

Ordinance of the City of Carey No. 2023- 07

An ordinance of City of Carey, Idaho amending and adopting the most recent International Fire Code (IFC) with changes amending and adopted by the State of Idaho, Blaine County Idaho, and City of Carey, Fire Code, by deleting it in its entirety and adopting a new Fire Code by which the most recent International Fire Code, including Appendices B, C, D, and F as published by the International Code Council along with amendments and additions, relating to local conditions are added including; requirements for Class A assembly for new construction, additions and re-roofs; providing a minimum requirements for water supply for subdivisions and re-plats; requiring driveways to meet the standards for fire apparatus access roads; providing a severability clause and an effective date.

Recitals

Whereas, the City of Carey City Council passed City of Carey ordinance relating to the most recent edition of the IFC..

Whereas, the state of Idaho has authorized local jurisdictions to adopt the 2018 edition of the International Fire Code and additional, locally relevant fire protection provisions in accordance with Idaho Code 41-253;

Whereas, the fire chief of Carey Rural Fire District and the City of Carey, in the interest of fire and life safety have collaborated to codify and standardize fire requirements for the welfare of their respective communities;

Whereas, the State of Idaho Department of Insurance has adopted the latest edition of the IFC by rule, see IDAPA 18.01.50

Whereas, the City of Carey Fire Protection ordinance is the minimum fire code standard for the protection of the health and welfare of the citizens and visitors;

THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF CAREY, IDAHO, AS FOLLOWS:

The City of Carey Ordinance No. 2022-# shall be and the same is hereby repealed in its entirety and a new Fire Code Ordinance is adopted as a supplemental amendment to the most recent edition of IFC. The following text reflects amendments, changes, and alterations to the 2018 supplemental amendments to the most recent IFC .

Chapter

Public Health and Safety

Fire Protection Ordinance

12.2 Purpose: To promote public health, safety and general welfare of the community.

12.21 Findings:

- A. The latest editions of the IFC and the most recent international building code (IBC) have been adopted by state law. The most recent IFC and IBC promote the public health, safety, and general welfare.
- B. The City of Carey is generally rural in character and water supplies are often limited.
- C. The district provides sufficient fire protection personnel and equipment to their constituents to enable a modification of the requirements of appendix B of the most recent IFC, based on the present level of service (i.e., water supply carrying capacity and personnel) of the city.
- D. Inside the Carey City limits the Carey Rural Fire District provides a sufficient level of service to protect occupancies up to a total floor area of four thousand (4,000) square feet. Without requiring a greater water supply on site.
- E. Within the water service area the fire flows provided by the city water system are deemed sufficient for residential structures.
- F. Additional requirements, review, and inspection promote the purposes of the most recent IFC , the most recent IBC and promote compliance with the requirements therein and with this chapter.

12.22 Modifications to fire code:

- A. Exemption from Appendix B: Except as otherwise provided herein, the fire flow requirements as stated in appendix B of the most recent IFC all occupancies within the districts are not applicable because the development of full fire flow requirements is not practical at this time and because the occupancies within the city are sufficiently serviced by personnel, equipment, and city water system.
- B. Water Supply or Sprinkler System for any Occupancy:
- In the City of Carey the construction of new square footage or an addition to an existing one or two family dwellings,, excluding agricultural buildings, including a remodel, which creates a total living square footage area of four thousand (4,000) or greater, shall be connected to City of Carey water system, or may install an approved fire sprinkler system as set forth in NFPA standards 13, 13D, and 13R. The construction of any occupancy, excluding agricultural buildings, on new or existing buildings, including a remodel, which creates a total floor area of eight thousand (8,000) square feet or greater, shall install a fire sprinkler system set forth in NFPA standards 13, 13D, 13R and be connected to City of Carey water system.
For the purpose of calculating square footage for any group R-3 occupancy on the same lot of parcel, each building or portion of a building separated by one

or more firewalls or fire barriers when approved by the authority having jurisdiction, which comply with the provisions of section 706 Fire Walls or section 707 Fire Barriers of the most recent IBC, may be considered a separate building or fire area and may be considered independently from the total square footage of one or more group R-3 occupancies. In addition to installing sprinkler systems the applicable fire chief, fire code official or building official may, at their discretion, require additional fire mitigation measures including, but not limited to, fire walls or fire barriers constructed in accordance with section 706 Fire Walls or section 707 Fire Barriers of the most recent IFC.

