

BLAINE COUNTY ORDINANCE NUMBER 2011- 04

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An ordinance of Blaine County 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 2009 International Fire Code along with amendments and additions relating to local conditions are added including: clarifying the definition of Class A roof and a schedule for replacement of existing roofing; providing a special fireworks display permitting and appeals process; providing for fire walls under Section 706 of the 2009 Int'l Building Code; requiring approved water supplies and residential fire sprinklers based on square footage size and access to structures; amending penalty provisions; providing a severability clause and an effective date.

RECITALS

WHEREAS, the Blaine County Board of County Commissioners passed Blaine County Ordinance Number 2007-06 relating to the 2006 edition of the International Fire Code on Dec. 18, 2007;

WHEREAS, the State of Idaho has authorized local jurisdictions to adopt the 2009 edition of the International Fire Code and additional locally relevant fire protection provisions;

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, the Blaine County Board of County Commissioners has adopted the findings in the Blaine County Fire Mitigation Plan Communities at Risk study dated November 15, 2004 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 2009 edition of the International Fire Code by rule, see IDAPA §18.01.50.

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

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 That the Blaine County Code, Title 7 Chapter 7 shall be and the same is hereby repealed in its entirety and a new Chapter 7 Fire Code is adopted as a supplemental amendment to the 2009 edition of International Fire Code. The following text reflects amendments, changes and alterations to the 2006 supplemental amendments to the 2006 International Fire Code (additions are underlined; deletions are stricken; and unmarked text is unchanged between the 2006 and the proposed 2009 edition):

1 7-7-1: SHORT TITLE:

2

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

4

5 7-7-2: DEFINITIONS:

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

12 BOARD: The Blaine County Board of County Commissioners.

13 BUILDING OFFICIAL: The Blaine County Building Official.

14

15 CLASS A ROOF: ~~Roof deck assemblies shall include solid sheathing, 5/8" thick span~~
16 ~~rated plywood sheathing or greater where structural spans are required for snow~~
17 ~~loading and 72 # mineral cap sheet felt. Exposed to weather roof coverings shall have a~~
18 ~~minimum class A fire resistant rating. Other Class A-rated assemblies may be~~
19 ~~considered by the Fire Code Official having jurisdiction within their district. The minimum~~
20 ~~roof covering in Blaine County shall be Class A rated. The proposed roofing must meet~~
21 ~~industry standards for Class A in reference to ASTM E 108, ASTM D 2898, UL 790 or~~
22 ~~NFPA 256 and Chapter 15 or the 2009 International Building Code. A minimum 5/8~~
23 ~~inch thick plywood solid sheathed roof deck may be a component of said assembly.~~

24

25 COMMISSION: The Blaine County Planning and Zoning Commission.

26

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

29

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

32

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

37

38 DISTRICT: The Ketchum Rural Fire Protection District, the Wood River Fire Protection
39 District, the Carey Fire Protection District, the Smiley Creek Fire Protection District, or
40 the portion of the West Magic Fire Protection District located within Blaine County,
41 political subdivisions of the State of Idaho, which is also referred to as "Fire
42 Departments" under the 2006 2009 International Fire Code.

43

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

3
4 FIRE CODE OFFICIAL: The fire chief or other designated authority charged with the
5 administration and enforcement of the Code, or a duly authorized representative. In
6 those portions of the County that are not in a Fire District, the County Building Official
7 shall retain the authority of Fire Code Official.

8
9 FLOOR AREA: The area included within the surrounding exterior walls of a building or
10 portion thereof, including all basements and garages, but excluding exterior decks,
11 patios and porches.

12
13 GROUP R-3: The occupancy designated as Group R-3, as set forth in the ~~2006~~2009
14 International Building Code, and more specifically known as: a) dwellings; b) lodging
15 houses; and c) congregate residences (each accommodating ten (10) persons or less).
16 For the purposes of this chapter only, Group R-3 occupancies include private garages,
17 carports and sheds.

18
19 GROUP R-4: Residential occupancies shall include buildings arranged for occupancy
20 as residential care/assisted living facilities including more than five but not more than 16
21 occupants, excluding staff. Group R-4 occupancies shall meet the requirements for
22 construction as defined for Group R-3, except as otherwise provided for in this code, or
23 shall comply with the ~~2006~~ 2009 *International Residential Code*.

