BLAINE COUNTY ORDINANCE NUMBER 2016-04

An ordinance of Blaine County, Idaho as authorized by Idaho Code §41-253 amending Blaine County Code, Title 7, Chapter 7, Fire Code, by deleting it in its entirety and adopting a new Chapter 7, Fire Code by which the 2012 International Fire Code, including Appendices B, C, D, and F as published by the International Code Council along with amendments and additions relating to local conditions including: a requirement for Class A roof coverings (non-wood in certain fire districts) for new construction, additions and re-roofs; providing a minimum requirement for water supply for subdivisions and re-plats; requiring driveways to meet the standards for fire apparatus access roads; providing a severability clause and an effective date.

RECITALS

WHEREAS, the Blaine County Board of County Commissioners passed Blaine County Ordinance Number 2011-04 relating to the 2009 edition of the International Fire Code on May 9. 2011;

WHEREAS, the State of Idaho has authorized local jurisdictions to adopt the 2012 edition of the International Fire Code and additional, locally relevant fire protection provisions in accordance with Idaho Code §41-253;

WHEREAS, the fire chiefs of the various districts throughout Blaine County, in the interest of fire and life safety, have worked collaboratively to codify and standardize fire requirements for the welfare of their respective communities;

WHEREAS, because the entire county is a wildland urban interface risk area, the Blaine County Board of County Commissioners has adopted the Community Wildfire Protection Plan dated 2016 identifying fire wise practices, ranking and mapping of fuel hazard areas of Blaine County; and

WHEREAS, the State of Idaho Department of Insurance has adopted the 2012 edition of the International Fire Code by rule, see IDAPA §18.01.50.

WHEREAS, the Blaine County Fire Protection Ordinance is the minimum fire code standard for the protection of the health and welfare of citizens and visitors;

THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF BLAINE COUNTY, IDAHO, AS FOLLOWS:

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Index to: ORDINANCES

Section 1. That the Blaine County Code, Title 7 Chapter 7 shall be and the same is hereby repealed in its entirety and a new Chapter 7 Fire Code is adopted as a supplemental amendment to the 2012 ~~2009~~ edition of International Fire Code. The following text reflects amendments, changes, and alterations to the 2009 ~~2006~~ supplemental amendments to the 2009 ~~2006~~ International Fire Code:

[NOTE: Additions are underlined; deletions are stricken; and unmarked text is unchanged between the existing 2009 and the proposed 2012 editions.]

7-7-1: SHORT TITLE:

This Chapter shall be known as the *FIRE PROTECTION ORDINANCE.*

7-7-2: DEFINITIONS:

AGRICULTURAL BUILDING: A structure located in an A-20, A-40, R-10, or RR-40 zoning district, as set forth in Title 9 of Blaine County Code, and designed and constructed to house farm implements, hay, grain, poultry, livestock, or other horticultural products. This structure shall not be a place of human habitation or a place of employment where agricultural products are processed, treated, or packaged, nor shall it be a place used by the public.

BOARD: The Blaine County Board of County Commissioners.

BUILDING OFFICIAL: The Blaine County Building Official.

CLASS A ROOF: The minimum roof covering in Blaine County shall be Class A rated. The proposed roofing must meet industry standards for Class A in reference to ASTM E 108, ASTM D 2898, UL 790 or NFPA 256 and Chapter 15 or the 2012 ~~2009~~ International Building Code. ~~A minimum 5/8 inch thick plywood solid sheathed roof deck may be a component of said assembly.~~

COMMISSION: The Blaine County Planning and Zoning Commission.

COMMUNITIES AT RISK: A study dated November 15, 2004 identifying a countywide fire mitigation plan involving mapping, fuel hazards, ranking, and fire wise practices.

COUNTY: The unincorporated portion of the County of Blaine, a political subdivision of the State of Idaho.

DEFENSIBLE SPACE: A minimum thirty (30) foot area surrounding any occupancy consisting of vegetation approved, by the authorized jurisdiction, vegetation that reduces a means of transmitting fire from vegetation to structures or from transmitting fire from structures to vegetation.

