

1 BLAINE COUNTY ORDINANCE NUMBER 2007-06

2
3 AN ORDINANCE OF BLAINE COUNTY, IDAHO BY REPEALING THE 2003
4 INTERNATIONAL FIRE CODE AND ANY REFERENCES TO IT AND ADOPT THE
5 2006 INTERNATIONAL FIRE CODE AND ADD REFERENCES TO IT IN TITLE 7,
6 CHAPTER 7 OF THE BLAINE COUNTY CODE; DELETING APPENDIX E (HAZARD
7 CATEGORIES); ADDING A DEFINITION OF CLASS A ROOF AND A SCHEDULE
8 FOR REPLACEMENT OF EXISTING ROOFING; AMENDING ALLOWABLE SQUARE
9 FOOTAGE IN THE CAREY RURAL FIRE PROTECTION DISTRICT FROM 3000 TO
10 4000; ADDING PROVISIONS RELATING TO REVIEW IN THE SMILEY CK. FIRE
11 PROTECTION DISTRICT; PROVIDING FOR FIRE WALLS UNDER SECTION 705 OF
12 THE 2006 INT'L BUILDING CODE; ADDING A DEFENSIBLE SPACE PROVISION;
13 AMENDING THE PENALTY PROVISION; PROVIDING FOR A SEVERABILITY
14 CLAUSE AND AN EFFECTIVE DATE.

15
16 WHEREAS, the Blaine County Board of County Commissioners passed Blaine
17 County Ordinance Number 2005-05 on June 16, 2005; and,

18
19 WHEREAS, additional changes to the Fire Protection Ordinance are necessary
20 to reflect adoption of the 2006 International Fire and Building Codes; and,

21
22 WHEREAS, the Blaine County Board of County Commissioners has adopted the
23 findings in the Blaine County Fire Mitigation Plan Communities at Risk study dated
24 November 15, 2004 identifying fire wise practices, ranking and mapping of fuel hazard
25 areas of Blaine County.

26
27 WHEREAS, the State of Idaho Department of Insurance has adopted the 2006
28 International Fire Code by temporary rule IDAPA 18.01.50.

29
30 WHEREAS, the Carey Rural Fire Protection District has purchased and
31 upgraded it's equipment and vehicles, specifically by purchasing two used pumper
32 engines, one from the City of Hailey and one from the City of Ketchum, both meet Class
33 A Engine Certification; as well as three new Tenders (water Trucks) totaling 8,000
34 gallons of water.

35
36 WHEREAS, the Carey Rural Fire Protection District has upgraded its water
37 delivery capabilities, specifically by; (1) three new Tenders, upgrades to Carey City
38 water system from average of 450 gpm to an average of 850 gpm; (2) upgrade of
39 Picabo Village water system with new hydrants and more storage; (3) upgrade of
40 Gannett with three water pumps that are plumbed to fire fittings in the area and three
41 new 10,000 gallon tanks installed.

42
43 WHEREAS, the Carey Rural Fire Protection District's insurance rates have
44 decreased as a result of the equipment and water delivery upgrades ISO rating for 5
45 miles from the Carey City Center from 9 to 7. Areas within 1 mile of Picabo & Gannett
46 were given a 9 rating.

Fire Ordinance 2007-06

1

Instrument # 554254

HAILEY, BLAINE, IDAHO

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JOLYNN DRAGE Fee: 0.00

Ex-Officio Recorder Deputy

Index to: ORDINANCES

47 BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF
48 BLAINE COUTNY, IDAHO, AS FOLLOWS:
49

50 **Section 1.** That the Blaine County Code, Title 7 Chapter 7 shall be and the same is
51 hereby amended, changed and altered by the addition of the underlined language and
52 the deletion of the stricken language to read as follows:
53

54 **7-7-1: SHORT TITLE:**

55
56 This Chapter shall be known as the *FIRE PROTECTION ORDINANCE*..
57

58 **7-7-2: DEFINITIONS:**

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

65 **BOARD:** The Blaine County Board of County Commissioners.

