

ORDINANCE NUMBER 909

AN ORDINANCE OF THE CITY OF KETCHUM, IDAHO, REPEALING IN ITS ENTIRETY CHAPTER 15.08 OF THE KETCHUM MUNICIPAL CODE AND REPEALING ORDINANCE NUMBER 845 IN ITS ENTIRETY AND ADOPTING BY REFERENCE THE 2000 EDITION OF THE INTERNATIONAL FIRE CODE, PUBLISHED BY THE INTERNATIONAL CODE COUNCIL, AS AMENDED BY THIS ORDINANCE AND CHAPTER 15.08 IS HEREBY REPLACED WITH SAID NEW PROVISIONS AND THE SAME IS ADOPTED AS THE OFFICIAL FIRE CODE FOR SAID CITY PRESCRIBING REGULATIONS GOVERNING CONDITIONS HAZARDOUS TO LIFE AND PROPERTY FROM FIRE, HAZARDOUS MATERIALS OR EXPLOSION; PROVIDING FOR ISSUANCE OF PERMITS FOR HAZARDOUS USES OR OPERATIONS; AND ESTABLISHING A BUREAU OF FIRE PREVENTION AND PROVIDING OFFICERS THEREFORE AND DEFINING THEIR POWERS AND DUTIES; ESTABLISHING LIMITS OF DISTRICTS IN WHICH STORAGE OF FLAMMABLE OR COMBUSTIBLE LIQUIDS IN OUTSIDE ABOVE GROUND TANKS IS PROHIBITED; ESTABLISHING LIMITS OF DISTRICTS IN WHICH STORAGE OF FLAMMABLE GASES IS PROHIBITED; ESTABLISHING LIMITS OF DISTRICTS IN WHICH STORAGE OF EXPLOSIVES AND BLASTING AGENTS IS PROHIBITED; ESTABLISHING LIMITS OF DISTRICTS IN WHICH THE STORAGE OF STATIONARY TANKS OF FLAMMABLE CRYOGENIC FLUIDS IS TO BE PROHIBITED; ESTABLISHING LIMITS OF DISTRICTS IN WHICH THE STORAGE OF HAZARDOUS MATERIALS IS TO BE PROHIBITED OR LIMITED; AMENDING SAID INTERNATIONAL FIRE CODE BY DELETING SECTION 108.1 IN ITS ENTIRETY AND ADOPTING A NEW SECTION 108.1 PROVIDING FOR APPEAL PROCEDURES; AMENDING SAID INTERNATIONAL FIRE CODE BY ADDING TO SECTION 105 NEW SUBSECTIONS 105.4.1 AND 105.4.6 PROVIDING FOR PLAN CHECK FEES, CHARGES FOR INSPECTIONS AND RE-INSPECTIONS; AMENDING SAID INTERNATIONAL FIRE CODE BY DELETING SECTION 903.2 IN ITS ENTIRETY AND ADOPTING A NEW SECTION 903.2 PROVIDING AUTOMATIC SPRINKLER SYSTEMS SHALL BE INSTALLED THROUGHOUT ALL NEW BUILDINGS OF MORE THAN 6,000 SQUARE FEET IN FLOOR AREA AND EXCEPTIONS THERETO, AND PROVIDING STANDARDS FOR SAID AUTOMATIC SPRINKLER SYSTEMS; AMENDING SAID INTERNATIONAL FIRE CODE BY DELETING SECTION 903.4 IN ITS ENTIRETY AND ADOPTING A NEW SECTION 903.4 PROVIDING FOR SUPERVISION OF ALL AUTOMATIC SPRINKLER SYSTEMS; AMENDING SAID INTERNATIONAL FIRE CODE BY DELETING SECTION 907 IN ITS ENTIRETY AND ADOPTING A NEW SECTION 907 PROVIDING FOR REGULATING FIRE ALARM SYSTEMS AND PROVIDING FOR INSTALLATION OF APPROVED AND MONITORED FIRE DETECTION SYSTEMS IN NEW BUILDINGS CONSTRUCTED FOR NONRESIDENTIAL OCCUPANCIES, RESIDENTIAL CONSTRUCTION OVER 4,000 SQUARE FEET IN FLOOR AREA, ALL MOTELS, HOTELS AND LODGES, AND ALL EXISTING STRUCTURES IN ALL BUSINESS, TOURIST AND LIGHT INDUSTRIAL ZONING DISTRICTS WHEN SAID STRUCTURE IS ALTERED, REMODELED OR CHANGED IN EXCESS OF \$15,000 VALUE AND EXCEPTIONS THERETO; AMENDING SAID INTERNATIONAL FIRE CODE CHAPTER 33 BY ADOPTING A NEW SECTION 3302 PROVIDING DEFINITIONS AND ADOPTING NEW SECTIONS 11.2

THROUGH 11.20 INCLUSIVE PROVIDING RULES AND REGULATIONS FOR THE IMPORT, SALE, POSSESSION AND USE OF FIREWORKS; AMENDING SAID INTERNATIONAL FIRE CODE BY ADOPTING A NEW SECTION 13 PROVIDING FOR CLASS "A" ROOF REQUIREMENTS; AMENDING SAID INTERNATIONAL FIRE CODE BY DELETING SECTION 2704.2.2 IN ITS ENTIRETY AND ADOPTING A NEW SECTION 2704.2.2 PROVIDING REQUIREMENTS FOR SECONDARY CONTAINMENT FOR ALL NEW INSTALLATIONS OF UNDERGROUND STORAGE TANKS; PROVIDING FOR A PROCESS TO REVIEW NEW MATERIALS, PROCESSES AND OCCUPANCIES; PROVIDING PENALTIES; PROVIDING A REPEALER CLAUSE; PROVIDING A SAVINGS CLAUSE; AND, PROVIDING AN EFFECTIVE DATE.

