

FIRE REGULATIONS

Chapter 7-01

FIRE PREVENTION CODE

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Section 7-01-01 DECLARATION OF INTENT

It is the intent of the Council by the passage of this Ordinance to adopt minimum standards necessary to safeguard life and limb, health, property and public welfare by regulating (a) the storage, use and handling of dangerous and hazardous materials, substances, devices and processes, (b) the maintenance of buildings, premises and certain equipment, (c) the maintenance of adequate egress facilities, (d) construction and remodel of buildings and premises in cooperation with the International Building Code as administered by Planning and Development Services, and (e) fire safety measures for minimizing losses of life and property. It is the further intent of the Council not to duplicate, overlap or conflict with codes adopted by the Council heretofore, and as said codes are hereafter amended, which provide minimum standards necessary to safeguard life or limb, health, property and public welfare by regulating and controlling the design, layout, construction, quality of materials, use, occupancy, and location of buildings and certain equipment required for the construction and operation of buildings. However, it is the intent of the Council by this Ordinance to acknowledge that in addition to setting maintenance requirements, the International Fire Code also regulates new construction. It is therefore the intent of Council to coordinate the provisions of the International Fire Code with the various international codes (building, plumbing, gas, and mechanical) so that these various international codes complement each other to regulate construction, installation and occupancy use.

Section 7-01-02 CODE ADOPTED

Intending each provision to have the force and effect of ordinance, the Council hereby adopts all the rules, regulations and ordinances of a general and permanent character relating and applying to and regulating (a) the storage, use and handling of dangerous and hazardous materials, substances, devices and processes, (b) the maintenance of buildings, premises and certain equipment, (c) the maintenance of adequate egress facilities, (d) construction and remodel of buildings and premises, and (e) fire safety measures for minimizing losses of life and property, as said rules, regulations and ordinances are printed and contained in a book in code form designated and entitled "International Fire Code," 2006 Edition printed and published by the International Fire Code Institute with the following amendments:

AMENDMENTS TO CHAPTER 1 OF THE IFC

Section 7-01-03 AMENDMENT TO SECTION 101.1, TITLE

Section is amended to read as follows:

101.1 TITLE.

These regulations shall be known hereafter as the Fire Code of the City of Boise, hereinafter referred to as "this code."

Section 7-01-04 AMENDMENT TO SECTION 101.4, SEVERABILITY

Section 101.4 is revised to read as follows:

101.4 SEVERABILITY.

If any clause, sentence, paragraph, section, or any part of this ordinance shall be adjudged to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not effect, invalidate, or nullify the remainder of this ordinance.

Section 7-01-05 AMENDMENT TO SECTION 103.2, APPOINTMENT

Section 103.2 is amended to read as follows:

103.2 APPOINTMENT.

The code official shall be appointed by the chief appointing authority of the jurisdiction. The Fire Chief shall be defined as the chief appointing authority and shall function as the code official. The Chief may appoint the Fire Marshal to act as the code official.

Section 7-01-06 AMENDMENT ADDING SECTION 103.3.1, FIRE MARSHAL

Add Section 103.3.1 to read as follows:

The chief is authorized to designate a member of the fire department to exercise the powers and perform the duties of Fire Marshal as set forth in this code. The Fire Marshal, under the direction of the fire chief, shall manage the Fire Prevention Bureau and shall be responsible for fire prevention programs of the Department of Fire and for the enforcement of Boise City Code Title 7 and the International Fire Code as adopted by the City Council.

The Fire Marshal or his representative shall sign all certificates, notices, and orders pertaining to fire control and fire hazards. A record of all certificates, notices, orders, and inspections made by the Bureau, including the date of such inspections and a summary of any violations found to exist, the date of the service of notices, a record of the final disposition of all violations and a record of all other transactions and operations of the Bureau shall be kept for a period of time consistent with the requirements of this code. Such records shall be open to the inspection of the Mayor and Council.

Section 7-01-07 AMENDMENT ADDING SECTION 103.3.2, ASSISTANT FIRE MARSHAL

Add a Section 103.3.2 to read as follows:

103.3.2 ASSISTANT FIRE MARSHAL.

The chief is authorized to establish an Assistant Fire Marshal position to assist the Fire Marshal as is deemed necessary.

Section 7-01-08 AMENDMENT ADDING A SECTION 105.1.4, STARTING WORK BEFORE SECURING PERMIT

Add a Section 105.1.4 to read as follows:

Section 105.1.4 STARTING WORK BEFORE SECURING A PERMIT.

It is unlawful to commence any work or cause work to be commenced before obtaining the necessary permits.

Exception: Emergency installation work which modifies the system, such as replacement of a defective fire alarm panel, sprinkler valve, or other component, with a different make or model, which is performed during off-business hours to mitigate an impairment of the system. Such emergency installation work shall be reported to PDS/Fire on the next business day and a permit obtained for the work performed.

Section 7-01-09 AMENDMENT ADDING A SECTION 105.1.1.1, FIRE DEPARTMENT PLAN REVIEW

Add a Section 105.1.1.1 to read as follows:

105.1.1.1 DECLARATION OF INTENT.

It is the intent of Council by passage of this section to adopt minimum standards of life and property

safety by requiring that all commercial building plans be submitted to the Fire Department for review for compliance with the International Fire Code as adopted and amended. It is further the intent of the Council that to avoid confusion, any amendments, waivers, variances, or approved equivalents to sections of the International Building Code, or any other adopted code in the city, which are duplicated in the International Fire Code do not automatically constitute amendment, waiver, variance, or approved equivalent of the affected section of the Fire Code, unless the fire code official has specifically approved an amendment, waiver, variance, or an equivalent of the affected section of the Fire Code.

In addition to those items specified elsewhere in this code, the Fire Department shall review and approve plans for the following before a Building permit is issued:

1. all new commercial buildings;
2. all remodels in commercial buildings requiring modification to fire sprinklers;
3. any change of occupancy classification of a building or any part thereof;
4. new residential occupancies of 4 or more units;
5. commercial parking lots;
6. commercial grading or drainage.

Section 7-01-10 AMENDMENT SECTIONS 105.2.1.1 AND 105.2.1.2, RE-REVIEW FEE

Add a Section 105.2.1.1 to read as follows:

105.2.1.1 RE-REVIEW FEE.

The code official is authorized to assess a fee for re-reviewing plans, including but not limited to, construction or fire protection systems which have been rejected for not satisfying the requirements of this code. The re-review fee shall apply to each re-submittal starting with the third review. The re-review fee shall be in accordance with the conditions, amounts, and limitations listed in the adopted and amended edition of the Building Code.

105.2.1.2 PLAN MODIFICATIONS.

Plan revisions submitted for approval after a permit and approved plans have been issued, shall be charged the normal permit fee based on the number of heads/initiating devices affected (hydraulically or electrically) by the modification.

Section 7-01-11 AMENDMENT TO SECTION 105.3.3, OCCUPANCY PROHIBITED BEFORE APPROVAL

Add paragraphs to the end of Section 105.3.3 to read as follows:

No Certificate of Occupancy, Temporary Certificate of Occupancy, or any other documentation indicating or implying that the requirements of this code have been satisfied or allowing occupancy shall be issued or renewed until the Fire Department has approved issuing said documentation. This paragraph shall include temporary or special events requested for such buildings such as, but not limited to, vacant buildings, buildings under construction, or buildings with an Occupancy Certificate approving a different occupancy than that required for the event.

All buildings, new and existing, within the City of Boise shall have a valid Certificate of Occupancy or equivalent issued by the Building Department.

Temporary Occupancy. In buildings of phased construction, a temporary certificate of occupancy, as approved by the Fire Code Official, shall be permitted provided that the Fire Code Official determines

those portions of the building to be occupied meet the requirements of this Code and that the remainder do not pose a significant hazard to the safety of the proposed occupants or adjacent buildings. The Fire Code Official shall set a time period during which the temporary certificate of occupancy is valid.

Section 7-01-12 AMENDMENT TO SECTION 105.4.3, APPLICANT RESPONSIBILITY

Add a paragraph to the end of 105.4.3 to read as follows:

Where this Code as adopted, or the referenced Standards, indicates “where approved by the Fire Code Official” or similar wording of this intent, the permit application shall include a separate written request for Fire Code Official approval, citing the specific Code section involved and including all pertinent details necessary for an evaluation of the request. “Approval” cannot be assumed until it has been specifically requested and granted by the Fire Code Official.

Section 7-01-13 AMENDMENT TO SECTION 105.8, PERMIT FEES

Add a Section 105.8 to read as follows:

105.8 PERMIT FEES.

Permit fees shall be as contained in the Permit Fee List as adopted by resolution. The appropriate fee shall accompany the permit application.

Section 7-01-14 AMENDMENT ADDING SECTION 106.5, REINSPECTION FEE

Add a Section 106.5 to read as follows:

106.5 RE-INSPECTION FEES.

A re-inspection fee may be assessed for each re-inspection when such portion of work for which inspection is called is not completed or when corrections called for are not made within the allotted time. This section is not to be interpreted as requiring re-inspection fees the first time a premises is noted as failing to comply with the requirements of this code, but as controlling the practice of calling for inspections before the job is ready for such inspection, or ignoring the allotted time in which to correct a code deficiency.

Re-inspection fees necessitated by non-compliance with requirements or conditions associated with construction work and a Building Permit, or for failing to request said required inspections, shall be in accordance with the conditions, amounts, and limitations listed in the adopted and amended edition of the Building Code. Re-inspection fees necessitated by non-compliance with requirements associated with periodic inspections of existing buildings authorized by this code shall be equal to the cost recovery of the inspection.

Section 7-01-15 AMENDMENT TO SECTION 108.1, BOARD OF APPEALS

To the end of Section 108.1 add the following to read:

The Board shall be made up of 5 members, one of which shall specifically be a representative of the Fire Sprinkler Industry. Candidates for the dedicated “sprinkler” position shall possess at least one of the following qualifications:

1. Be certified by The National Institute for Certifying Engineering Technologies (NICET) at Level III or higher in Fire Sprinkler Layout or,
2. own a fire sprinkler firm or,

3. manage a fire sprinkler firm.

The length of service for each appointment shall be 4 years.

Section 7-01-16 AMENDMENT TO SECTION 109.3, VIOLATION PENALTIES

Amend Section 109.3 by inserting the following to read:

...shall be guilty of a misdemeanor punishable by a fine of not more than \$1000.00 or by imprisonment not exceeding 6 months or both...

Section 7-01-17 AMENDMENT TO SECTION 111.4, FAILURE TO COMPLY

Amend Section 111.4 to read as follows:

Any person who shall continue to perform any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be guilty of a misdemeanor punishable by a fine of not more than \$1000 or by imprisonment not exceeding 6 months, or both such fine and imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

AMENDMENTS TO CHAPTER 2 OF THE IFC

Section 7-01-18 AMENDMENT TO SECTION 202, GENERAL DEFINITIONS

Code Official. The Fire Chief is the Code Official. The Fire Chief may designate the Fire Marshal or the Assistant Fire Marshal to act as the code official.

Section 7-01-19 AMENDMENT TO SECTION 202, GENERAL DEFINITIONS

Education Group E, Day Care is amended to read as follows: The use of a building or structure, or portion thereof for educational, supervision or personal care services for more than 12 children older than 2 ½ years of age, shall be classified as a Group E occupancy and shall also be regulated by adopted City Ordinances for Child Care facilities. Exception: Daycare services provided for 12 or fewer children of any age in residential buildings governed by the International Residential Code, as set for in IBC Section 101.2. shall be exempt from this provision and shall be regulated by adopted City Ordinances for Child Care facilities.

Section 7-01-20 AMENDMENT TO SECTION 202, GENERAL DEFINITIONS

Group I-4, Day care facilities is amended to read as follows: A facility that provides supervision and personal care on a less than 24-hour basis for more than 12 children, 2 ½ years of age or less, shall be classified as Group I-4 and shall also be regulated by adopted City Ordinances for Child Care facilities. Exception: Daycare services provided for 12 or fewer children of any age in residential buildings governed by the International Residential Code, as set for in IBC Section 101.2. shall be exempt from this provision and shall be regulated by adopted City Ordinances for Child Care facilities.

