

1 **BLAINE COUNTY ORDINANCE NUMBER 2016-04**

2
3 An ordinance of Blaine County, Idaho as authorized by Idaho Code §41-253 amending
4 Blaine County Code, Title 7, Chapter 7, Fire Code, by deleting it in its entirety and
5 adopting a new Chapter 7, Fire Code by which the 2012 International Fire Code,
6 including Appendices B, C, D, and F as published by the International Code Council
7 along with amendments and additions relating to local conditions including: a
8 requirement for Class A roof coverings (non-wood in certain fire districts) for new
9 construction, additions and re-roofs; providing a minimum requirement for water supply
10 for subdivisions and re-plats; requiring driveways to meet the standards for fire
11 apparatus access roads; providing a severability clause and an effective date.

12
13 RECITALS

14
15 WHEREAS, the Blaine County Board of County Commissioners passed Blaine
16 County Ordinance Number 2011-04 relating to the 2009 edition of the International Fire
17 Code on May 9, 2011;

18
19 WHEREAS, the State of Idaho has authorized local jurisdictions to adopt the
20 2012 edition of the International Fire Code and additional, locally relevant fire protection
21 provisions in accordance with Idaho Code §41-253;

22
23 WHEREAS, the fire chiefs of the various districts throughout Blaine County, in
24 the interest of fire and life safety, have worked collaboratively to codify and standardize
25 fire requirements for the welfare of their respective communities;

26
27 WHEREAS, because the entire county is a wildland urban interface risk area, the
28 Blaine County Board of County Commissioners has adopted the Community Wildfire
29 Protection Plan dated 2016 identifying fire wise practices, ranking and mapping of fuel
30 hazard areas of Blaine County; and

31
32 WHEREAS, the State of Idaho Department of Insurance has adopted the 2012
33 edition of the International Fire Code by rule, see IDAPA §18.01.50.

34
35 WHEREAS, the Blaine County Fire Protection Ordinance is the minimum fire
36 code standard for the protection of the health and welfare of citizens and visitors;

37
38
39 THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY
40 COMMISSIONERS OF BLAINE COUNTY, IDAHO, AS FOLLOWS:
41

1 Section 1. That the Blaine County Code, Title 7 Chapter 7 shall be and the same is
2 hereby repealed in its entirety and a new Chapter 7 Fire Code is adopted as a
3 supplemental amendment to the 2012 ~~2009~~ edition of International Fire Code. The
4 following text reflects amendments, changes, and alterations to the 2009 ~~2006~~
5 supplemental amendments to the 2009 ~~2006~~ International Fire Code:
6

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

9
10 7-7-1: SHORT TITLE:

11
12 This Chapter shall be known as the *FIRE PROTECTION ORDINANCE*.

13
14 7-7-2: DEFINITIONS:

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

21 BOARD: The Blaine County Board of County Commissioners.

22 BUILDING OFFICIAL: The Blaine County Building Official.

23
24 CLASS A ROOF: The minimum roof covering in Blaine County shall be Class A rated.
25 The proposed roofing must meet industry standards for Class A in reference to ASTM E
26 108, ASTM D 2898, UL 790 or NFPA 256 and Chapter 15 or the 2012 ~~2009~~
27 International Building Code. ~~A minimum 5/8 inch thick plywood solid sheathed roof~~
28 ~~deck may be a component of said assembly.~~

29
30 COMMISSION: The Blaine County Planning and Zoning Commission.

31
32 COMMUNITIES AT RISK: A study dated November 15, 2004 identifying a countywide
33 fire mitigation plan involving mapping, fuel hazards, ranking, and fire wise practices.

34
35 COUNTY: The unincorporated portion of the County of Blaine, a political subdivision of
36 the State of Idaho.

37
38 DEFENSIBLE SPACE: A minimum thirty (30) foot area surrounding any occupancy
39 consisting of vegetation approved, by the authorized jurisdiction, vegetation that
40 reduces a means of transmitting fire from vegetation to structures or from transmitting
41 fire from structures to vegetation.