DISTRICT: The Ketchum Rural Fire ~~Protection~~ District, the Wood River Fire ~~Protection~~ District, the Carey Fire ~~Protection~~ District, the Smiley Creek Fire ~~Protection~~ District, or the portion of the West Magic Fire ~~Protection~~ District located within Blaine County, political subdivisions of the State of Idaho, which is also referred to as "Fire Departments" under the 2012 ~~2009~~ International Fire Code.

FIRE CHIEF: The chief officer of the fire department serving the jurisdiction, or a duly authorized representative.

FIRE CODE OFFICIAL: The fire chief or other designated authority charged with the administration and enforcement of the Code, or a duly authorized representative. In those portions of the County that are not in a Fire District, the County Building Official shall retain the authority of Fire Code Official.

FLOOR AREA: The area included within the surrounding exterior walls of a building or portion thereof, including all basements and garages, but excluding exterior decks, patios and porches.

GROUP R-3: The occupancy designated as Group R-3, as set forth in the 2012 ~~2009~~ International Building Code, and more specifically known as: a) dwellings; b) lodging houses; and c) congregate residences (each accommodating ten (10) persons or less). For the purposes of this chapter only, Group R-3 occupancies include private garages, carports, and sheds.

GROUP R-4: Residential occupancies shall include buildings arranged for occupancy as residential care/assisted living facilities including more than five but not more than 16 occupants, excluding staff. Group R-4 occupancies shall meet the requirements for construction as defined for Group R-3, except as otherwise provided for in this code, or shall comply with the 2012 ~~2009~~ *International Residential Code.*

INTERNATIONAL BUILDING CODE: The latest edition of that code, known as the 2012 ~~2009~~ International Building Code published by the International Code Council, as adopted by Idaho Code Section 39-4109 and the Building Code Board, and the appendices thereto, excepting those appendices designated in Idaho Code Section 39-4109.

INTERNATIONAL FIRE CODE: The latest edition of the 2012 ~~2009~~ International Fire Code with appendices B-Fire-Flow Requirements for Buildings, C-Fire Hydrant Locations and Distribution, D-Fire Apparatus Access Roads, and F-Hazard Ranking thereto, published by the International Code Council, and adopted by the Idaho State Fire Marshal, setting forth the minimum standards for the protection of life and property from fire and explosions in the State of Idaho, as adopted by Idaho Code Section 41-253, IDAPA 18, Title 1, Chapter 50.

OCCUPANCY: The classification of every building, whether existing or hereinafter erected, as set forth in the 2012 ~~2009~~ International Building Code.

7-7-3: FINDINGS:

The Board makes the following findings:

A. The latest editions of the 2012 ~~2009~~ International Fire Code and the 2012 ~~2009~~ International Building Code have been adopted by State law. The 2012 ~~2009~~ International Fire Code and 2012 ~~2009~~ International Building Code promote the public health, safety, and general welfare.

B. The unincorporated area of Blaine County is generally rural in character and water supplies within the unincorporated areas of Blaine County are often limited.

C. The Districts provide sufficient fire protection personnel and equipment to their constituents to enable a modification of the requirements of Appendix B of the 2012 ~~2009~~ International Fire Code, based on the present level of service (i.e., water supply carrying capacity and personnel) of each District.

D. The Ketchum Rural Fire ~~Protection~~ District, the Wood River Fire ~~Protection~~ District, and Carey Rural Fire ~~Protection~~ District presently provide a sufficient level of service to protect occupancies up to a total floor area of 4,000 square feet, without requiring a greater water supply on-site. The West Magic Fire ~~Protection~~ District presently provides a sufficient level of service to protect occupancies up to a floor area of 2,500 square feet, without requiring a greater water supply on-site.

E. Because the Districts can provide a sufficient level of service and because the Districts are generally rural in character, the full fire-flow requirements of an urban community are not normally required within the Districts. If the level of service of the Districts increases or decreases in the future, total floor area may be increased or decreased by amendment of this Chapter without requiring greater water supply on-site.

F. Additional requirements, review, and inspection promote the purposes of the 2012 ~~2009~~ International Fire Code, the 2012 ~~2009~~ International Building Code and promote compliance with the requirements therein and with the Fire Protection Ordinance.