24
25 INTERNATIONAL BUILDING CODE: The latest edition of that code, known as the
26 ~~2006~~ 2009 International Building Code published by the International Code Council, as
27 adopted by Idaho Code Section 39-4109 and the Building Code Board, and the
28 appendices thereto, excepting those appendices designated in Idaho Code Section 39-
29 4109.

30
31 INTERNATIONAL FIRE CODE: The latest edition of the ~~2006~~ 2009 International Fire
32 Code with appendices B-Fire-Flow Requirements for Buildings, C-Fire Hydrant
33 Locations and Distribution, D-Fire Apparatus Access Roads, and F-Hazard Ranking
34 thereto, published by the International Code Council, and adopted by the Idaho State
35 Fire Marshal, setting forth the minimum standards for the protection of life and property
36 from fire and explosions in the State of Idaho, as adopted by Idaho Code Section 41-
37 253, IDAPA 18, Title 1, Chapter 50.

38
39 OCCUPANCY: The classification of every building, whether existing or hereinafter
40 erected, as set forth in the ~~2006~~ 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 ~~2006~~ 2009 International Fire Code and the ~~2006~~ 2009
6 International Building Code have been adopted by State law. The ~~2006~~ 2009
7 International Fire Code and ~~2006~~ 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 ~~2006~~
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 ~~2006~~
33 2009 International Fire Code, the 2009 International Building Code and promote
34 compliance with the requirements therein and with the Fire Protection Ordinance.
35
- 36 G. The development of new ponds that secure both decorative and fire protection
37 purposes is contrary to the Board's current water policy discouraging such uses.
38
39

40 7-7-4: DUTIES OF BUILDING OFFICIAL:
41

42 In addition to their other duties, the Building Official is charged and empowered
43 with the administration and enforcement of the ~~2006~~ 2009 International Fire Code within
44 the County but outside of the Districts.
45
46

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

3 A. Exemption from Appendix B. Except as otherwise provided herein, the fire flow
4 requirements as stated in Appendix B of the 2006 2009 International Fire Code for all
5 occupancies within the Districts are not applicable because the development of full fire
6 flow requirements is not practical and because the occupancies within the Districts are
7 sufficiently serviced by personnel and equipment. For those occupancies within the
8 County but outside of the Districts, the requirements of the 2006 2009 International Fire
9 Code, including Appendix B, applies.

10
11 B. Water Supply or Sprinkler System for any Occupancy.
12

13 1. Floor Area Requirements by Jurisdiction:
14

15 Ketchum Rural Fire Protection District, Wood River Fire Protection District or
16 Carey Rural Fire Protection District:

17 ~~The construction of new or an addition to an existing occupancy, excluding~~
18 ~~Agricultural Buildings, including a remodel, which creates a total floor area of~~
19 ~~4,000 square feet or greater, shall install a sprinkler system as set forth in NFPA~~
20 ~~Standards 13, 13D and 13R, or an approved fire protection water supply. The~~
21 ~~construction of any occupancy, excluding Agricultural Buildings, on a new or~~
22 ~~existing building, including a remodel, which creates a total floor area of 8,000~~
23 ~~square feet or greater, shall install a sprinkler system as set forth in NFPA~~
24 ~~Standards 13, 13D and 13R AND an approved fire protection water supply.~~

25
26 Carey Fire Protection District: ~~The construction of new or an addition to an~~
27 ~~existing occupancy, excluding Agricultural Buildings, including a remodel,~~
28 ~~which creates a total floor area of 3000 4,000 square feet or greater, shall~~
29 ~~install a sprinkler system as set forth in NFPA Standards 13, 13D and 13R, or~~
30 ~~an approved fire protection water supply. The construction of any occupancy,~~
31 ~~excluding Agricultural Buildings, on a new or existing building, including a~~
32 ~~remodel, which creates a total floor area of 6,000 8,000 square feet or greater,~~
33 ~~shall install a sprinkler system as set forth in NFPA Standards 13, 13D and~~
34 ~~13R AND an approved fire protection water supply. The construction of new~~
35 ~~square footage or an addition to an existing occupancy, excluding Agricultural~~
36 ~~buildings, including a remodel, which creates a total floor area of 4000 square~~
37 ~~feet or greater, shall install an approved fire protection water supply as set~~
38 ~~forth in Appendix B of the 2009 International Fire Code, or may install an~~
39 ~~approved fire sprinkler system as set forth in NFPA Standards 13, 13D, and~~
40 ~~13R. The construction of any occupancy, excluding Agricultural buildings, on~~
41 ~~new or existing buildings, including a remodel, which creates a total floor area~~
42 ~~of 8000 square feet or greater, shall install a fire sprinkler systems set forth~~
43 ~~in NFPA Standards 13, 13D, 13R and provide an approved water supply as~~
44 ~~determined by the Fire Code Official.~~