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

6
7 FIRE CHIEF: The chief officer of the fire department serving the jurisdiction, or a duly
8 authorized representative.

9
10 FIRE CODE OFFICIAL: The fire chief or other designated authority charged with the
11 administration and enforcement of the Code, or a duly authorized representative. In
12 those portions of the County that are not in a Fire District, the County Building Official
13 shall retain the authority of Fire Code Official.

14
15 FLOOR AREA: The area included within the surrounding exterior walls of a building or
16 portion thereof, including all basements and garages, but excluding exterior decks,
17 patios and porches.

18
19 GROUP R-3: The occupancy designated as Group R-3, as set forth in the 2012 ~~2009~~
20 International Building Code, and more specifically known as: a) dwellings; b) lodging
21 houses; and c) congregate residences (each accommodating ten (10) persons or less).
22 For the purposes of this chapter only, Group R-3 occupancies include private garages,
23 carports, and sheds.

24
25 GROUP R-4: Residential occupancies shall include buildings arranged for occupancy
26 as residential care/assisted living facilities including more than five but not more than 16
27 occupants, excluding staff. Group R-4 occupancies shall meet the requirements for
28 construction as defined for Group R-3, except as otherwise provided for in this code, or
29 shall comply with the 2012 ~~2009~~ *International Residential Code*.

30
31 INTERNATIONAL BUILDING CODE: The latest edition of that code, known as the
32 2012 ~~2009~~ International Building Code published by the International Code Council, as
33 adopted by Idaho Code Section 39-4109 and the Building Code Board, and the
34 appendices thereto, excepting those appendices designated in Idaho Code Section 39-
35 4109.

36
37 INTERNATIONAL FIRE CODE: The latest edition of the 2012 ~~2009~~ International Fire
38 Code with appendices B-Fire-Flow Requirements for Buildings, C-Fire Hydrant
39 Locations and Distribution, D-Fire Apparatus Access Roads, and F-Hazard Ranking
40 thereto, published by the International Code Council, and adopted by the Idaho State
41 Fire Marshal, setting forth the minimum standards for the protection of life and property
42 from fire and explosions in the State of Idaho, as adopted by Idaho Code Section 41-
43 253, IDAPA 18, Title 1, Chapter 50.

44
45 OCCUPANCY: The classification of every building, whether existing or hereinafter
46 erected, as set forth in the 2012 ~~2009~~ International Building Code.

1 7-7-3: FINDINGS:
2

3 The Board makes the following findings:
4

5 A. The latest editions of the 2012 ~~2009~~ International Fire Code and the 2012 ~~2009~~
6 International Building Code have been adopted by State law. The 2012 ~~2009~~
7 International Fire Code and 2012 ~~2009~~ International Building Code promote the
8 public health, safety, and general welfare.
9

10 B. The unincorporated area of Blaine County is generally rural in character and water
11 supplies within the unincorporated areas of Blaine County are often limited.
12

13 C. The Districts provide sufficient fire protection personnel and equipment to their
14 constituents to enable a modification of the requirements of Appendix B of the 2012
15 ~~2009~~ International Fire Code, based on the present level of service (i.e., water
16 supply carrying capacity and personnel) of each District.
17

18 D. The Ketchum Rural Fire ~~Protection~~ District, the Wood River Fire ~~Protection~~ District,
19 and Carey Rural Fire ~~Protection~~ District presently provide a sufficient level of service
20 to protect occupancies up to a total floor area of 4,000 square feet, without requiring
21 a greater water supply on-site. The West Magic Fire ~~Protection~~ District presently
22 provides a sufficient level of service to protect occupancies up to a floor area of
23 2,500 square feet, without requiring a greater water supply on-site.
24

25 E. Because the Districts can provide a sufficient level of service and because the
26 Districts are generally rural in character, the full fire-flow requirements of an urban
27 community are not normally required within the Districts. If the level of service of the
28 Districts increases or decreases in the future, total floor area may be increased or
29 decreased by amendment of this Chapter without requiring greater water supply on-
30 site.
31