Be it ordained by the Mayor and City Council of the City of Ketchum, Idaho:

Section 1. Chapter 15.08 and Ordinance Number 845 are hereby repealed in their entirety and 15.08 is hereby replaced by the adoption of the 2000 Edition of the International Fire Code as amended by this ordinance herein.

15.08.010 ADOPTION OF INTERNATIONAL FIRE CODE

There is hereby adopted by the City of Ketchum, Idaho for the purpose of prescribing regulations governing conditions hazardous to life and property from fire, hazardous materials or explosion, that certain Code known as the *International Fire Code*, including Appendixes A, B, C, D, E, F and G published by the International Fire Code Institute, being particularly the 2000 edition thereof and the whole thereof, save and except such portions as are hereinafter deleted, modified or amended by Section 9 of this ordinance, three (3) copies of which have been and are now filed in the Office of the Clerk of the City of Ketchum, Idaho and the same are hereby adopted and incorporated as fully as if set out at length herein, and from the date on which this ordinance shall take effect, the provision thereof shall be controlling within the limits of the City of Ketchum, Idaho.

15.08.020 ESTABLISHMENT AND DUTIES OF BUREAU OF FIRE PREVENTION

A. The *International Fire Code* as adopted and amended herein shall be enforced by the bureau of fire prevention (or other designated agency) in the fire department of the City of Ketchum, Idaho which is hereby established and which shall be operated under the supervision of the chief of the fire department.

B. The chief (or fire marshal) in charge of the bureau of fire prevention (or other designated agency) shall be appointed by the Mayor of the City of Ketchum, Idaho on the basis of examination to determine his or her qualifications.

C. The chief of the fire department may detail such members of the fire department as inspectors as shall from time to time be necessary. The chief of the fire department shall recommend to the Mayor the employment of technical inspectors, who, when such authorization is made, shall be selected through an examination to determine their fitness for the position. The examination shall be open to members and nonmembers of the fire department, and appointments made after examination shall be for an indefinite term with removal only for cause.

15.08.030 DEFINITIONS

Wherever the word "jurisdiction" is used in the *International Fire Code*, it is the City of Ketchum, Idaho.

Where the party responsible for the enforcement of the *International Fire Code* is given the title of "fire marshal," add the following definition: FIRE MARSHAL is the chief of the bureau of fire prevention.

Wherever the term "Corporation Counsel" is used, it shall mean the City Attorney of the City of Ketchum, Idaho.

15.08.040 ESTABLISHMENT OF LIMITS OF DISTRICTS IN WHICH STORAGE OF FLAMMABLE OR COMBUSTIBLE LIQUIDS IN OUTSIDE ABOVE GROUND TANKS IS PROHIBITED.

The limits referred to in Section 3404.2.9.5.1 of the *International Fire Code* in which the storage of flammable or combustible liquids in outside above-ground tanks is prohibited, are hereby established as within the municipal boundaries of the City of Ketchum, Idaho.

15.08.050 ESTABLISHMENT OF LIMITS IN WHICH STORAGE OF FLAMMABLE GASES ARE PROHIBITED.

The limits referred to in Section 3503.1 of the *International Fire Code*, in which storage of flammable gas is restricted, are hereby established as within the municipal boundaries of the City of Ketchum, Idaho.

15.08.060 ESTABLISHMENT OF LIMITS OF DISTRICTS IN WHICH STORAGE OF EXPLOSIVES AND BLASTING AGENTS IS TO BE RESTRICTED.

The limits referred to in Section 3304.1 of the *International Fire Code*, in which storage of explosives and blasting agents is restricted, are hereby established as within the municipal boundaries of the City of Ketchum, Idaho.

15.08.070 ESTABLISHMENT OF LIMITS OF DISTRICTS IN WHICH THE STORAGE OF STATIONARY TANKS OF FLAMMABLE CRYOGENIC FLUIDS IS TO BE PROHIBITED.

The limits referred to in Section 3204.1 in which the storage of flammable cryogenic fluids in stationary containers is prohibited are hereby established as within the municipal boundaries of the City of Ketchum, Idaho.

15.08.080 ESTABLISHMENT OF LIMITS OF DISTRICTS IN WHICH THE STORAGE OF HAZARDOUS MATERIALS IS TO BE PROHIBITED OR LIMITED.

The limits referred to in Section 2701.1 of the *International Fire Code* in which the storage of hazardous materials is prohibited or limited is hereby established as within the municipal boundaries of the City of Ketchum, Idaho.