G. The development of new ponds that secure both decorative and fire protection purposes is contrary to the Board's current water policy discouraging such uses.

7-7-4: DUTIES OF BUILDING OFFICIAL:

In addition to their other duties, the Building Official is charged and empowered with the administration and enforcement of the 2012 ~~2009~~ International Fire Code within the County but outside of the Districts.

7-7-5: MODIFICATION TO THE INTERNATIONAL FIRE CODE:

A. Exemption from Appendix B.

Except as otherwise provided herein, the fire flow requirements as stated in Appendix B of the 2012 ~~2009~~ International Fire Code for all occupancies within the Districts are not applicable because the development of full fire flow requirements is not practical and because the occupancies within the Districts are sufficiently serviced by personnel and equipment. For those occupancies within the County but outside of the Districts, the requirements of the 2012 ~~2009~~ International Fire Code, including Appendix B, applies.

B. Water Supply or Sprinkler System for any Occupancy.

1. Floor Area Requirements by Jurisdiction:

Ketchum Rural Fire ~~Protection~~ District:~~,~~ Wood River Fire ~~Protection~~ District or Carey Rural Fire ~~Protection~~ District: The construction of new square footage or an addition to an existing occupancy, excluding Agricultural buildings, including a remodel, which creates a total floor area of 4000 square feet or greater, shall install an approved fire protection water supply as set forth in Appendix B of the 2012 ~~2009~~ International Fire Code, or may install an approved fire sprinkler system as set forth in NFPA Standards 13, 13D and13R. The construction of any occupancy, excluding Agricultural buildings, on new or existing buildings, including a remodel, which creates a total floor area of 8000 square feet or greater, shall install a fire sprinkler systems set forth in NFPA Standards 13,13D, 13R and provide an approved water supply as determined by the Fire Code Official.

West Magic Fire ~~Protection~~ District: The construction of new or an addition to an existing occupancy, excluding Agricultural Buildings, including a remodel, which creates a total floor area of 2,500 square feet or greater, shall install an approved fire protection water supply or a sprinkler system as set forth in NFPA Standards 13, 13D and 13R. The construction of any occupancy, excluding Agricultural Buildings, on a new or existing building, including a remodel, which creates a total floor area of 5,000 square feet or greater, shall install a sprinkler system as set forth in NFPA Standards 13, 13D and 13R AND an approved fire protection water supply.

Smiley Creek Fire ~~Protection~~ District: Structures exceeding 2,500 square feet shall be protected by fire sprinklers as approved by the Smiley Creek Fire ~~Protection~~ District and in compliance with the Fire Protection Ordinance or as approved by the Fire Code Official.

For the purpose of calculating square footage for any Group R-3 occupancy on the same lot or parcel, each building or portion of a building separated by one or more fire walls or fire barriers when approved by the Authority Having Jurisdiction, which comply with the provisions of Section 706 Fire Walls or 707 Fire Barriers of the 2012 ~~2009~~ International Building Code, may be considered a separate building or fire area and may be considered independently from the total square footage of one or more Group R-3 occupancies. In addition to installing sprinkler systems or approved fire protection water supplies in the above-stated areas, the applicable Fire Chief, Fire Code Official or Building Official may, at their discretion, require additional fire mitigation measures including, but not limited to, fire walls or fire barriers constructed in accordance with Section 706 Fire Walls or Section 707 Fire Barriers of the 2012 ~~2009~~ International Building Code.

2. Water Supply and Sprinkler System Requirements.

The building permittee is granted the option of selecting a minimum 10,000 gallon water supply, which shall consist of a cistern, constructed of approved materials other than steel or concrete, or other fire protection water supply that has been approved by the applicable Fire Chief, Fire Code Official, or Building Official. The construction of ponds is not an approved water supply for fire suppression. The water supply and related requirements shall be (a) capable, at a minimum, of delivering 500 gallons of water per minute for twenty (20) minutes with an approved fire apparatus connection; (b) located within 1,000 feet, measured on an approved access roadway, of the nearest point of the structure; and, (c) approved by the applicable Fire Chief, Fire Code Official or Building Official. Sprinkler Systems shall a) comply with NFPA Standards 13, 13D or 13R; b) be connected to a water flow alarm; c) be provided with a fire department connection; and, d) be approved by the applicable Fire Chief, Fire Code Official or Building Official. Any approved water flow alarm shall be supervised by a remote signaling station, approved by the applicable Fire Chief, Fire Code Official or Building Official.