Group R-3 Occupancies, Day care facilities shall be amended to add the following: "...and shall be regulated by adopted City Ordinances for Child Care facilities. Exception: Daycare services provided for 12 or fewer children of any age in residential buildings governed by the International Residential Code, as set for in IBC Section 101.2. Shall be exempt from this provision and shall be regulated by adopted City

Ordinances for Child Care facilities.

AMENDMENTS TO CHAPTER 3 OF THE IFC

Section 7-01-21 AMENDMENT ADDING SECTION 304.1.2.1, WEED AND GRASS MITIGATION

Add a Section 304.1.2.1 to read as follows:

304.1.2.1. WEED AND GRASS MITIGATION.

When cut or uncut weeds, grass, vines, and other vegetation are over 10 inches in height or otherwise determined by the code official to be a fire hazard, the owner shall be notified of the hazard by registered or certified mail addressed to said owner at his last known address or hand delivered. Upon failure, neglect, or refusal of any owner or agent to abate the hazard by cutting or removing the vegetation within five (5) days of receipt of the notice or five (5) days after the date of said notice if it is returned as undelivered, the code official is hereby authorized and empowered to pay for cutting and removing of cut or uncut weeds, grass, vines, and other vegetation, as authorized by Idaho Code § 50-317. The charges for cutting and removing cut or uncut weeds, grass, vines, and other vegetation shall constitute a special assessment and be collected as authorized under Idaho Code § 50-1008.

Section 7-01-22 AMENDMENT TO SECTION 307, OPEN BURNING

Section 307.2 is revised to read as follows:

307.2 Permit required. The following types of fires may be allowed provided the proper Permit is obtained through the Fire Department:

- A. Field burning where there is no alternative cropping practice which provides equivalent benefits.
- B. Irrigation ditches and fence rows.
- C. Fires used for control or alleviation of a fire hazard, where no other means is available.
- D. Fires used in the training of organized fire-fighting personnel.
- E. Special fires allowed at the discretion of the Boise Fire Department. Special fires are fires not falling into A through D above.

Section 7-01-23 AMENDMENT ADDING SECTION 307.2.2, AIR QUALITY INDEX

Add a Section 307.2.2 to read as follows:

307.2.2 All open burning, even if a valid permit has been issued or no permit is required, is prohibited when the Air Quality Index (AQI) as reported by the Idaho Department of Environmental Quality (DEQ) reaches 60 or higher for any pollutant. It is the responsibility of the holders of valid permits or anyone wishing to ignite a fire for which no permit is required to determine the level of the AQI prior to igniting any fire. The daily AQI may be determined by calling DEQ or visiting the DEQ web page.

AMENDMENTS TO CHAPTER 4 OF THE IFC

Section 7-01-24 AMENDMENT ADDING SECTION 401.3.4, COST RECOVERY FOR FALSE ALARMS

401.3.4 COST RECOVERY FOR FALSE ALARMS

The code official shall be authorized to seek emergency response cost recovery from the responsible party for false alarms as defined in Section 7-02-02 of the Boise City Code. Emergency response cost recovery for false alarms shall be as specified in Section 7-02-03 of the Boise City Code and in such amounts as specified in the fee schedule approved by Mayor and Council applicable at the time of the false alarm.

Section 7-01-25 AMENDMENT ADDING SECTION 401.3.5, SILENCING FIRE ALARMS

Add a Section 401.3.5 to read as follows:

401.3.5 SILENCING FIRE ALARMS.

It is prohibited for anyone other than fire department personnel or fire protection system contractors while in the performance of their duties to silence, restore, or reset a fire alarm system without the expressed permission of the Fire Department.

Section 7-01-26 AMENDMENT ADDING SECTION 401.6, COST RECOVERY FOR ILLEGAL FIRES

401.6 COST RECOVERY FOR ILLEGAL FIRES.

The code official is authorized to seek emergency response cost recovery from the responsible party for illegal fires, as defined in Section 7-02-02 of the Boise City Code. Emergency response cost recovery for illegal fires shall be as specified in Section 7-02-03 of the Boise City Code and in such amounts as specified in the fee schedule approved by Mayor and Council applicable at the time of the illegal fire.

(6841, Amended 4/17/2012)

AMENDMENTS TO CHAPTER 5 OF THE IFC

Section 7-01-27 AMENDMENT ADDING A SECTION 501.5, AUTHORITY FOR ESTABLISHING STANDARDS AND REQUIREMENTS FOR FIRE ACCESS ROADS

Add a Section 501.5 to read as follows:

501.5 AUTHORITY FOR ESTABLISHING STANDARDS AND REQUIREMENTS FOR FIRE ACCESS ROADS.

The Ada County Highway District (ACHD) is the authority that regulates all aspects of public streets. However, should ACHD remain silent on an issue, or in the event ACHD defers a decision to the Fire Department, the standards in this code shall be considered requirements.

In addition, the Fire Department shall be considered as the Authority Having Jurisdiction and the requirements of this code shall apply to any and all Fire Access Roads considered to be or defined as “private” and therefore not in the jurisdiction of ACHD. Furthermore, it is the intent of the Boise Fire Department that the standards of this code be considered as the Fire Department’s official position on Fire Access Roadways whether public or private. The Fire Department requests that ACHD incorporate the standards in this code into their standards.

Section 7-01-28 AMENDMENT ADDING TO SECTION 503.1.1, BUILDINGS AND FACILITIES, EXCEPTIONS

Add to Section 503.1.1 exception #4 as follows:

4. The structures are used solely as public restrooms or public picnic shelters and meet all of the following: single story, above grade, non-combustible construction, 500 square feet or less in area within the surrounding exterior walls or within the horizontal projections of the roof for unenclosed structures; 60' (foot) open yards on all sides.

Section 7-01-29 AMENDMENT TO SECTION 503.2.4, TURNING RADIUS

Add a sentence to the end of Section 503.2.4 to read as follows:

The minimum outside turning radius shall be 48 feet. The minimum inside turning radius shall be 28 feet.

Section 7-01-30 AMENDMENT TO SECTION 503.2.6, BRIDGES AND ELEVATED SURFACES

Add the following paragraph to the end of Section 503.2.6:

The Fire Department shall require that bridges over the Boise River provide a minimum of 8 feet clearance between the lowest part of the bridge and the water surface at 3000 cfs flow.

Section 7-01-31 AMENDMENT ADDING SECTION 503.7, BARRICADE SPECIFICATIONS

503.7 BARRICADE SPECIFICATIONS.

If other city or county agencies require that emergency vehicle access roadways be secured with a barricade, chain, gate, or bollard, such barricade must meet the following criteria: Removal or opening of said barricade must result in a clear unobstructed road width of 20'. Chains and locks shall be of such quality so as not to damage fire department cutting tools nor shall cutting operations result in any unnecessary time delay. Bollards must be of an easily removable type, shall leave nothing protruding up from the roadway surface when removed, and shall be approved by the Code official. If gates are electronically operated they shall: (1) be of a fail-open version in the event of loss of power, and (2) be equipped with an automatic opening mechanism activated by the Opticom system currently in use by the fire department.

Section 7-01-32 NO PARKING

503.8 NO PARKING.

Areas where parking is prohibited shall be so designated by curb markings or "No Parking" signs by one of the following methods:

1. "No Parking Fire Lane" (or approved or standardized equal) signs shall be placed at all points of entry to properties or subdivisions and at 75 foot intervals on all sides of a vehicle pathway on which parking is prohibited. Signs shall face oncoming traffic.
2. "Notice All Roads Are Fire Lanes Park Only in Designated Parking Areas" (or approved or standardized equal) signs shall be placed at all points of entry to properties or subdivisions with marked parking stalls and shall face traffic entering the property.

3. All curbs along roads or lanes where parking is prohibited shall be painted red, contain 3-inch-high by 3/4-inch stroke white letters reading “Fire Lane-No Parking” (or other approved marking), with the lettering spaced every 50 feet on center.
4. It shall be considered as an approved alternative to Items 1 through 3 above for “No Parking Fire Lane” designations to be in accordance with ACHD standards for such markings.

Section 7-01-33 AMENDMENT ADDING SECTION 503.9, TRAFFIC CALMING DEVICES

Add a new Section 503.9 to read as follows:

503.9 TRAFFIC CALMING DEVICES.

The Fire Department shall prohibit the installation of traffic delaying or traffic calming devices without the approval of the code official. Prohibited devices include, but are not limited to, speed bumps, speed humps, speed dips, chokers, circles, or conversation corners.

Section 7-01-34 AMENDMENT ADDING A SECTION 503.10, DIVE BOAT ACCESS

Add a Section 503.10 entitled Dive Boat Access to read as follows:

503.10 DIVE BOAT ACCESS.

The code official may require developments or construction projects to provide access to waterways including, but not limited to, rivers, creeks, canals, ponds, or lakes. Dive Team boat access shall meet all the standards and requirements specified in this code except as follows:

1. Dive rescue boat access roads shall be capable of supporting 12,000 pounds gross vehicle weight;
2. shall be 12 feet wide;
3. shall provide 10 inches of ground clearance;
4. shall have a maximum grade of 20% on the launch ramp;
5. shall be asphalt, concrete, or ACHD approved road mix surface;
6. shall have a minimum of 3 feet of water at 800 cfs flow at the launch point;
7. shall have a minimum outside turning radius of 25 feet.

Section 7-01-35 AMENDMENT ADDING A SECTION 503.11, OPTICOM

Add a Section 503.11 to read as follows:

503.11 OPTICOM.

All new traffic control signals installed after the adoption of this code shall be equipped with the Fire Department Opticom system.

Section 7-01-36 AMENDMENT ADDING SECTION 505.3, ADDRESS FOR CORNER LOTS

Add a Section 505.3 to read as follows:

505.3 BUILDING ACCESS AND ADDRESS.

If a building on a corner lot has primary access to the building or parking lot from a street other than the address street, the building number and the street name/number shall appear on both faces of the building.

Section 7-01-37 AMENDMENT ADDING SECTION 505.4, ADDRESS FOR TENANT SPACE

Add a Section 505.4 to read as follows:

505.4 TENANT SPACE ADDRESS.

All individual tenant spaces shall be readily identified by a suite or space number, letter, or other approved method. Such suite or space designation shall be consistent with all building maps, building directories, and fire alarm system identification methods for the site.

Section 7-01-38 AMENDMENT ADDING SECTION 505.5, ADDRESS FOR MULTIFAMILY DWELLINGS

Add a Section 505.5 to read as follows:

505.5 MULTIFAMILY DWELLING ADDRESS.

- A. When individual apartment, condominium, or town house structures within a common complex are designated with separate addresses, individual unit numbers shall be assigned so there is no duplication of unit designations within a building. First floor shall be 100 series, second floor 200 series and so on for each successive floor. Basements shall be 10 series if the next higher floor is designated the first floor; or basements shall be designated 100 series if the next level is called the second floor.
- B. When apartment, condominium, or town house complexes (more than one structure) have been assigned one address, each individual building shall also be assigned a letter. Unit or apartment numbers shall then be assigned in the 10, 100, 200, 300 series per floor as identified in paragraph A of this section.

Section 7-01-39 AMENDMENT ADDING SECTION 506.1.2, KEY BOXES REQUIRED

Add Section 506.1.2 to read as follows:

506.1.2 KEY BOXES REQUIRED.

Unless determined otherwise by the code official, key boxes are required for all structures with fire alarm or sprinkler systems which are connected to a monitoring service.

Exception: The code official may approve a 24 hour on-location security service as negating the requirement for a key box.

Section 7-01-40 AMENDMENT ADDING SECTION 508.1.1, HYDRANT DISTANCE TO BUILDINGS

Add a Section 508.1.1 to read as follows:

508.1.1 FIRE HYDRANT DISTANCE FROM BUILDINGS.

Fire hydrants shall not be installed closer than 40' to buildings. In such areas of the city where 40' is an impractical distance, the code official may allow a lesser distance.

