

**CITY OF BELLEVUE, IDAHO
ORDINANCE NUMBER
2010-04**

AN ORDINANCE OF THE CITY OF BELLEVUE, IDAHO, REPEALING ORDINANCE 2005-07 INTERNATIONAL FIRE CODE 2003 EDITION AND CERTAIN AMENDMENTS THERETO IN IT'S ENTIRETY AND ADOPTING BY REFERENCE THE INTERNATIONAL FIRE CODE, 2006 EDITION, AND APPENDICES B, C, D, E, AND PROVIDING CERTAIN AMENDMENTS THERETO; PROVIDING FOR COPIES AVAILABLE; PROVIDING A REPEALER CLAUSE; PROVIDING FOR ENFORCEMENT AND PENALTIES; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLISHING ORDINANCE BY SUMMARY AND, PROVIDING AN EFFECTIVE DATE.

THE CITY OF BELLEVUE ORDAINS AS FOLLOWS:

SECTION 1. BELLEVUE CITY ORDINANCE 2005-07 INTERNATIONAL FIRE CODE 2003 EDITION AND CERTAIN AMENDMENTS THERETO are hereby deleted in their entirety and a new Ordinance 2010-04 is adopted as follows:

SECTION 2. ADOPTION OF THE INTERNATIONAL FIRE CODE 2006 EDITION. The International Fire Code, 2006 edition, including Appendix B (Fire Flow Requirements), Appendix C (Fire Hydrant Location and Distribution), Appendix D (Hazard Categories), and Appendix E (Hazard Rankings), published by the International Code Council are hereby adopted by reference by the City of Bellevue, Idaho, except as hereinafter amended (collectively referred to herein as the "International Fire Code"), as if fully set forth herein. The adopted International Fire Code, 2006 edition, shall be deemed superseded by successive versions of said International Fire Code and Appendices as the same are duly adopted or approved by the Idaho Building Code Board effective of the date any such code is made effective by the Idaho Building Code Board and the amendments thereto set forth in this ordinance shall also be effective with regard to any such successive code and shall remain in full force and effect the effective date of adoption of a new version of any such International Fire Code and Appendices by the Idaho Building Code Board.

SECTION 3. DEFINITIONS. The International Fire Code, 2006 edition, (the "Code") is hereby amended, altered and changed as follows by the addition of language underlined herein below, as follows:

(A) Wherever the word "jurisdiction" is used in the International Fire Code it shall mean city of Bellevue, Idaho.

(B) Wherever the word "Bellevue" is used in the International Fire Code it shall mean city of Bellevue, Idaho.

SECTION 4. AMENDMENTS TO INTERNATIONAL FIRE CODE. The International Fire Code, 2006 edition, (the "Code") is hereby amended, altered

and changed as follows by the addition of language underlined below, as follows:

(A) Section 103.2 of the Code is deleted in its entirety and a new Section 103.2 is hereby adopted as follows:

"103.2 Appointment. The Fire Chief appointed by Bellevue is hereby designated as the code official (also referred to as the "Fire Chief" in this ordinance)."

(B) Section 105.1.1 of the Code is deleted in its entirety and a Section 105.1.1 is hereby adopted as follows:

"105.1.1. Permits Required and Permit Fees. Operational Permits required by this code shall be obtained from the code official and the permit fees, as established by resolution shall be paid at the time of making application for the permit. Operational Permits shall be kept on the premises designated therein at all times and shall be readily available for inspection by the code official. The initial Operational Permit Schedule for certain permits issued and inspections conducted under the International Fire Code, as adopted by ordinance, shall be as set forth in attached Exhibit A, incorporated herein by reference. Said Exhibit A, Operational Permit Schedule, may hereafter be amended, altered and changed by Resolution of the Bellevue Common Council. The Fire Chief may waive or reduce the fees required per adopted resolution upon approval by the Common Council in appropriate cases for governmental agencies where the Common Council determines it is in the public interest to waive or reduce said fees. All such fees shall be paid, by the applicant at the time of filing the application.

