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¹ Chapter 3, Sections 8-1 through 8-3 is repealed and re-enacted. (Ord. 1806, eff. 1-13-06)

² Chapter 8, Article 3, Sections 8-9 through 8-13 is repealed and re-enacted. (Ord. 1792, eff. 7-1-05)

CHAPTER 8. FIRE PREVENTION.

ARTICLE 1. FIRE PREVENTION CODE.

Section 8-1. International Fire Code.

The International Fire Code, 2003 Edition as published by the International Code Council, 5203 Leesburg Pike, Suite 600, Falls Church, Virginia 22041-3401, Chapters 1 through 45 inclusive, is hereby adopted by reference as the City of Trinidad Fire Code as if fully set out in this ordinance with additions, deletions, insertions and changes as follows. At least one copy of said 2003 Edition of the Code as above set forth has been and is now filed in the office of the City Clerk. (Ord. 1806, eff. 1-13-06)

1. **IFC Section 101.1. Title.** Insert: "City of Trinidad" where indicated.
2. **IFC Section 109.3. Violation Penalties.** Insert: "Misdemeanor" where indicated for offense. Insert: "Up to One Thousand Dollars (\$1000.00) or by imprisonment for not more than ninety (90) days, or both such fine and imprisonment" where indicated for penalty.
3. **IFC Section 111.4. Failure to Comply.** Insert: "Up to One Thousand Dollars (\$1000.00)."
4. **IFC Section 3204.3.1.1. Delete Section 3204.3.1.1 in its entirety and substitute as follows:**

IFC Section 3204.3.1.1. Location. Stationary containers shall be located in accordance with Section 3203.6. Containers of cryogenic fluid shall not be located within diked areas containing other hazardous materials.

Storage of flammable cryogenic fluids in stationary containers outside of buildings is prohibited within all zoning classifications, except areas encompassed by the Industrial Zone district only by Special Use Permit.

5. **IFC Section 3404.2.9.5.1. Delete Section 3404.2.9.5.1 in its entirety and substitute as follows:**

IFC Section 3404.2.9.5.1. Locations where above-ground tanks are prohibited. Storage of Class I and II liquids in above-ground tanks outside of buildings is prohibited within all zoning classifications, except areas encompassed by the Industrial Zone district only by Special Use Permit.

6. **IFC Section 3406.2.4.4. Delete Section 3406.2.4.4 in its entirety and substitute as follows:**

IFC Section 3406.2.4.4. Locations where above-ground tanks are prohibited. The store of Class I and II liquids in above-ground tanks is prohibited within all zoning classifications, except areas encompassed by the Industrial Zone district only by Special Use Permit.

7. **IFC Section 3804.2. Delete Section 3804.2 in its entirety and substitute as follows:**

IFC Section 3804.2. 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 a water capacity of 2,000 gallons (7570L). Such storage is prohibited within all zoning classifications, except areas encompassed by the Industrial Zone district only by Special Use Permit.

Section 8-1.1. Severability.

Should any one or more sections or provisions of this Ordinance or of any of the primary or secondary codes adopted by reference be judicially determined invalid or unenforceable, such judgment shall not affect, impair or invalidate the remaining provisions of this Ordinance or the codes adopted by reference hereby, the intention being that the various sections and provisions are severable. (Ord. 1806, eff. 1-13-06)

Section 8-1.2. Repeal.

Any and all ordinances or codes or parts thereof in conflict or inconsistent herewith are, to the extent of such conflict or inconsistency, hereby repealed; provided, however, that the repeal of any such ordinance or code or part thereof shall not revive any other section or part of any ordinance or code heretofore repealed or superseded and this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance hereby repealed prior to the effective date of the Ordinance. (Ord. 1806, eff. 1-13-06)

Section 8-1.3 Effective Date.

Except as otherwise expressly provided herein, the provisions enacted by this Ordinance shall become effective at 12:01 a.m. on **January 13, 2006**. (Ord. 1806, eff. 1-13-06)

ARTICLE 2. GENERAL PROVISIONS.

Section 8-4. Fire Department – Creation and membership.

(1) There is created a Fire Department which shall consist of a Chief and as many firefighters necessary to properly handle and manipulate the apparatus of the Department, to provide adequate fire protection for the citizens of the City of Trinidad. Such protection shall be extended to the Trinidad Industrial Park and may be otherwise extended beyond the corporate limits of the City by contractual relationship with fire district corporations or other legal entities.

(2) The City Manager shall by rules and regulations define the duties, functions and powers of the Fire Department.

Section 8-5. Firefighters – Uniforms.

All members of the Fire Department are required to dress in such uniform as is or may be prescribed by Department Rules and Regulations. Uniforms shall be kept in a neat and clean condition and shall be worn at all times during hours of duty.

Section 8-6. Inspection of buildings and other premises; order to abate.

