

ORDINANCE NO. 349

AN ORDINANCE CONCERNING THE FIRE DEPARTMENT AND CREATING A BUREAU OF FIRE PREVENTION; PROVIDING FOR FIRE PROTECTION AND PRESCRIBING FIRE PREVENTION AND SAFETY RULES AND REGULATIONS AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF; REPEALING ARTICLE I AND ARTICLE II OF ORDINANCE NUMBER 1; SECTIONS I AND II OF ORDINANCE NUMBER 11; ORDINANCE NUMBER 31; ORDINANCE NUMBER 155; ORDINANCE NUMBER 255; SECTIONS 63 and 64 OF ARTICLE IV OF ORDINANCE NUMBER 332.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GOLDEN, COLORADO:

Section 1. Definitions:—The words, phrases and terms used in this ordinance shall be construed as follows, unless the context may otherwise require:

(a) The term "street" shall apply to and include any public street, thoroughfare, roadway, alley, or lane within the corporate limits of the City of Golden.

(b) The term "motor vehicle" shall include all vehicles propelled by power other than muscular power excepting devices operated upon stationary rails or tracks.

(c) The term "vehicles" shall include every device in, upon, or by which persons or property may be transported.

(d) The term "driver" shall apply to and include the person who operates, drives, or is in charge of a vehicle.

(e) The term "street intersection" shall apply to any street which joins another at an angle, whether it crosses or not.

(f) The term "person" shall denote and include any person, party, firm, or corporation either singular or plural.

(g) The term "fire apparatus" shall include all fire trucks, hook and ladder, hose carts or trucks, and any other vehicles used by the fire department in the performance of its duties.

(h) The term "incinerator" shall be deemed to mean a container made of metal, cement, brick, or a combination of same that is used for burning of trash.

ARTICLE I

Section 1. Chief, Assistant Chief, Fire Marshal, Secretary-Treasurer, Fire Marshal Assistants-Duties.

The fire department of the City of Golden shall consist of a Chief, Assistant Chief, Secretary-Treasurer, Fire Marshal and Assistants, and the members of each and every regularly organized fire company now existing, or that may hereafter exist in the City of Golden.

Section 2. The fire department shall elect a Chief, Assistant Chief, Secretary-Treasurer, Fire Marshal and Assistants in March of each year, and such officers of the fire department so elected shall take office and assume their respective duties on the first day of April of each year. The names of said officers so elected shall be certified to the City Manager or Mayor by the fire department, and the City Manager or Mayor shall confirm the election of the persons so recommended. In case of a vacancy in any of said offices by death, resignation, remov-

al, or otherwise the fire department shall within ten days after such vacancy occurs elect and certify to the City Manager or Mayor the name or names of person or persons to fill such office, and the City Manager or Mayor shall confirm the election of the person or persons so recommended.

Section 3. The Chief of the fire department shall have the superintendence and control of all engine houses, hose, hose carriages, hook and ladder trucks and equipment, and fire apparatus of every description belonging to the city, and shall see that the same are always kept in good repair and ready for immediate use.

Section 4. The whole fire department of the city shall be under the command of the Chief. All disputes and controversies arising in relation to any matter connected with the department among any of its companies, officers, or members, when on duty, shall be summarily decided by the chief, or, in his absence from the place of difficulty, by the officer in command.

Section 5. As far as is practicable the Chief shall attend all fires that may occur in the city. He shall have control of all matters in relation to the extinguishment of any fire, the prevention of the spread thereof, and the protection of property involved.

Section 6. In such cases and for such purposes he shall likewise have control of the water works of the city and all the means of the fire department.

Section 7. The Chief shall have power to command such assistance from any able bodied person of the City for the suppression or extinguishment of fires as may be required. He shall have power to order any company, fireman, or other person away from the fire. Any person refusing to comply with such order, or refusing assistance, shall be deemed guilty of a misdemeanor and said Chief shall have the power to arrest or cause to be arrested any offender against his orders and to hold him in custody until he can deliver him over to any police officer. The Chief shall have the authority to command all necessary assistance for making such an arrest.

Section 8. The fire department may make any rules and regulations for the management and government thereof, that are not in conflict with the ordinances of the city, and it may hold meetings at such times and places as shall be specified in said rules and regulations, at which meetings the Chief shall preside.