105.1.1 (A). Fire Department Plan Check and Fees. When other services are required of the Fire Department as depicted in Exhibit "A" Operational Permit Schedule attached hereto including but not limited to, building permit plan check/review, or other services as depicted in Exhibit "A" under the Required Construction Permit section as submitted to the Bellevue Fire Department, the same shall be reviewed by the Fire Chief for compliance with the International Fire Code and a fire department plan check fee shall be paid by the applicant. Said fire department plan check fee shall be as set forth per adopted resolution. Payment of this fee is required at the time of the filing of application for a building permit. Where plans are incomplete or changed so as to require additional plan review, an additional fire department plan check fee may be charged at the rate set forth per adopted resolution.

1.5.1.1 (B) Subdivision and Development Plan Review Fees. Whenever a subdivision, planned unit development, design review application or application for construction or development is required under the Bellevue Zoning Ordinance or, Bellevue' Subdivision Ordinance is submitted to Bellevue, the same shall be reviewed by, the Fire Chief for compliance of the proposal with the, International Fire Code and a fire department review fee ("development review fee") shall be paid' by the applicant. Said development review fee shall be as set forth per adopted resolution and shall, be paid at the time of submitting such permit application. Where plans are incomplete or changed so as to require additional review, an additional development review fee may be charged at the rate set forth per adopted resolution.

(C) Section 307.1 of said Code is amended as follows:

"307.1 A person shall not kindle or maintain or authorize to be kindled or maintained any open burning unless a written permit therefore is first obtained from the Fire Chief and such open burning shall be conducted in accordance with Bellevue's Open Burn Policy, established by Ordinance of the Bellevue Common Council, and the terms and conditions of such permit and the provisions of this section.

(D) Section 105.7.11 of said Code is amended as follows:

'All such systems shall be installed by a person holding a valid license therefore issued by the state of Idaho Fire Marshall:

(E) Section 3704.2.2.7 of said Code is amended as follows:

"Exception: Emergency response kits recommended by the Chlorine Institute may be used for chlorine gas products leaks in lieu of the treatment system requirements of this section as long as there are adequate and available responders who are trained in their use.

(F) Appendix B, Section B105 of said Code is hereby amended to the addition of a subsection B105.3 and a subsection B105.4 as follows:

B105.3 New Buildings. Any new, building creating a demand fire flow in excess of two thousand gallons per minute based upon Table B-105 is required to have installed and in operating condition, prior to the time the building occupied, a fire sprinkler system conforming to the requirements of the International Fire Code and the International Building Code as adopted by Bellevue.

B105.4 Existing Buildings. Any addition to or remodeling of an existing building creating a demand fire flow within the entire building in excess of two thousand (2,000) gallons per minute based upon Table B 105 shall be required before the time that the new or remodeled portion of the building is occupied, a fire sprinkler system which conforms to the requirements of the International Fire Code and the International Building Code as adopted by Bellevue.

(G) Appendix D, Section D.104.2 of the International Fire Code is hereby amended to read as follows:

"Section D-104.2, Buildings exceeding 36,000 square feet in gross floor area. Building or facilities having a gross floor area of more than 36,000 square feet in gross floor area shall be provided with two separate and approved fire apparatus access roads. Exception: Projects with all buildings equipped throughout with approved automatic sprinkler systems may be approved with a single approved fire apparatus access road.

(H) Appendix D, Section D106 of the International Fire Code is amended as follows:

"Section D-106.1 Multi-family Residential Developments.

D106.1 Buildings exceeding three stories in height. Buildings Exceeding thirty five (35) feet in height shall have at least three (3) approved means of fire apparatus access for each structure

D 106.2 Multi- family residential developments. Multi-family residential projects shall be equipped with two (2) separate and approved fire apparatus access roads, except multi-family dwelling unit projects having less than thirty-six (36) units may have a single approved fire apparatus access road not to exceed one hundred fifty (150) feet in length.