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

10
11 Smiley Creek Fire Protection District: Structures exceeding ~~1,200~~ 2,500
12 square feet shall be protected by fire sprinklers as approved by the Smiley
13 Creek Fire Protection District and in compliance with the Fire Protection
14 Ordinance or as approved by the Fire Code Official.

15
16 For the purpose of calculating square footage for any Group R-3 occupancy
17 on the same lot or parcel, each building or portion of a building separated by
18 one or more fire walls, which comply with the provisions of ~~Section 705 Fire~~
19 Walls Section 706 Fire Walls of the ~~2006~~ 2009 International Building Code,
20 may be considered a separate building and may be considered independently
21 from the total square footage of one or more Group R-3 occupancies. In
22 addition to installing sprinkler systems or approved fire protection water
23 supplies in the above-stated areas, the applicable Fire Chief, Fire Code
24 Official or Building Official may, at their discretion, require additional fire
25 mitigation measures including, but not limited to, fire walls constructed in
26 accordance with ~~Section 705~~ 706 Fire Walls of the ~~2006~~ 2009 International
27 Building Code.

28
29 2. Water Supply and Sprinkler System Requirements. The building permittee
30 is granted the option of selecting a minimum 10,000 gallon water supply,
31 which shall consist of a cistern, constructed of approved materials other than
32 than steel or concrete, or other fire protection water supply that has been
33 approved by the applicable Fire Chief, Fire Code Official or Building Official.
34 The construction of ponds is not an approved water supply for fire
35 suppression. The water supply and related requirements shall be (a) capable,
36 at a minimum, of delivering 500 gallons of water per minute for twenty (20)
37 minutes with an approved fire apparatus connection; (b) located within 1,000
38 feet, measured on an approved access roadway, of the nearest point of the
39 structure; and, (c) approved by the applicable Fire Chief, Fire Code Official or
40 Building Official. Sprinkler Systems shall a) comply with NFPA Standards 13,
41 13D or 13R; b) be connected to a water flow alarm; c) be provided with a fire
42 department connection; and, d) be approved by the applicable Fire Chief, Fire
43 Code Official or Building Official. Any approved water flow alarm shall be
44 supervised by a remote signaling station, approved by the applicable Fire
45 Chief, Fire Code Official or Building Official.

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

8
9 C. Sprinkler System for Occupancy's other than A, R-3 or Agricultural Building.

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

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

21
22 D. Defensible Space. Construction for any occupancy on a new or existing building,
23 including remodels, within the County shall provide a minimum defensible space of
24 thirty (30) feet surrounding any occupancy. Approved vegetation shall be
25 maintained annually by the property owner to minimize fire fuel loads within
26 this defensible space.

27
28 E. Application of Appendix B for Occupancies on Separate Lots or Parcels.

29 Except for those buildable lots or parcels existing on the date of the adoption of the
30 1993 Fire Protection Ordinance, Appendix B of the 2006 2009 International Fire
31 Code shall apply to those occupancies within the County where the separation
32 between any occupancy on separate lots or parcels is less than fifty (50) feet.

33
34 F. Application of Alternative Sprinkler System or Fire Flows for the Same or Different
35 Occupancies on the Same Lot or Parcel. If there is construction on any occupancy
36 within the County on a new or existing building, including a remodel located within fifty
37 (50) feet of another occupancy on the same lot or parcel, the square footage of all the
38 occupancies located within fifty (50) feet of the proposed construction, shall be
39 calculated as though there was only one building, unless each building or portion of a
40 building is separated by one or more fire walls, as set forth in Section 5 (b) (1) of the
41 Fire Protection Ordinance. If the total square footage of the occupancies exceeds 4,000
42 square feet in the Ketchum, and Wood River Fire Protection District and Carey Fire
43 District or 4,000 square feet in the Carey Fire Protection District, 2,500 square feet in
44 the West Magic Fire Protection District or Smiley Creek Rural Fire District then the new
45 construction shall comply with the requirements in Section 5(b) of the Fire Protection
46 Ordinance.