3. Modification of Fire-Flow Requirements.

For any occupancy, except Agricultural Buildings, located in a District or in the County, the applicable Fire Chief, Fire Code Official or Building Official may decrease the fire-flow requirements for isolated buildings or a group of buildings in rural areas or small communities where the development of full fire-flow requirements are impractical, or increase the fire-flow requirements where considerations indicate an unusual susceptibility to group fires or conflagrations.

C. Sprinkler System for Occupancy's other than A, R-3, or Agricultural Building.

Any construction for any occupancy other than R-3 or an Agricultural Building within the County on a new or existing building, including a remodel, shall be subject to the provisions of NFPA Standard 1142 with the exception of assembly occupancies with an occupant load of 100 or more. Assembly occupancies, in the County and in the Districts, with an occupant load of 100 or more occupants shall install an approved NFPA Standard 13 fire sprinkler system throughout in addition to many other requirements.

1. Section 903.2.8 of the 2012 ~~2009~~ International Fire Code does not apply in its entirety. This code provides for fire protection water supplies or fire sprinkler systems in Section B, Water Supplies, or Sprinkler Systems for any Occupancy in the Fire Districts.

D. Water Supply for Subdivisions and Re-plats.

The construction of a new subdivision or a re-plat of an existing subdivision that creates 5 or more new lots or parcels shall be provided with an approved fire protection system and water supply capable of producing a sustained fire flow as determined by the Fire Code Official. Fire hydrant locations, pumper connections and distribution required for subdivisions shall be determined by the Fire Code Official. In addition to the minimum fire flow requirements of fire protection systems, floor area requirements by jurisdiction shall be complied with for the construction of any occupancy excluding agricultural buildings, on new or existing buildings including a remodel, which creates a total floor area of 8,000 square feet or greater.

E. Fire Apparatus Access Roads and Driveway.

Fire Apparatus Access Roads and Driveways: Approved fire apparatus access roads or driveways shall be provided for every facility, building or portion of a building hereafter constructed or moved into or within Blaine County Fire Districts and areas of unincorporated Blaine County not within an established Fire District. Approved fire apparatus access roads and driveways shall comply with the requirements of Section 503 and Appendix D of the 2012 International Fire Code.

F ~~D~~. Defensible Space.

Construction for any occupancy on a new or existing building, including remodels, within the County shall provide a minimum defensible space of thirty (30) feet surrounding any occupancy. Approved vegetation shall be maintained annually by the property owner to minimize fire fuel loads within this defensible space.

G ~~E~~. Application of Appendix B for Occupancies on Separate Lots or Parcels.

Except for those buildable lots or parcels existing on the date of the adoption of the 1993 Fire Protection Ordinance, Appendix B of the 2012 ~~2009~~ International Fire Code shall apply to those occupancies within the County where the separation between any occupancy on separate lots or parcels is less than fifty (50) feet.

H ~~F~~. Application of Alternative Sprinkler System or Fire Flows for the Same or Different Occupancies on the Same Lot or Parcel.

If there is construction on any occupancy within the County on a new or existing building, including a remodel located within fifty (50) feet of another occupancy on the same lot or parcel, the square footage of all the occupancies located within fifty (50) feet of the proposed construction, shall be calculated as though there was only one building, unless each building or portion of a building is separated by one or more fire walls, as set forth in Section 5 (b) (1) of the Fire Protection Ordinance. If the total square footage of the occupancies exceeds 4,000 square feet in the Ketchum, and Wood River Fire Protection District and Carey Fire District or 4,000 square feet in the Carey Fire Protection District, 2,500 square feet in the West Magic Fire Protection District or Smiley Creek Rural Fire District then the new construction shall comply with the requirements in Section 5(b) of the Fire Protection Ordinance.

I ~~G~~. Class A Roof Assemblies Required ~~Roofs Assembly~~.

