 202 General Definitions, is amended by amending portions of the existing list of definitions to read as follows:

CONTROLLED BURNING. Any fire intentionally ignited to meet specific land management objectives, such as to reduce flammable fuels, restore forest or ecosystem health, recycle nutrients, or prepare an area for new trees or vegetation. Controlled burning may also be known by the terms “Prescribed Burning” or “Pile Burning.”

DEFENSIBLE SPACE. The selection, location, grouping, and maintenance of vegetation on the property in such a manner that the opportunity for fire to burn directly to a structure is minimized.

FIRE AREA. The aggregate floor area enclosed and bounded by fire walls meeting the requirements of Section 706 of the International Building Code and exterior walls or horizontal assemblies of a building. Areas of the building not provided with surrounding walls shall be included in the fire area if such areas are included within the horizontal projection of the roof or floor next above. For buildings constructed under the International Residential Code, the fire area is the aggregate floor area enclosed and bounded by exterior walls of a building.

FIREWISE® LANDSCAPING is defined as trees, shrubs, and other materials which meet the criteria for fire resistant landscaping.

GROUND FUELS. All combustible materials on, in or near the ground such as grass, duff, loose surface litter, tree or shrub roots, rotting wood, leaves, peat, or sawdust that typically support combustion.

MITIGATION. Action that moderates the severity of a fire hazard or risk.

MOBILE FOOD PREPARATION VEHICLES. Vehicles that contain cooking equipment for the purpose of preparing and serving food to the public. Vehicles intended for private recreation shall not be considered mobile food preparation vehicles.

MOBILE FUELING. The operation of dispensing liquid fuels from tank vehicles into the fuel tanks of vehicles. Mobile fueling may also be known by the terms “Mobile fleet fueling,” “Wet fueling,” “Wet hosing,” or “Hot fueling.”

OCCUPANCY CLASSIFICATION. For the purposes of this code, certain occupancies are defined as follows:

Institutional Group I-1.

Five or fewer persons receiving custodial care. A facility with five or fewer persons receiving custodial care shall be classified as Group R-3 or shall comply with the International Residential Code provided an automatic sprinkler system is installed in accordance with Section 903.3.1.3.

Institutional Group I-2.

Five or fewer persons receiving medical care. A facility with five or fewer persons receiving medical care shall be classified as Group R-3 or shall comply with the International Residential Code provided an automatic sprinkler system is installed in accordance with Section 903.3.1.3.

Residential Group R-3.

Care facilities within a dwelling. Care facilities for five or fewer persons receiving care that are within a single-family dwelling are permitted to comply with the International Residential Code provided an automatic sprinkler system is installed in accordance with Section 903.3.1.3.

PERMANENT OUTDOOR FIREPLACE OR FIRE RING. ~~Is a~~ A permanently constructed fixture feature with a screen that prevents ember emissions and without air gaps in surrounding sides and ~~has a solid bottom or earthen bottom free of roots and other organic material, used to contain campfires and prevent them from spreading and turning into wildfires.~~

PORTABLE OUTDOOR FIREPLACE OR CHIMINEA. A commercially designed and manufactured device ~~that is purchased that has with~~ with a screen that prevents ember emissions ~~from the device and that is placed on a surface barren or combustible materials.~~

RECREATIONAL FIRE. An outdoor fire on private land contained to a commercially designed and manufactured fireplace, a permanent outdoor fireplace or fire ring, or a portable outdoor fireplace or chiminea that is assembled, located, and operated in accordance with the manufacturer's or designer's instructions. The fire shall not exceed a total fuel area of 3 feet (914 mm) or less in diameter and 2 feet (610mm) or less in height. A ~~non-toxic~~ solid fuel source such as wood or charcoal ~~gas (i.e. propane or natural gas)~~ must be used and the fire is must be intended for pleasure, religious, ceremonial, cooking, warmth or similar purposes. Recreational fire shall not be used for the purpose of waste removal or trash incineration.

STRUCTURE IGNITION ZONE. The area around a specific structure and associated accessory structures, including all vegetation that contains potential ignition sources and fuels.

TREE CROWN is the needle or leaf bearing part of a tree. The crown edge is the tree's drip edge.

WILDLAND-URBAN INTERFACE. An area where wildland fuels abut structures, with a clear line of demarcation between residential, business, and public structures and wildland fuels

Section 3. Section 65-4 of the Code of Ordinances of the Town of Frisco (the “Code”), concerning amendments to the International Fire Code, is hereby amended by the addition of a new subsection 16.1 to read as follows:

(16.1) Section 307.4.3 is amended to read as follows:

307.4.3 Portable outdoor fireplaces and chimineas. Portable outdoor fireplaces and chimineas shall be used in accordance with the manufacturer’s instructions and shall not be operated within 15 feet (3048 mm) of a structure or combustible material.

Exception: ~~Portable outdoor fireplaces used at one- and two-family dwellings.~~

Section 4. Section 65-4 of the Code of Ordinances of the Town of Frisco (the “Code”), concerning amendments to the International Fire Code, is hereby amended by the addition of a new subsection 16.2 to read as follows:

(16.2) Section 307.5 is amended to read as follows:

307.5 Attendance. *Open burning, bonfires, recreational fires,* and the use of *portable outdoor fireplaces and chimineas* shall be constantly attended until the fire is extinguished. Not fewer than one portable fire extinguisher complying with section 906 with a minimum 4 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.

Section 5. Subsection 65-4 (86), concerning the adoption of a new Appendix O to the International Fire Code, concerning open burning and recreational fires, is hereby deleted in its entirety and is of no further force or effect.

Section 6. Savings Clause. If any part, section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional or invalid, the remainder of this ordinance shall continue in full force and effect, it being the legislative intent that this ordinance would have been adopted even if such unconstitutional or invalid matter had not been included herein.

Section 7. Effective Date. This ordinance shall become effective in accordance with the home-rule Charter of the Town of Frisco, Colorado.

INTRODUCED, PASSED ON FIRST READING AND PUBLICATION AND
POSTING ORDERED THIS _____ DAY OF _____, 2021.

TOWN OF FRISCO, COLORADO:

Hunter Mortensen, Mayor

ATTEST:

Deborah Wohlmuth, CMC, Town Clerk

INTRODUCED, PASSED ON SECOND READING AND PUBLICATION AND
POSTING ORDERED THIS _____ DAY OF _____, 2021.

TOWN OF FRISCO, COLORADO:

Hunter Mortensen, Mayor

ATTEST:

Deborah Wohlmuth, CMC, Town Clerk