- **Water Supply and Sprinkler System Requirements:** The building permittee shall connect to City of Carey water system or: a) comply with NFPA standards 13, 13D or 13R; b) be connected to a water flow alarm; c) be provided with a fire department connection; and, d) be approved by the applicable fire chief, or fire code official. Any approved water flow alarm shall be supervised by a remote signaling station, approved by the applicable fire chief, or fire code official.
- **Water Supply For Subdivisions And Re-plats:** The construction of a new subdivision or a re-plat of an existing subdivision that creates five (5) or more new lots or parcels shall be connected to the City of Carey water system . Fire hydrant locations, pumper connections and distribution required for subdivisions shall be determined by the most recent IFC .Floor area requirements shall be complied with for the construction of any occupancy excluding agricultural buildings, on new or existing buildings including a remodel, which creates a total floor area of eight thousand (8,000) square feet or greater.
- **Fire Apparatus Access Roads and Driveways:** Approved fire apparatus access roads or driveways shall be provided for every facility building or portion of a building hereafter constructed or moved into or within Carey City limits. Approved fire apparatus access roads and driveways shall comply with the requirements of section 503 and appendix D of the most recent IFC and IDPA 18.01, 50.
- **Defensible Space:** Construction for any occupancy on a new or existing building, including remodels, within the county shall provide a minimum defensible space of thirty feet (30') surrounding any occupancy. Approved vegetation shall be maintained annually by the property owner to minimize fire fuel loads within this defensible space.

- Class A Roof Assemblies Required In The City of Carey: Class A roof assemblies are required on all new buildings. Class A roof assemblies are required for all reroofs over one thousand (1,000) square feet of roof area. Class A is not required when less than ten percent (10%) of the roof area is being repaired and additional areas are not subsequently repaired within five (5) years. Additions to buildings over one thousand (1,000) square feet of roof area require that the roof of the entire building be upgraded to a class A roof assembly.

For the purpose of this code, roof area shall be measured on a horizontal plane projection of all levels including overhangs and overlaps.

- 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 inches (4") in height and shall contrast with their background. Address numbers shall be posted a minimum of forty eight inches (48") above final grade and shall be maintained unobstructed and visible at all times.
- Fire Protection Equipment: All required fire protection systems and equipment, including standpipe systems, shall be installed by an approved licensed contractor, in the State of Idaho, 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 most recent 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.

C. Fireworks:

The use of fireworks, 1.4G (formerly known as class C, common fireworks) other than non-aerial common fireworks as defined by Idaho Code title 39 chapter 26 is prohibited. The use of special fireworks as defined by Idaho Code title 39 chapter 26 or fireworks 1.3G (formerly known as class B, special fireworks) requires a permit from the authority having jurisdiction. All use of fireworks must comply with and conform to all firework regulations as outlined in Idaho Code 39-26.

Fireworks, 1.3G for display fireworks, as defined by section 5602 of the 2018 IFC, shall meet all of the requirements of the 2015 IFC section 5608.

12.23 REVIEW, APPROVAL, INSPECTION, AND FEES:

- A. **Review of Building Permits:** Before any building permit is issued within the city, the applicable fire chief, and fire code official shall review the building permit application, along with copies of all building plans and specifications for any occupancy group to determine whether the building is designed to comply and shall certify on the building permit that the application is designed to comply with the most recent IFC and this chapter.
- B. **Applications: Review of Subdivision:** Before any preliminary or short plat for property within the City is considered pursuant to City of Carey Subdivision Ordinance of this code, the applicable fire chief, fire code official, and building official shall review the subdivision application, along with copies of all plans and specification, to determine whether the proposed subdivision will comply with the most recent IFC and this ordinance. Then the fire chief, fire code official, or building official shall forward to the commission, for a preliminary or short plat with their recommendations, including suggested conditions for their consideration. If there are considerations indicating an unusual susceptibility to group fires or conflagrations, the applicable fire chief, fire code official, and building official may require a fire flow greater than that required by the most recent IFC and this ordinance.
- C. **Approval of Building Permits and Subdivision Applications:** Compliance with the most recent IFC and this ordinance shall be established to the satisfaction of the applicable fire chief, or fire code official before the building official will issue a building permit, or before a preliminary or short plat is approved.
- D. **Inspection:**
- **Fire Safety Equipment:** The applicable fire chief, fire code official or building official is empowered to inspect fire safety equipment or materials as part of the approval of a building permit issued for the construction of any building. Any such fire safety equipment or materials shall not be concealed or covered during the course of the construction, repair or remodeling authorized by the building permit until the same has been inspected and approved by the applicable fire chief, fire code official, or building official. Any such fire safety equipment shall be inspected and approved by the applicable fire chief, fire code official, or building official before a framing inspection is approved by the building official. As a condition of a building permit, such fire safety equipment shall be inspected and approved by the applicable fire chief, fire code official, or building official before a final building inspection is approved by the building official.