15.08.090 AMENDMENTS TO THE INTERNATIONAL FIRE CODE.

The *International Fire Code* is amended and changed in the following respects:

A. That said International Fire Code is hereby amended by deleting Section 108.1 in its entirety and adopting a new Section 108.1 as follows:

108.1 Appeals To determine the suitability of alternate materials and types of construction and to provide for reasonable interpretations of the provisions of this code, there shall be and hereby is created a Board of Appeals consisting of five members who are qualified by experience and training to pass judgement upon pertinent matters. The fire chief shall be an *ex officio* member and shall act as secretary of the board. The Board of Appeals shall be appointed by the executive body and hold office at their pleasure. All appeals from a decision of the fire chief shall be made by the aggrieved party to the Board of Appeals by delivering a copy of said appeal to the Ketchum City Clerk in writing within fifteen (15) days of the date of notification of the decision by the fire chief to the aggrieved party. Said written notice of appeal shall contain a written statement of the decision being appealed and the basis of the appeal. The Board of Appeals shall hold a due process hearing and make its decision with written findings of fact and conclusions of law within thirty (30) DAYS FROM THE DATE THAT THE NOTICE OF APPEAL IS FILED. The fire chief or any party aggrieved by decision of the Board of Appeals shall file an appeal to the Ketchum City Council by delivering a written notice of appeal to the Ketchum City Clerk within fifteen (15) days of the date of notification of a decision of the Board of Appeals. The Ketchum City Council shall hear the appeal based on the record before the Board of Appeals and shall hold a due process hearing and render its decision with written findings of fact and conclusions of law within sixty (60) days of the date of the filing of the notice of appeal. Any party aggrieved by the decision of the Ketchum City Council shall file an appeal with a court of competent jurisdiction within sixty (60) days of notification of the decision by the Ketchum City Council. Any decision not appealed within the time periods set forth herein shall be final and not subject to review.

B. That said International Fire Code Section 105 is hereby amended by deleting Sections 105.4.1 and 105.4.6 and adding new Sections 105.4.1 and 105.4.6 as follows:

105.4.1 Fire Department Inspection and Approvals. Two copies of all plans and specifications for all occupancy groups shall be submitted to the Fire Department after review thereof by the Building Official. Fire Department review shall normally be completed within 14 calendar days. Exceptions to the 14 calendar day review may be made where in the opinion of the Fire Chief, the plans submitted are too complex and additional time for review is required. Construction shall not commence until approval of the Fire Department is obtained. Approval for occupancy must also be obtained from the Fire Department after completion of construction, which approval shall not be given until all "on site" requirements have been met and inspected and tested for operation.

105.4.6 Plan Check Fees, Permit Fees, Inspection and Re-inspection Charges, Fee for Use of Fire Equipment, and Other Fees and Charges.

1. For every permit issued under the Official Fire Code of the City of Ketchum, Idaho, as amended, a fee therefore shall be charged by and paid in advance to the Fire Department.
2. For every initial plan check by the Fire Department, a fee therefore shall be paid in advance to the Fire Department.
3. For every inspection and test of fire extinguishing systems or equipment by the

Fire Department, a fee therefore shall be paid in advance to the Fire Department.

4. For each additional plan check, inspection and /or test of any system by the Fire Department, an additional fee shall be paid in advance to the Fire Department.

5. For every fire clearance certificate issued by the Fire Department, a fee therefore shall be paid in advance to the Fire Department.

6. For use of Fire Department fire equipment and/or use of Fire Department personnel, a fee therefore shall be paid to the Fire Department.

7. For any checks, inspections or tests of systems or structures, that must be completed on the building site, the person seeking said check, inspection or test shall make a written application to the City of Ketchum Fire Department for such check, inspection or test at least 24 hours prior to the described time for said check, inspection or test.

8. The City of Ketchum Fire Department, upon receipt of said written application and payment of fees as set forth in the City of Ketchum Fee Schedule, Fire Department, shall check, inspect and/or test the system and/or premises at the next possible opportunity arising during any weekday from nine o'clock a.m. to five o'clock p.m. The City of Ketchum Fire Department shall, prior to the check, inspection or test, give notice to the applicant of when the check, inspection and/or test of the system or premises will take place.

9. The applicant or his authorized agent must be at the building site at the time of any test of systems or structures that must be completed on the building site. In the event the applicant, or an authorized agent, is not at the building site at the specified time, the initial inspection fee will be forfeited and a new application, with an additional initial fee, will be required before the check, inspection and/or test of the system or premises will take place.

10. Fees to be charged for the services set forth above, including fees for all permits, plan checks, certificates, and for use of Fire Department fire equipment shall be as set by Resolution of the Ketchum City Council for the City of Ketchum Fee Schedule, Fire Department.

C. That said International Fire Code is hereby amended by deleting Section 903.2 in its entirety and adopting a new Section 903.2 as follows:

903.2 All occupancies except Group U Occupancies. Except for Group U Occupancies, an automatic sprinkler system shall be installed in the following listed buildings. For purposes of this provision, area separation walls shall not define separate buildings.

1. Throughout all new buildings 6,000 or more square feet in floor area.

2. In every story or basement of all buildings when the floor area exceeds 1,500 square feet (139.4 m²) and there is not provided at least 20 square feet (1.86 m²) of opening entirely above the adjoining ground level in each 50 lineal feet (15 240 mm) or fraction thereof of exterior wall in the story or basement on at least one side of the building. Openings shall have a minimum dimension of not less than 30 inches (762 mm). Such openings shall be accessible to the fire department from the exterior and shall not be obstructed in a manner that firefighting or rescue cannot be accomplished from the exterior.

When openings in a story are provided on only one side and the opposite wall of such story is more than 75 feet (22 860 mm) from such openings, the story shall be provided with an approved automatic sprinkler system, or openings as specified above shall be provided on

at least two sides of an exterior wall of the story.

