

Chapter 7¹
RESTAURANT AND RETAIL FIRE SAFETY

SECTIONS:

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- 5-7-1: Definitions**

- A. **"Restaurant"** means any commercial business that serves food or food products prepared by a commercial business for sale to the public.
- B. **"Grease Vapors"** means vapors, gas, fluids, gels or other liquefied byproducts emitted during the cooking of animal foodstuff.
- C. **"Code"** means the International Fire Code, as amended.

5-7-2: Regulations

- A. All restaurants in the Town of Westcliffe which prepares any food or food products which have the propensity to produce grease vapors, shall, in addition to other regulations contained in the Westcliffe Municipal Code, have installed a Type 1, vented hood above the appropriate cooking surfaces as mandated in the Code.
- B. Each Type 1 vented hood shall bear a minimum of two (2) inspection medallions issued by licensed inspectors authorized to perform such inspections. Such medallions shall be no older than six (6) months since the last inspection. One (1) medallion shall indicate that the fire suppressant system associated with the Type 1 vented hood is fully operational and certified according to the Code. One (1) medallion shall indicate that the Type 1 vented hood has been inspected by a licensed and certified Type 1 vented hood inspector for cleanliness and safety in accordance with the Code and is approved for the operations it was intended. The cost of inspections to obtain such medallions shall be borne by the restaurant.

¹ Title 5 is amended by the addition of Chapter 7 (Ord. 12-2016, eff. 7-13-2016)

- C. All restaurants in the Town shall be inspected on a semi-annual basis by the Town Building and Zoning Official and/or the District Fire Chief or their designee to assure that the restaurant is in compliance with all Federal, State and municipal codes, including but not limited to the Type 1 vented hood inspections stated above. Restaurants may be re-inspected if violations are found.
- D. The Town Building and Zoning Official or designee may, but is not required to, provide written notice by regular U.S. Mail approximately thirty (30) days before conducting each semi-annual inspection. Failure to receive prior notice of any inspection shall not constitute a defense for failure to comply with the requirements contained herein.

5-7-3: Fees

- A. There shall be no fees for semi-annual inspections.
- B. Re-inspection fees due to non-compliance with any Town ordinance contained herein shall be paid at the time of inspection as follows:
1. First re-inspection fee shall be fifty dollars (\$50.00); and,
 2. Second re-inspection fee shall be one hundred fifty dollars (\$150.00); and,
 3. Each subsequent inspection shall be three hundred dollars (\$300.00) per inspection.

5-7-4: Penalty

Any owner, agent, lessee, occupant or person in possession or control of a restaurant within the Town who shall violate any of the provisions of this ordinance shall be guilty of a misdemeanor and shall, upon conviction thereof, be fined not more than three hundred dollars (\$300.00) per violation. Violations not cured within thirty (30) days of notice of such violation shall constitute a separate offense.

5-7-5: Violations

- A. In the event violations, in the sole opinion of the District Fire Chief and/or the Town Building and Zoning Official, which have the propensity to be of such a serious nature as to pose an imminent health danger to the public or imminent fire danger or other potential life threatening condition, the District Fire Chief and/or the Town Building and Zoning Official shall take immediate action as authorized by the Code, including, but not limited to, causing the restaurant to immediately cease operations as a restaurant until such violations are cured and approved to reopen based upon re-inspection.

- B. The District Fire Chief, County Fire Marshall and the Town Building and Zoning Official performing their duties in an official capacity, either in conjunction or separately, shall have the police power to issue summons for violations contained herein.

5-7-6: Effective Date

The Board of Trustees finds that an emergency health and safety risk exists to the public welfare of the citizens of the town of Westcliffe. This ordinance shall be effective immediately upon adoption.