

BILL No. 38

ORDINANCE No. 2853

AN ORDINANCE ENACTED BY THE CALDWELL CITY COUNCIL AMENDING CHAPTER 8, ARTICLE 13, SECTION 08-13-01 OF THE CALDWELL CITY CODE TO ADOPT THE 2009 INTERNATIONAL FIRE CODE AND SPECIFIED APPENDICES THERETO; AMENDING CHAPTER 8, ARTICLE 13, SECTION 08-13-07 CONCERNING THE ESTABLISHMENT OF GEOGRAPHICAL LIMITS; AMENDING CHAPTER 8, ARTICLE 13, SECTION 08-13-09, SPECIFYING AMENDMENTS TO THE 2009 INTERNATIONAL FIRE CODE; PROVIDING FOR AN EFFECTIVE DATE; PROVIDING FOR SEVERABILITY; AND REPEALING ALL ORDINANCES, RESOLUTIONS, ORDERS AND PARTS THEREOF IN CONFLICT HEREWITH.

BE IT ORDAINED by the Mayor and City Council of the City of Caldwell, County of Canyon, State of Idaho:

Section 1: That Chapter 8, Article 13, Section 08-13-01 is amended as follows:

08-13-01: ADOPTION OF FIRE CODE:

There is hereby adopted by the mayor and city council of the city of Caldwell, county of Canyon, state of Idaho for regulating and governing the safeguarding of life and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises in the city of Caldwell, that certain code and standards known as the ~~2006~~2009 international fire code, including appendix chapters A, B, C, D, E, F, and G, I, and J, as published by the International Code Council, and a new appendix chapter HK, as prepared by the fire code official and as codified in subsection 08-13-09(35) of this article, save and except such portions as hereinafter deleted, modified or amended in this article and are now on file in the office of the Caldwell fire department, and the same are hereby adopted and incorporated as fully as if set out at length herein. From the date this article shall take effect, the provision thereof shall be controlling within the limits of the city of Caldwell, county of Canyon, state of Idaho.

Section 2: That Chapter 8, Article 13, Section 08-13-07 is amended as follows:

08-13-07: ESTABLISHMENT OF GEOGRAPHICAL LIMITS:

The geographic limits referred to in sections 3204.1.1, 3404.2.9.56.1, 3406.2.4.4 and 3804.2 of the ~~2006~~2009 international fire code would, upon

review and analysis by the fire code official, permit such storage in areas zoned M-1, M-2, I-P and C-3 zones.

Section 3: That Chapter 8, Article 13, Section 08-13-09 is amended as follows:

08-13-09: AMENDMENTS TO FIRE CODE:

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(5) Change IFC Section 105.6.14, "Explosives" to read: An operational permit is required for the manufacture, storage, handling, sale or use of any quantity of explosive, explosive material, fireworks or pyrotechnic special effects within the scope of Chapter 33 of the IFC and Appendix HK.

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(8) Change IFC Section 302 "Definitions" to read:

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Amend: FIREWORKS. See Appendix HK, Section H102K102, A

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(9) Modify and amend IFC Section 307 "Open Burning and Recreational Fires" to read:

Section 307

~~Open Burning and Outdoor Fires~~ OPEN BURNING, RECREATIONAL FIRES AND PORTABLE OUTDOOR FIREPLACES

~~307.1 General.~~

~~A person shall not kindle or maintain or authorize to be kindled or maintained any open burning or outdoor fire unless conducted and approved in accordance with this section.~~

~~307.1.1 Prohibited open burning.~~

~~All open burning and outdoor fires are prohibited, except as otherwise permitted in this section. Open burning and outdoor fires, if not properly conducted as permitted, also constitute a potential fire hazard. Open burning or outdoor fires that is are offensive or objectionable because of smoke or odor emissions or when atmospheric conditions~~

~~(winds) or local circumstances (burn bans) make such fires illegal, hazardous or a nuisance shall be promptly extinguished and are prohibited.~~

~~307.1.2 Warming Fires Prohibited on Construction Sites~~

~~The kindling and maintenance of any warming fire on any construction site constitutes the act of open and outdoor burning and, therefore, such fires are prohibited.~~

~~307.2 Permit required.~~

A permit shall be obtained from the fire code official or agent in accordance with Section 105.6 prior to kindling a fire for permitted or otherwise allowed open burning or outdoor fire activities. Permitted open burning and outdoor fire activities include the following: burning of certain waterway canals or ditches, non-combustible fence lines (i.e., along a chain link fence or a barbed wire fence with steel posts), burning to control and kill certain recognized and known noxious weeds (i.e., goat heads) or a bonfire. Application for such approval shall only be presented by and permits issued to the owner or agent of the owner of the land upon which the fire is to be kindled. All permit requests are subject to investigation and/or inspection by the fire department to ascertain the validity of the conditions present, analyze the potential dangers of such a fire and whether such a permit is justified to be issued.