32 F. Additional requirements, review, and inspection promote the purposes of the 2012
33 ~~2009~~ International Fire Code, the 2012 ~~2009~~ International Building Code and
34 promote compliance with the requirements therein and with the Fire Protection
35 Ordinance.
36

37 G. The development of new ponds that secure both decorative and fire protection
38 purposes is contrary to the Board's current water policy discouraging such uses.
39
40

41 7-7-4: DUTIES OF BUILDING OFFICIAL:
42

43 In addition to their other duties, the Building Official is charged and empowered
44 with the administration and enforcement of the 2012 ~~2009~~ International Fire Code within
45 the County but outside of the Districts.
46

1 7-7-5: MODIFICATION TO THE INTERNATIONAL FIRE CODE:
2

3 A. Exemption from Appendix B.
4

5 Except as otherwise provided herein, the fire flow requirements as stated in
6 Appendix B of the 2012 ~~2009~~ International Fire Code for all occupancies within
7 the Districts are not applicable because the development of full fire flow
8 requirements is not practical and because the occupancies within the Districts
9 are sufficiently serviced by personnel and equipment. For those occupancies
10 within the County but outside of the Districts, the requirements of the 2012 ~~2009~~
11 International Fire Code, including Appendix B, applies.
12

13
14 B. Water Supply or Sprinkler System for any Occupancy.
15

16 1. Floor Area Requirements by Jurisdiction:
17

18 Ketchum Rural Fire ~~Protection~~ District; Wood River Fire ~~Protection~~ District or
19 Carey Rural Fire ~~Protection~~ District: The construction of new square footage or
20 an addition to an existing occupancy, excluding Agricultural buildings, including a
21 remodel, which creates a total floor area of 4000 square feet or greater, shall
22 install an approved fire protection water supply as set forth in Appendix B of the
23 2012 ~~2009~~ International Fire Code, or may install an approved fire sprinkler
24 system as set forth in NFPA Standards 13, 13D and 13R. The construction of any
25 occupancy, excluding Agricultural buildings, on new or existing buildings,
26 including a remodel, which creates a total floor area of 8000 square feet or
27 greater, shall install a fire sprinkler systems set forth in NFPA Standards 13, 13D,
28 13R and provide an approved water supply as determined by the Fire Code
29 Official.
30

31 West Magic Fire ~~Protection~~ District: The construction of new or an addition to an
32 existing occupancy, excluding Agricultural Buildings, including a remodel, which
33 creates a total floor area of 2,500 square feet or greater, shall install an approved
34 fire protection water supply or a sprinkler system as set forth in NFPA Standards
35 13, 13D and 13R. The construction of any occupancy, excluding Agricultural
36 Buildings, on a new or existing building, including a remodel, which creates a
37 total floor area of 5,000 square feet or greater, shall install a sprinkler system as
38 set forth in NFPA Standards 13, 13D and 13R AND an approved fire protection
39 water supply.
40

41 Smiley Creek Fire ~~Protection~~ District: Structures exceeding 2,500 square feet
42 shall be protected by fire sprinklers as approved by the Smiley Creek Fire
43 ~~Protection~~ District and in compliance with the Fire Protection Ordinance or as
44 approved by the Fire Code Official.
45

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

14 15 2. Water Supply and Sprinkler System Requirements.

16
17 The building permittee is granted the option of selecting a minimum 10,000
18 gallon water supply, which shall consist of a cistern, constructed of approved
19 materials other than steel or concrete, or other fire protection water supply that
20 has been approved by the applicable Fire Chief, Fire Code Official, or Building
21 Official. The construction of ponds is not an approved water supply for fire
22 suppression. The water supply and related requirements shall be (a) capable, at
23 a minimum, of delivering 500 gallons of water per minute for twenty (20) minutes
24 with an approved fire apparatus connection; (b) located within 1,000 feet,
25 measured on an approved access roadway, of the nearest point of the structure;
26 and, (c) approved by the applicable Fire Chief, Fire Code Official or Building
27 Official. Sprinkler Systems shall a) comply with NFPA Standards 13, 13D or
28 13R; b) be connected to a water flow alarm; c) be provided with a fire department
29 connection; and, d) be approved by the applicable Fire Chief, Fire Code Official
30 or Building Official. Any approved water flow alarm shall be supervised by a
31 remote signaling station, approved by the applicable Fire Chief, Fire Code Official
32 or Building Official.