If any portion of a basement is located more than 75 feet (22 860 mm) from openings required in Section 903.2, the basement shall be provided with an approved automatic sprinkler system.

3. At the top of rubbish and linen chutes and in their terminal rooms. Chutes extending through three or more floors shall have additional sprinkler heads installed within such chutes at alternate floors. Sprinkler heads shall be accessible for servicing.

4. In rooms where nitrate film is stored or handled. See also Chapter 42.

5. In protected combustible fiber storage vaults as defined in Article 29.

6. Throughout all buildings with a floor level with an occupant load of 30 or more that is located 55 feet (16 764 mm) or more above the lowest level of fire department vehicle access.

EXCEPTIONS:

(a) Airport control towers.

(b) Open parking structures.

(c) Group F, Division 2 Occupancies.

D. That said International Fire Code is hereby amended by deleting Section 903.4 in its entirety and adopting a new Section 903.4 as follows:

903.4 Supervision required. All valves controlling the water supply for automatic sprinkler systems and water-flow switches on all sprinkler systems shall be electrically monitored.

Valve monitoring and water-flow alarm and trouble signals shall be distinctly different and shall be automatically transmitted to an approved central station, remote station or proprietary monitoring station as defined by NFPA 72 Standard 10-2 or, when approved by the building official with the concurrence of the chief, shall sound an audible signal at a constantly attended location.

EXCEPTION: Underground key or hub valves in roadway boxes provided by the municipality or public utility need not be monitored.

E. That said International Fire Code is hereby amended by deleting Section 907 in its entirety and adopting a new Section 907 as follows:

907 Fire Alarm Systems

907.1 Scope. This article governs the requirements for the installation and maintenance of fire alarm systems in all occupancies as specified herein. The regulations contained in this article require the installation of electrically supervised fire alarm systems and automatic and manual fire alarm systems. Fire alarm systems shall be in accordance with this section.

907.2 Definitions.

Alarm Signal is an audible or visual signal, or both, indicating the existence of an emergency fire condition. Audible devices may be bells, horns, chimes, speakers or similar devices. Voice alarms and their messages shall be approved by the chief.

Alarm System is a combination of approved compatible devices with the necessary electrical interconnection and energy to produce an alarm signal in the event of fire or system activation.

Annunciator is equipment which indicates the zone or area of a building from which an alarm has been initiated, the location of an alarm initiating device or the operational condition of the circuits of the system.

Compatible means tested by a nationally recognized testing agency to function properly with the control unit monitoring system.

Control Unit is a unit comprising the controls, relays, switches and associated circuits necessary to (1) distribute power to a fire alarm system, (2) receive signals from alarm initiating devices and transmit them to alarm signaling devices and accessory equipment, and (3) electrically supervise the system circuitry.

False Alarms - An alarm signal necessitating response by the Ketchum Fire Department where an emergency does not exist. False alarms shall be classified as follows:

1. **Nuisance Alarms** - Alarms caused by factors which the alarm system is not intended to be activated by. This category shall include but is not limited to alarms caused by cooking smoke, inadequate housekeeping, construction dusts, and related building operations causing alarms.

2. **Intentional Alarms** - Alarm system activation or alarm signal transmission by any person knowingly, willingly, or recklessly when no emergency exists. This category shall include, but is not limited to, the activation of manual fire alarm pull stations; discharge of fire extinguishing equipment or appliances; or activation of an alarm system in violation of orders issued under Section 14.109-3 of this ordinance.

3. **Equipment Malfunction** - An alarm caused by the failure of an alarm system or failure of peripheral equipment, causing or allowing an alarm signal transmission.

4. **Undetermined Cause** - An alarm system activation or transmission of an alarm signal for which the cause cannot or has not been determined by responding personnel and for which there is no apparent cause. Alarms due to failure to maintain alarm systems in violation of orders issued under provisions of this ordinance.

5. **Good Intent** - This category shall include, but is not limited to, alarms transmitted by an individual believing an emergency condition exists. Such alarms under this category shall not be held to constitute a violation of this ordinance.

Initiating Device is any manually or automatically operated equipment which, when activated, initiates an alarm through an alarm signaling device.

Inspection Contract - An agreement in writing with an alarm company to perform testing and inspection of a required fire alarm system for a certain contractual period of time. Such contract may include repair, installation and/or relocation of equipment, as necessary.

Maintenance Contract - An agreement in writing with an alarm company to perform repair, service and maintenance. Maintenance contracts may be required at the discretion of the Fire Chief for alarm systems shown to be subject to repeated false alarms. Such contract may include inspection, testing, installation and/or relocation of equipment, as necessary.

Required Fire Alarm - A monitored fire or smoke detection system required by this Article.

Signaling Device is equipment that produces an approved alarm signal.

Smoke Detector is an approved device which senses visible or invisible particles of combustion. The detector shall bear a label or other identification issued by an approved testing agency having a service for inspection of materials and workmanship at the factory during fabrication and assembly.

Zone is a building or defined area of a building as approved by the chief for purposes of identifying locations.

907.4 Installation

907.4.1 Installation Required

1. **Plans and Specifications.** Complete plans and specifications of all fire alarm systems shall be submitted for review and approval prior to system installation. Plans and specifications shall include, but not be limited to, a floor plan, location of all initiating and signaling devices, control and trouble signaling equipment, annunciation, power connection, battery calculations, wiring type and sizes.