Section 7-01-41 AMENDMENT TO SECTION 508.2, TYPE OF WATER SUPPLY

To the end of the first sentence of Section 508.2 add the following to read:

... at minimum 20 psi residual pressure.

Section 7-01-42 AMENDMENT ADDING TO SECTION 508.5.1 FIRE HYDRANT SYSTEMS WHERE REQUIRED, EXCEPTION 3

To Section 508.5.1, add Exception #3 as follows:

3. Structures used solely as public restrooms or public picnic shelters which meet all of the following: single story, above grade, non-combustible construction, 500 square feet or less in area within the surrounding exterior walls or within the horizontal projections of the road for unenclosed structures; 60' (foot) open yards on all sides.

Section 7-01-43 AMENDMENT ADDING SECTION 508.6, HYDRANT SUPPLY CONNECTION

Add a Section 508.6 to read as follows:

508.6 FIRE HYDRANT SUPPLY CONNECTIONS.

It shall be prohibited for underground water supply lines with a single connection from a municipal main to supply both fire hydrants and fire suppression systems. Looped supply lines that are supplied from two points of connection shall be allowed for hydrants and fire suppression system supplies.

Section 7-01-44 AMENDMENT ADDING SECTION 508.7, HYDRANT MAKE AND MODEL

Add a Section 508.7 to read as follows:

508.7 ACCEPTABLE HYDRANTS.

Unless otherwise approved by the Fire Department, acceptable hydrant models are limited to 1) Waterous Pacer 100, 2) Mueller Centurion, and 3) Clow Medallion.

Section 7-01-45 AMENDMENT ADDING SECTION 508.8, HYDRANT INSTALLATION SPECIFICATIONS

Add a Section 508.8 to read as follows:

508.8 HYDRANT INSTALLATION SPECIFICATIONS.

Maintenance and installation of fire hydrants shall require prior approval of the water purveyor. It is a specific misdemeanor violation of this section for site improvements such as landscaping to result in a condition where a hydrant falls into non-compliance with the requirements of the water purveyor or this code. Further, the largest diameter outlet, commonly referred to as the steamer connection, shall face the street as opposed to facing driveways.

Section 7-01-46 AMENDMENT ADDING LANGUAGE TO SECTION 509.1, FIRE COMMAND CENTER

Amend item 13 to read as follows:

13. The work table surface shall be at least 3 foot by 5 foot.

Section 7-01-47 AMENDMENT ADDING SECTION 510.2, FACP LOCATION AND SIGNS

Add a Section 510.2 to read as follows:

510.2 FIRE ALARM CONTROL PANEL LOCATION AND SIGNS.

When a fire alarm control panel (FACP) is mounted in such a location or room so as to not be in obvious view from the front entry of the building, a remote annunciator shall be provided at the main entrance of the building, and approved signs shall be posted for the purpose of leading emergency personnel to the room or location of the FACP.

AMENDMENTS TO CHAPTER 9 OF THE IFC

Section 7-01-48 ADDITION TO SECTION 901.2, CONSTRUCTION DOCUMENTS

Add new paragraphs to the end of Section 901.2 to read as follows:

When fire protection construction documents or calculations are required, a minimum of three (3) and a maximum of five (5) complete sets of layout documents shall be submitted for review. Contractors may copy approved sets that have been returned. However, any copies made from city-approved documents must be complete and contain ALL the information required of original sets plus the city's plan review notes. The issued plan set stamped "These plans must be kept on the job site at all times," and the FIR Permit Inspection Record Card shall be kept on the job site from the start of work until the job has passed all the final acceptance inspections and the FIR Permit Inspection Record Card is signed indicating final acceptance by the Fire Inspector.

Construction documents shall be consistent with the approved building plans and each set shall include all the information listed in relevant sections of this code and the appropriate standard for the system in question, copies of material data sheets on all system equipment, including but not limited to valves, sprinklers and escutcheons, water supply data cover sheet, switches, detectors, horns, strobes, batteries, and control panels. The code official reserves the right to request additional information when such information is considered necessary to determine compliance with the code and appropriate standards. It shall be the responsibility of the submitting contractor to compile the construction documents, and resubmittal information, into complete sets.

Construction documents shall be required when:

- A. Any fire protection system is to be installed or modified, regardless of the number of sprinkler or alarm devices involved or the dollar value of the work.
- B. The Code official reserves the right to waive the requirement of such a submittal when in his opinion a review is not necessary to verify compliance.

Section 7-01-49 AMENDMENT ADDING SECTION 901.4.2.1, VOLUNTARY ALARM SYSTEMS

Add a Section 901.4.2.1 to read as follows:

901.4.2.1 VOLUNTARY FIRE ALARM SYSTEM INSTALLATION.

When fire alarm systems not required by this or any other code are installed, the notification appliances shall meet the same minimum layout, installation, and performance requirements for systems which are required by this or any other code. Non-required fire alarm systems shall provide the same level of occupant notification that required systems provide. Partial automatic or manual activation alarm systems are allowed provided they are installed in accordance with the requirements and limitations of the appropriate Standard.

Section 7-01-50 AMENDMENT ADDING SECTION 901.6.3, FALSE ALARM FEES

Section 901.6.3 repealed:
(6841; Repealed, 04/17/2012)

Section 7-01-51 AMENDMENT ADDING SECTION 903.1.3, CONTROL VALVE LOCATION

Add a Section 903.1.2 to read as follows:

903.1.2 SPRINKLER SYSTEM CONTROL VALVE LOCATION AND SIGNS.

Unless specifically approved by the code official, the fire sprinkler system main control valve(s) shall be installed in any one of the following configurations:

1. A Post Indicator Valve (PIV). Where practical a PIV shall be installed at least 40 feet from the building.
2. A Wall Post Indicator Valve (WPIV).
3. A valve(s) installed on the riser itself provided the sprinkler riser room is separated from the building on all sides by a one-hour Occupancy Separation assembly, including opening and penetration protection, as defined by the Building Code. In addition to any other access doors, direct access into the riser room from the outside shall be provided. Signs identifying doors leading to the sprinkler system control assembly shall be permanently affixed to all doors so as to clearly identify the path to the riser assembly.

The valve configurations required in this section are listed in order of preference, not in order of requirement.

Section 7-01-52 AMENDMENT ADDING SECTION 903.1.5, FLOOR CONTROL ASSEMBLIES

Add a Section 903.1.3 to read as follows:

903.1.3 FLOOR CONTROL ASSEMBLIES.

Unless approved otherwise by the code official, sprinkler systems in any building 2 or more levels in height shall be separated by floor control assemblies in addition to main control and alarm features. Floor control assembly components shall include, but not be limited to, properly placed and installed control valve, alarming device, test and drain assembly, and pressure gage.

Exception: Systems installed in one and two family dwellings.

Section 7-01-53 AMENDMENT ADDING SECTION 903.1.6, HIGH PILED COMBUSTIBLE STORAGE WAREHOUSE

Add a Section 903.1.4 to read as follows:

903.1.4 "SPEC" WAREHOUSE SPRINKLER SYSTEMS.

Fire sprinkler systems installed in warehouse type buildings commonly referred to as "spec" warehouses where storage heights of combustible materials over 12 feet are possible, but exact commodity and height are unknown, shall meet the following criteria.

At a minimum, systems shall be for Class IV commodity, to the maximum available storage height,

allowing for in-rack sprinklers, with High Temperature Sprinklers at the ceiling. It should be noted that if the warehouse is used to store a higher commodity Class material, upgrades to the sprinkler system will be required. (See also NFPA 13 Appendix A.)

This section is not intended to prohibit the use of ESFR sprinkler systems.

It shall be the responsibility of the code official to evaluate all requests for a system layout meeting the requirements for a less hazardous storage configuration.

Section 7-01-54 AMENDMENT ADDING SECTION 903.3.1.3.1, NFPA 13D SPRINKLER ALARMS

Add a Section 903.3.1.3.1 to read as follows:

903.3.1.3.1 NFPA 13D ALARMS.

Any and all NFPA 13D systems shall be equipped with an alarm initiating device, commonly referred to as a flow switch, and an outside alarm indicating device.

Section 7-01-55 ADDITION TO SECTION 903.3.5.2 SECONDARY WATER SUPPLY

Add a paragraph to end of the section to read: Note: It shall be acceptable to use a combination of a single fire tank conforming to the requirements of NFPA 22 and a single fire pump conforming to the requirements of NFPA 20 to meet this secondary water requirement, where the tank is automatically filled from the primary city supply and a bypass suction connection is provided to supply the fire pump in the event the tank is out of service, and a fire department pumper section connection with appropriate system valving is provided to allow the fire department to draw the water from the tank under a positive pressure and pressurize the standpipe with the required sprinkler and hose stream demand, in the event the fire pump is out of service. The hose stream design requirement shall not be less than that specified in NFPA 13 for combined inside and outside hose streams. Alternative designs shall provide equivalent redundancy and shall be subject to approval by the code official.

Section 7-01-56 AMENDMENT ADDING SECTION 903.3.8 DEPTH OF COVER

Add a section 903.3.8 to read as follows:

903.3.8 DEPTH OF COVER.

The depth of cover over underground sprinkler water pipes shall be 4'6", measured from the top of the pipe to finished grade.

Section 7-01-57 AMENDMENT ADDING SECTION 905.1.1, STANDPIPE HOSE

Add a Section 905.1.1 to read as follows:

905.1.1 STANDPIPE HOSE.

Any requirement for the installation of fire hose on standpipes shall be omitted.

Section 7-01-58 AMENDMENT ADDING SECTION 912.2.3 FIRE DEPARTMENT ACCESS

Add a Section 912.2.3 to read as follows:

912.2.3 FIRE DEPARTMENT CONNECTION.

The Fire Department Connection (FDC) and associated outside alarm for a sprinkler or standpipe system

shall be installed within 100 feet of an approved fire department vehicle access lane and within 300 feet of fire department vehicle access distance of a fire hydrant.

Section 7-01-59 AMENDMENT ADDING SECTION 913.1.1, FIRE PUMP TEST HEADER

Add a Section 913.1.1 to read as follows:

913.1.1 FIRE PUMP TEST HEADER ASSEMBLY.

It shall be prohibited for a water meter or any other similar device to be installed in lieu of a fire pump test header assembly without the express approval of the code official.

AMENDMENTS TO CHAPTER 14 OF THE IFC

Section 7-01-60 AMENDMENT ADDING SECTION 1401.3, CONSTRUCTION OR DEMOLITION FIRE WATCH

Add a Section 1401.3 to read as follows:

1401.3 FIRE WATCH DURING BUILDING CONSTRUCTION, ALTERATION, OR DEMOLITION.

The code official may allow a fire watch in order to allow temporary occupancy of a building or portion thereof before it is completed or during demolition. The duties of the fire watch personnel shall be to watch for the occurrence of fire, immediately report the occurrence of a fire in an approved manner, act to prevent the occurrence of fire, and enforce the provisions of this code. Fire watch personnel shall not be assigned any other duties which are not related to fire safety. Only fire watches that have been approved by the code official are allowed. When a fire watch is approved, personnel determined to be qualified by the Fire Department shall be provided.

AMENDMENTS TO CHAPTER 33 OF THE IFC

Section 7-01-61 AMENDMENT TO SECTION 3308.11, RETAIL DISPLAY AND SALE OF FIREWORKS

Delete Section 3308.11 and replace with the following:

3308.11 RETAIL DISPLAY AND SALE.

The sale and use of fireworks shall conform to the requirements of this code. In the event of a conflict between another Chapter of this code or another Section of this Chapter and Section 3309, the specific requirements of Section 3309 shall apply.

Section 7-01-62 AMENDMENT ADDING A SECTION 3309, FIREWORKS

Add Section 3309 entitled Fireworks:

Section 3309 Fireworks

3309.1 FIREWORKS SHALL BE DEFINED AS FOLLOWS.

Any composition or device for the purpose of producing a visible or an audible effect for entertainment purposes by combustion, deflagration, or detonation that meets the definition of 1.4G or 1.3 G Fireworks.