33 34 3. Modification of Fire-Flow Requirements.

35
36 For any occupancy, except Agricultural Buildings, located in a District or in the
37 County, the applicable Fire Chief, Fire Code Official or Building Official may
38 decrease the fire-flow requirements for isolated buildings or a group of buildings
39 in rural areas or small communities where the development of full fire-flow
40 requirements are impractical, or increase the fire-flow requirements where
41 considerations indicate an unusual susceptibility to group fires or conflagrations.

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

2
3 Any construction for any occupancy other than R-3 or an Agricultural Building within
4 the County on a new or existing building, including a remodel, shall be subject to the
5 provisions of NFPA Standard 1142 with the exception of assembly occupancies with
6 an occupant load of 100 or more. Assembly occupancies, in the County and in the
7 Districts, with an occupant load of 100 or more occupants shall install an approved
8 NFPA Standard 13 fire sprinkler system throughout in addition to many other
9 requirements.

10
11 1. Section 903.2.8 of the 2012 ~~2009~~ International Fire Code does not apply in its
12 entirety. This code provides for fire protection water supplies or fire sprinkler
13 systems in Section B, Water Supplies, or Sprinkler Systems for any Occupancy
14 in the Fire Districts.

15
16 D. Water Supply for Subdivisions and Re-plats.

17
18 The construction of a new subdivision or a re-plat of an existing subdivision that
19 creates 5 or more new lots or parcels shall be provided with an approved fire
20 protection system and water supply capable of producing a sustained fire flow as
21 determined by the Fire Code Official. Fire hydrant locations, pumper connections
22 and distribution required for subdivisions shall be determined by the Fire Code
23 Official. In addition to the minimum fire flow requirements of fire protection systems,
24 floor area requirements by jurisdiction shall be complied with for the construction of
25 any occupancy excluding agricultural buildings, on new or existing buildings
26 including a remodel, which creates a total floor area of 8,000 square feet or greater.

27
28 E. Fire Apparatus Access Roads and Driveway.

29
30 Fire Apparatus Access Roads and Driveways: Approved fire apparatus access roads
31 or driveways shall be provided for every facility, building or portion of a building
32 hereafter constructed or moved into or within Blaine County Fire Districts and areas
33 of unincorporated Blaine County not within an established Fire District. Approved fire
34 apparatus access roads and driveways shall comply with the requirements of
35 Section 503 and Appendix D of the 2012 International Fire Code.

36
37 F. Defensible Space.

38
39 Construction for any occupancy on a new or existing building, including remodels,
40 within the County shall provide a minimum defensible space of thirty (30) feet
41 surrounding any occupancy. Approved vegetation shall be maintained annually by
42 the property owner to minimize fire fuel loads within this defensible space.
43
44

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

2
3 Except for those buildable lots or parcels existing on the date of the adoption of the
4 1993 Fire Protection Ordinance, Appendix B of the 2012 ~~2009~~ International Fire
5 Code shall apply to those occupancies within the County where the separation
6 between any occupancy on separate lots or parcels is less than fifty (50) feet.
7

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

10
11 If there is construction on any occupancy within the County on a new or existing
12 building, including a remodel located within fifty (50) feet of another occupancy on
13 the same lot or parcel, the square footage of all the occupancies located within fifty
14 (50) feet of the proposed construction, shall be calculated as though there was only
15 one building, unless each building or portion of a building is separated by one or
16 more fire walls, as set forth in Section 5 (b) (1) of the Fire Protection Ordinance. If
17 the total square footage of the occupancies exceeds 4,000 square feet in the
18 Ketchum, and Wood River Fire Protection District and Carey Fire District or 4,000
19 square feet in the Carey Fire Protection District, 2,500 square feet in the West Magic
20 Fire Protection District or Smiley Creek Rural Fire District then the new construction
21 shall comply with the requirements in Section 5(b) of the Fire Protection Ordinance.
22

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

24
25 1. Ketchum Rural Fire District, Wood River Fire District and Smiley Creek
26 Fire District: Class A Roofing Required.