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G. Roofs Assembly.

1. Class A roof deck assembly 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.

2. Re-roofing: When re-roofing, a Class A Covering is the minimum exposure rating for the entire structure. The following schedule shall apply to re-roofing of structures in existence prior to the adoption of this ordinance, effective 1/1/08.

~~a. From January 1, 2008 until December 31, 2009 when replacing more than 40% of the roof surface.~~

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

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

c. From January 1, 2014 and forward, when replacing 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.

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.

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 ~~2006~~ 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.

J. Fireworks. ~~The possession, storage, use, transport or sale of fireworks within incorporated unincorporated areas cities in Blaine County is prohibited.~~ The use of

1 fireworks, 1.4G (formerly known as Class C, Common Fireworks) other than Non-
2 Aerial Common Fireworks as defined by Idaho Code Title 39 Chapter 26 is
3 prohibited. The use of Special Fireworks as defined by Idaho Code Title 39 Chapter
4 26 or Fireworks 1.3G (formerly known as Class B, Special Fireworks) requires a
5 permit from the authority having jurisdiction. The sale or distribution of any
6 fireworks in the unincorporated areas of Blaine County is prohibited. The
7 manufacture of any type of fireworks within Blaine County is prohibited.

8
9 Special fireworks for fireworks-Fireworks, 1.3 G for display fireworks, as defined by
10 Section 3302 of the 2006 2009 IFC, shall meet all of the requirements of the 2006 2009
11 IFC Section 3308.

12
13 The following definitions are added to Section J:

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

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

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

34
35 Term of Permit: A "Fireworks Display Permit", if issued, shall be nontransferable, shall
36 list the specific date or dates upon which the display or event shall occur and the types
37 of fireworks and uses that will be allowed.

38
39 Insurance Required: Each applicant for a "Fireworks Display Permit" shall have filed
40 with the Fire Code Official prior to the issuance and validity of any permit, a policy or
41 certified true copy thereof, of public liability insurance, including both "accident" and
42 "occurrence" coverage. The insurance coverage limits for both public liability and for
43 products liability coverage shall be at least One Million Dollars (\$1,000,000.00) per
44 person per occurrence bodily injury; One Million Dollars (\$1,000,000.00) per occurrence
45 aggregate bodily; and One Million Dollars (\$1,000,000.00) per occurrence aggregate
46 property damage. Each policy of insurance shall be in the form and substance

1 acceptable to the County, and shall name as insured parties under the terms of the
2 policy the County, all officials, elected and appointed, of the County in performance of
3 official functions regarding all operations under or pertaining to said permit, any licensee
4 or licensor of the applicant, and all vendors of fireworks covered by the permit to be
5 issued to the applicant. Said policy of insurance shall be so written that it cannot be
6 canceled without at least ten (10) days prior written notice to the County from the
7 underwriting insurance company. The policy of insurance shall be underwritten through
8 or by a qualified and duly licensed insurance company or companies doing or
9 authorized to do insurance business in Idaho, and a copy of said policy shall be filed
10 with the Fire Code Official prior to the issuance of the permit.

11
12 General Prohibitions: It shall be unlawful for any person, except in compliance with this
13 chapter, to:

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

20
21 Exceptions: The provisions of this chapter do not apply to and shall not prohibit:

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

29
30 Liability of Parents or Guardians: The parents, guardians or other persons having
31 custody or control of a minor shall be liable for damage caused by the use of fireworks
32 by the minor.

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

39
40 7-7-6: REVIEW, APPROVAL, INSPECTION AND FEES:

- 41
42 A. Review of Building Permits. Before any building permit is issued within the Districts,
43 the applicable Fire Chief, Fire Code Official or Building Official shall review the
44 building permit application, along with copies of all building plans and specifications
45 for any occupancy group to determine whether the building is designed to comply
46 with the ~~2006~~ 2009 International Fire Code and the Fire Protection Ordinance.