1. Ketchum Rural Fire District, Wood River Fire District and Smiley Creek Fire District: Class A Roofing Required.
   a. Class A roof coverings or assemblies containing no wood products with no wood products in the roof covering are required on all new construction buildings. ~~Class A Roof Deck: Class A roof deck coverings are the minimum exposure rating for Blaine County on all new roof construction or as approved by the fire code official per section 104 of the 2009 international fire code.~~
   b. When a structure is being reroofed it is required to have a Class A roof covering or assembly containing no wood products. Class A or the highest rated covering that matches existing covering is required when less than ten (10) percent of the roof area is being repaired and additional areas are not subsequently repaired within five (5) years.
   c. Where the addition to an existing structure exceeds 1,000 square feet of roof area, the entire structure must be upgraded to a Class A roof covering or assembly containing no wood products. Additions to buildings over 1,000 square feet of roof area require that the roof of the entire building be upgraded to a Class A roof with no wood products in the roof covering.

~~1.~~2. Carey Fire District, West Magic Fire District: Class A roof assemblies are required on all new buildings. Class A roof assemblies are required for all re-roofs over 1,000 square feet of roof area. Class A is not required when less than ten (10) percent of the roof area is being repaired and additional areas are not

subsequently repaired within five (5) years. Additions to buildings over 1,000 square feet of roof area require that the roof of the entire building be upgraded to a Class A roof assembly.

~~Reroofing: When reroofing, a class A covering is the minimum exposure rating for the entire structure. The following schedule shall apply to reroofing of structures in existence prior to the adoption hereof, effective January 1, 2008.~~

~~a. From January 1, 2010 until December 31, 2011, when replacing more than thirty percent (30%) of the roof surface.~~

~~b. From January 1, 2012 until December 31, 2013, when replacing more than twenty percent (20%) of the roof surface.~~

~~c. From January 1, 2014 and forward, when replacing ten percent (10%) or more of the roof surface.~~

For the purpose of this Code, roof area shall be measured on a horizontal plane projection of all levels including overhangs and overlaps. When appropriate mitigation measures are proposed, the applicable Fire Chief, Fire Code Official or Building Official may, at their discretion, waive this requirement.

J ~~H~~. Address Numbers.

All residences shall exhibit approved legible address numbers in locations that are plainly visible from the highway, road, or street fronting the property. Address numbers shall be a minimum of four (4) inches in height and shall contrast with their background. Address numbers shall be posted a minimum of forty-eight (48) inches above final grade and shall be maintained unobstructed and visible at all times.

K ~~I~~. Fire Protection Equipment.

All required fire protection systems and equipment, including standpipe systems, shall be installed by an approved Licensed Contractor for the type of equipment being installed. Licensed Contractors shall provide certification and licensure documentation to the applicable Fire Chief, Fire Code Official, or Building Official upon request. Submittal of construction documents, meeting the requirements of the 2012 ~~2009~~ IFC Section 105, for approval by the applicable Fire Chief, Fire Code Official, or Building Official is required before commencing installation of any required fire protection system or equipment including standpipe systems.

L. ~~J~~. Fireworks.

The use of fireworks, 1.4G (formerly known as Class C, Common Fireworks) other than Non- Aerial Common Fireworks as defined by Idaho Code Title 39 Chapter 26 is prohibited. The use of Special Fireworks as defined by Idaho Code Title 39 Chapter 26

or Fireworks 1.3G (formerly known as Class B, Special Fireworks) requires a permit from the authority having jurisdiction. The sale or distribution of any fireworks in the unincorporated areas of Blaine County is prohibited. The manufacture of any type of fireworks within Blaine County is prohibited.

Fireworks, 1.3 G for display fireworks, as defined by Section 3302 of the 2012 ~~2009~~ IFC, shall meet all of the requirements of the 2012 ~~2009~~ IFC Section 3308.

The following definitions are added to Section J:

Non-Aerial Common Fireworks means any fireworks such as ground spinners, fountains, sparklers, smoke devices or snakes designed to remain on or near the ground and not to travel outside a fifteen (15) foot diameter circle or emit sparks or other burning material which land outside a twenty (20) foot diameter circle or above a height of twenty (20) feet. Non-aerial common fireworks do not include bottle rockets, firecrackers, jumping jacks, or similar products.