27 a. Class A roof coverings or assemblies containing no wood products with no
28 wood products in the roof covering are required on all new construction buildings.

29 ~~Class A Roof Deck: Class A roof deck coverings are the minimum exposure~~
30 ~~rating for Blaine County on all new roof construction or as approved by the fire~~
31 ~~code official per section 104 of the 2009 international fire code.~~

32 b. When a structure is being reroofed it is required to have a Class A roof
33 covering or assembly containing no wood products. Class A or the highest rated
34 covering that matches existing covering is required when less than ten (10)
35 percent of the roof area is being repaired and additional areas are not
36 subsequently repaired within five (5) years.

37 c. Where the addition to an existing structure exceeds 1,000 square feet of
38 roof area, the entire structure must be upgraded to a Class A roof covering or
39 assembly containing no wood products. Additions to buildings over 1,000 square
40 feet of roof area require that the roof of the entire building be upgraded to a Class
41 A roof with no wood products in the roof covering.

42
43 4.2. Carey Fire District, West Magic Fire District: Class A roof assemblies are
44 required on all new buildings. Class A roof assemblies are required for all re-
45 roofs over 1,000 square feet of roof area. Class A is not required when less than
46 ten (10) percent of the roof area is being repaired and additional areas are not

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

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

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

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

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

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

17
18 J H. Address Numbers.

19
20 All residences shall exhibit approved legible address numbers in locations that are
21 plainly visible from the highway, road, or street fronting the property. Address
22 numbers shall be a minimum of four (4) inches in height and shall contrast with their
23 background. Address numbers shall be posted a minimum of forty-eight (48) inches
24 above final grade and shall be maintained unobstructed and visible at all times.

25
26 K I. Fire Protection Equipment.

27
28 All required fire protection systems and equipment, including standpipe systems,
29 shall be installed by an approved Licensed Contractor for the type of equipment
30 being installed. Licensed Contractors shall provide certification and licensure
31 documentation to the applicable Fire Chief, Fire Code Official, or Building Official
32 upon request. Submittal of construction documents, meeting the requirements of the
33 2012 ~~2009~~ IFC Section 105, for approval by the applicable Fire Chief, Fire Code
34 Official, or Building Official is required before commencing installation of any
35 required fire protection system or equipment including standpipe systems.

36
37 L J. Fireworks.

38
39 The use of fireworks, 1.4G (formerly known as Class C, Common Fireworks) other than
40 Non- Aerial Common Fireworks as defined by Idaho Code Title 39 Chapter 26 is
41 prohibited. The use of Special Fireworks as defined by Idaho Code Title 39 Chapter 26

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

5
6 Fireworks, 1.3 G for display fireworks, as defined by Section 3302 of the 2012 ~~2009~~
7 IFC, shall meet all of the requirements of the 2012 ~~2009~~ IFC Section 3308.

8
9 The following definitions are added to Section J:

10
11 Non-Aerial Common Fireworks means any fireworks such as ground spinners,
12 fountains, sparklers, smoke devices or snakes designed to remain on or near the
13 ground and not to travel outside a fifteen (15) foot diameter circle or emit sparks or other
14 burning material which land outside a twenty (20) foot diameter circle or above a height
15 of twenty (20) feet. Non-aerial common fireworks do not include bottle rockets,
16 firecrackers, jumping jacks, or similar products.

17
18 Application for Fireworks Display Permit: Any person desiring to engage in a public or
19 private display or other events using fireworks shall first make a written application,
20 including fees as set by Resolution of the Authority Having Jurisdiction, Fire
21 Department, to the Fire Chief, Fire Code Official or an appointee for a “Fireworks
22 Display Permit”.