D106.3 Remoteness. Where two (2) fire apparatus access roads are required, they shall be placed at a distance apart equal to not less than one-half the length of the maximum overall diagonal dimension of the property or area to be served, measured in a straight line between accesses, except where the Fire Chief has determined that the topography prohibits the provision of the required separation of multiple fire apparatus access roads, the Fire Chief may consider other configurations for such multiple access roads provided they provide comparable provision of such access. "

(l) Appendix D107 of the International Fire Code is amended as follows:

"Section D-107 Single Family Dwellings. Single family dwelling developments of more than four (4) units shall be provided with two or more fire apparatus access roads, and shall meet the requirements of Section D-106. Single family dwelling developments of four (4) units or less shall provide a minimum twenty-six (26) foot wide driveway meeting the requirements for fire apparatus access.

SECTION 5. APPEALS. Whenever the Fire Chief disapproves an application or refuses to grant a permit applied for under the International Fire Code, the applicant may appeal in writing the decision of the Fire Chief to the Bellevue Common Council within thirty (30) days of the date of the decision appealed. Such an appeal shall be filed with the Bellevue City Clerk and shall state with particularity the grounds of the appeal. A decision of the Fire Chief not so appealed within the thirty (30) day period shall be final and not subject to further review or appeal.

SECTION 6. COPIES AVAILABLE. One copy of the Code adopted by this Ordinance shall be kept on file in the office of the code official or city clerk for use and examination by the public.

SECTION 7. CRIMINAL VIOLATION AND PENALTY AND CIVIL ENFORCEMENT.

(A) Any person, fine, association, or corporation that fails to comply with or violates any of these regulations shall guilty of a misdemeanor and upon conviction shall be subject To a .fine .of not more than Three Hundred Dollars (\$300.00) or Imprisonment for a period not to exceed six (6) months, or both. Each day that said violation continues shall be considered a separate offense.

(B) Appropriate actions and proceedings, at law or in equity, may be instituted by the City of Bellevue, Idaho, to restrain or abate violations of this Ordinance or compel compliance herewith, or to prevent illegal construction or occupancy of any building, structure, of premise in violation of this Ordinance together with appropriate damages therefore. These remedies shall be cumulative and in addition to all other legal remedies and penalties provided by law.

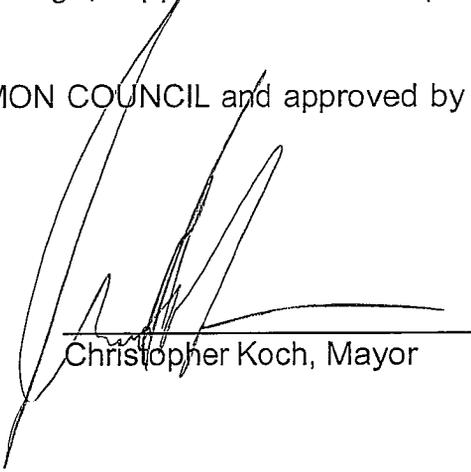
SECTION. 8 PUBLICATION OF ORDINANCE BY SUMMARY. In lieu of publishing this Ordinance in its entirety, City of Bellevue, Idaho, shall publish the summary of this Ordinance attached hereto as Exhibit B, and incorporated herein by reference. The Common Council of said city hereby finds that said summary is true and complete and provides adequate notice of the contents of this Ordinance to the public in compliance with law.

SECTION. 9 SAVINGS AND SEVERABILITY. Where any word, phrase, clause, sentence, paragraph, section, or other part of these regulations or the application thereof is held invalid by a court of competent jurisdiction, such judgment shall affect only that part so held invalid or the application thereof, and the remaining parts of this ordinance or their application shall remain in full force and effect.

SECTION. 10 REPEALER CLAUSE. All Ordinances or parts thereof in conflict herewith are hereby repealed.

SECTION. 11 EFFECTIVE DATE. This Ordinance shall be in full force and effect from and after its passage, approval and due publication according to law.

PASSED BY THE BELLEVUE COMMON COUNCIL and approved by the
Mayor this 17TH day of August, 2010.