- **Water Supply or Sprinkler System:** As a condition of a building permit, a water supply shall be inspected and approved by the applicable fire chief, fire code official or building official before combustible construction is initiated. The permittee has the burden and obligation to submit written proof to the building official that the water supply has been inspected and approved. As a condition of a building permit, sprinkler system plans shall be inspected and approved by the applicable fire chief, fire code official or building official before a final building inspection is approved by the building official. The permittee has the burden and obligation to submit written proof to the building official that the sprinkler system has been inspected and approved
- **Fire Protection Maintenance:** All fire protection water supplies, fire protection equipment, access to occupancies and equipment, whether required or voluntarily installed, that would require a response by the fire department or be used by the fire department shall be maintained in operating condition at all time. Operating condition includes unobstructed access, maintenance, testing, and inspections as required by the applicable fire chief, fire code official or building official.
- **Fees:** The Carey Rural Fire district by resolution, adopt a fee schedule for reviewing building permit, subdivision, plat and conditional use permit applications. The fee for any application requiring fire district comment shall be in addition to the fees collected by the land use and building services department. (Resolution 2016-06)

12.24 Appeals:

- A. When the applicable fire chief, fire code official or building official disapproves of an application or refuses to grant a permit, or when there is a question as to the suitability of alternate materials and types of construction, or when there is a question of interpretation of the most recent IFC or this ordinance, the applicant or aggrieved party may appeal the decision of the applicable fire chief, fire code official or building official to the Carey City Council, as required by the most recent IFC.
- B. **Appeal Procedure:** A written notice of appeal, detailing all basis for appeal including the particulars regarding any claimed error or abuse of discretion, shall be filed with the City, the building department , before five o'clock (5:00) P.M. of the fifteenth calendar day after the decision of the fire chief, fire code official, or building official has been made. The failure to physically file a notice of appeal with the City within

the time limits prescribed by this section shall cause automatic dismissal of such appeal.

- C. Conduct of Hearings: The Carey City Council shall conduct a hearing for the appeal at City Councils next regular scheduled meeting. The City Council shall adopt reasonable rules and regulations for conducting its investigations and shall render decisions and findings in writing to the applicable fire chief, fire code official, or building official, with a duplicate copy to the appellant within thirty (30) days after the hearing of appeal.
- D. Idaho State Department of Insurance: Pursuant to Idaho Code section 41-260, the Idaho state fire marshal's office may hear appeals from aggrieved parties in reference to this Idaho State statute after following the appeals procedure under subsections listed in 12.24

12.25 Penalties:

- A. Violations of the provision of this ordinance or the most recent IFC shall be an infraction, punishable as provided in section 1-4-1 of this code. Each day that such a violation occurs or continues shall constitute a separate criminal offense. Any violation of any provision of this chapter may also result in the filing of a civil complaint for civil damages, if applicable, imposed upon any person violating the most recent IFC or this ordinance. Whenever it appears that any person has engaged in any act or practice constituting a violation of the most recent IFC or this ordinance, the building official, applicable fire chief, or fire code official may issue a stop work order and the City Council may bring any action to enjoin any such acts or practices and to enforce compliance of the most recent IFC or this ordinance. Any civil action for injunctive relief or civil damages shall be in addition to the criminal penalties set forth in this chapter

12.26 Warning and Disclaimer of Liability:

- A. The degree of fire protection required by this ordinance is considered reasonable for regulatory purposes and is based on nationally accepted fire protection standards. This ordinance does not imply that persons or property will be fully or even partially protected from fire or damage. This chapter shall not create liability on the part of the City Council, City of Carey, or its employees, officers or agents, or fire department or its employees, officers or agents for any damage to persons or property following the adoption of this ordinance, including, but not limited to, reliance on this chapter or any administrative decision made hereunder.

FILING OF ORDINANCE. Within ten (10) calendar days following the effective date of this Ordinance, the City Clerk of the City of Carey, Idaho, is duly authorized and instructed to file with the recorder and auditor of Blaine County and with the Idaho State Tax Commission a copy of this Ordinance certified as to correctness under the corporate seal of the City of Carey.

SAVINGS AND SEVERABILITY. If any section, subsection, paragraph, subparagraph, item, provision, regulation, sentence, clause, or phrase is declared by a Court of competent jurisdiction to be invalid, such actions shall not affect the validity of this ordinance as a whole or any part thereof other than the part declared invalid.

REPEALER CLAUSE. All City of Carey Ordinances or parts thereof which are in conflict herewith are hereby repealed.

EFFECTIVE DATE. This Ordinance shall be in full force and effect from and after its approval, passage, and publication as provided by law.

PASSED BY THE CITY COUNCIL OF THE CITY OF CAREY, IDAHO, AND APPROVED BY THE MAYOR OF THE CITY OF CAREY on this 15th day of May, 2023.

APPROVED:

Sara Mecham, Mayor
City of Carey

ATTEST:

Tess Cenarrusa City Clerk
City of Carey

Dated: _____.