2. **System Design.** Fire alarm systems, automatic fire detectors, emergency voice/alarm communication systems and notification devices shall be designed, installed and maintained in accordance with NFPA 72 and other nationally recognized standards.

3. **Equipment.** Systems and components shall be listed and approved for the purpose for which installed.

4. **Acceptance Test.** Upon completion of the installation or alteration, a satisfactory test of the entire system shall be made in the presence of the chief or his authorized agent. All functions of the system or alterations shall be tested.

5. **Certification.** The permittee shall provide written certification to the chief that the system has been installed in accordance with the approved plans and specifications.

6. **Location/Security.** The alarm control unit, remote enunciator panel and access keys to locked fire alarm equipment shall be installed and maintained in a location approved by the chief.

7. **Instructions.** Written operating instructions shall be provided at a location

approved by the chief.

8. **Key Boxes.** An appropriately sized approved key box shall be provided in a location approved by the chief for all monitored alarm systems.

907.4.2 Required Installations

1. An approved monitored automatic fire alarm system shall be installed in the following locations;

(a) In Zoning Districts **CC, LI-1, LI-2, LI-3, T, T-3000, and T-4000** every new building constructed for nonresidential occupancy, including buildings with sleeping quarters as a secondary use.

(b) In Zoning Districts **CC, GR-H, STO-H, T-3000 and T-4000** every new building constructed for any residential use, and over 4,000 square feet in floor area, and every newly constructed hotel, motel, apartment house or lodge of any size.

(c) In Zoning districts **CC, GRH, STO-H, LI-1, LI-2, LI-3, T, T-3000 and T-4000** every existing dwelling or commercial unit within a building that is altered or changed, when such modifications exceed \$15,000.00 in value. (Cosmetic modifications such as painting, decorative window and floor coverings and furniture shall not be considered as contributing to the \$15,000 value limit). Said systems must provide fire detection for the entire building, including the existing and new construction area, when the alteration or change affects more than fifty percent of the units in that building.

Exception: A separate fire alarm system need not be installed in buildings which are protected throughout by an approved supervised fire sprinkler system conforming to NFPA standards 13, 13D or 13R and having a local alarm to notify all occupants.

Note: Group E-Div., Group I and Group R-1 occupancies are excluded from this exception.

907.5 Inspection, testing and maintenance

1. An annual inspection shall be performed on every required fire alarm system. Said inspection shall be performed to determine that the operation of the alarm system is in accordance with the manufacture's specifications, design and performance criteria. Tests shall be conducted to determine whether or not the system is free from ground faults, dead or intermittent shorts and that all self diagnostic functions are operable. Required fire alarm systems shall be tested in accordance with testing procedures adopted by the National Fire Protection Association. The owner of any alarm system, which is shown by such test not to be 100% operational, shall make such repairs as indicated by the test results.

2. A copy of such test and inspection report shall be maintained on the premises.

3. A maintenance contract may be required by the Fire Chief for alarm systems subject to false alarms in excess of Section 907.2 of this Article.

4. The maintenance contract shall provide for the following minimum services:

(a) Repairs which may be necessary from time to time to maintain the reliability and integrity of the alarm system.

(b) Operational testing of system components shall occur on at least a semi-annual basis, including 100% of all peripheral devices over a period of one (1) year.

5. Trouble calls or service calls regarding an alarm system shall be made to an alarm company. Trouble or service calls shall be responded to within a reasonable time period as determined by the Fire Chief but in no case shall the response time exceed 24 hours. If repair to a required fire alarm does not occur within 72 hours, the Fire Chief may require a change in operation, or place specific restrictions or conditions on the owner including restrictions relating to the use of the building until such time as repairs are completed. Such special restrictions shall be made with consideration of the relative degree of hazard imposed by the nature of the alarm system's condition, and with respect to the nature of the building and its use.

6. Upon request of a Ketchum Fire Officer, a responsible party shall respond to the premises for the purpose of permitting access to determine the cause of the alarm, secure the property, or reset the alarm system. The City of Ketchum, Idaho shall not be held liable for any loss due to the failure of the responsible party to respond to the premises when requested to do so by a responding officer. Responsible parties shall respond in an expedient manner and shall arrive at the premises within one (1) hour of notification. For purposes of this section a responsible party shall be:

6.1 The owner of the property or business.

6.2 The manager or authorized agent .

6.3 The tenant.

6.4 An employee of an alarm company under contract providing for such services.

7. It shall be the responsibility of the alarm system owner to provide for the required response in accordance with the above section, and to insure that the current information is provided to the Ketchum Communication Center on file at the respective alarm receiving station, including a list of responsible parties, phone numbers and current street and mailing addresses, locations of key boxes, sprinkler valves and alarm panels.

8. Operational testing of alarm systems shall be made only after notification has been given to the appropriate alarm monitoring facility. Notice shall be given to the Ketchum Communications Center both prior to the test and upon completion of the test. It shall be the responsibility of the person conducting the tests to advise tenants, building management and those normally responsible for and occupying the premises of the test in order to prevent unnecessary calls to the Ketchum Communications Center regarding audible signals.

9. **Fire Department Notifications.** The chief shall be notified immediately whenever any required fire alarm system is placed temporarily out of service and upon restoration of service.