66 **BUILDING OFFICIAL:** The Blaine County Building Official.
67

68 **COMMISSION:** The Blaine County Planning and Zoning Commission.
69

70 **COMMUNITIES AT RISK:** A study dated November 15, 2004 identifying a countywide
71 fire mitigation plan involving mapping, fuel hazards, ranking and fire wise practices.
72

73 **COUNTY:** The *unincorporated* portion of the County of Blaine, a political subdivision of
74 the State of Idaho.
75

76 **DEFENSIBLE SPACE:** A minimum thirty (30) foot area surrounding any occupancy
77 consisting of approved vegetation that reduces a means of transmitting fire from
78 vegetation to structures or from transmitting fire from structures to vegetation.
79

80 **DISTRICT:** The Ketchum Rural Fire Protection District, the Wood River Fire Protection
81 District, the Carey Fire Protection District, the Smiley Creek Fire Protection District, or
82 the portion of the West Magic Fire Protection District located within Blaine County,
83 political subdivisions of the State of Idaho, which is also referred to as "Fire
84 Departments" under the ~~2003~~ 2006 International Fire Code.
85

86 **FIRE CHIEF:** The chief officer of the fire department serving the jurisdiction, or a duly
87 authorized representative.
88

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

93
94 FLOOR AREA: The area included within the surrounding exterior walls of a building or
95 portion thereof, including all basements and garages, but excluding exterior decks,
96 patios and porches.

97
98 GROUP R-3: The occupancy designated as Group R-3, as set forth in the ~~2003~~ **2006**
99 International Building Code, and more specifically known as: a) dwellings; b) lodging
100 houses; and c) congregate residences (each accommodating ten (10) persons or less).
101 For the purposes of this Chapter only, Group R-3 occupancies include private garages,
102 carports and sheds.

103
104 **GROUP R-4: Residential occupancies shall include buildings arranged for**
105 **occupancy as residential care/assisted living facilities including more than five**
106 **but not more than 16 occupants, excluding staff. Group R-4 occupancies shall**
107 **meet the requirements for construction as defined for Group R-3, except as**
108 **otherwise provided for in this code, or shall comply with the 2006 International**
109 **Residential Code.**

110
111 INTERNATIONAL BUILDING CODE: The latest edition of that Code, known as the
112 ~~2003~~ **2006** International Building Code published by the International Code Council, as
113 adopted by Idaho Code Section 39-4109 and the Building Code Board, and the
114 appendices thereto, accepting those appendices designated in Idaho Code Section 39-
115 4109.

116
117 INTERNATIONAL FIRE CODE: The latest edition of the **2006** International Fire Code
118 with appendices **B-Fire-Flow Requirements for Buildings, C-Fire Hydrant Locations**
119 **and Distribution, D-Fire Apparatus Access Roads, E and F-Hazard Ranking**
120 thereto, published by the International Code Council, and adopted by the Idaho State
121 Fire Marshal, setting forth the minimum standards for the protection of life and property
122 from fire and explosions in the State of Idaho, as adopted by Idaho Code Section 41-
123 253, IDAPA 18, Title 1, Chapter 50.

124
125 Occupancy: The classification of every building, whether existing or hereinafter
126 erected, as set forth in the ~~2003~~ **2006** International Building Code.

127
128 **Class A Roof: Roof deck assemblies shall include solid sheathing, 5/8" thick**
129 **span rated plywood sheathing or greater where structural spans are required for**
130 **snow loading and 72 # mineral cap sheet felt. Exposed to weather roof coverings**
131 **shall have a minimum class A fire resistant rating. Other Class A rated**
132 **assemblies may be considered by the Fire Code Official having jurisdiction within**
133 **their district.**

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135 **7-7-3: FINDINGS:**

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The Board makes the following findings:

- A. The latest editions of the ~~2003~~ **2006** International Fire Code and the ~~2003~~ **2006** International Building Code has been adopted by State law. The ~~2003~~ **2006** International Fire Code and ~~2003~~ **2006** 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 ~~2003~~ **2006** 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 and the Wood River 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 Carey Rural Fire Protection District presently provides a sufficient level of service to protect occupancies up to a total floor area of ~~3000~~ **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 ~~2003~~ **2006** International Fire Code, the ~~2003~~ **2006** 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.