1 Before any building permit is issued within the County but outside of the Districts, the
2 Building Official shall review the building permit application, along with copies of all
3 building plans and specifications for any occupancy group to determine whether the
4 building is designed to comply with the ~~2006~~ 2009 International Fire Code and the
5 Fire Protection Ordinance. Before any building permit is issued, the applicable Fire
6 Chief, Fire Code Official or Building Official shall certify on the building permit that
7 the application is designed to comply with the ~~2006~~ 2009 International Fire Code and
8 the Fire Protection Ordinance.
9

10 B. Applications. Review of Subdivision Before any preliminary or short plat for property
11 within the Districts is considered pursuant to Title 10 of the Blaine County Code, the
12 applicable Fire Chief, Fire Code Official or Building Official shall review the
13 subdivision application, along with copies of all plans and specifications, to determine
14 whether the proposed subdivision will comply with the ~~2006~~ 2009 International Fire
15 Code and the Fire Protection Ordinance. Before any preliminary or short plat for
16 property within the County but outside of the Districts is considered pursuant to Title
17 10 of this Code, the Building Official shall review the subdivision application, along
18 with copies of all plans and specifications, to determine whether the proposed
19 subdivision will comply with the ~~2006~~ 2009 International Fire Code and the Fire
20 Protection Ordinance. Before any preliminary or short plat is approved pursuant to
21 Title 10 of this Code, the applicable Fire Chief, Fire Code Official or Building Official
22 shall forward to the Commission, for a preliminary plat, or to the Board, for a short
23 plat, their recommendations, including suggested conditions for their consideration.
24 If there are considerations indicating an unusual susceptibility to group fires or
25 conflagrations, the applicable Fire Chief, Fire Code Official or Building Official may
26 require a fire-flow greater than that required by the ~~2006~~ 2009 International Fire
27 Code and the Fire Protection Ordinance.
28

29 C. Approval of Building Permits and Subdivision Applications. Compliance with the
30 ~~2006~~ 2009 International Fire Code and the Fire Protection Ordinance shall be
31 established to the satisfaction of the applicable Fire Chief, Fire Code Official or
32 Building Official before the Building Official will issue a building permit, or before a
33 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
41 or covered during the course of the construction, repair or remodeling
42 authorized by the building permit until the same has been inspected and
43 approved by the applicable Fire Chief, Fire Code Official or Building Official.
44 Any such fire safety equipment shall be inspected and approved by the
45 applicable Fire Chief, Fire Code Official or Building Official before a framing
46 inspection is approved by the Building Official. As a condition of a building

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

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

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

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

32 7-7-7: APPEALS:

33
34 A. Appeals. When the applicable Fire Chief, Fire Code Official or Building Official
35 disapproves of an application or refuses to grant a permit, or when there is a
36 question as to the suitability of alternate materials and types of construction, or when
37 there is a question of interpretation of the ~~2006~~ 2009 International Fire Code or the
38 Fire Protection Ordinance, the applicant or aggrieved party may appeal the decision
39 of the applicable Fire Chief, Fire Code Official or Building Official to a Board of
40 Appeals, as required by the ~~2006~~ 2009 International Fire Code.
41

42 B. Appeal Procedure. A written notice of appeal, detailing all basis for appeal including
43 the particulars regarding any claimed error or abuse of discretion, shall be filed with
44 the applicable District or in those portions of the County that are not in a District, the
45 County Building Department, before five p.m. of the fifteenth calendar day after the
46 decision of the applicable Fire Chief, Fire Code Official or Building Official has been

1 made. The failure to physically file a notice of appeal with the applicable District or
2 Building Department within the time limits prescribed by this Section shall cause
3 automatic dismissal of such appeal.
4

5 C. Board of Appeals. The Board of Appeals consists of five members who are
6 qualified by experience and training to pass upon pertinent matters. The five
7 members ~~shall be~~ are appointed by the District having jurisdiction or in those portions
8 of the County that are not in a Fire District, the Board of Appeals shall ~~hold office at~~
9 ~~the appointing authority's pleasure.~~ be appointed by the Board of County
10 Commissioners and hold office at the Board of Commissioners' pleasure. The
11 applicable Fire Chief, Fire Code Official or Building Official shall be an ex officio
12 member and shall act as secretary of the Board of Appeals or shall have the power to
13 appoint a secretary.
14