23
24 The Authority Having Jurisdiction, Fire Department, Fire Chief, Fire Code Official or an
25 appointee shall have the power to grant or deny any application, subject to such
26 reasonable conditions, if any, as it shall prescribe so long as the denial of the
27 application or any conditions imposed on the granting of the application are reasonably
28 necessary for protection of public health and safety, subject to review by the Board of
29 Appeals as set for in Section 7-7-7 of this Ordinance.

30
31 Term of Permit: A “Fireworks Display Permit”, if issued, shall be nontransferable, shall
32 list the specific date or dates upon which the display or event shall occur and the types
33 of fireworks and uses that will be allowed.

34
35 Insurance Required: Each applicant for a “Fireworks Display Permit” shall have filed
36 with the Fire Code Official prior to the issuance and validity of any permit, a policy or
37 certified true copy thereof, of public liability insurance, including both “accident” and
38 “occurrence” coverage. The insurance coverage limits for both public liability and for
39 products liability coverage shall be at least One Million Dollars (\$1,000,000.00) per
40 person per occurrence bodily injury; One Million Dollars (\$1,000,000.00) per occurrence
41 aggregate bodily; and One Million Dollars (\$1,000,000.00) per occurrence aggregate
42 property damage. Each policy of insurance shall be in the form and substance
43 acceptable to the County, and shall name as insured parties under the terms of the
44 policy the County, all officials, elected and appointed, of the County in performance of
45 official functions regarding all operations under or pertaining to said permit, any licensee
46 or licenser of the applicant, and all vendors of fireworks covered by the permit to be

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

7
8 General Prohibitions: It shall be unlawful for any person, except in compliance with this
9 chapter, to:

- 10
11 A. Alter any fireworks;
12 B. Throw any fireworks from, into, or at a moving vehicle or at any person;
13 C. Use fireworks in any area that constitutes a severe fire threat based on the
14 vegetative conditions during the current fire season as determined by the
15 authority having jurisdiction.

16
17 Exceptions: The provisions of this chapter do not apply to and shall not prohibit:

- 18
19 A. The use of explosives, flares, noisemakers or signals designed and used for
20 the purpose of protecting the public.
21 B. The use of blank cartridges.
22 C. The use of flares or noisemakers designed and labeled specifically for pest
23 control purposes and approved by the Idaho Department of Fish and Game.

24
25 Liability of Parents or Guardians: The parents, guardians or other persons having
26 custody or control of a minor shall be liable for damage caused by the use of fireworks
27 by the minor.

28
29 Compliance with Idaho State Fireworks Act: It shall be the duty of every person to
30 comply with all the provisions of Chapter 26, Title 39, Idaho Code, Idaho State
31 Fireworks Act and of this ordinance. Violation of the Act or any provisions of this
32 ordinance by the permittee, or by any of their agents, employees, or officers shall
33 constitute a cause, in and of itself, to deny any subsequent application for a permit.

34
35 7-7-6: REVIEW, APPROVAL, INSPECTION, AND FEES:

36
37 A. Review of Building Permits.

38
39 Before any building permit is issued within the Districts, the applicable Fire Chief,
40 Fire Code Official or Building Official shall review the building permit application,
41 along with copies of all building plans and specifications for any occupancy group to
42 determine whether the building is designed to comply with the 2012 ~~2009~~
43 International Fire Code and the Fire Protection Ordinance. Before any building
44 permit is issued within the County but outside of the Districts, the Building Official
45 shall review the building permit application, along with copies of all building plans
46 and specifications for any occupancy group to determine whether the building is

1 designed to comply with the 2012 ~~2009~~ International Fire Code and the Fire
2 Protection Ordinance. Before any building permit is issued, the applicable Fire
3 Chief, Fire Code Official or Building Official shall certify on the building permit that
4 the application is designed to comply with the 2012 ~~2009~~ International Fire Code and
5 the Fire Protection Ordinance.
6