3309.2 DANGEROUS FIREWORKS.

Fireworks meeting the following criteria are to be considered "dangerous fireworks".

- A. Fireworks containing explosive material that will burn or deflagrate when ignited. Examples include, but are not limited to, firecrackers, cherry bombs, M-80s.
- B. Fireworks that leave the ground of their own accord, or fly when tossed into the air. Examples include, but are not limited to, skyrockets, bottle rockets, mortar shells, Roman candles.
- C. Fireworks designed for ground or near ground use that travel outside of a fifteen (15) foot diameter circle.
- D. Fireworks designed for ground or near ground use that, as a means of propulsion, emit showers or sparks longer than twelve (12) inches.
- E. Fireworks designed for use from a stationary position that emit sparks, showers, or flaming balls, vertically more than twenty (20) feet; or from which discharged material falls beyond a twenty (20) foot in diameter area.

Exception: The term “fireworks” shall not include any blank cartridge, automotive safety flares, toy guns or toy cannons, caps, or other items designed for use with toy guns or cannons, party poppers, pop-its, party favors, or other device which contains twenty-five hundredths (.25) of a grain or less of explosive substance.

3309.3 NON-AERIAL COMMON FIREWORKS.

Fireworks not meeting the criteria of “dangerous fireworks,” or not specifically banned by reference, are to be considered non-aerial common fireworks.

3309.4 DANGEROUS FIREWORKS PROHIBITION AND PERMIT

- A. It shall be unlawful for any person in the City to import, export, offer for sale, sell, possess, use, keep, or store or permit the keeping or storing of any "dangerous fireworks" for any use or purpose, except that a person holding a Public Fireworks Display Permit issued pursuant to the terms and conditions of this Chapter may use "dangerous fireworks" for a safely supervised and conducted public display of fireworks.
- B. Said fireworks may be stored for a period not exceeding ten (10) days immediately preceding the date of said public display, provided the fireworks are to be used exclusively for public display. Storage of dangerous fireworks to be used in a public fireworks display authorized by a valid permit issued pursuant to this chapter shall be stored in accordance with any and all applicable provisions of this chapter governing short-term storage containers and all applicable provisions of the International Fire Code, except that no person shall store dangerous fireworks:
 1. In a temporary fireworks stand;
 2. In any soft-sided structure, including, but not limited to, a tent;
 3. In any place or in any manner allowing access to such dangerous fireworks by anyone other than the permittee;
 4. In any place or in any manner which endangers the health, safety, or welfare of

persons or property.

3309.5 NON-AERIAL COMMON FIREWORKS PERMIT.

No person, without having a valid Non-Aerial Common Fireworks Permit issued pursuant to terms and conditions set forth in this Chapter shall import, export, possess for the purpose of sale, offer for sale, or sell non-aerial common fireworks for any use or purpose.

3309.6 APPLICATION FOR NON-AERIAL COMMON FIREWORKS PERMIT.

Any person desiring to engage in the sale of non-aerial common fireworks within the City shall first make written application to the Clerk for a Non-Aerial Common Fireworks Permit. Each applicant shall pay to the City Clerk a fee of twenty-five dollars (25.00) at the time the application is filed. At the time and as a condition of such filing and with each application, each applicant shall pay an additional fee to defray costs of preliminary investigations required hereunder which fee shall be twenty-five dollars (\$25.00) per site applied for, and shall not be refundable in any event. All permits are required to be posted in the temporary fireworks stand at all times.

- A. Applications for Non-Aerial Common Fireworks Permits authorizing the permittee to import, export, possess for the purpose of sale, offer for sale, or sell non-aerial common fireworks during the summer sales period or during the winter sales period shall be filed with the City Clerk on or before April 15, or the next business day if such date falls on a non-business day.
- B. So long as the application is filed by the applicable April 15 deadline, the City Clerk shall notify the applicant if deficiencies exist in the application 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 requiring action by the applicant that is still pending more than thirty (30) days after the respective April 15 deadline shall be denied.
- C. An operator intending to sell fireworks during the winter sales period pursuant to a Non-Aerial Common Fireworks Permit shall provide written notification of such intent to the City Clerk by mailing the same by U.S. Post to the City Clerk between the period of December 1 and December 15 preceding the winter sales period during which the fireworks are to be sold.

3309.7 APPLICATION FOR PUBLIC FIREWORKS DISPLAY PERMIT.

Any person desiring to make a public display of dangerous fireworks shall first make written application to the Boise City Fire Department for a Public Fireworks Display Permit. Each applicant shall pay to the Fire Department a fee of one hundred twenty-five dollars (\$125.00) at the time the application is filed. In the event the Public Fireworks Display Permit is denied, the Fire Department shall refund the application fee. The applicant shall also reimburse the City for all reasonable expenses incurred in investigation to determine whether the permit should be granted.

- A. Applications for Public Fireworks Display Permits shall be filed with the City Clerk at least forty-five (45) days preceding the date on which the proposed public fireworks display is to occur.
- B. So long as the application is filed at least forty-five (45) days preceding the date on which the proposed public fireworks display is to occur, the City Clerk shall notify the applicant if deficiencies exist in the application 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 requiring action by the applicant that is still pending within thirty (30) days of the proposed public fireworks display shall be deemed denied.

3309.8. FORM OF APPLICATION.

Each applicant for a Non-Aerial Common Fireworks Permit or a Public Fireworks Display Permit shall file an application with the City Clerk. A separate application shall be filed for each and every location at which non-aerial common fireworks are to be sold and/or offered for sale, or for each and every public fireworks display. Each application shall show the following:

- A. The applicant's name, address, date of birth, and social security number. If the applicant is other than a natural person, the address of the applicant's principal place(s) of business.
- B. If the applicant is other than a natural person, the purpose for which the applicant primarily exists and for which it was organized and when and where the applicant was organized and established.
- C. If the applicant is a partnership, corporation, or limited liability company, the names and addresses of the partners, officers, trustees, directors, or members, if any, and also the name and address of the applicant's registered agent for service of process.
- D. The physical address and description of each and every location at which non-aerial common fireworks or dangerous fireworks are to be stored and the dates such fireworks are to be stored.
- E. For non-aerial common fireworks, the physical address and description of any and all locations at which such fireworks are to be sold and/or offered for sale, and the dates during which such fireworks are to be sold and/or offered for sale.
- F. For dangerous fireworks, the physical address and description of the location at which the public fireworks display is to occur, and the date(s) on which the public fireworks display is to occur.
- G. The applicant's State Sales Tax Permit number, if applicable.
- H. If the applicant is an entity other than a sole proprietorship, the name and general description of the business activities of each parent or subsidiary company, business or entity, and a general description of the ownership organization of each parent or subsidiary, if any.
- I. Such other information as the Clerk may require on a Standard form submitted to all applicants and which is reasonably necessary to protect the public health, safety and morals.
- J. For a non-aerial common fireworks permit, a site plan, which shall include a description of:
 - 1. Location, type, and dimensions of any temporary fireworks stand and/or short-term storage container to be located at the sales site;
 - 2. Parking areas;
 - 3. Vision sight triangle, if located on a corner;
 - 4. Waste receptacles or garbage cans.
- K. For a public fireworks display permit, a site plan for the storage of fireworks to be used in the public fireworks display for which the permit is sought, which plan shall include, but shall not be limited to, a description of:
 - 1. Location, type and dimensions of short-term storage containers to be used;
 - 2. The distance from other structures of any short-term storage container;

3. The proposed site of the public fireworks display; which plan shall comply with the standards set forth in the National Fire Protection Association standards (NFPA) 1123 or NFPA 1126.
4. Prior pyrotechnical experience.

3309.9 INVESTIGATION.

The Fire Chief and/or his or her designee shall be authorized to:

- A. Inspect any and all operations at which fireworks are sold, offered for sale, and/or stored to ensure compliance with this chapter and any and all other applicable laws.
- B. Inspect any and all temporary fireworks stands from which fireworks are sold, offered for sale, and/or stored.
- C. Inspect and/or require an operator to produce any records required by law.
- D. Revoke a non-aerial common fireworks permit or public fireworks display permit on the grounds and pursuant to the procedures set forth in this chapter.
- E. Conduct any other inspections or undertake any other acts authorized by this chapter and any and all other applicable laws.

3309.10 INSURANCE AND REVOCATION OF PERMITS.

- A. The City Clerk shall have the power in his/her discretion to grant or deny any application, subject to such reasonable conditions, if any, as it shall prescribe so long as the denial of the application or any conditions imposed on the granting of the application are reasonably necessary for the protection of the public health, safety and morals.
- B. The City Clerk, the Fire Chief, or a designee of either, may revoke a non-aerial common fireworks permit or a danger fireworks display permit issued pursuant to this chapter where any of the following occur:
 1. The operator conducts or permits a use, condition and/or activity not allowed under the terms of the permit.
 2. The operator violates conditions and/or limitations set forth in the permit.
 3. The application for the permit contains any material false statements or misrepresentations.
 4. The permit is used by a different operator or operation than to whom it was issued.
 5. The permit was issued in error in violation of any ordinance or law.
 6. The permittee fails to comply with any order or notice duly served in accordance with the provisions of this chapter or other applicable law.
 7. The permittee fails to comply with any applicable state or local law.
- C. Any denial of an application for a non-aerial common or dangerous fireworks permit or any revocation of such permit shall be made in writing and shall describe the reason(s) for the denial or revocation. Such written denial or revocation shall be deemed effective immediately upon personal service to the applicant or permittee or mailing by the U.S. Postal Service to the applicant's or permittee's mailing address as set forth in the application. The applicant or

permittee may request a hearing on the denial or revocation before the City Council. Such hearing shall be scheduled as soon as practicable. At such hearing, the City Clerk, the Fire Chief, or the designee of either, shall present findings and information as to the basis for the denial or revocation. The City Council shall have authority to affirm the denial or revocation or order the City Clerk to grant or reinstate the permit. The action of the City Council shall be final.

3309.11 TERM OF PERMIT

A Non-Aerial Common Fireworks Permit issued pursuant to this Chapter is not transferable or assignable and shall be valid for twelve (12) months from the date of issuance and only for the specific dates and location designated in the permit. A Public Fireworks Display Permit issued pursuant to this Chapter is not transferable and shall be valid only for the period and specific location designated in the permit.

3309.12 NOT USED.

3309.13 INSURANCE REQUIRED.

Each applicant for a non-aerial common fireworks permit or for a dangerous fireworks permit, shall have filed with the Clerk prior to the issuance and validity of any permit, a policy, or certified true copy thereof, of public liability and products liability insurance, including both "accident" and "occurrence" coverage. The insurance coverage limits for both public liability coverage and for products liability coverage shall be at least one hundred thousand dollars (\$100,000.00) per occurrence aggregate bodily, and one hundred thousand dollars (\$100,000.00) per occurrence aggregate property damage, or personal injury. Each policy of insurance shall be in form and substance acceptable to the City, and shall name as insured parties under the terms of the policy the City, all officials, elected and appointed, of the City in performance of official functions regarding all operations under or pertaining to said permit, any licensee or licensor of the applicant, and all vendors of fireworks covered by the permit to be issued to the applicant. Said policy of insurance shall be so written that it cannot be canceled without at least ten (10) days prior written notice to the City from the underwriting insurance company. The policy of insurance shall be underwritten through or by a qualified and duly licensed insurance company or companies doing or authorized to do insurance business in Idaho, and a copy of said policy shall be filed with the Clerk prior to the issuance of the permit.

3309.14 AUTHORIZED DATES FOR SALE AND USED OF FIREWORKS.

Non-aerial common fireworks may be sold at retail and used beginning at 11:59 p.m. on June 22 to 11:59 p.m. on July 5, and beginning at 11:59 p.m. on December 25 to 11:59 p.m. on January 1.