181 **7-7-4: DUTIES OF BUILDING OFFICIAL:**

182

183 In addition to their other duties, the Building Official is charged and empowered
184 with the administration and enforcement of the 2003 2006 International Fire Code within
185 the County but outside of the Districts.

186

187 **7-7-5: MODIFICATION TO THE INTERNATIONAL FIRE CODE:**

188

189 A. Exemption from Appendix B. Except as otherwise provided herein, the fire flow
190 requirements as stated in Appendix B of the 2003 2006 International Fire Code for all
191 occupancies within the Districts are not applicable because the development of full
192 fire flow requirements is not practical and because the occupancies within the
193 Districts are sufficiently serviced by personnel and equipment. For those
194 occupancies within the County but outside of the Districts, the requirements of the
195 2003 2006 International Fire Code, including Appendix B, applies.

196

197 B. Water Supply or Sprinkler System for any Occupancy.

198

199 1. Floor Area Requirements by Jurisdiction:

200

201 Ketchum Rural Fire Protection District or Wood River Fire Protection District:

202

203 The construction of new or an addition to an existing occupancy, excluding
204 Agricultural Buildings, including a remodel, which creates a total, floor area of
205 4,000 square feet or greater, shall install a sprinkler system as set forth in
206 NFPA Standards 13, 13D and 13R, or an approved fire protection water
207 supply. The construction of any occupancy, excluding Agricultural Buildings,
208 on a new or existing building, including a remodel, which creates a total floor
209 area of 8,000 square feet or greater, shall install a sprinkler system as set forth
210 in NFPA Standards 13, 13D and 13R AND an approved fire protection water
211 supply.

211

212 Carey Fire Protection District: The construction of new or an addition to an
213 existing occupancy, excluding Agricultural Buildings, including a remodel,
214 which creates a total floor area of 3000 4,000 square feet or greater, shall
215 install a sprinkler system as set forth in NFPA Standards 13, 13D and 13R, or
216 an approved fire protection water supply. The construction of any occupancy,
217 excluding Agricultural Buildings, on a new or existing building, including a
218 remodel, which creates a total floor area of 6,000 8,000 square feet or greater,
219 shall install a sprinkler system as set forth in NFPA Standards 13, 13D and
220 13R AND an approved fire protection water supply.

221

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

227 excluding Agricultural Buildings, on a new or existing building, including a
228 remodel, which creates a total floor area of 5,000 square feet or greater, shall
229 install a sprinkler system as set forth in NFPA Standards 13, 13D and 13R
230 AND an approved fire protection water supply.

231
232 Smiley Creek Fire Protection District: Floor area requirement to be
233 determined. Structures exceeding 1,200 square feet shall be protected
234 by fire sprinklers as approved by the Smiley Creek Fire Protection
235 District and in compliance with the Fire Protection Ordinance.

236
237 For the purpose of calculating square footage for any Group R-3 occupancy
238 on the same lot or parcel, each building or portion of a building separated by
239 one or more fire walls, which comply with the provisions of Section **705 Fire**
240 **Walls 705.4** of the 2003 **2006** International Building Code, may be considered
241 a separate building and may be considered independently from the total
242 square footage of one or more Group R-3 occupancies. In addition to
243 installing sprinkler systems or approved fire protection water supplies in the
244 above-stated areas, the applicable Fire Chief, Fire Code Official or Building
245 Official may, at their discretion, require additional fire mitigation measures
246 including, but not limited to, fire walls constructed in accordance with Section
247 **705 Fire Walls 705.4** of the 2003 **2006** International Building Code.