907.6 Performance Standards

1. All alarm systems shall be afforded a thirty-day adjustment period commencing with the date of activation or issuance of a Certificate of Occupancy, in

order that the system may be brought to maximum efficiency. During that period of time, no penalty shall be assessed against the owner of the alarm system for system malfunctions. Intentionally caused false alarms, unauthorized service and tampering are not subject to the thirty-day grace period.

2. Alarm systems shall be allowed no more than:
 - 2.1. Three (3) false alarms in a 30 day period.
 - 2.2. Six (6) false alarms in a 180 day period.
 - 2.3. Nine (9) false alarms in a 360 day period.

The owner of any alarm system found to have a false alarm rate in excess of the foregoing number of allowable alarms per specified time period, shall receive written notice of violation and the Fire Chief may require compliance with Section 201 of the *International Fire Code*, fire watch.

3. After the adjustment period the owner of an alarm system transmitting a false alarm, upon the issuance of a written order by the responding officer or his agent, shall be required to do one and/or more of the following:

- 3.1. Show a material change in employee training. Such training may be conducted by a representative of the owner or by or in conjunction with a representative of an alarm company.
- 3.2. Show written proof that the alarm system has been inspected and tested by an alarm company and detected faults have been repaired.
- 3.3. Show written proof that peripheral equipment has been relocated in accordance with applicable design standards and applicable codes, by an alarm company. It is understood, however, that none of the aforementioned requirements shall pertain to a situation where a person reported or transmitted an alarm with good intent as set forth in Section 907.2 of this Article the definition of false alarms.

4. Any alarm system owner having complied with orders issued as required by this section, and whose alarm system is still subject to repeated false alarms may be required to participate in a discussion with a representative from the Fire Department, the owner of the alarm system or his agent, and the alarm company responsible for the installation and/or service and/or the maintenance of the alarm system, for the purpose of determining the cause(s) of and solutions(s) to the problem(s). Orders may be issued to their alarm system owner to facilitate the resolution of the false alarm problem, under the foregoing section of this ordinance.

15.08.110 FIREWORKS

11.1 That said International Fire Code is hereby amended by amending Chapter 33 as follows:

11.2 The following definitions are added to Section 3302

Authority Having Jurisdiction is the fire chief or officer of the fire department in charge.

Non-aerial Common Fireworks are any fireworks such as ground spinners, fountains, sparklers, smoke devices, or snakes designed to remain on or near the ground and not to travel outside a fifteen (15) foot diameter circle or emit sparks or other burning materials which land outside a twenty (20) foot diameter circle or above a height of twenty (20) feet. Non-aerial common fireworks do not include firecrackers, jumping jacks, or similar products.

Permit is an authorization given by the Ketchum Fire Department.

Wholesale means sale of fireworks to a retailer or wholesaler.

11.3 Wholesale and Import License Required: Any person desiring to engage in the Wholesale or Import of fireworks into this State shall conform to section 39-2603 of Chapter 26, Title 39, Idaho Code.

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

11.5 Permit for Public Display or Other Event Using Fireworks: It shall be unlawful for any person in the City to import, export, offer for sale, sell, possess, keep, use, store or permit the keeping or storing of any fireworks or special fireworks for any use or purpose, except that a person holding a "**Public Display Fireworks Permit**" issued pursuant to the terms and conditions of this Article may use said fireworks when used and stored safely and in accordance with appropriate National Fire Protection Association or International Fire Code provisions. Said fireworks may be stored for a period not exceeding seventy-two (72) hours immediately preceding the date of said public display, provided fireworks are to be used exclusively for public display.

11.6 Application for Non-aerial Common Fireworks Permit: Any person desiring to engage in the sale of "non-aerial common fireworks" within the City of Ketchum shall first make a written application to the Fire Chief or representative for a "Non-aerial Common Fireworks Permit". Each applicant shall pay to the Fire Chief a fee of twenty-five (\$25.00) dollars at the time the application is filed. In the event no "Non-aerial Common Fireworks Permit" is issued by the City, the Fire Chief shall refund the application fee.

11.7 Application for Public Display Fireworks Permit: Any person desiring to engage in a public display or other events using fireworks shall first make a written application to the Fire Chief or his representative for a "**Public Display Fireworks Permit**". Each applicant shall pay to the Fire Chief a fee of One Hundred and Twenty-Five (\$125.00) Dollars. In the event no permit is issued by the City, the Fire Chief shall refund the application fee. There is no fee for the issuance of a permit for events not designated a public display.

11.8 Form of Application: Each applicant for a "**Non-aerial Common or Public Display**

Fireworks Permit” shall file an application with the Fire Chief. Each application shall show the following:

A. Name and address of the applicant (or the names of all partners, if a partnership, the name of the corporation and the corporate officers if a corporation, or the name of the limited liability company and all of its members, if a limited liability company).

B. The location and owner of the premises where the applicant requests permission to sell **“non-aerial common fireworks”** or the location and owner of the premises where the applicant requests to perform a **“public display of fireworks.”**

C. Such other information as the Fire Chief may require on a standard form submitted to all applicants and which is reasonably necessary to protect public health and safety.

11.9 The Fire Chief shall have the power 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 protection of public health and safety, subject to appeal to the City Council.