3309.15 TEMPORARY FIREWORKS.

Temporary fireworks stands from which non-aerial common fireworks are to be sold shall be subject to the following provisions:

- A. All retail sales of non-aerial common fireworks shall be permitted only from within a temporary fireworks stand or a tent, and the sale from any other building or structure is hereby prohibited. No person shall construct, or cause to be constructed, any permanent structure for the sale and/or offering for sale of non-aerial common fireworks. No operator may sell or offer for sale non-aerial common fireworks from or in a permanent structure.
- B. The stand in which the fireworks will be stored or sold shall not be located within twenty-five feet (25') of any other building nor within one hundred feet (100') of any gasoline station or

flammable liquid dispensing device or installation.

- C. All such stands shall meet the requirements of the Building Code of the City and all lighting circuits and other electrical equipment shall meet the requirements of the Electrical Ordinance of the City. No heating device or open flame may be used in a temporary fireworks stand at any time.
- D. The stand shall have exit doors at least thirty inches (30") wide at both ends of the structure and one (1) additional door for each thirty-two feet (32') of rear wall in excess of thirty-two feet (32'). All doors shall open outward from the stand and all doorways shall be kept free and clear from all supplies and materials at all times.
- E. Each stand shall be provided with a minimum of one (1) type 2A10BC rated fire extinguisher and one (1) 2A water type fire extinguisher. Such extinguishers shall be in good working order and easily accessible for use in case of fire, and shall be kept in immediate proximity to the location where the fireworks are retailed.
- F. During business hours, each and every stand shall be staffed by at least one person who is twenty-one (21) years of age or older. All fireworks shall be effectively kept away from any kind of self service by the public, and shall be placed in a location which is unavailable and inaccessible to members of the public in capacities other than as legal customers. No person under the age of sixteen (16) shall be allowed in the non-public areas of a temporary fireworks stand. No operator shall sell fireworks to any person who is under the age of sixteen (16) years unless such person is accompanied by a parent or legal guardian. The burden of verifying the age of purchasers of fireworks shall be born by the operator.
- G. No person shall be permitted to sleep inside any stand when it is not open for business.
- H. At least one (1) sign reading, "FIREWORKS - NO SMOKING WITHIN 25 FEET" in letters at least four inches (4") high on a contrasting background shall be posted on each and every exterior wall on the outside of the stand. At least one (1) sign reading, "FIREWORKS – NO SMOKING WITHIN 25 FEET" in letters at least two inches (2") high on a contrasting background shall be posted on each and every interior wall of the stand. All such signs shall be maintained in a legible condition at all times.
- I. During the summer selling period, no temporary stand shall be erected before June 15 of any year. The premises on which the stand is erected shall be cleared of all structures and debris not later than noon of the twelfth day of July. For the winter selling period, no temporary stand shall be erected before December 15 of any year. The premises on which the stand is erected shall be cleared of all structures and debris not later than noon of the eighth day of January.
- J. No fireworks shall be discharged in or within twenty-five feet (25') of any fireworks stand. At least one sign reading, "NO FIREWORKS TO BE DISCHARGED WITHIN 25 FEET" in letters at least four inches (4") high on a contrasting background shall be prominently displayed on each exterior wall on the outside the stand. Such signs shall be maintained in a legible condition at all times.
- K. No person shall allow any rubbish to accumulate in or around any fireworks stand or permit a fire

nuisance to exist. Only non-combustible waste containers shall be permitted within the stand.

- L. No fireworks shall remain unattended at any time regardless of whether the fireworks stand is open for business or not. If any fireworks are stored, they shall only be stored at such places as are approved for storage of fireworks by the Fire Chief or his representative. Any and all temporary fireworks stands shall be emptied of all fireworks when not open for business. This provision shall not apply where the operation is not open for business and the temporary fireworks stand is used as a short-term storage facility, in which case all provisions of this chapter governing short-term storage facilities shall apply.
- M. No stand shall have a floor area in excess of six hundred (600) square feet.
- N. No stand shall be erected at a location where retail sales are not allowed under the Zoning Ordinance of Boise City.
- O. No dry vegetation, Christmas trees, or any other combustible material may be stored, displayed, sold, or otherwise kept within twenty five (25) feet of a fireworks stand.
- P. Storage
 - 1. Only one (1) short-term storage container in addition to the temporary fireworks stand shall be allowed per location. Short-term storage containers used during the summer sales period shall not be placed at the sales location before June 15 and shall not remain at the location after noon on July 12. Short-term storage containers used during the winter sales period shall not be placed at the sales location before December 15 and shall not remain at the location after noon on January 8.
 - 2. Short-term storage containers shall not be placed or erected within the public right-of-way, unless otherwise authorized by the appropriate transportation authority. If a private sidewalk or pedestrian way is occupied by a short-term storage container, a minimum width of four feet (4') shall remain unobstructed along the entire width of such private sidewalk or pedestrian way. If such private sidewalk or pedestrian way is narrower than four feet (4') wide, at least one-half of the width thereof shall remain unobstructed along the entire width of such private sidewalk or pedestrian way.
 - 3. Where a temporary fireworks stand is used as a short-term storage facility, and such stand is constructed with canvas or other soft material sides, it shall be effectively secured by a person who shall remain awake, alert, and on-site at all times and who shall prevent any and all access to fireworks or other merchandise stored therein. A dog or other animal is not a substitute for a person for purpose of this section.
 - 4. The Fire Department shall be notified of the address or location of all short-term storage facilities when fireworks will not be stored in a temporary fireworks stand. If the short-term storage facility is not within the boundaries of Boise City, then the permittee shall notify the authority having jurisdiction where the storage is to take place.
 - 5. Short-term storage is allowed in any of the following, provided it is locked or otherwise secured: a temporary fireworks stand, truck, trailer, or other vehicle. A truck,

trailer or other vehicle used for short-term storage must remain at least twenty-five (25) feet from any other structure that: is used as a residence or business; or is used for human habitation; or contains open flames; or contains a heating source; or contains a lighting source. Short-term storage may occur in a locked or secured shed, garage, barn or other building or storage container which is detached from an inhabited building and contains no open flames, including heating and lighting sources.

- Q. Only one (1) temporary fireworks stand shall be allowed per location.
- R. One (1) caretaker unit may be allowed per sales location and shall be used only for the purpose of security of an operation. Such caretaker unit shall be located a minimum of twenty-five (25') feet from any temporary fireworks stand or short-term storage container. Caretaker units used during the summer sales period shall not be placed at the sales location before June 15 and shall not remain at the location after noon on July 12. Caretaker units used during the winter sales period shall not be placed at the sales location before December 15 and shall not remain at the location after noon on January 8.
- S. Any and all temporary fireworks stands shall be located at least twenty-five feet (25') from any generator or other internal combustion power sources and/or their fuels.
- T. Vehicles shall not be parked within twenty-five feet (25') of the exterior walls/sides of any temporary fireworks stand.

3309.16 GENERAL PROHIBITIONS

It shall be unlawful for any person, except in compliance with this chapter to:

1. Alter any fireworks;
2. Throw any fireworks from, into or at a moving vehicle, or at any person, or into or at any structure;
3. Sell, store, possess, discharge, or use any fireworks at any time not permitted under this chapter;
4. Use fireworks in any area that constitutes a severe fire threat based on the vegetative or other conditions during the current fire season as determined by the Fire Chief, provided that notice of such areas is given in advance.

3309.17 LIABILITY WITH PARENTS OR GUARDIANS.

The parents, guardian or other persons having custody or control of minor shall be liable for damage caused by the use of fireworks by the minor

3309.18 RECORDS TO BE KEPT.

Each permittee shall be required to retain at the licensed premises while said premises are open, and at his principal place of business for a year thereafter, copies of all invoices, receipts and orders evidencing the source from which he acquired the fireworks which he handled.

3309.19 COMPLIANCE WITH APPLICABLE LAW

It shall be the duty of every person issued a Fireworks Permit to comply with all applicable provisions of the Idaho State Fireworks Act and the Boise City Code, including this chapter. A conviction or violation

of the aforesaid Idaho State Fireworks Act or any of the provisions of this Chapter by the permittee, or by any of its agents, employees, or officers shall constitute a cause, in and of itself, to deny any subsequent application for a permit.

3309.29 Violations and Penalty

- A. It shall be unlawful for any person, firm or corporation to violate any of the provisions of this Chapter of the Boise City Code, and any violation thereof shall constitute an infraction and shall be punishable by a fine of One Hundred Dollars (\$100.00) excluding court costs and fees. An infraction is a civil public offense, not constituting a crime, which is punishable only by a penalty not exceeding one hundred dollars (\$100) and for which no period of incarceration may be imposed. There is no right to a trial by jury of a citation or complaint for an infraction and such trials shall be held before the court without a jury. A separate offense shall be deemed committed on each day during or which a violation occurs or continues.
- B. A second and any subsequent conviction of any violation of any of the provisions of this Chapter of the Boise City Code within five years shall constitute a misdemeanor, punishable by a fine of not more than three hundred dollars (\$500.00) or by imprisonment for not more than thirty (30) days, or by both such fine and imprisonment.
- C. Fireworks being used in violation of this chapter shall be confiscated by law enforcement or by the Boise Fire Department.

AMENDMENT ADDING A CHAPTER 46 TO THE IFC

Section 7-01-63 AMENDMENT ADDING CHAPTER 46, FOOTHILLS

Add a Chapter 46 entitled Foothills to read as follows:

4601 SCOPE.

The requirements of this Article shall be specifically applicable to the area of Boise City herein defined as the Foothills. The Boise Foothills shall also be subject to all other provisions of Boise City Code, Title 7.

4602 DEFINITIONS.

4602.1 The Foothills are defined as that area of the Boise Foothills which fall into the following boundary:

An area bordered on the north and east by the City boundary and on the south and west by the center of Hill Road, beginning on Hill Road at the western most City boundary, following the center of the following streets: Hill Road easterly to N. 13th Street; N. 13th Street southerly to Heron; Heron easterly to N. 9th Street; N. 9th Street southerly to Lemp; Lemp easterly to N. 8th Street; N. 8th Street southerly to Ridenbaugh; Ridenbaugh easterly to N. 7th Street; N. 7th Street southerly to Alturus; Alturus easterly to N. 5th Street; N. 5th Street southerly to Sherman; Sherman easterly to North Sky; North Sky southerly to Ada; Ada westerly to N. 4th Street; N. 4th Street southerly to Resseguie Street; Resseguie Street westerly to N. 4th Street; N. 4th Street southerly to Union; Union Street westerly to N. 6th Street; N. 6th Street southerly to Fort Street; Fort Street southerly to Robbins Road; Robbins Road easterly to Collins Road; Collins Road southerly to Garrison Road; Garrison Road easterly to Scout Lane; Scout Lane southerly to Mountain Cove; Mountain Cove southerly to Reserve; Reserve easterly to Avenue H; then the south and west

border shall be the north and east curbs of the following streets: Avenue H southerly to Logan; Logan easterly to Floral; Floral easterly to Krall; Krall easterly to Walnut; Walnut southerly to East Franklin; East Franklin easterly to Coston; Coston easterly to Hillview; Hillview easterly to Bacon; Bacon southerly to Warm Springs; and Warm Springs easterly to the east City Boundary.

It is intended that as the city annexes land to the north and east that the definition of the Foothills be automatically modified to include lands that are generally north and west of Warm Springs Avenue. Further, as the city annexes land to the north and west that the definition of the Foothills be automatically modified to include lands that are generally north and west of Hill Road.

4603 NOT USED.

4604 ROOF COVERING.

It shall be unlawful for any person to install, cause to install, or use other than Class A roof covering materials as defined in the Building Code Standard 15-2 (Test Standard for Determining the Fire Retardancy of Roof Covering Materials), on all new buildings constructed and to existing buildings when fifty per-cent (50%) or more of the roof is replaced or recovered.

4605 DEFENSIBLE SPACE.

All Structures for which the application for a building permit is filed after the date of adoption of this ordinance shall have a minimum defensible space as approved by the Code official consistent with the standard set forth in the National Fire Protection Association Standard #299 (Protection of Life and Property From Wildfire); or the International Fire Code Institute (IFCI) Urban-Wildland Interface Code, as adopted by reference in this code.