Section 9. The Assistant Chief shall assist the Chief in the discharge of his official duties and in the absence of the Chief shall exercise all the powers and be subject to all the duties pertaining to the office of Chief. In the absence of the Chief and Assistant Chief, the first Captain at the scene of the fire shall exercise and discharge the duties of the Chief. In the absence of the Chief, Assistant Chief, and Captain, the first Lieutenant at the scene of the fire shall exercise such powers and discharge such duties.

Section 10. Whenever any hose of the fire department shall have been laid upon any street, alley, highway, or other place, for the purpose of being used by the department, it shall not be lawful for any wagon, motor vehicle, or other vehicle whatsoever to pass over the same. The owner or driver of such who shall drive, or

cause the same to be driven, over the said hose shall be deemed guilty of a misdemeanor.

Section 11. The Chief shall make an annual report at the close of his term of office, showing the condition of the department, the number of fires during his term of office, the number of alarms, the condition of the property belonging to the department, and such other matters as he may deem advisable to report to the City Manager or Mayor with such recommendations as seem pertinent in regard to any matter likely to secure greater efficiency of the department. The City Manager may at any other time require a report from the Chief of any matters connected with the fire department.

ARTICLE II

Section 1. A Bureau of Fire Prevention in the Fire Department of the City of Golden is hereby established which shall be operated under the supervision of the Chief of the Fire Department.

Section 2. It shall be the duty of the officers of the Bureau of Fire Prevention to enforce all ordinances of the City covering the following:

- 1. The prevention of fires.
- 2. The storage and use of explosives and flammables.
- 3. The maintenance and regulation of fire escapes.
- 4. The means and adequacy of exit in case of fire, from factory, house, hospitals, churches, apartments, halls, theatres, and all other places in which large numbers of people work, live, or congregate, from time to time, for any purpose.
- 5. The investigation of the cause, origin, and circumstances of fires. They shall have such other duties as are set forth in other sections of this ordinance and as may be conferred and imposed by law.

Section 3. It shall be the duty of the Bureau of Fire prevention to inspect, as often as may be necessary but not less than twice a year in outlying districts and four times a year in the closely built portions of the City, 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 relating to fire hazards.

Whenever any officer of the Bureau of Fire Prevention shall find in any building or upon any premises or other place combustible or explosive matter or dangerous accumulations of rubbish or unnecessary accumulation of waste paper, boxes, scavings, or any other highly inflammable materials especially liable to fire, and which is so situated as to endanger 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 occupant in case of fire, or shall find any other conditions dangerous to life or property by reason of the fire hazard, he shall order the same to be removed or remedied. Any such order shall forthwith be complied with by the owner or occupant of such premises or buildings, subject to appeal within 24 hours to the Fire Chief who shall within 5 days review such order

and file his decision thereon, and unless the order is revoked or modified it shall remain in full force and be obeyed by such owner or occupant.

Any owner or occupant failing to comply with such order within 10 days after said appeal shall have been determined, so if no appeal is taken, then within 10 days after the service of the said order, shall be liable to a penalty as hereinafter provided.

Section 4. Investigation and Report of fires.

The Bureau of Fire Prevention shall consist of not less than three members of the Fire Department— one of whom shall be Fire Marshal. The Bureau of Fire Prevention shall investigate the cause, origin and circumstances of every fire occurring in the City by which property has been destroyed or damaged and submit a monthly report thereon to the Chief of the Fire Department.

Section 5. Right of Entry.

Members of the Bureau of Fire Prevention shall have authority to enter any building, except any private dwelling or private apartment, in the proper performance of their duties.

Section 6. Bonfires.

(a) All incinerators or receptacles used for the burning of trash shall be constructed or made of cement, brick and fire brick, metal, or combination of same, not wire trash baskets, and all incinerators shall have a top covering of fine wire mesh or a metal covering.

(b) All incinerators shall hereafter be constructed and placed not less than 5 feet from any building.

(c) Trash burners now located less than 5 feet from any building shall, if moveable, be moved to a space not less than 5 feet from any building.

(d) No person shall burn trash, weeds, or any other inflammable material after the hour of five o'clock p. m. (5:00 p. m.) and the burning of trash, weeds, or any other inflammable material shall be done between the hours of 6:00 a. m. and 5:00 p. m. in an incinerator.

(e) It shall be unlawful for any person or persons to burn trash, lumber, leaves, straw, or any other combustible material in any street, alley, or vacant lot except by special permission of the Fire Marshal and subject to such proper safeguards as he may direct as to time and weather. The Fire Marshal may issue a general permit by publication, during certain seasons of the year, for the burning of leaves or other like material where conducted during daylight and with an adult in constant attendance.