248
249 **2. Water Supply and Sprinkler System Requirements.** The building permittee
250 is granted the option of selecting a minimum 10,000 gallon water supply,
251 which shall consist of a cistern, constructed of approved materials other than
252 steel or concrete, or other fire protection water supply that has been approved
253 by the applicable Fire Chief, Fire Code Official or Building Official. The
254 construction of ponds after the effective date of this Chapter is not an
255 approved water supply for fire suppression. ~~Modification of existing ponds~~
256 ~~may be permitted by the applicable Fire Chief, Fire Code Official or Building~~
257 ~~Official.~~ The water supply and related requirements shall be (a) capable, at a
258 minimum, of delivering 500 gallons of water per minute for twenty (20) minutes
259 with an approved fire apparatus connection; (b) located within 1,000 feet,
260 measured on an approved access roadway, of the nearest point of the
261 structure; and, (c) approved by the applicable Fire Chief, Fire Code Official or
262 Building Official. Sprinkler Systems shall a) comply with NFPA Standards 13,
263 13D or 13R; b) be connected to a water flow alarm; c) be provided with a fire
264 department connection; and, d) be approved by the applicable Fire Chief, Fire
265 Code Official or Building Official. Any approved water flow alarm shall be
266 supervised by a remote signaling station, approved by the applicable Fire
267 Chief, Fire Code Official or Building Official.

268
269 **3. Modification of Fire-Flow Requirements.** For any occupancy, except
270 Agricultural Buildings, located in a District or in the County, the applicable Fire
271 Chief, Fire Code Official or Building Official may decrease the fire-flow
272 requirements for isolated buildings or a group of buildings in rural areas or

273 small communities where the development of full fire-flow requirements is
274 impractical, or increase the fire-flow requirements where considerations
275 indicate an unusual susceptibility to group fires or conflagrations.
276

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

278 Any construction for any occupancy other than R-3 or an Agricultural Building within
279 the County on a new or existing building, including a remodel, shall be subject to the
280 provisions of NFPA Standard 1142 with the exception of assembly occupancies with
281 an occupant load of 100 or more. Assembly occupancies, in the County and in the
282 Districts, with an occupant load of 100 or more occupants shall install an approved
283 NFPA Standard 13 fire sprinkler system throughout in addition to many other
284 requirements.
285

286 **D. Defensible Space.** Construction for any occupancy on a new or existing building,
287 including remodels, within the County shall provide a minimum defensible space of
288 thirty (30) feet surrounding any occupancy. **Approved vegetation shall be**
289 **maintained annually by the property owner to minimize fire fuel loads within**
290 **this defensible space.**
291

292 **E. Application of Appendix B for Occupancies on Separate Lots or Parcels.**

293 Except for those buildable lots or parcels existing on the date of the adoption of the
294 1993 Fire Protection Ordinance, Appendix B of the 2003 ~~2006~~ International Fire
295 Code shall apply to those occupancies within the County where the separation
296 between any occupancy on separate lots or parcels is less than fifty (50) feet.
297

298 **F. Application of Alternative Sprinkler System or Fire Flows for the Same or Different**
299 **Occupancies on the Same Lot or Parcel.** If there is construction on any occupancy

300 within the County on a new or existing building, including a remodel located within
301 fifty (50) feet of another occupancy on the same lot or parcel, the square footage of
302 all the occupancies located within fifty (50) feet of the proposed construction, shall be
303 calculated as though there was only one building, unless each building or portion of
304 a building is separated by one or more fire walls, as set forth in Section 5 (b) (1) of
305 the Fire Protection Ordinance. If the total square footage of the occupancies
306 exceeds 4,000 square feet in the Ketchum and Wood River Fire Protection Districts
307 or ~~4,000~~ 3000 square feet in the Carey Fire Protection District, 2,500 square feet in
308 the West Magic Fire Protection District then the new construction shall comply with
309 the requirements in Section 5(b) of the Fire Protection Ordinance.
310

311 **G. Roof Assembly.**

312 1. Class A roof deck assemblies are required on all **new roof construction.**
313 ~~buildings over 3,000 square feet of floor area and for all re-roofs over 3,000~~
314 ~~square feet of floor area. Class A is not required when less than twenty five~~
315 ~~(25) percent of the roof area is being repaired and additional areas are not~~
316 ~~subsequently repaired within five (5) years. In the case of an addition or~~
317 ~~renovation of less than 1,000 square feet, the applicable fire chief, fire code~~
318 ~~official or building official may, at their discretion, waive this requirement.~~

319 **2. Re-roofing: When re-roofing, a Class A roof deck assembly is required**
320 **for the entire structure. The following schedule shall apply to re-roofing of**
321 **structures in existence prior to the adoption of this ordinance, effective**
322 **1/1/08.**
323