4606 APPEALS.

Any and all appeals of the definition of Class A roof covering materials shall be to the Building Official who shall convene the Boise City Building Code Board of Appeals to hear such appeal.

Any and all appeals of Defensible Space, or any other provisions of this code shall be to the Fire Marshal of the Fire Department who shall convene the Fire Department Fire Code Board of Appeals to hear such appeal.

4607 FIREWORKS AND OPEN FLAME.

It shall be unlawful for any person to use any fireworks, either “dangerous” or non-aerial common fireworks in the area defined by this code as “ the foothills”. It shall also be unlawful for any person to ignite or cause to be ignited any open flame in the area defined by this code as the foothills.

AMENDMENTS ADDING A CHAPTER 47 TO THE IFC

Section 7-01-64 AMENDMENT ADDING A CHAPTER 47, CHILD CARE FACILITIES EXISTING PRIOR TO JANUARY 1, 2003

Add a Chapter 47, Child Care Facilities Existing Prior to January 1, 2003, to read as follows:

4701 SCOPE.

All owners and operators of Child Care Facilities that were licensed and approved in accordance with the requirements of this Chapter (formerly BCC 7-04) prior to January 1, 2003 shall be allowed to continue to

comply with the requirements of this Chapter. Other requirements of the Uniform Fire Code, the Uniform Building Code, and the Boise City Code which are not mentioned in this Chapter also apply to the extent such regulations are not in conflict with the requirements in this Chapter. Existing facilities remain under these provisions until the facility is closed for more than 6 months, and thereafter has to be re-licensed. A sale to new owners or operators does not impose IFC rules.

4702 DEFINITIONS.

For the purposes of this Chapter, the following terms, phrases, words, and derivations thereof, shall have the meaning given herein. The word "shall" is always mandatory and not merely directory.

BASEMENT.

Basement is any floor level below the first story in a building, except that a floor level in a building having only one floor level shall be classified as a basement unless such floor level qualifies as a first story as defined herein.

CHILD CARE FACILITY.

Unless exempt under Title 5, Chapter 33 of the Boise City Code, any home or place where nonmedical care, protection, and supervision is regularly provided to children under thirteen (13) years of age, for periods less than twenty-four (24) hours per day. There are three (3) types of Child Care Facilities:

1. Family Child Care Home - A Child Care Facility which provides care for six (6) or fewer children in a residential building commonly referred to as "in the home."
2. Group Child Care Home - A Child Care Facility which provides care for seven (7) to twelve (12) children in a residential building commonly referred to "as in the home".
3. Child Care Center - A Child Care Facility which provides care for more than twelve (12) children or uses a non-residential building.

GRADE.

(Adjacent Ground Elevation) is the lowest point of elevation of the finished surface of the ground, paving or sidewalk within the area between the building and the property line or, when the property line is more than five (5) feet from the building, between the building and a line five (5) feet from the building.

OCCUPANT LOAD.

Prior to May, 1, 1994, the occupant load shall be determined by dividing all usable floor space utilized for child care purposes by thirty-five (35). The resulting number shall be the number of children that the facility may be licensed for. After May 1, 1994 occupant load for new facilities shall not be less than thirty-five (35) square feet of usable floor space per person included in the calculation.

NOTE: After May 1, 1994 this is intended to include all persons present, regardless of the relationship to the care giver.

STORY.

That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a

usable or unused under-floor space is more than six (6) feet above grade as defined herein for more than 50 percent of the total perimeter or is more than twelve (12) feet above grade as defined herein at any point, such usable or unused under-floor space shall be considered as a story.

STORY, FIRST.

The lowest story in a building which qualifies as a story, as defined herein, except that a floor level in a building having only one floor level shall be classified as a first story, provided such floor level is not more than four (4) feet below grade, as defined herein, for more than 50 percent of the total perimeter, or not more than eight (8) feet below grade, as defined herein, at any point.

UNIFORM BUILDING CODE.

Unless an edition is specifically mentioned, any reference to the Uniform Building Code herein shall be to the edition as adopted and amended when the original license was issued.

UNIFORM FIRE CODE.

Unless an edition is specifically mentioned, any reference to the Uniform Fire Code herein shall be to the edition as adopted and amended when the original license was issued.

USABLE FLOOR SPACE.

Usable floor space shall include all floor area exclusive of kitchens, closets, utility rooms, furnace rooms, storage rooms, or any other area not normally occupied by children.

4703 ACCESS.

Every Child Care Facility shall be accessible to fire department apparatus by way of access roadways which comply with IFC Appendix D.

4704 ADDRESS IDENTIFICATION.

Approved numbers or addresses shall be placed on all Child Care Facilities in such a position as to be plainly visible and legible from the street or road fronting the property. Said numbers shall contrast with their background and be a minimum of four (4) inches high.

4705 ALARM SYSTEM.

- A. An approved fire alarm system shall be provided in Child Care Centers with an occupant load of fifty (50) or more persons. In Child Care Facilities provided with an automatic sprinkler or detection system, the operation of such systems shall include an alarm mounted on the exterior of the building.
- B. When serving more than one hundred (100) sprinklers, automatic sprinkler systems shall be supervised by an approved central, proprietary or remote station service or a local alarm which will give an audible signal at a constantly attended location.
- C. Fire alarm systems shall meet the approval of the fire department as to installation and location and shall be subject to such periodic tests as required by the Fire Marshal. Plans and specifications shall be submitted to the fire department for review approval prior to installation. Design and installation shall be in accordance with the adopted codes in effect at the time of installation.

4706 ALLOWABLE AREAS FOR CHILD CARE.

- A. In Family Child Care Homes, Group Child Care Homes and Child Care Centers, child care

rooms shall not be located above the first story.

EXCEPTION TO A: In buildings equipped with an automatic sprinkler system throughout, rooms used for child care purposes may be located on the second story, provided there are at least two exits directly to the exterior for the exclusive use of such occupancies.

B. Children shall not be cared for in areas more than one floor level below ground level.

1. Basements in Family Child Care Homes, Group Child Care Homes and Child Care Centers shall conform to the provisions of the Uniform Building Code, Sections 802(c), 3303 and 3318 (1991 Edition).
2. An automatic sprinkler system shall be installed in basement in Family Child Care Homes, Group Child Care Homes and Child Care Centers when the basement is larger than fifteen hundred (1500) square feet in floor area and used for child care purposes.

4707 COMMERCIAL COOKING.

Provisions of the Uniform Fire Code shall be complied with when an operator of a Child Care Facility prepares food that produces grease-laden vapors in normal cooking operations.

4708 DOORS.

A. SWING AND OPENING FORCE

Exit doors shall swing in the direction of exit travel when serving a Child Care Center with an occupant load of fifty (50) or more. The force required to open a side swinging exit door in a Child Care Facility shall not exceed thirty (30) pounds applied at the latch side.

B. EXIT DOORS.

Exit doors in Child Care Centers shall be so marked that they are readily distinguishable from the adjacent construction.

C. TYPE OF LOCK OR LATCH.

Exit doors in Child Care Centers shall be able to be opened from the inside without the use of a key or any special knowledge or effort. Manually operated edge or surface mounted flush bolts and surface bolts are prohibited. The unlatching of any door shall not require more than one operation.

D. SLIDING DOORS.

Sliding doors in Child Care Centers shall not be used as required exits serving an area having an occupant load of more than ten (10).

E. CLOSET DOORS.

Every closet door latch shall be such that children can open the door from inside the closet.

F. BATHROOM DOORS.

Every bathroom door lock shall be designed to permit opening of the locked door from the outside in an emergency. The opening device shall be readily accessible to the staff.

G. LANDINGS AT DOOR.

Landings in Child Care Centers shall have a width not less than the width of the stairway or the width of the door, whichever is greater. Doors in the fully open position shall not reduce a required dimension by more than seven (7) inches. When a landing serves an occupant load of fifty (50) or more, doors in any position shall not reduce the landing dimension to less than one-half its required width. Landings shall have a length measured in the direction of travel of not less than forty-four (44) inches.

4709 EMERGENCY LIGHTING.

In Child Care Facilities with an occupant load of less than fifty (50), at least one flashlight shall be immediately available for each staff person. Emergency lighting in Child Care Centers where the occupant load is fifty (50) or more shall be provided in the following areas:

- A. In all interior stairs and corridors.
- B. In all portions of buildings that are interior or windowless.

EXCEPTION TO B:

- 1. Administrative areas.
- 2. Mechanical rooms and storage areas.

Emergency lighting shall meet at least the following specifications:

- A. Emergency lighting facilities shall be arranged to maintain not less than one (1) foot candle power throughout the means of egress for a period of one and one-half (1 1/2) hours in the event of failure of the normal lighting system.
- B. Emergency lighting shall be so arranged as to provide the required illumination automatically in the event of any interruption of normal power, such as any failure of public utility or other outside electrical power supply, opening of a circuit breaker or fuse, or any manual act(s), including accidental opening of a switch controlling normal lighting facilities.

4710 EXITS REQUIRED.

Exits for Child Care Facilities shall conform to the provisions of the Uniform Building Code, Sections 3303 and 3318 (1991 Edition).

EXCEPTION:

- 1. In a Family Child Care Home or a Group Child Care Home, a sliding door is acceptable as a second exit if there also exists an entry/exit door meeting all Uniform Building Code requirements for private dwellings in the facility.
- 2. In a Family Child Care Home or a Group Child Care Home, exiting through the kitchen area is allowed as a second exit if there is another exit which meets Uniform Building Code requirements.

Note: A second exit is required for Family Child Care Homes, Group Child Care Homes and Child Care Centers.

4711 PORTABLE FIRE EXTINGUISHERS.

A. A minimum of one (1) 2A-10BC portable fire extinguisher shall be provided on each floor of Child Care Facility buildings. Travel distance to portable fire extinguishers shall not exceed seventy-five (75) feet.

B. PORTABLE FIRE EXTINGUISHER PLACEMENT.

Portable fire extinguishers in Child Care Centers shall be mounted in plain view or placed in a cabinet clearly marked "Fire Extinguisher". Required portable fire extinguishers shall be mounted with the bottom of the extinguisher not less than four (4) inches from the floor or the top of the extinguisher not higher than sixty (60) inches from the floor.

4712 FLOOR PLAN.

A floor plan shall be submitted to the Fire Department through the City Clerk's office when application for a license to operate a Child Care Facility is made. The floor plan shall indicate dimensions of all areas to be utilized for child care purposes.

4713 OCCUPANT LOAD.

The occupant load of Child Care Facilities shall not be less than thirty-five (35) square feet of usable floor space per occupant.

NOTE: This is intended to include all occupants present, regardless of relationship to care giver.

4714 SMOKE ALARMS.

A. Smoke Alarms. Single and multiple-station smoke alarms shall be installed in all Child Care Facilities in accordance with the requirements of this section. Except as otherwise specified herein, the requirements of the Uniform Fire Code and the Uniform Building Code for single and multiple-station smoke alarms shall apply.

Single and multiple-station smoke alarms shall be installed in each story of a Child Care Facility. In buildings with upper floors or basements, detectors shall be placed in each story at the top and bottom of the stairways and at no greater spacing than 30 feet on center throughout the corridors of all floors. Single and multiple-station smoke alarms shall also be installed in each lounge, in recreation rooms, and in sleeping rooms.

EXCEPTIONS TO A:

1. Facilities housing only clients six (6) years of age or older, if no sleeping facilities are provided.
 2. Facilities housed in only one room.
- B. In Family Child Care Homes and Group Child Care Homes at least one smoke alarm per building shall be powered by house AC electrical current. The AC powered alarm shall also have a battery. Additional required smoke alarms may be powered by batteries alone.

EXCEPTION TO B: Family Child Care Homes and Group Child Care Homes in existence before the adoption of this Chapter may use battery powered smoke alarms in all required areas.