7 B. Applications.
8

9 Review of Subdivision Before any preliminary or short plat for property within the
10 Districts is considered pursuant to Title 10 of the Blaine County Code, the applicable
11 Fire Chief, Fire Code Official or Building Official shall review the subdivision
12 application, along with copies of all plans and specifications, to determine whether
13 the proposed subdivision will comply with the 2012 ~~2009~~ International Fire Code and
14 the Fire Protection Ordinance. Before any preliminary or short plat for property
15 within the County but outside of the Districts is considered pursuant to Title 10 of this
16 Code, the Building Official shall review the subdivision application, along with copies
17 of all plans and specifications, to determine whether the proposed subdivision will
18 comply with the 2012 ~~2009~~ International Fire Code and the Fire Protection
19 Ordinance. Before any preliminary or short plat is approved pursuant to Title 10 of
20 this Code, the applicable Fire Chief, Fire Code Official or Building Official shall
21 forward to the Commission, for a preliminary plat, or to the Board, for a short plat,
22 their recommendations, including suggested conditions for their consideration. If
23 there are considerations indicating an unusual susceptibility to group fires or
24 conflagrations, the applicable Fire Chief, Fire Code Official or Building Official may
25 require a fire-flow greater than that required by the 2012 ~~2009~~ International Fire
26 Code and the Fire Protection Ordinance.
27

28 C. Approval of Building Permits and Subdivision Applications.
29

30 Compliance with the 2012 ~~2009~~ International Fire Code and the Fire Protection
31 Ordinance shall be established to the satisfaction of the applicable Fire Chief, Fire
32 Code Official or Building Official before the Building Official will issue a building
33 permit, or before a preliminary or short plat is approved.
34

35 D. Inspection.
36

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

1 shall be inspected and approved by the applicable Fire Chief, Fire Code Official,
2 or Building Official before a final building inspection is approved by the Building
3 Official.
4

5 2. Water Supply or Sprinkler System. As a condition of a building permit, a water
6 supply shall be inspected and approved by the applicable Fire Chief, Fire Code
7 Official or Building Official before combustible construction is initiated. The
8 permittee has the burden and obligation to submit written proof to the Building
9 Official that the water supply has been inspected and approved. As a condition
10 of a building permit, sprinkler system plans shall be inspected and approved by
11 the applicable Fire Chief, Fire Code Official or Building Official before a framing
12 inspection is approved by the Building Official. As a condition of a building
13 permit, a sprinkler system shall be inspected and approved by the applicable Fire
14 Chief, Fire Code Official or Building Official before a final building inspection is
15 approved by the Building Official. The permittee has the burden and obligation to
16 submit written proof to the Building Official that the sprinkler system has been
17 inspected and approved.
18

19 3. Fire Protection Maintenance. All fire protection water supplies, fire protection
20 equipment, access to occupancies and equipment, whether required or
21 voluntarily installed, that would require a response by the Fire Districts or be
22 used by the Fire Districts shall be maintained in operating condition at all times.
23 Operating condition includes unobstructed access, maintenance, testing, and
24 inspections as required by the applicable Fire Chief, Fire Code Official or Building
25 Official.
26

27 E. Fees.

28
29 Each Fire District may by resolution, adopt a fee schedule for reviewing Building
30 Permit, Subdivision, Plat and Conditional Use Permit applications. The fee for any
31 application requiring Fire District comment shall be in addition to the fees collected
32 by the Land Use and Building Services Department.
33
34

35 7-7-7: APPEALS:

36 A. Appeals.

37
38
39 When the applicable Fire Chief, Fire Code Official or Building Official disapproves of
40 an application or refuses to grant a permit, or when there is a question as to the
41 suitability of alternate materials and types of construction, or when there is a
42 question of interpretation of the 2012 ~~2009~~ International Fire Code or the Fire
43 Protection Ordinance, the applicant or aggrieved party may appeal the decision of
44 the applicable Fire Chief, Fire Code Official or Building Official to a Board of
45 Appeals, as required by the 2012 ~~2009~~ International Fire Code.
46
47

1 B. Appeal Procedure.

2
3 A written notice of appeal, detailing all basis for appeal including the particulars
4 regarding any claimed error or abuse of discretion, shall be filed with the applicable
5 District or in those portions of the County that are not in a District, the County
6 Building Department, before five p.m. of the fifteenth calendar day after the decision
7 of the applicable Fire Chief, Fire Code Official, or Building Official has been made.
8 The failure to physically file a notice of appeal with the applicable District or Building
9 Department within the time limits prescribed by this Section shall cause automatic
10 dismissal of such appeal.