324 a. **From January 1, 2008 until December 31, 2009, when replacing**
325 **more than 40% of the roof surface.**
326

327 b. **From January 1, 2010 until December 31, 2011, when replacing**
328 **more than 30% of the roof surface.**
329

330 c. **From January 1, 2012 until December 31, 2013, when replacing**
331 **more than 20% of the roof surface.**
332

333 d. **From January 1, 2014 and forward, when replacing 10% or more of**
334 **the roof surface.**
335

336 **For the purpose of this Code, roof area shall be measured on a horizontal**
337 **plane-projection of all levels including overhangs and overlaps. When**
338 **appropriate mitigation measures are proposed, the applicable Fire Chief,**
339 **Fire Code Official or Building Official may, at their discretion, waive this**
340 **requirement.**
341

342 H. **Address Numbers.** All residences shall exhibit approved legible address
343 numbers in locations that are plainly visible from the highway, road or street fronting
344 the property. Address numbers shall be a minimum of four (4) inches in height and
345 shall contrast with their background. Address numbers shall be posted a minimum
346 of forty-eight (48) inches above final grade and shall be maintained unobstructed and
347 visible at all times.
348

349 I. **Fire Protection Equipment.** All required fire protection systems and equipment,
350 including standpipe systems, shall be installed by an approved Licensed Contractor
351 for the type of equipment being installed. Licensed Contractors shall provide
352 certification and licensure documentation to the applicable Fire Chief, Fire Code
353 Official or Building Official upon request. Submittal of construction documents,
354 meeting the requirements of the 2003 **2006** IFC Section 105, for approval by the
355 applicable Fire Chief, Fire Code Official or Building Official is required before
356 commencing installation of any required fire protection system or equipment
357 including standpipe systems.
358

359 J. **Fireworks.** The possession, storage, us, transport or sale of fireworks within
360 incorporated cities in Blaine County is prohibited.
361

362 "Non-aerial common fireworks" means any fireworks such as ground spinners,
363 fountains, sparklers, smoke devices or snakes designed to remain on or near the
364 ground and not to travel outside a fifteen (15) foot diameter circle or above a height of

365 twenty (20) feet. Non-aerial common fireworks do not include bottle rockets,
366 firecrackers, jumping jacks, or similar products.
367 The possession, storage, use or transport of special fireworks as defined by Idaho Code
368 Title 39 Chapter 26 or Fireworks 1.3G (Formerly known as Class B, Special Fireworks)
369 requires a permit from the applicable Fire Chief, Fire Code Official or Building Official of
370 the authority having jurisdiction.

371
372 Special fireworks for fireworks display, as defined by Section 3302 of the 2006 IFC,
373 shall meet all of the requirements of the ~~2003~~ **2006** IFC Section 3308.

374
375 **7-7-6: REVIEW, APPROVAL, INSPECTION AND FEES:**

376
377 A. Review of Building Permits. Before any building permit is issued within the Districts,
378 the applicable Fire Chief, Fire Code Official or Building Official shall review the
379 building permit application, along with copies of all building plans and specifications
380 for any occupancy group to determine whether the building is designed to comply
381 with the ~~2003~~ **2006** International Fire Code and the Fire Protection Ordinance.
382 Before any building permit is issued within the County but outside of the Districts, the
383 Building Official shall review the building permit application, along with copies of all
384 building plans and specifications for any occupancy group to determine whether the
385 building is designed to comply with the ~~2003~~ **2006** International Fire Code and the
386 Fire Protection Ordinance. Before any building permit is issued, the applicable Fire
387 Chief, Fire Code Official or Building Official shall certify on the building permit that
388 the application is designed to comply with the ~~2003~~ **2006** International Fire Code and
389 the Fire Protection Ordinance.