4715 RECEPTACLE COVERS

In all Child Care Facilities, receptacle covers shall be provided on all electrical outlets not in immediate use.

4716 INSPECTION AND TESTS OF FIRE PROTECTION EQUIPMENT

- A. The operator of a Child Care Facility is responsible for maintaining in working order all required fire and life safety equipment, systems and facilities. A record of all required inspections, tests and repairs shall be kept on the premises available for inspection by the City Clerk, or the Fire Chief, or a person designated by the Fire Chief.
- B. The following inspections or tests are required to be conducted or caused to be conducted monthly by the operator of a Child Care Facility where such equipment is installed:
 - 1. Manual fire alarm system test.
 - 2. Testing of all battery operated and all hard-wired smoke alarms.
 - 3. Visual inspection of all portable fire extinguishers.
 - 4. Inspection of emergency lighting.
- C. The following items are required to be completed or caused to be completed at an interval not exceeding six months by the operator of a Child Care Facility where such equipment is installed:
 - 1. Replacement of the batteries in all battery operated smoke alarms with fresh, fully charged batteries.
 - 2. Replacement of the batteries in all flashlights using replaceable battery cells with fresh, fully charged batteries.
- D. Fire extinguishing systems installed in commercial cooking equipment hoods and ducts shall be serviced at least every six months or after activation of the system by an individual or company qualified to inspect said systems.
- E. Portable fire extinguishers shall be inspected annually in accordance with National Fire Protection Association Standard #10 by an individual or company qualified to inspect and service portable fire extinguishers.
- F. Hydrostatic testing of portable fire extinguishers shall be performed at the intervals required by National Fire Protection Association Standard #10.

Exception to F and G: Extinguishers having nonrefillable, disposable containers are exempt.

Note: A sample record keeping document for items B and C above will be made available for child care

operators at the City Clerk's Office. The required service tags for items D, E and F above will suffice for the record keeping purposes of item A above.

4717 INSPECTION

To ensure that Facilities are in compliance with the requirements of this Chapter, Child Care Facility premises shall be inspected as often as is necessary. The City Clerk or a person designated by the City Clerk shall inspect a Family or Group Child Care Home before granting a license to operate a Child Care Facility, and the Fire Chief or a person designated by the Fire Chief shall inspect all Child Care Centers.

AMENDMENT ADDING A CHAPTER 48 TO THE IFC

Section 7-01-65 AMENDMENT ADDING A CHAPTER 48, CHILD CARE FACILITIES COMING INTO EXISTENCE AFTER JANUARY 1, 2003

4801 SCOPE.

All owners and operators of Child Care Facilities that were licensed and approved in accordance with the requirements of this Chapter after January 1, 2003 shall comply with the Boise Fire Department requirements for Child Care Facilities hereinafter stated in this Chapter. Other regulations of the International Fire Code, the International Building Code, and the Boise City Code which are not mentioned in this Chapter also apply to the extent that such regulations are not in conflict with the requirements in this Chapter.

4802 DEFINITIONS.

For the purposes of this Article the following terms, phrases, words, and derivations thereof shall have the meaning given herein. The word "shall" is always mandatory and not merely directory.

4802.1 Basement: A basement is any floor level below the first story in a building, except that a floor level in a building having only one floor level shall be classified as a basement unless such floor qualifies as a first story as defined herein.

4802.2 Child Care Facility: Unless exempt under Title 5, Chapter 33 of the Boise City Code, a Child Care Facility is any home or place where non-medical care, protection, and supervision, is regularly provided to children under thirteen (13) years of age for periods less than twenty-four (24) hours per day. There are three (3) types of Child Care Facilities:

1. Family Child Care Home is a Child Care Facility which provides care for six (6) or fewer children of any age in a residential building governed by the International Residential Code as set forth in IBC section 101.2. New Family Child Care Homes are regulated by this Chapter and the requirements of the International Residential Code in so far as that code is either specifically referenced in this Chapter; and/or is not specifically superseded or exempted in this Chapter.
2. Group Child Care Home is a Child Care Facility which provides care for seven (7) to twelve (12) children of any age in a residential building governed by the International Residential Code as set forth in IBC section 101.2. New Group Child Care Homes are regulated by this Chapter and the requirements of the International Residential Code in so far as that code is either specifically referenced in this Chapter; and/or is not specifically superseded or exempted in this Chapter.
3. Commercial Child Care Center is a Child Care Facility which provides care for more than twelve (12) children, or which is in a building which is not governed by the International Residential Code as set

forth in IBC section 101.2. Further, the requirements of the International Building Code and the International Fire Code shall also apply.

4802.3 GRADE.

Adjacent Ground Elevation is the lowest point of elevation of the finished surface of the ground, paving, or sidewalk within the area between the building and the property line or, when the property line is more than five (5) feet from the building, between the building and a line five (5) feet from the building.

4802.4 OCCUPANT LOAD.

Occupant load for new Family Child Care Homes and new Group Child Care Homes shall not be less than thirty-five (35) square feet of useable floor space per person included in the calculation. All persons, regardless of their relationship to the care giver shall be included in the occupant load.

4802.5 STORY.

A story is that portion of a building between the upper surface of any floor and the upper surface of the floor above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a useable or unused under-floor space is more than six (6) feet above grade for more than 50 percent of the total perimeter or is more than twelve (12) feet above grade at any point, such useable or unused under-floor space shall be considered a story.

4802.6 STORY, FIRST.

The First Story is the lowest story in a building which qualifies as a story. Except that a floor level in a building having only one floor level shall be classified as a first story provided such floor level is not more than four (4) feet below grade for than 50 percent of the total perimeter, or not more than eight (8) feet below grade at any point.

4802.7 USABLE FLOOR SPACE.

Usable floor space shall include all floor area exclusive of kitchens, closets, utility rooms, furnace rooms, storage rooms, or any other similar area not normally occupied by children.

4803 LICENSE AND INSPECTION.

To ensure that Child Care Facilities are in compliance with the requirements of this Chapter, each premises shall be inspected as often as is deemed necessary by the Code official or the City Clerk. The City Clerk shall inspect, or cause to be inspected, all Family or Group Child Care Homes before granting a license to operate a Child Care Facility. The Code official shall inspect, or shall cause to have inspected, all other Child Care Facilities before the City Clerk grants a license to operate a Child Care Facility. See Boise City Code Title 5, Chapter 33 for license requirements.

4804 Areas Allowed to be Used for Child Care in Family and Group Child Care Homes:

4804.1 Rooms used for child care purposes shall not be located above the first story.

Exception to 4804.1: In buildings equipped throughout with an approved automatic fire sprinkler system, rooms used for child care purposes may be located on the second story provided there are at least two exits for the exclusive use of the child care occupancy directly to the exterior.

4804.2 Rooms used for child care purposes shall not be more than one floor level below ground level.

4804.3 Basements over 1500 square feet used for child care purposes shall be provided with an approved automatic fire sprinkler system.

4804.4 Basements used for child care purposes shall conform to the provisions of the International Building Code.

4805 DOORS.

In addition to those requirements for doors and landings contained in the International Building Code, the International Fire Code, and Boise City Code, as adopted and amended by the City of Boise, the requirements in this section shall also apply to Family and Group Child Care Homes.

4805.1 CLOSET DOORS.

Every closet door latch shall be such that children can open the door from inside the closet.

4805.2 BATHROOM DOORS.

Every bathroom door lock shall permit opening of the locked door from outside in the event of an emergency. The opening device shall be readily accessible to the staff.

4806 EMERGENCY LIGHTING.

4806.1 In Child Care Facilities with an occupant load of less than 50 at least one flashlight shall be immediately available for each member of the staff.

4806.2 In addition to the requirements of the International Building Code, the International Fire Code, and Boise City Code as adopted and amended by The City of Boise, Child Care Facilities with an occupant load of 50 or more shall be provided with emergency lighting in the following areas:

1. In all interior stairs and corridors.
2. In all portions of buildings that are interior or windowless.

Exception: Administrative areas, mechanical rooms, and storage rooms.

4807 REQUIRED EXITS

Exits in Child Care Facilities shall conform to the requirements of the International Building Code, the International Fire Code, and Boise City Code as adopted and amended by the City of Boise.

Exception 1: In Family Child Care Homes and Group Child Care Homes, a sliding door is acceptable as a second exit provided there also exists a primary entry/exit door meeting the International Building Code and International Fire Code requirements for dwellings.

Exception 2. In Family Child Care Homes and Group Child Care Homes, occupants may exit through a kitchen as a second means of egress provided there also exists a primary entry/exit door meeting the International Building Code and International Fire Code requirements for dwellings.

4808 FLOOR PLAN

A floor plan shall be submitted to the Fire Department through the City Clerk's Office at time of license

application.

4809 RECEPTACLE COVERS.

All electrical outlets not in immediate use shall be provided with receptacle covers.

4810 SMOKE ALARMS.

Single and multiple-station smoke alarms shall be installed in all Child Care Facilities in accordance with the requirements of this section. Except as otherwise specified herein, the requirements of the International Fire Code and the International Building Code for single and multiple-station smoke alarms shall apply.

4810.1 Single and multiple-station smoke alarms shall be installed in each story of a Child Care Facility. In buildings with upper floors or basements, detectors shall be placed in each story at the top and bottom of the stairways and at no greater spacing than 30 feet on center throughout the corridors of all floors. Single and multiple-station smoke alarms shall also be installed in each lounge, recreation room, and sleeping room.

Exception 1: Facilities housing only clients six (6) years of age or older, if no sleeping facilities are provided.

Exception 2: Facilities housed in only one (1) room.

4810.1.1 At least one Smoke Alarm required by this section shall be powered by an un-switched house AC electrical circuit. The AC powered Smoke Alarm shall also contain a battery. Additional Smoke Alarms may be powered by batteries alone.

4811 INSPECTION TESTING, AND MAINTENANCE OF FIRE PROTECTION EQUIPMENT.

Child Care Facility Operators shall maintain in working order all fire and life safety equipment, systems, and facilities. In addition to the requirements of the International Fire Code, inspections, tests and maintenance shall be performed in accordance with this section.

4811.1 Where such equipment is installed, Child Care Facility operators shall cause to have the following items done on a monthly interval:

1. Testing of all battery operated and all hard-wired Smoke Alarms for sound output by activating the test button. Where a test button is not provided, tests shall be conducted in accordance with manufacturers' guidelines.
2. A visual inspection of all fire extinguishers. This inspection shall include, but not be limited to, ensuring that units are fully charged, sealed, mounted in their proper location, and free of obvious damage.
3. Testing battery and lamp operation of emergency lighting by activating the test switch o button.

4811.2 Where such equipment is provided, Child Care Facility operators shall cause to have the following items done at an interval not to exceed six months:

1. Replace the batteries of all battery powered Smoke Alarms with fresh, fully charged batteries.
2. Replace the batteries in all flashlights equipped with replaceable batteries with fresh, fully charged batteries.

4811.3 A record of all required inspections, tests, and repairs shall be kept on the premises and be made available at the time of license inspection. A sample record keeping form for items 4811.1 and 4811.2 is available from the City Clerk. The inspection tag and/or the inspection report from a contractor qualified to perform such work shall satisfy the requirements of this section for fire extinguishers, fire alarm systems, and cooking hood extinguishing systems inspections, tests, and service.

4811.4 Fire extinguishers, fire alarm systems, and fire suppression systems shall all be inspected and maintained in accordance with the requirements of the International Fire Code and the appropriate testing standard.

ADOPTION AND AMENDMENTS TO APPENDICES OF THE IFC

Section 7-01-66 ADOPTION OF AND AMENDMENT TO APPENDICES

The following appendices of the "International Fire Code," 2006 Edition are adopted and amended as follows:

1. Appendix A, Board of Appeals
2. Appendix B, Fire-Flow Requirements for Buildings
3. Appendix C, Fire Hydrant Locations and Distributions
4. Appendix D, Fire Apparatus Access Roads, with the following amendments:

D103.2 Add sentence at end as follows:

Nor shall access roadways exceed a 2 percent grade (2%) for the first 80 feet at the grade transition. Turnarounds shall not exceed 2 percent grade (2%).