Application for Fireworks Display Permit: Any person desiring to engage in a public or private display or other events using fireworks shall first make a written application, including fees as set by Resolution of the Authority Having Jurisdiction, Fire Department, to the Fire Chief, Fire Code Official or an appointee for a "Fireworks Display Permit".

The Authority Having Jurisdiction, Fire Department, Fire Chief, Fire Code Official or an appointee shall have the power to grant or deny any application, subject to such reasonable conditions, if any, as it shall prescribe so long as the denial of the application or any conditions imposed on the granting of the application are reasonably necessary for protection of public health and safety, subject to review by the Board of Appeals as set for in Section 7-7-7 of this Ordinance.

Term of Permit: A "Fireworks Display Permit", if issued, shall be nontransferable, shall list the specific date or dates upon which the display or event shall occur and the types of fireworks and uses that will be allowed.

Insurance Required: Each applicant for a "Fireworks Display Permit" shall have filed with the Fire Code Official prior to the issuance and validity of any permit, a policy or certified true copy thereof, of public liability insurance, including both "accident" and "occurrence" coverage. The insurance coverage limits for both public liability and for products liability coverage shall be at least One Million Dollars ($1,000,000.00) per person per occurrence bodily injury; One Million Dollars ($1,000,000.00) per occurrence aggregate bodily; and One Million Dollars ($1,000,000.00) per occurrence aggregate property damage. Each policy of insurance shall be in the form and substance acceptable to the County, and shall name as insured parties under the terms of the policy the County, all officials, elected and appointed, of the County in performance of official functions regarding all operations under or pertaining to said permit, any licensee or licensor of the applicant, and all vendors of fireworks covered by the permit to be

issued to the applicant. Said policy of insurance shall be so written that it cannot be canceled without at least ten (10) days prior written notice to the County from the underwriting insurance company. The policy of insurance shall be underwritten through or by a qualified and duly licensed insurance company or companies doing or authorized to do insurance business in Idaho, and a copy of said policy shall be filed with the Fire Code Official prior to the issuance of the permit.

General Prohibitions: It shall be unlawful for any person, except in compliance with this chapter, to:

A. Alter any fireworks;
B. Throw any fireworks from, into, or at a moving vehicle or at any person;
C. Use fireworks in any area that constitutes a severe fire threat based on the vegetative conditions during the current fire season as determined by the authority having jurisdiction.

Exceptions: The provisions of this chapter do not apply to and shall not prohibit:

A. The use of explosives, flares, noisemakers or signals designed and used for the purpose of protecting the public.
B. The use of blank cartridges.
C. The use of flares or noisemakers designed and labeled specifically for pest control purposes and approved by the Idaho Department of Fish and Game.

Liability of Parents or Guardians: The parents, guardians or other persons having custody or control of a minor shall be liable for damage caused by the use of fireworks by the minor.

Compliance with Idaho State Fireworks Act: It shall be the duty of every person to comply with all the provisions of Chapter 26, Title 39, Idaho Code, Idaho State Fireworks Act and of this ordinance. Violation of the Act or any provisions of this ordinance by the permittee, or by any of their agents, employees, or officers shall constitute a cause, in and of itself, to deny any subsequent application for a permit.

7-7-6: REVIEW, APPROVAL, INSPECTION, AND FEES:

A. Review of Building Permits.

Before any building permit is issued within the Districts, the applicable Fire Chief, Fire Code Official or Building Official shall review the building permit application, along with copies of all building plans and specifications for any occupancy group to determine whether the building is designed to comply with the 2012 ~~2009~~ International Fire Code and the Fire Protection Ordinance. Before any building permit is issued within the County but outside of the Districts, the Building Official shall review the building permit application, along with copies of all building plans and specifications for any occupancy group to determine whether the building is

designed to comply with the 2012 ~~2009~~ International Fire Code and the Fire Protection Ordinance. Before any building permit is issued, the applicable Fire Chief, Fire Code Official or Building Official shall certify on the building permit that the application is designed to comply with the 2012 ~~2009~~ International Fire Code and the Fire Protection Ordinance.