Christopher Koch, Mayor

ATTEST:



Dorothy Barton, City Clerk



EXHIBIT "A"

OPERATIONAL PERMIT SCHEDULE PER 2006 IFC

* fees (\$) shall be established per adopted resolution

REQUIRED OPERATIONAL PERMITS

- 105.6.1 Aerosol Products
- 105.6.2 Amusement Buildings
- 105.6.3 Aviation Facilities
- 105.6.4 Carnivals and Fairs
- 105.6.5 Battery Systems
- 105.6.6 Cellulose Nitrate Film
- 105.6.7 Combustible Dust Producing Operations
- 105.6.8 Combustible Fibers
- 105.6.9 Compressed Gases
- 105.6.10 Covered Mall Buildings
- 105.6.11 Cryogenic Fluids
- 105.6.12 Cutting and Welding
- 105.6.13 Dry Cleaning Plants
- 105.6.14 Exhibits and Tradeshows
- 105.6.15 Explosives and Fireworks
- 105.6.16 Fire Hydrant Use
- 105.6.17 Flammable and Combustible Liquids
- 105.6.18 Floor Finishing
- 105.6.19 Fruit and Crop Ripening
- 105.6.20 Fumigation
- 105.6.21 Hazardous Materials
- 105.6.22 Hazardous Production Materials
- 105.6.23 High Pilled Storage
- 105.6.24 Hot Work Operations
- 105.6.25 Industrial Ovens
- 105.6.26 Lumber Yards and Woodworking Plants Liquid or Gas-fueled Equipment in Assembly Area
- 105.6.28 LP Gas Operations
- 105.6.29 Magnesium
- 105.6.30 Misc. Combustible Storage
- 105.6.31 Open Burning
- 105.6.32 Open Flames and Torches
- 105.6.33 Open Flame and Candles .
- 105.6.34 Organic Coatings
- 105.6.35 Places of Assembly
- 105.6.36 Private Fire Hydrants
- 105.6.37 Pyrotechnic Special Effects
- 105.6.38 Pyroxylin Plastics

- 105.6.39 Refrigeration Equipment
- 105.6.40 Repair Garages and Fuel Dispensing
- 105.6.41 Rooftop Heliports
- 105.6.42 Spraying and Dipping Operations
- 105.6.43 Storage of Tires and Byproducts
- 105.6.44 Temporary Membrane Structures
- 105.6.45 Tire Rebuilding Plants
- 105.6.46 Waste Handling
- 105.6.47 Wood Products

REQUIRED CONSTRUCTION PERMITS

105.7.1 Automatic Fire-extinguishing Systems: Inspection and acceptance Testing

- * Commercial Kitchen Hood System
- * Special Chemical Agent Extinguishing System

105.7.3 Fire Alarm Detection Systems: Plan review, inspection and acceptance testing.

105.7.11 Standpipe Systems: Inspection and acceptance testing.

OTHER FEES AND / OR SERVICES

- Fire apparatus stand-by
- Plan check or review
- Inspections after Normal Business Hours
- Inspection Fees
- Technical Inspections

Permits are based on the degree of hazard to the public, fire personnel and equipment to address such issues. Permit fees are used for, inspections, reports and knowledge of hazardous areas.

EXHIBIT "B"

PUBLICATION OF SUMMARY OF CITY OF BELLEVUE, IDAHO ORDINANCE NO 2010-04

AN ORDINANCE OF THE CITY OF BELLEVUE, IDAHO, ADOPTING BY REFERENCE THE INTERNATIONAL FIRE CODE, 2006 EDITION, AND APPENDICES B, C, D, E, AND PROVIDING CERTAIN AMENDMENTS THERETO; PROVIDING FOR COPIES AVAILABLE; PROVIDING A REPEALER CLAUSE; PROVIDING FOR ENFORCEMENT AND PENALTIES; PROVIDING A SAVINGS CLAUSE; AND, PROVIDING AN EFFECTIVE DATE.

The following is a summary of the principal provisions of Ordinance No. 2010-04 of the City of Bellevue, Idaho, duly passed and adopted on the 17th day of August, 2010, by the Common Council and Mayor of said city.