(1) It shall be the duty of the Fire Department to inspect as often as may be necessary, all buildings, premises and public thoroughfares, except the interiors of private dwellings, for the purpose of ascertaining and causing to be corrected any conditions liable to cause fire, or any violations of the provisions or intent of any ordinance of the City pertaining to fire hazards.

(2) Whenever any Fire Department personnel shall find in any building or upon any premises or other place, combustible or explosive matter or dangerous accumulation of rubbish or unnecessary accumulation of water paper, boxes, shavings, or any other highly inflammable materials, and which is so situated as to endanger life or property, or shall find obstructions to or on fire escapes, stairs, passageways, doors or windows, liable to interfere with the operations of the Fire Department, or egress of occupants, in case of fire, he/she shall order the same to be removed or remedied. Such order shall be issued in conformance with the procedures set forth in Section 16-64 of this Code.

Section 8-7. Destruction of buildings to check fire.

In the process of combating a structure fire, the Chief of the Fire Department, or in his/her absence, his/her representative, may order any buildings that are in close proximity thereto to be removed or otherwise disposed of, for the purpose of checking such structure fire.

Section 8-8. Spectators at fire to obey orders.

Every person in the immediate vicinity of a fire, shall be subject to any obedient to any lawful order of the Chief or any firefighter in extinguishing the fire and removing the protecting property, and any person who shall neglect or refuse such orders shall be guilty of a misdemeanor.

ARTICLE 3. FIREWORKS.¹

Section 8-9. Fireworks - Casting, throwing or firing.

It shall be unlawful for any person to cast, throw or fire any fireworks of any kind within the corporate limits of the City. (Ord. 1792, eff. 7/1/05; Ord. 1267, Sec. 1, 5/21/85)

Section 8-10. Fireworks - Exhibition and possession.

It shall be unlawful for any person to exhibit or have in his/her possession with intent to use, give away or sell or offer for sale, any fireworks of any kind. (Ord. 1792, eff. 7/1/05; Ord. 1267, Sec. 1, 5/21/85)

Section 8-11. Fireworks - Defined.

(1) "Fireworks" as used in Sections 8-9, 8-10, and 8-11.1 shall mean any article, device or substance of a combustible or explosive composition, or any substance or device prepared for the purpose of producing a visible or audible effect by combustion, explosion, deflagration or detonation. Fireworks include, but are not limited to: blank cartridges, toy pistols, toy canes or toy guns in which explosives are used where the explosive content of the device or cap exceeds sixteen milligrams of

pyrotechnic composition per item; firecrackers; torpedoes; sky rockets; Roman candles, cone and cylindrical fountains; spinning wheels; ground or aerial spinners; illuminating torches and colored fire in any form that utilizes a pyrotechnic composition; dipped sticks and sparklers; explosive auto alarms; chasers; toy propellant devices and toy smoke devices; snakes and glow worms; cigarette loads; trick matches; trick noisemakers; any device containing an explosive or flammable compound; any tablet or device containing an explosive or flammable compound; any tablet or device containing an explosive substance and any other device of like construction. (Ord. 1792, eff. 7/1/05)

(2) *Fireworks* shall not include:

- (a) Toy caps which do not contain more than sixteen milligrams of pyrotechnic composition per item or toy pistols, toy canes or toy guns or other devices for use with such caps. (Ord. 1792, eff. 7/1/05)
- (b) Party poppers containing not more than sixteen milligrams of pyrotechnic composition per item that is friction sensitive; and snappers containing not more than one milligram of explosive composition per item. (Ord. 1792, eff. 7/1/05)
- (c) Highway flares, railway fuses, ship distress signals, smoke candles, or any other emergency signal devices only when used for emergency purposes. (Ord. 1792, eff. 7/1/05; Ord. 1267, Sec. 3, 5/21/85)

Section 8-11.1 Seizure of fireworks.

Personnel of the City's Police and Fire Departments are authorized to seize, destroy or otherwise dispose of all fireworks used or possessed in violation of Sections 8-9 and 8-10 of this Code. (Ord. 1792, eff. 7/1/05; Ord. 1963, eff. 6/28/02, Ord. 1726, 6/13/03)

Section 8-12. Exemption from prohibitions.

The provisions of Sections 8-9, 8-10, and 8-11.1 shall not apply to any public or private demonstration or display of fireworks of any kind so long as a permit shall first be obtained from the Fire Chief. The Fire Chief shall determine that such demonstration or display will be conducted in a manner that is not deemed to be hazardous to life or property. In order to ensure compliance with said permit, the demonstration shall be conducted under Fire Department supervision. (Ord. 1792, eff. 7/1/05; Ord. 1267, Sec. 4, 5/21/85)

Section 8-13. Penalty for violation.

Any person who violates Sections 8-9 or 8-10 shall, upon conviction, be sentenced as provided in Section 1-8 and subject to the terms of Section 8-12. (Ord. 1792, eff. 7/1/05; Ord. 1267, Sec. 5, 5/21/85)