Section 7. Trash.

No person or persons shall allow to remain longer than thirty-six hours in any alley or on any sidewalk or premises within thirty feet of any building empty boxes, barrels, rubbish, trash, waste paper, excelsior, or other like combustible materials.

No person or persons shall be allowed to place ashes within any building in any box, barrel, or other wooden vessel or upon any wooden structure or floor.

No person shall keep or permit to be kept on the premises any oily waste or oily rags, unless at all times when not actually in use, such oily waste and oily rags be kept in a metal can with self-closing cover and riveted joints standing on metal legs which raise the bottom of the container at least five inches above the floor.

No ashes shall be kept or deposited in any part of the City unless the same shall be kept in a secure incombustible container and every owner of property where ashes are kept or deposited shall erect upon the premises a secure incombustible receptacle or ash pit for that purpose so located as not to endanger wall, fences, and other combustible material.

Section 8. The City Attorney, upon request of the Bureau of Fire Prevention shall assist the Bureau in the investigation of any fire which, in their opinion, is of suspicious origin.

Section 9. It shall be the duty of the Fire Marshal to require teachers of public, private, and parochial schools and educational institutions to have one fire drill each month and to keep all doors and exits unlocked during school hours, see that doors are in condition to be opened from inside by anyone during any time of occupancy, and that such doors shall be equipped with bar type panic locks and open outward.

Section 10. The annual report of the Bureau of Fire Prevention shall be made on or before the tenth (10) day of January of every year and transmitted to the City Manager, or Mayor it shall contain all proceedings under this ordinance with such statistics as the Chief of the Fire Department may wish to include therein. The Chief of the Fire Department shall also recommend any amendments to the ordinance which in his judgment, shall be desirable.

ARTICLE III

Section 1. Fire Limits.

The fire limits of the City of Golden, Colorado shall extend to and embrace all the territory within the corporate limits of the city.

Section 2. No building shall be erected within this city unless the same shall be constructed in compliance with the provisions of the ordinances of the City.

Section 3. Ash Pits and Ashes.

(a) Each and every residence or business property, wherein coal, wood, or other ash producing fuel is burned, shall be equipped with a substantial, fire proof metal, brick, stone, concrete, or cement ash pit, of suitable size, having a substantial, tight fitting metal top or cover which shall be kept in place at all times.

(b) All ash pits shall be under the supervision of the Fire Marshal and he shall have full right and authority to order their installation or construction in conformity with the provision of section (a) hereof, and he shall also have full power and authority to order the discontinuance of the use of any ash pit not installed or constructed in conformity with the provision thereof, or which shall, for any reason or from any cause, be, in his opinion, a fire hazard.

(c) No person shall throw, dump, or deposit ashes in any

street, alley, or public way or place, or upon any lot, whether vacant or occupied, but shall deposit the same in a fire proof ash pit installed and constructed in conformity with the provisions in section (a).

(b) Any person who shall violate any of the provisions of this ordinance and any owner or other person in charge of residence or business property who shall fail, neglect, or refuse to equip said property with an ash pit as required by Section (a) hereof, and any person who shall violate any written order of the Fire Marshal given under the provisions hereof, or who shall violate any of the provisions or part thereof shall be deemed guilty of a misdemeanor, and, upon conviction shall be fined as hereinafter provided in Article V, Section 1.

(e) Public institutions and manufacturing concerns may, with the written consent of the Chief, make special arrangements for the disposition of their ashes, other than as provided by the rules of this ordinance.

Section 4. Any person in this city who shall intentionally give or make any false alarm of fire shall be deemed guilty of a misdemeanor and upon conviction thereof shall be subject to a fine as hereinafter set forth.

Section 5. Following of Fire Trucks and Parking of Automobiles.

(a) Vehicles of any kind shall not follow fire apparatus or trucks nearer than 500 feet and shall not proceed to any point or park within one full block of the fire; except members of the fire department who are answering an alarm and proceeding to the fire and such members shall not drive their vehicles closer than one full block from the fire apparatus, and no fireman shall park his vehicle closer than 150 feet from the fire.

(b) Upon hearing a fire alarm or fire sirens all drivers of vehicles shall take immediate notice thereof and upon the approach of fire apparatus promptly move to the right curb and STOP.

(c) No person shall interfere in any way with the Fire Department in the performance of its duties.

(d) Vehicles shall not be parked within five feet of any fire hydrant or before the entrance of any theatres, hall, schools, or any other building in which large public gatherings are held.