11.10 Term of Permit: A **“Non-aerial Common Fireworks Permit”** shall be issued if the application is complete and in compliance with applicable law, shall be valid for thirty (30) days from the date of final stand inspection and shall be nontransferable. A **“Public Display Fireworks Permit”**, if issued, shall be nontransferable, shall list the specific date or dates upon which the display or event shall occur and the types of fireworks and uses that will be allowed.

11.11 Time of Filing Application: Each application for a permit to sell **“non-aerial common fireworks”** at retail shall be filed with the Fire Chief on or before **May 1** of the calendar year for which the permit is sought. Application for a permit valid between December 26 and January 1 shall be filed by **November 1** of the same calendar year.

11.12 Insurance Required: Each applicant for a **“Non aerial Common Fireworks Permit”** or a **“Public Display Fireworks Permit”** shall have filed with the Fire Chief prior to the issuance and validity of any permit, a policy, or certified true copy thereof, of public liability insurance, including both **“accident”** and **“occurrence”** coverage. The insurance coverage limits for both public liability and for products liability coverage shall be at least One Million (\$1,000.000) Dollars per person per occurrence bodily injury; One Million (\$1,000.000) per occurrence aggregate bodily; and One Million (\$1,000.000) Dollars per occurrence aggregate property damage. Each policy of insurance shall be in the 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 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 Fire Chief prior to the issuance of the permit.

11.13 Authorized Dates for the Sale and Use of Fireworks:

A. Non-aerial common fireworks may be sold at retail and used beginning at midnight June 23, and ending at midnight July 5 and beginning at midnight December 26 and ending at midnight January 1. The Fire Chief may extend each period of sales by not more than five (5) consecutive days.

B. Fireworks may be sold and used at any time in compliance with permits under the provisions of this Article.

11.14 Temporary Fireworks Stands: 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 from within a temporary fireworks stand, and the sale from any other building or structure is hereby prohibited

B. A stand shall not be located within twenty-five (25) feet of any building or within one-hundred (100) feet of the nearest fuel dispensing device.

C. All such stands shall meet the requirements of the current Building Code of the City of Ketchum, Idaho and all lighting circuits and other electrical equipment shall meet the requirements of the State Electrical Codes. In addition, any signs to advertise the fireworks stands shall meet the sign requirements of the City of Ketchum Zoning Ordinance in effect at the time.

D. Each stand shall have two (2) exits, each a minimum of thirty (30) inches wide at each end of the stand or as near the ends as is practical in a mobile home conversion. One (1) additional door is required for each thirty-two (32) feet of rear wall in excess of thirty-two (32) feet. All doors shall open outward from the stand and shall be kept unlocked and unlatched during hours of operations and free and clear of supplies and materials at all times

E. Each stand shall have at least two (2) fire extinguishers with a 2A minimum rating, in good working order, with a current inspection tag in place, placed near the exits in a visible and readily accessible manner.

F. “No Smoking within 25 feet” signs shall be prominently displayed on all four sides of the stand. Smoking shall not be permitted inside the stand.

G. There shall be at least one supervisor eighteen (18) years of age or older, on duty at all time the stand is open for business. When the stand is not open for business it shall be securely locked and 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 eighteen (18) years of age shall work at or about any stand where “non-aerial common fireworks” are sold or offered for sale.

H. No person employed as a watch person shall be permitted to remain inside of any stand when it is not open for business.

I. A stand shall not be erected before June 16 nor remain up after July 6 for the first sales period; nor shall it be erected before December 20 or remain up after January 3 for the second sales period. The premises on which the stand is erected shall be cleared of all structures and debris no later than July 6 or January 3, respectively.

J. The fireworks stand operator shall not permit the discharge of fireworks within twenty-five (25) feet of the stand.

K. The stand operator shall not allow any rubbish to accumulate in or around the stand

causing a fire nuisance.

L. Only noncombustible waste containers shall be permitted within the stand.

M. No fireworks shall remain unattended at any time the fireworks stand is open for business. Short-term storage of “**non-aerial common fireworks**” may be permitted inside the fireworks stand prior to authorized sales dates provided the stand is locked and secured at all times and “no smoking within 25 feet” signs are posted on all four sides of the stand. No other short-term storage is permitted within the City of Ketchum.

N. No stand shall have a floor area in excess of seven-hundred and fifty (750) square feet.

O. No stand shall be erected at a location where retail sales are not allowed under the Zoning Ordinance of the City of Ketchum.

P. There shall be a one (1) time inspection fee of twenty-five (\$25.00) dollars for the inspection of a temporary fireworks stand.

11.15 Bond: The applicant shall post with the Fire Chief a cash bond or cash equivalent in the amount of not less than One Hundred (\$100.00) Dollars conditioned upon the prompt removal of the temporary fireworks stand and the cleaning up of debris from the site of the temporary fireworks stand, which deposit or security shall be returned to the applicant only in the event he/she removes said temporary stand and cleans up all the debris to the satisfaction of the Ketchum Fire Chief, or such other official as the Council or Fire Chief may designate. In the event of the applicant’s failure to so remove the stand and debris, said cash bond or cash deposit shall be forfeited to the City. In no event shall the applicant be entitled to the return of said cash bond or cash deposit if applicant has failed to remove said temporary fireworks stand and clean up all debris by noon of the sixth (6) day of July of the year in which the permit is granted in the first sales period or by noon of the third (3) day of January in the second sales period, and failure to do so shall be punishable by Three Hundred (\$300.00) Dollars fine and/or thirty (30) days confinement in the County jail.