Section 1. ADOPTION OF THE INTERNATIONAL FIRE CODE. The International Fire Code, 2006 edition, including Appendix B (Fire Flow Requirements), Appendix C (Fire Hydrant Location and Distribution), Appendix D (Hazard Categories), and Appendix E (Hazard Rankings), published by the International Code Council are hereby, adopted by reference by the City of Bellevue, Idaho, except as hereinafter amended (collectively referred to herein as the "International Fire Code"), as if fully set forth herein. The adopted International Fire Code, 2006 edition, shall be deemed superseded by successive versions of said International Fire Code and Appendices as the same are duly adopted or approved by the Idaho Building Code Board effective of the date any such code is made effective by the Idaho Building Code Board and the amendments thereto set forth in this ordinance shall also be effective with regard to any such successive code and shall remain in full force and effect the effective date of adoption of a new version of any such International Fire Code and Appendices by the Idaho Building Code Board, adopts definitions.

Section 2. Adopts definitions.

Section 3. Adopts certain amendments to the International Fire Code ("IFC") with regard to Permits Required and Permit Fees established by resolution, Bellevue s Open Burn Policy, Emergency Response Kits, Fire Sprinkler Systems, and Fire Apparatus Access Roads.

Section 4. adopts appeal procedures.

Section 5. provides for copies of the IFC available a Bellevue City Hall.

Section 6. adopts penalties for violation of is ordinance declaring the same to be a misdemeanor punishable by up to a \$300.00 fine and/or 30 days in the county jail.

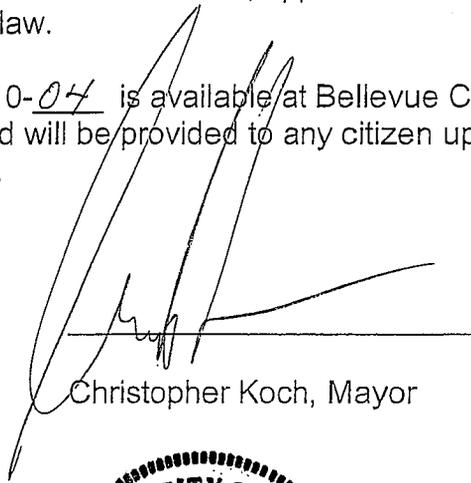
Section 7. provides for publication of ordinance by summary.

Section 8. provides a savings clause.

Section 9. provides a repealer clause.

Section 10. establishes the effective date of this ordinance. This Ordinance shall be in full force and effect from and after, approval and publication by summary according to law.

The full text of said Ordinance No. 2010-04 is available at Bellevue City Hall, 115 Pine St., Bellevue, Idaho, and will be provided to any citizen upon request during regular business hours.



Christopher Koch, Mayor

ATTEST:

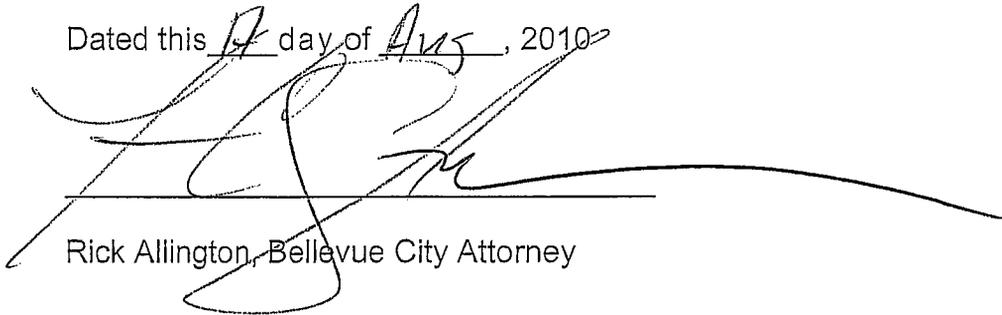

Dorothy Barton, City Clerk.



CERTIFICATION OF CITY ATTORNEY

I, the undersigned, am the duly appointed and serving City Attorney and legal advisor for the City of Bellevue, Idaho, and I do hereby certify that I have read the foregoing summary of Ordinance No. 2010-04 of said city, and that the same is true and complete and provides adequate notice to the public of the contents of said ordinance in compliance with Idaho Code Section 50-901A.

Dated this 17 day of Aug, 2010



Rick Allington, Bellevue City Attorney