Section 6. It shall be unlawful for any person to park a vehicle and allow the same to remain parked, except for loading or unloading, in any areaway entrance to apartments, hotels, schools, or other public buildings. Any person found guilty of violating this section shall be deemed guilty of a misdemeanor and subject to penalties hereinafter provided.

Section 7. All fire hydrants within the City of Golden shall be inspected every three months by the Chief and Assistant Chief and all defects in said hydrants shall be at once re-

ported to the City Manager. All fire hydrants shall be flushed semi-annually in May and September of each year by the water department of the city and reports of any defects in any hydrant shall be made to the Chief, whose duty it shall be to report same to the City Manager, and any such defects so reported shall be corrected or remedied.

ARTICLE IV

Section 1. All department buildings, hotels, churches, lodge halls, schools, halls, theatres, and other public buildings shall be constructed, operated, and maintained so as to avoid danger to the lives and safety of its occupants from fire, smoke, fumes, or resulting panic and every such building used for public assembly purposes as herein specified and every room and section thereof considered separately, wherein 50 or more persons may congregate shall have at least two means of exit located as remotely from each other as practicable and be so arranged that there are no pockets or dead ends in which persons might be trapped; and where six hundred or more persons can be assembled, there shall be at least four such exits. Exits shall be maintained free, unlocked, and unobstructed at all times when the building is occupied. Exits shall be clearly marked and adequately lighted and exit doors or signs indicating the direction of travel to each such exits shall be clearly visible from all parts of the rooms. All exit doors shall open outward and be so arranged as to open freely and shall not be covered by any draperies or hangings. No place of public assembly shall be maintained in any buildings where explosive, highly combustible, or poisonous materials are manufactured, stored, or handled, except where such portions or sections used for such purposes are so insulated that, in the opinion of the inspecting official, there is no danger from explosion, fire, or fumes. In all rooms or buildings where the public is permitted to congregate there shall be kept accessible and in condition for immediate use at least one fire extinguisher, approved by the Underwriter's Laboratories, for each two hundred or less persons that may be there assembled. This provision shall include and apply to all taverns, churches, schools, lodge halls, dance halls, and all other places of indoor assemblage.

ARTICLE V

Section 1. Any persons, firm, or corporation violating any of the provisions of this ordinance or neglecting to comply with any order issued pursuant to any Section thereof shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not less than five dollars or more than \$300 for each offense or imprisoned in the county or City jail not to exceed 90 days.

Section 2. If any section, subsection, clause, or phrase of this Ordinance, or its application to any person or circumstance is held invalid, such invalidity shall not affect the remaining or other sections and provisions or application of this Ordinance. The City Council hereby declares that in these regards the provisions of this ordinance are severable. The City Council hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause, or phrase

severally irrespective of the fact that any one or more section, subsection, sentence, clause, phrase, or provision might be declared unconstitutional.

Section 3. That Article I and Article II of Ordinance Number 1; Sections 1 and 2 of Ordinance Number 1; Ordinance Number 31, Ordinance Number 155, Ordinance Number 255, Sections 63 and 64 of Article IV of Ordinance Number 332, and all other Ordinances and parts of Ordinances in conflict herewith are hereby repealed.

And Whereas, in the opinion of the City Council, an emergency exists, and this ordinance is necessary for the immediate preservation of the public peace, health, and safety, therefore, this ordinance shall be in full force and effect upon the expiration of five (5) days after its final passage and publication.

Introduced and read this 13th day of August, 1953.

Adopted and approved this 10th day of September, A. D., 1953.

D. C. JOHNSTON,

Mayor Pro Tem

ATTEST: Approved as to Form
FRANK REINHARD Jr.,
Acting City Attorney.

B. O. BEAUSANG

City Clerk-Treasurer.

I, B. O. Beausang, City Clerk-Treasurer of the City of Golden, Colorado, do hereby certify that the foregoing ordinance was introduced and read at a regular meeting of the City Council of said City held on the 13th day of August, 1953, and by order of the said City Council was published as a proposed ordinance as the law directs, and for more than ten days prior to its passage in the Colorado Transcript, legal newspaper; and that on the 10th day of September, 1953, the said proposed ordinance was read and passed by the City Council aforesaid, the said meeting being a regular meeting of said City Council, and ordered published in aforesaid newspaper as the law directs.

Witness my hand and official seal of the City of Golden, Colorado, this 11th day of September 1953.

(SEAL)

B. O. BEAUSANG,

City Clerk-Treasurer.