15 D. Conduct of Hearings. The Board of Appeals shall conduct a hearing for the appeal
16 within thirty (30) days of the filing of the appeal. The Board of Appeals shall adopt
17 reasonable rules and regulations for conducting its investigations and shall render
18 decisions and findings in writing to the applicable Fire Chief, Fire Code Official or
19 Building Official, with a duplicate copy to the appellant within thirty (30) days after the
20 hearing of appeal.
21

22 E. Idaho State Department of Insurance. Pursuant to Idaho Code Section 41-260, the
23 Idaho State Fire Marshal's Office may hear appeals from aggrieved parties in
24 reference to this Idaho State Statute after following the appeals procedure under
25 section 7-7-7 A, B, C and D.
26

27 7-7-8: PENALTIES:

28

29 A. Violation of a provision of the Fire Protection Ordinance or the ~~2006~~ 2009
30 International Fire Code shall be a misdemeanor, punishable by a fine not to exceed
31 three hundred (300) dollars, or imprisonment for a period not to exceed six (6)
32 months in the County Jail, or both for each offense. as provided in Blaine
33 County Code Section 1-4-1. Each day that such a Violation occurs or continues
34 shall constitute a separate criminal offense. Any violation of any provision of the
35 Fire Protection Ordinance may also result in the filing of a civil complaint for civil
36 damages, if applicable, imposed upon any person violating the ~~2006~~ 2009
37 International Fire Code or the Fire Protection Ordinance Chapter. Whenever it
38 appears that any person has engaged in any act or practice constituting a violation of
39 the ~~2006~~ 2009 International Fire Code or this Fire Protection Ordinance Chapter,
40 the Building Official, applicable Fire Chief, or Fire Code official may issue a stop
41 work order and the Board may bring an action to enjoin any such acts or practices
42 and to enforce compliance of the ~~2006~~ 2009 International Fire Code or the Fire
43 Protection Ordinance. Any civil action for injunctive relief or civil damages shall
44 be in addition to the criminal penalties set forth in this Chapter.
45
46

1 7-7-9: WARNING AND DISCLAIMER OF LIABILITY:

2
3 The degree of fire protection required by the Fire Protection Ordinance is considered
4 reasonable for regulatory purposes and is based on nationally accepted fire protection
5 standards. The Fire Protection Ordinance does not imply that persons or property will
6 be fully or even partially protected from fire or damage. The Fire Protection Ordinance
7 shall not create liability on the part of the Board, Blaine County, or its employees,
8 officers or agents, or the Districts or their employees, officers or agents for any damage
9 to persons or property following the adoption of this Chapter, including, but not limited
10 to, reliance on this Chapter or any administrative decision made hereunder.

11
12 SECTION 2: SEVERABILITY:

13
14 The Board of County Commissioners intends that each separate provision of this
15 Ordinance be deemed independent of all other provisions herein, and it is further the
16 intention of said Board that if any of the provisions of this ordinance be declared to be
17 invalid, then all other provisions thereof shall remain valid and enforceable.

18 SECTION 3: EFFECTIVE DATE:

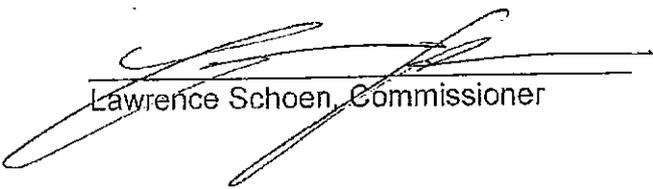
19
20 This Ordinance shall be in full force and effect from and after its passage, approval
21 and publication.

22
23 REGULARLY PASSED, APPROVED AND ADOPTED this 9th day of May, 2011.

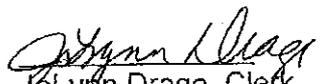
24
25 BLAINE COUNTY BOARD OF COUNTY COMMISSIONERS

26
27
28 
29 Angenje McCleary, Chair

30
31
32 
33 Tom Bowman, Commissioner

34
35
36 
37 Lawrence Schoen, Commissioner



43
44 
45 JoLynn Drage, Clerk