390
391 B. Applications. Review of Subdivision Before any preliminary or short plat for property
392 within the Districts is considered pursuant to Title 10 of this Code, the applicable Fire
393 Chief, Fire Code Official or Building Official shall review the subdivision application,
394 along with copies of all plans and specifications, to determine whether the proposed
395 subdivision will comply with the ~~2003~~ **2006** International Fire Code and the Fire
396 Protection Ordinance. Before any preliminary or short plat for property within the
397 County but outside of the Districts is considered pursuant to Title 10 of this Code, the
398 Building Official shall review the subdivision application, along with copies of all
399 plans and specifications, to determine whether the proposed subdivision will comply
400 with the ~~2003~~ **2006** International Fire Code and the Fire Protection Ordinance.
401 Before any preliminary or short plat is approved pursuant to Title 10 of this Code, the
402 applicable Fire Chief, Fire Code Official or Building Official shall forward to the
403 Commission, for a preliminary plat, or to the Board, for a short plat, their
404 recommendations, including suggested conditions for their consideration. If there
405 are considerations indicating an unusual susceptibility to group fires or
406 conflagrations, the applicable Fire Chief, Fire Code Official or Building Official may
407 require a fire-flow greater than that required by the ~~2003~~ **2006** International Fire
408 Code and the Fire Protection Ordinance.

409
410

411 C. Approval of Building Permits and Subdivision Applications. Compliance with the
412 ~~2003~~ **2006** International Fire Code and the Fire Protection Ordinance shall be
413 established to the satisfaction of the applicable Fire Chief, Fire Code Official or
414 Building Official before the Building Official will issue a building permit, or before a
415 preliminary or short plat is approved.
416

417 D. Inspection.
418

419 1. Fire Safety Equipment. The applicable Fire Chief, Fire Code Official or
420 Building Official is empowered to inspect fire safety equipment or materials as
421 part of the approval of a building permit issued for the construction of any
422 building. Any such fire safety equipment or materials shall not be concealed
423 or covered during the course of the construction, repair or remodeling
424 authorized by the building permit until the same has been inspected and
425 approved by the applicable Fire Chief, Fire Code Official or Building Official.
426 Any such fire safety equipment shall be inspected and approved by the
427 applicable Fire Chief, Fire Code Official or Building Official before a framing
428 inspection is approved by the Building Official. As a condition of a building
429 permit, such fire safety equipment shall be inspected and approved by the
430 applicable Fire Chief, Fire Code Official or Building Official before a final
431 building inspection is approved by the Building Official.
432

433 2. Water Supply or Sprinkler System. As a condition of a building permit, a
434 water supply shall be inspected and approved by the applicable Fire Chief,
435 Fire Code Official or Building Official before combustible construction is
436 initiated. The permittee has the burden and obligation to submit written proof
437 to the Building Official that the water supply has been inspected and approved.
438 As a condition of a building permit, sprinkler system plans shall be inspected
439 and approved by the applicable Fire Chief, Fire Code Official or Building
440 Official before a framing inspection is approved by the Building Official. As a
441 condition of a building permit, a sprinkler system shall be inspected and
442 approved by the applicable Fire Chief; Fire Code Official or Building Official
443 before a final building inspection is approved by the Building Official. The
444 permittee has the burden and obligation to submit written proof to the Building
445 Official that the sprinkler system has been inspected and approved.
446

447 3. Fire Protection Maintenance. All fire protection water supplies, fire
448 protection equipment, access to occupancies and equipment, whether
449 required or voluntarily installed, that would require a response by the Fire
450 Districts or be used by the Fire Districts shall be maintained in operating
451 condition at all times. Operating condition includes unobstructed access,
452 maintenance, testing and inspections as required by the applicable Fire Chief,
453 Fire Code Official or Building Official.
454

455 E. Fees. Each Fire District may by resolution, adopt a fee schedule for reviewing
456 Building Permit, Subdivision, Plat and Conditional Use Permit applications. The fee

457 for any application requiring Fire District comment shall be in addition to the fees
458 collected by the Planning and Zoning or Building Departments.

459

460 **7-7-7: APPEALS:**

461

462 A. Appeals. When the applicable Fire Chief, Fire Code Official or Building Official
463 disapproves of an application or refuses to grant a permit, or when there is a
464 question as to the suitability of alternate materials and types of construction, or when
465 there is a question of interpretation of the ~~2003~~ **2006** International Fire Code or the
466 Fire Protection Ordinance, the applicant or aggrieved party may appeal the decision
467 of the applicable Fire Chief, Fire Code Official or Building Official to a Board of
468 appeals, as required by the ~~2003~~ **2006** International Fire Code.