~~307.2.1 Authorization.~~

~~Where required by state or local law or regulations, open burning shall only be permitted with prior approval from the state or local air management authority, the Department of Environmental Quality (DEQ), provided that all conditions specified in the authorization are followed.~~

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~~307.3 Extinguishment authority.~~

~~The fire code official is authorized to order the extinguishment by the permit holder, another person responsible or the fire department of open burning that creates or adds to a hazardous or objectionable situation.~~

~~307.4 Location.~~

~~The location for open or outdoor burning shall not be less than 50 feet (15 240 mm) from any structure, and provisions shall be made to prevent the fire from spreading to within 50 feet (15 240 mm) of any structure.~~

Exceptions (under 307.4 "Location"):

1. ~~Allowed outdoor fires, such as cooking or recreational, in approved containers or devices (non-combustible bar-b-ques, gas grills, brick fire pits, chimneys, etc.) shall not be located less than 10 feet (3048 mm) from any combustible construction including decks and/or patio covers.~~

2. ~~The minimum required distance from a structure for permitted outdoor fires along ditch banks, non-combustible fence lines or noxious weed control shall be 25 feet (7620 mm).~~

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~~(11) Reserved Add new IFC Section 501.1.2 "Address enhancements." to read: All sizable complexes or facilities (such as shopping centers, industrial sites, apartment complexes, etc.) shall have approved address numbers a minimum of twelve (12) inches tall. Any building located significantly back from the roadway it faces may be required to post proportionately larger sized numerals as deemed adequate to identify the structure. Businesses, complexes or facilities with monument or roadside signs are required, where possible, to post bi-directional facing addresses on such signs in large numbers that are distinct and separate from other messages on the sign. It is highly recommended that address numbers be illuminated for improved visibility during hours of darkness.~~

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~~(15) Reserved Amend IFC Section 505.1 "Address numbers identification." to read: All new and existing buildings shall have approved address numbers, building numbers or approved building identification (sub-addresses) placed in a position that are plainly legible and visible from the street or road fronting the property. These numbers shall contrast distinctly with their background (light on dark or dark on light). Address numbers shall be Arabic style numerals or block-style alphabet letters. Address numbers shall be a minimum of six (6) inches (102 mm) high with a minimum stroke width of 0.5 inch (12.7 mm). Where access is by means of a private road and the building cannot be viewed from the public way, a monument, pole or other sign or means shall be used to identify the structure.~~

(16) Amend IFC Section ~~508.1~~507.1 "Required water supply." to read: An approved water supply capable of supplying the required fire flow for fire protection shall be provided to premises upon which facilities, buildings or portions of buildings are hereafter constructed or moved into or within the jurisdiction. The approved water supply for the City of Caldwell, and certain areas contiguous to the city, is provided by the City of Caldwell Water Department. Upon determination of the fire code official and fire chief, existing

buildings that pose a significant fire risk and which could result in considerable loss of life because the building does not currently have sufficient water supply to meet the "minimum" required fire flow may be required, based upon a risk and cost analysis, to make arrangements to meet this code section.

(17) Amend IFC Section ~~508.3~~507.3 "Fire flow." to read: Fire flow requirements for buildings or portions of buildings and facilities shall be determined by an approved method. IFC Appendix B is the generally approved method of determining the "minimum" required fire flow. The minimum required fire flow is calculated using IFC Appendix B, Table B105.1.

In 2007 the Caldwell City Council approved a "reduced rate" fire service impact fee for new structures (all IBC Occupancy Groups, except Group U). A "reduced rate" impact fee was approved as an enticement for new economic development, but was also approved with the caveat that automatic sprinkler systems would be required in much of the new construction. Therefore, automatic sprinkler systems are now required in all buildings in excess of 5,000 SF in fire area.

(18) Amend IFC Section ~~508.4~~507.4 "Water Supply Test." to read: Water supply test information to determine available fire flow information shall be provided in writing to the fire code official by the developer as provided to him/her by the water system provider. Such tests shall attest to the capability of the water system to provide the minimum required fire flow as stated in the conditions of approval on the plan review.

(19) Amend IFC Section ~~508.5~~507.5.5 "Clear space around hydrants." to read: A minimum 3-foot (914 mm) clear space shall be maintained around the circumference of fire hydrants. Only low-profile materials (ground covers) such as mowed grass, mulch, gravel, bark, concrete, asphalt, bare earth, etc. may be placed inside this 3-foot circumference area around the base of the fire hydrant. Visibility of hydrants beyond that 3-foot distance shall not be obstructed by vegetation, fences, landscape features, etc.