B. Applications.

Review of Subdivision Before any preliminary or short plat for property within the Districts is considered pursuant to Title 10 of the Blaine County Code, the applicable Fire Chief, Fire Code Official or Building Official shall review the subdivision application, along with copies of all plans and specifications, to determine whether the proposed subdivision will comply with the 2012 ~~2009~~ International Fire Code and the Fire Protection Ordinance. Before any preliminary or short plat for property within the County but outside of the Districts is considered pursuant to Title 10 of this Code, the Building Official shall review the subdivision application, along with copies of all plans and specifications, to determine whether the proposed subdivision will comply with the 2012 ~~2009~~ International Fire Code and the Fire Protection Ordinance. Before any preliminary or short plat is approved pursuant to Title 10 of this Code, the applicable Fire Chief, Fire Code Official or Building Official shall forward to the Commission, for a preliminary plat, or to the Board, for a short plat, their recommendations, including suggested conditions for their consideration. If there are considerations indicating an unusual susceptibility to group fires or conflagrations, the applicable Fire Chief, Fire Code Official or Building Official may require a fire-flow greater than that required by the 2012 ~~2009~~ International Fire Code and the Fire Protection Ordinance.

C. Approval of Building Permits and Subdivision Applications.

Compliance with the 2012 ~~2009~~ International Fire Code and the Fire Protection Ordinance shall be established to the satisfaction of the applicable Fire Chief, Fire Code Official or Building Official before the Building Official will issue a building permit, or before a preliminary or short plat is approved.

D. Inspection.

1. Fire Safety Equipment. The applicable Fire Chief, Fire Code Official or Building Official is empowered to inspect fire safety equipment or materials as part of the approval of a building permit issued for the construction of any Building. Any such fire safety equipment or materials shall not be concealed or covered during the course of the construction, repair or remodeling authorized by the building permit until the same has been inspected and approved by the applicable Fire Chief, Fire Code Official, or Building Official. Any such fire safety equipment shall be inspected and approved by the applicable Fire Chief, Fire Code Official, or Building Official before a framing inspection is approved by the Building Official. As a condition of a building permit, such fire safety equipment

shall be inspected and approved by the applicable Fire Chief, Fire Code Official, or Building Official before a final building inspection is approved by the Building Official.

2. Water Supply or Sprinkler System. As a condition of a building permit, a water supply shall be inspected and approved by the applicable Fire Chief, Fire Code Official or Building Official before combustible construction is initiated. The permittee has the burden and obligation to submit written proof to the Building Official that the water supply has been inspected and approved. As a condition of a building permit, sprinkler system plans shall be inspected and approved by the applicable Fire Chief, Fire Code Official or Building Official before a framing inspection is approved by the Building Official. As a condition of a building permit, a sprinkler system shall be inspected and approved by the applicable Fire Chief~~;~~, Fire Code Official or Building Official before a final building inspection is approved by the Building Official. The permittee has the burden and obligation to submit written proof to the Building Official that the sprinkler system has been inspected and approved.

3. Fire Protection Maintenance. All fire protection water supplies, fire protection equipment, access to occupancies and equipment, whether required or voluntarily installed, that would require a response by the Fire Districts or be used by the Fire Districts shall be maintained in operating condition at all times. Operating condition includes unobstructed access, maintenance, testing, and inspections as required by the applicable Fire Chief, Fire Code Official or Building Official.

E. Fees.

Each Fire District may by resolution, adopt a fee schedule for reviewing Building Permit, Subdivision, Plat and Conditional Use Permit applications. The fee for any application requiring Fire District comment shall be in addition to the fees collected by the Land Use and Building Services Department.

7-7-7: APPEALS:

A. Appeals.

When the applicable Fire Chief, Fire Code Official or Building Official disapproves of an application or refuses to grant a permit, or when there is a question as to the suitability of alternate materials and types of construction, or when there is a question of interpretation of the 2012 ~~2009~~ International Fire Code or the Fire Protection Ordinance, the applicant or aggrieved party may appeal the decision of the applicable Fire Chief, Fire Code Official or Building Official to a Board of Appeals, as required by the 2012 ~~2009~~ International Fire Code.