11
12 C. Board of Appeals.

13
14 The Board of Appeals consists of five members who are qualified by experience and
15 training to pass upon pertinent matters. The five members are appointed by the
16 District having jurisdiction or in those portions of the County that are not in a Fire
17 District, the Board of Appeals shall be appointed by the Board of County
18 Commissioners and hold office at the Board of Commissioners' pleasure. The
19 applicable Fire Chief, Fire Code Official or Building Official shall be an ex officio
20 member and shall act as secretary of the Board of Appeals or shall have the power
21 to appoint a secretary.

22
23 D. Conduct of Hearings.

24
25 The Board of Appeals shall conduct a hearing for the appeal within thirty (30) days of
26 the filing of the appeal. The Board of Appeals shall adopt reasonable rules and
27 regulations for conducting its investigations and shall render decisions and findings
28 in writing to the applicable Fire Chief, Fire Code Official, or Building Official, with a
29 duplicate copy to the appellant within thirty (30) days after the hearing of appeal.

30
31 E. Idaho State Department of Insurance.

32
33 Pursuant to Idaho Code Section 41-260, the Idaho State Fire Marshal's Office may
34 hear appeals from aggrieved parties in reference to this Idaho State Statute after
35 following the appeals procedure under section 7-7-7 A, B, C and D.

36
37 7-7-8: PENALTIES:

38
39 A. Violation of a provision of the Fire Protection Ordinance or the 2012 ~~2009~~
40 International Fire Code shall be a misdemeanor, punishable as provided in Blaine
41 County Code Section 1-4-1. Each day that such a Violation occurs or continues shall
42 constitute a separate criminal offense. Any violation of any provision of the Fire
43 Protection Ordinance may also result in the filing of a civil complaint for civil
44 damages, if applicable, imposed upon any person violating the 2012 ~~2009~~
45 International Fire Code or the Fire Protection Chapter. Whenever it appears that any
46 person has engaged in any act or practice constituting a violation of the 2012 ~~2009~~
47 International Fire Code or this Fire Protection Chapter, the Building Official, applicable Fire

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

6
7 7-7-9: WARNING AND DISCLAIMER OF LIABILITY:

8
9 The degree of fire protection required by the Fire Protection Ordinance is considered
10 reasonable for regulatory purposes and is based on nationally accepted fire protection
11 standards. The Fire Protection Ordinance does not imply that persons or property will
12 be fully or even partially protected from fire or damage. The Fire Protection Ordinance
13 shall not create liability on the part of the Board, Blaine County, or its employees,
14 officers or agents, or the Districts or their employees, officers or agents for any damage
15 to persons or property following the adoption of this Chapter, including, but not limited
16 to, reliance on this Chapter or any administrative decision made hereunder.

17
18 SECTION 2: SEVERABILITY:

19
20 The Board of County Commissioners intends that each separate provision of this
21 Ordinance be deemed independent of all other provisions herein, and it is further the
22 intention of said Board that if any of the provisions of this ordinance be declared to be
23 invalid, then all other provisions thereof shall remain valid and enforceable.

24
25 SECTION 3: EFFECTIVE DATE:

26
27 This Ordinance shall be in full force and effect from and after its passage, approval,
28 and publication.

29
30 REGULARLY PASSED, APPROVED AND ADOPTED this ___ day of _____, 2016.

31
32 BLAINE COUNTY BOARD OF COUNTY COMMISSIONERS

33
34
35 _____
36 Jacob Greenberg, Chairman

37
38
39 _____
40 Angenie McCleary, Commissioner

41
42 Attest:

43
44 _____
45 Lawrence Schoen, Commissioner

46
47 _____
JoLynn Drage, Clerk