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~~(25) Reserved Amend IFC Section 801.1 "Scope." to read: The provisions of this chapter shall govern interior finish, interior trim, furniture, furnishings, decorative materials and decorative vegetation in buildings. Section 803 shall be applicable to existing buildings only to the extent that those buildings are determined to constitute a high risk based on the nature of the materials and the use of the occupancy. Sections 804 through 808 shall be applicable to new and existing buildings only to the extent that those buildings constitute a high risk based on the nature of the materials and the use of the occupancy. New buildings, remodels, additions and changes in use or occupancy will be given credit for the~~

~~installation of automatic sprinkler systems as an alternative means of fire protection to those methods prescribed in Chapter 8.~~

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(29) Amend IFC Section ~~903.2.7~~ 903.2.8 "Group R" to read: An automatic sprinkler system installed in accordance with Section 903.3 shall be provided throughout all buildings with or which include a Group R fire area. Any building with a mixed occupancy which includes a Group R occupancy shall be protected in all areas of the building with an approved automatic sprinkler system approved for that use. Protected buildings that share a common enclosed egress passageway, hallway, stairway or exit route with an adjoining building or structure shall also have that exit route protected with automatic sprinklers.

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(34) Amend IFC Appendix B, Section B101.1 Scope. to read: The procedure for determining fire-flow requirements for buildings or portions of buildings hereafter constructed shall be in accordance with this appendix, except as modified in IFC Section ~~508.3~~ 507.3 which mandates an automatic sprinkler system in all new commercial construction which exceeds 5,000 SF in area. This appendix does not apply to structures other than buildings.

(35) Add the following new IFC Appendix ~~H~~ K to read:

~~Appendix H~~ Appendix K
Fireworks Regulations

~~Section H101~~ Section K101: General

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~~Section H102~~ Section K102: Definitions

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~~Section H103~~ Section K103: Sale, Storage, Possession, and/or Discharge of Fireworks

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~~Section H104~~ Section K104: Inspections by Fire Chief or Designee

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~~Section H105~~ Section K105: Permit for Retail Sales of Non-Aerial Common Fireworks

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A. Application for a Non-aerial Common Fireworks Permit shall be made to the City Clerk in such form and manner as the City Clerk may prescribe. Such application shall include, but shall not necessarily be limited to, the following information:

1. Applicant's and on-site managers' name, age, date of birth, and social security number (a photocopy of driver's license preferred);

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B. Applications for Non-aerial Common Fireworks Permits authorizing the permitted to sell non-aerial common fireworks during the summer sales period shall be filed with the City Clerk on or before the ~~April~~ May 15, or the next business day if such date falls on a non-business day, preceding the summer sales period in which non-aerial common fireworks are to be sold. Applications for Non-aerial Common Fireworks Permits authorizing the permitted to sell non-aerial common fireworks during the winter sales period shall be filed with the City Clerk on or before the ~~October~~ November 15, or the next business day if such date falls on a non-business day, preceding the winter sales period in which non-aerial common fireworks are to be sold.

C. So long as the application is filed by the applicable ~~April~~ May 15 or ~~October~~ November 15 deadline, the City Clerk shall notify the applicant if deficiencies in the application exist and the applicant shall have five (5) business days from the date of the notice to correct any deficiencies. Notwithstanding any such extension or extensions, any application pending required action by applicant more than 30 days after the respective ~~April~~ May 15 or ~~October~~ November 15 deadline shall be denied.

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~~Section H106~~ Section K106: Retail Sales of Non-Aerial Common Fireworks

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~~Section H107~~ Section K107: Storage of Non-Aerial Common Fireworks

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~~Section H108~~ Section K108: General Prohibitions

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~~Section H109~~Section K109: Liability of Parents Or Guardians

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~~Section H110~~Section K110: Permit for Public Fireworks Display

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~~Section H111~~Section K111: Public Fireworks Display

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~~Section H112~~Section K112: Violation and Penalty

Section 4: This ordinance shall be in full force and effect from and after its passage, approval, and publication, according to law.

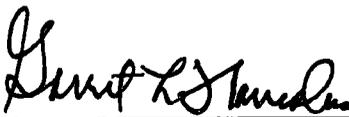
Section 5: This ordinance is hereby declared to be severable. If any portion of this ordinance is declared invalid by a court of competent jurisdiction, the remaining provisions shall continue in full force and effect and shall be read to carry out the purposes of the ordinance before the declaration of partial invalidity.

Section 6: All ordinances, resolutions, orders and parts thereof in conflict herewith are repealed.

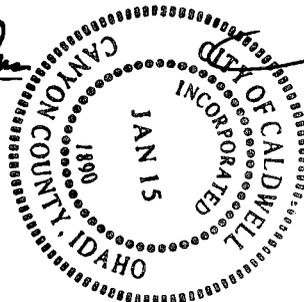
PASSED BY THE COUNCIL OF THE CITY OF CALDWELL, IDAHO, this 4th day of January, 2011.

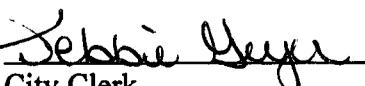
APPROVED BY THE MAYOR OF THE CITY OF CALDWELL, IDAHO, this 4th day of January, 2011.

ATTEST:



Mayor Garret Nancolas





City Clerk