B. Appeal Procedure.

A written notice of appeal, detailing all basis for appeal including the particulars regarding any claimed error or abuse of discretion, shall be filed with the applicable District or in those portions of the County that are not in a District, the County Building Department, before five p.m. of the fifteenth calendar day after the decision of the applicable Fire Chief, Fire Code Official, or Building Official has been made. The failure to physically file a notice of appeal with the applicable District or Building Department within the time limits prescribed by this Section shall cause automatic dismissal of such appeal.

C. Board of Appeals.

The Board of Appeals consists of five members who are qualified by experience and training to pass upon pertinent matters. The five members are appointed by the District having jurisdiction or in those portions of the County that are not in a Fire District, the Board of Appeals shall be appointed by the Board of County Commissioners and hold office at the Board of Commissioners' pleasure. The applicable Fire Chief, Fire Code Official or Building Official shall be an ex officio member and shall act as secretary of the Board of Appeals or shall have the power to appoint a secretary.

D. Conduct of Hearings.

The Board of Appeals shall conduct a hearing for the appeal within thirty (30) days of the filing of the appeal. The Board of Appeals shall adopt reasonable rules and regulations for conducting its investigations and shall render decisions and findings in writing to the applicable Fire Chief, Fire Code Official, or Building Official, with a duplicate copy to the appellant within thirty (30) days after the hearing of appeal.

E. Idaho State Department of Insurance.

Pursuant to Idaho Code Section 41-260, the Idaho State Fire Marshal's Office may hear appeals from aggrieved parties in reference to this Idaho State Statute after following the appeals procedure under section 7-7-7 A, B, C and D.

7-7-8: PENALTIES:

A. Violation of a provision of the Fire Protection Ordinance or the 2012 ~~2009~~ International Fire Code shall be a misdemeanor, punishable as provided in Blaine County Code Section 1-4-1. Each day that such a Violation occurs or continues shall constitute a separate criminal offense. Any violation of any provision of the Fire Protection Ordinance may also result in the filing of a civil complaint for civil damages, if applicable, imposed upon any person violating the 2012 ~~2009~~ International Fire Code or the Fire Protection Chapter. Whenever it appears that any person has engaged in any act or practice constituting a violation of the 2012 ~~2009~~ International Fire Code or this Fire Protection Chapter, the Building Official, applicable Fire

Chief, or Fire Code official may issue a stop work order and the Board may bring an action to enjoin any such acts or practices and to enforce compliance of the 2012 ~~2009~~ International Fire Code or the Fire Protection Ordinance. Any civil action for injunctive relief or civil damages shall be in addition to the criminal penalties set forth in this Chapter.

7-7-9: WARNING AND DISCLAIMER OF LIABILITY:

The degree of fire protection required by the Fire Protection Ordinance is considered reasonable for regulatory purposes and is based on nationally accepted fire protection standards. The Fire Protection Ordinance does not imply that persons or property will be fully or even partially protected from fire or damage. The Fire Protection Ordinance shall not create liability on the part of the Board, Blaine County, or its employees, officers or agents, or the Districts or their employees, officers or agents for any damage to persons or property following the adoption of this Chapter, including, but not limited to, reliance on this Chapter or any administrative decision made hereunder.

SECTION 2: SEVERABILITY:

The Board of County Commissioners intends that each separate provision of this Ordinance be deemed independent of all other provisions herein, and it is further the intention of said Board that if any of the provisions of this ordinance be declared to be invalid, then all other provisions thereof shall remain valid and enforceable.

SECTION 3: EFFECTIVE DATE:

This Ordinance shall be in full force and effect from and after its passage, approval, and publication.

REGULARLY PASSED, APPROVED AND ADOPTED this 23rd day of May, 2016.

BLAINE COUNTY BOARD OF COUNTY COMMISSIONERS

Jacob Greenberg, Chairman

ABSENT
Angenie McCleary, Commissioner

Lawrence Schoen, Commissioner

Attest:

JoLynn Drage, Clerk

BOARD OF COUNTY COMMISSIONERS BLAINE COUNTY IDAHO SEAL