469

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

478

479 C. Board of Appeals. The Board of Appeals consists of five members who are qualified
480 by experience and training to pass upon pertinent matters. The five members shall
481 be appointed by the District or in those portions of the County that are not in a Fire
482 District, the Board shall hold office at the appointing authority's pleasure. The
483 applicable Fire Chief, Fire Code Official or Building Official shall be an ex officio
484 member and shall act as secretary of the Board of Appeals or shall have the power
485 to appoint a secretary.

486

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

493

494 **7-7-8: PENALTIES:**

495

496 A. Violation of a provision of the Fire Protection Ordinance or the ~~2003~~ **2006**
497 International Fire Code shall be a misdemeanor, punishable by a fine not to exceed
498 three hundred (300) dollars, or imprisonment for a period not to exceed six (6)
499 months in the County jail, or both for each offense. Each day that such a violation
500 occurs or continues shall constitute a separate criminal offense. Any violation of any
501 provision of the Fire Protection Ordinance may also result in the filing of a civil
502 complaint for civil damages, if applicable, imposed upon any person

503 violating the 2003 2006 International Fire Code or the Fire Protection Ordinance.
504 Whenever it appears that any person has engaged in any act or practice constituting
505 a violation of the 2003 2006 International Fire Code or the Fire Protection Ordinance,
506 the Building Official, applicable Fire Chief, or Fire Code official may issue a stop
507 work order and the Board may bring an action to enjoin any such acts or practices
508 and to enforce compliance of the 2003 2006 International Fire Code or the Fire
509 Protection Ordinance. Any civil action for injunctive relief or civil damages shall be in
510 addition to the criminal penalties set forth in this Chapter.
511

512 **7-7-9: WARNING AND DISCLAIMER OF LIABILITY:**

513
514 The degree of fire protection required by the Fire Protection Ordinance is considered
515 reasonable for regulatory purposes and is based on accepted fire protection standards.
516 The Fire Protection Ordinance does not imply that persons or property will be fully or
517 even partially protected from fire or damage. The Fire Protection Ordinance shall not
518 create liability on the part of the Board, Blaine County, or its employees, officers or
519 agents, or the Districts or their employees, officers or agents for any damage to persons
520 or property following the adoption of this Chapter, including, but not limited to, reliance
521 on this Chapter or any administrative decision made hereunder.
522


523 **SECTION 2: SEVERABILITY:**

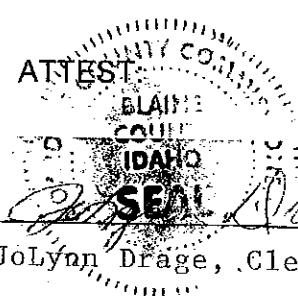
524
525 The Board of County Commissioners intends that each separate provision of this
526 Ordinance be deemed independent of all other provisions herein, and it is further the
527 intention of said Board that if any of the provisions of this ordinance be declared to be
528 invalid, then all other provisions thereof shall remain valid and enforceable.
529

530 **SECTION 3: EFFECTIVE DATE:**

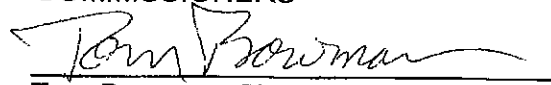
531
532 This Ordinance shall be in full force and effect January 1, 2008 from and after its
533 passage, approval and publication.
534

535 REGULARLY PASSED, APPROVED AND ADOPTED this 18th day of December, 2007.
536

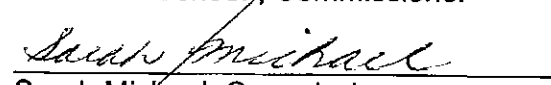
537
538
539 ATTEST:
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541
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543 
544 JoLynn Drage, Clerk
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548



BLAINE COUNTY BOARD OF COUNTY COMMISSIONERS


Tom Bowman, Chair


Lawrence Schoen, Commissioner


Sarah Michael, Commissioner