5. Appendix E, Hazard Categories
6. Appendix F, Hazard Ranking
7. Appendix G, Cryogenic Fluids-Weight and Volume Equivalents

Section 7-01-69 AMENDMENT ADDING CHAPTER 49, WILDLAND URBAN INTERFACE CODE

4901 Scope

Upon the effective date of this ordinance, the requirements contained herein shall be applicable to all new structures and additions constructed within the Boise City Wildland-Urban Interface (WUI) Zones as

illustrated by attachment 69-A. Design and construction of new structures within the WUI Zones shall comply with all the provisions of this chapter along with the current provisions contained within the International Fire Code, International Building Code and Boise City Zoning Code as adopted and periodically amended or updated. Should any provision within this chapter conflict with any other provision of Boise City Code, then this chapter shall control.

4902 Wildland-Urban Interface Zone Designations

The Wildland-Urban Interface Zones shall be depicted on maps available for inspection by the public. Zone “A” shall depict foothills fire hazard areas. Zone “B” shall depict valley, desert and other occluded fire hazard areas. These maps are generalized depictions of the WUI Zone boundaries. The Code Official shall have final authority in determining which lots shall be included within each zone. The reevaluation and review of the WUI Zones shall be conducted every three-years or more frequently as deemed appropriate by the Boise City Council.

4903 Authority of Code Official

The Chief of the Boise Fire Department or his/her designee (hereinafter “code official”) is hereby authorized to enforce the provisions of this code. The code official empowered to render interpretations of this code and to adopt policies and procedures in order to effectuate the implementation and enforcement of the code provisions contained herein. Such interpretations, policies and procedures shall be in accordance with the intent and purpose of this chapter.

4904 Violation and Penalty

- A. Criminal Penalties Any person, firm or corporation found guilty of violating any provision of this chapter shall be guilty of a misdemeanor, and upon conviction may be punished by a fine of not more than one thousand dollars (\$1,000.00), by imprisonment for not more than one hundred eighty (180) days or by both. Each day, or any portion thereof, a violation of this chapter occurs or continues shall constitute a separate offense, and upon conviction thereof may be punished as provided above.
- B. Civil Penalties Any person, firm or corporation violating any provision of this chapter may be assessed civil penalties in an amount of not more than two hundred dollars (\$200.00) for a first offense and not more than one thousand dollars (\$1000.00) for each subsequent offense. Each day, or any portion thereof, a violation of this chapter occurs or continues shall constitute a separate violation and a civil penalty may be assessed as provided above. The notice of violation shall state what violation(s) has occurred and state when and to whom the civil penalty must be paid. Failure to pay the assessed civil penalty may result in legal or other action by the City of Boise and the violator may incur reasonable collection costs.

4905 Appeal

Any person, firm or corporation aggrieved by any action or decision of the code official arising out of the enforcement of this chapter may appeal first to the Fire Code Board of Appeals, and then to the Boise City Council. Such appeal shall be made in writing and must be filed with the City Clerk within ten (10) calendar days after the action or decision which is the subject of the appeal. This appeal

provision does not apply to criminal enforcement actions arising from the provisions of this code.

4906 Special Building Construction Regulations

Buildings and structures in WUI Zones “A” and “B” shall be constructed in accordance with the International Fire Code, International Building Code, Boise City Code and this chapter.

Exceptions:

1. Detached accessory structures not exceeding 200 square feet in floor area.
2. In WUI Zone “B” this chapter, with exception of roof coverings and repair of roof coverings, is only applicable to outer perimeter structures abutting undeveloped property.

4907 General

Buildings and structures hereafter constructed, modified or relocated into or within the WUI Zones shall meet the construction requirements in accordance with this chapter. Fire-resistant construction shall be in accordance with Sections 4908 through 4918.

4908 Roof covering

Roofs shall have a Class A roof covering or a Class A roof assembly. For roof coverings where the profile allows a space between the roof covering and roof decking, the space at the eave ends shall be firestopped to preclude entry of flames or embers, or have one layer of 72-pound mineral-surfaced, non-perforated cap sheathing complying with ASTM D 3909 installed over the combustible decking.

4909 Replacement or repair of roof coverings

Roof coverings on buildings or structures in existence prior to the adoption of this code that are replaced or have 50 percent or more replaced in a 12-month period shall be replaced with a roof covering as required for new construction based on the type of ignition-resistant construction specified in accordance with Section 4908.

4910 Replacement or repair of siding

Siding coverings on buildings or structures in existence prior to the adoption of this code that are replaced or have 50 percent or more replaced in a 12-month period shall be replaced with a siding material as required for new construction based on the type of ignition-resistant construction specified in accordance with Section 4912.

4911 Protection of eaves

Eaves and soffits shall be protected on the exposed underside by materials approved for a minimum of 1-hour fire-resistance-rated construction, 1-inch (25.4 mm) nominal fire-retardant-treated lumber or 3/4-inch (19 mm) nominal fire-retardant-treated plywood, identified for exterior use and meeting the requirements

of Section 2303.2 of the *International Building Code*. Fascias are required and shall be protected on the backside by materials approved for a minimum of 1-hour fire-resistance-rated construction or 2-inch (51 mm) nominal dimension lumber.

4912 Exterior walls

Exterior walls of buildings or structures shall be constructed with one of the following methods:

1. Materials approved for a minimum of 1-hour fire-resistance-rated construction on the exterior side.
2. Approved non-combustible materials.
3. Heavy timber or log wall construction.
4. Fire-retardant-treated wood on the exterior side. The fire-retardant-treated wood shall be labeled for exterior use and meet the requirements of Section 2303.2 of the *International Building Code*.

Such material shall extend from the top of the foundation to the underside of the roof sheathing.

4913 Unenclosed underfloor protection

Buildings or structures shall have all underfloor areas enclosed to the ground with exterior walls in accordance with Section 4912.

Exception: Complete enclosure may be omitted where the underside of all exposed floors and all exposed structural columns, beams and supporting walls are protected as required for exterior 1-hour fire-resistance-rated construction or heavy timber construction.

4914 Appendages and projections

Unenclosed accessory structures attached to buildings with habitable spaces and projections, such as decks, shall be a minimum of 1-hour fire-resistance-rated construction, heavy timber construction or constructed of approved noncombustible materials or fire-retardant-treated wood identified for exterior use and meeting the requirements of Section 2303.2 of the *International Building Code*.

When the attached structure is located and constructed so that the structure or any portion thereof projects over a descending slope surface greater than 10 percent, the area below the structure shall have all underfloor areas enclosed to within 6 inches (152 mm) of the ground, with exterior wall construction in accordance with Section 4912.

4915 Exterior glazing

Exterior windows, window walls, glazed doors, windows within exterior doors, and skylights shall be tempered glass, multilayered glazed panels, glass block or have a fire protection rating of not less than 20 minutes.

4916 Exterior doors

Exterior doors shall be approved noncombustible construction, solid core wood not less than 1¾ inches thick (45 mm), or have a fire protection rating of not less than 20 minutes. Windows within doors and glazed doors shall be in accordance with Section 4915.

Exception: Vehicle access doors.

4917 Vents

Attic ventilation openings, foundation or underfloor vents, or other ventilation openings in vertical exterior walls and vents through roofs shall not exceed 144 square inches (0.0929 m²) each. Such vents shall be covered with noncombustible corrosion-resistant mesh with openings not to exceed ¼ inch (6.4 mm), or shall be designed and approved to prevent flame or ember penetration into the structure.

Attic ventilation openings shall not be located in soffits, in eave overhangs, between rafters at eaves, or in other overhang areas. Gable end and dormer vents shall be located at least 10 feet (3048 mm) from property lines. Underfloor ventilation openings shall be located as close to grade as practical.

4918 Detached accessory structures

Detached accessory structures greater than 200 square feet in floor area located less than 50 feet (15 240 mm) from a building containing habitable space shall have exterior walls constructed with materials approved for a minimum of 1-hour fire resistance rated construction, heavy timber, log wall construction or constructed with approved noncombustible materials on the exterior side.

When the detached structure is located and constructed so that the structure or any portion thereof projects over a descending slope surface greater than 10 percent, the area below the structure shall have all underfloor areas enclosed to within 6 inches (152 mm) of the ground, with exterior wall construction in accordance with Section 4912 or underfloor protection in accordance with Section 4913.

Exception: The enclosure may be omitted where the underside of all exposed floors and all exposed structural columns, beams and supporting walls are protected as required for exterior 1-hour fire-resistance-rated construction or heavy-timber construction. See Section 4908 for roof requirements.

4919 Emergency Vehicle Access and Fire Sprinkler System Requirements

Emergency vehicle access shall be provided in all designated WUI Zones in accordance with the provisions of the International Fire Code, Boise City Code and this chapter

Any multi-family dwelling with more than two dwelling units located within WUI Zone “A” shall require approved fire sprinkler systems in dwelling structures if:

- (a) the development is located more than one and one half (1.5) miles from any fire station, or
- (b) the development is located in an area where the response time from the nearest fire station is

greater than four minutes.

Fire sprinkler systems shall be required in WUI Zone “A” for all new multi-family dwellings with more than two dwelling units with a floor area in excess of 5,000 gross square feet.

4920 Defensible Space

Definition – Defensible Space. An area either natural or man-made, where material capable of allowing a fire to spread unchecked has been treated, cleared or modified to slow the rate and intensity of an advancing wildfire and to create an area for fire suppression operations to occur.

All newly constructed structures in Zones “A” and “B” shall be protected by a thirty (30) foot defensible space from undeveloped land. Defensible space may consist of the following, in order of preferred priority: a) a modified fire-resistive perimeter area within a common lot or roadway outside of individual lot lines; and/or b) a fire-resistive landscaped yard area within individual lot lines in accordance with *National Fire Protection Association (NFPA) Standard 1144, “Standard for Reducing Structure Ignition Hazards from Wildland Fire”*. The maximum building envelope for development sites must be identified on each parcel to provide adequate access around the structure for fire protection, and to provide a fire break.

The defensible space shall include a landscape plan and a description of maintenance responsibilities for the property providing the defensible space. Those responsibilities shall be included in the CC&R’s for the property.

Landscaping within defensible space shall have the characteristics of fire-resistive vegetation described as follows:

1. Growth with little or no accumulation of dead vegetation (either on the ground or standing upright).
2. Non-resinous plants (willow, poplar or tulip trees).
3. Low volume of total vegetation (for example, a grass area as opposed to a forest or shrub-covered land).
4. Plants with high live fuel moisture (plants that contain a large amount of water in comparison to their dry weight).
5. Drought tolerant plants (deeply rooted plants with thick, heavy leaves).
6. Stands without ladder fuels (plants without small, fine branches and limbs between the ground and the canopy of overtopping shrubs and trees).
7. Plants requiring little maintenance (slow-growing plants that, when maintained, require little care).
8. Plants with woody stems and branches that require prolonged heating to ignite.

In Zone “B,” when there is an approved phasing plan for expansion of the project beyond the perimeter currently being constructed, the temporary creation of 100-feet of defensible space may be substituted for the non-roofing related standards of this code, subject to approval of the fire official.

4921 Fire Safety Plan

Prior to preliminary plat approval, a fire safety plan shall be filed with any subdivision or Planned Unit Development within Zone “A” or with any perimeter subdivision or Planned Unit Development in Zone “B” that requires compliance with this code. The plan shall be based on a site-specific wildfire risk assessment that includes considerations of project size, location, topography, aspect, flammable vegetation, climatic conditions and fire history. The plan shall address water supply, access, building ignition and fire-resistive factors, fire protection systems and equipment, defensible space and vegetation management. Developments with less than five (5) dwellings are not required to file a fire safety plan.

The fire safety plan shall be retained by the code official.

(6772, Added, 04/13/2010; 6638, Repealed & Replaced, 01/22/2008; 6308, Repealed & Replaced, 03/02/2004; 3443, Added, 08/27/1973)