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

- A. Alter any fireworks;
- B. Throw any fireworks from, into, or at a moving vehicle or at any person;
- C. Sell or use any fireworks at any time not permitted by this ordinance;
- D. Use fireworks in any area that constitutes a severe fire threat based on the vegetative conditions during the current fire season as determined by the authority having jurisdiction, provided that the notice of such areas is given in advance.

11.17 Exceptions: The provisions of this chapter do not apply to and shall not prohibit:

- A. The use of flares, noisemakers or signals designed and used for the purpose of protecting the public.
- B. The use of blank cartridges.
- C. The use of flares or noisemakers designed and labeled specifically for pest control purposes and approved by the Idaho department of Fish and Game.

11.18 Liability of Parents or Guardians: The parents, guardians or other persons having

custody or control of a minor shall be liable for damage caused by the use of fireworks by the minor.

11.19 Comply with Idaho State Fireworks Act: It shall be the duty of every person issued a "Fireworks Permit" to comply with all the provisions of Chapter 26, Title 39, Idaho Code, Idaho State Fireworks Act and of this Article. Violation of the Act or any provisions of this Article by the permittee, or by any of their agents, employees, or officers shall constitute a cause, in and of itself, to deny any subsequent application for a permit.

11.20 The manufacture of fireworks within the jurisdictional area is prohibited except under special permits as are required by local and state regulations.

15.08.120 SECONDARY CONTAINMENT

2.1 That said International Fire Code is hereby amended by deleting Section 2704.2.2 in its entirety and adopting a new Section 2704.2.2 as follows:

2704.2.2 Secondary Containment. An approved method of secondary containment shall be provided for underground tank systems, including tanks, piping and related components.

15.08.130 CLASS "A" ROOF REQUIREMENTS.

An approved Class "A" roof assembly shall be installed over the entire building if the total square footage of any newly constructed building exceeds 3000 square feet regardless of occupancy classification or location in the city.

15.08.140 APPEALS

Whenever the chief disapproves an application or refuses to grant a permit applied for, or when it is claimed that the provisions of the code do not apply or that the true intent and meaning of the code have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the chief to the Board of Appeals within fifteen (15) days from the date of the decision appealed.

15.08.150 NEW MATERIALS, PROCESSES OR OCCUPANCIES WHICH MAY REQUIRE PERMITS.

The mayor, the chief and the chief of the bureau of fire prevention shall act as a committee to determine and specify, after giving affected persons an opportunity to be heard, any new materials, processes or occupancies for which permits are required in addition to those now enumerated in the *International Fire Code*. The chief of the bureau of fire prevention shall post such list in a conspicuous place at the bureau of fire prevention and distribute copies thereof to interested persons.

15.08.160 PENALTIES.

A. Any person who violates any of the provisions of the *International Fire Code* as adopted and amended herein or fails to comply therewith, or who violates or fails to comply with any order made thereunder, or who builds in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder, and from which

no appeal has been taken, or who fails to comply with such an order as affirmed or modified by the Board of Appeals or by a court of competent jurisdiction, within the required time, shall severally for each and every such violation and noncompliance, respectively, be guilty of an infraction, and upon conviction thereof shall be subject to a fine not to exceed three hundred dollars \$300.00. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue; and all such persons shall be required to correct or remedy such violations or defects within a reasonable time. It shall be unlawful for any person to violate this Ordinance, to permit or maintain a violation, or to refuse to obey any provisions hereof. Proof of any violation or failure to act shall be deemed prima facie evidence that such an act is that of the owner of the premises. Prosecution or lack thereof of any person for any violation of this Ordinance shall in no way release any other responsible person from prosecution for the same violation.

B. Any person, firm or corporation found guilty of an infraction shall be fined not less than ten dollars (\$10.00) for the first offense. Any person, firm or corporation found guilty of a second violation, occurring after the first conviction but within one year of the first conviction, shall be fined not less than twenty-five dollars (\$25.00) nor more than one hundred dollars (\$100.00). Any person, firm or corporation found guilty of a third violation, or any additional violation after the third, occurring within one year after the first offense shall be fined not less than fifty dollars (\$50.00) nor more than five hundred (\$500.00) for each offense. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues. For the purposes of this paragraph, only violations of the same ordinance provision at the same location shall be considered second or third offenses.

C. It is the intent of this ordinance that cases ordinarily will be started by citations rather than by arrests. This shall not prevent the court from issuing a warrant for a failure to appear for a required court hearing, or the arrest of a suspect under conditions where an arrest is lawful for other reasons. Nothing in this section shall be interpreted as preventing the issuance of a warrant for an arrest. Arrests shall be made by members of the police department.

D. The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.

Section 2. REPEAL OF CONFLICTING ORDINANCES.

All former ordinances or parts thereof conflicting or inconsistent with the provisions of this ordinance or of the *International Fire Code* as adopted and amended herein are hereby repealed.

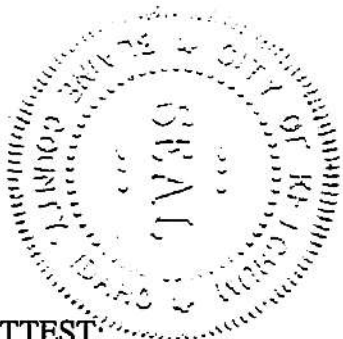
Section 3. VALIDITY.

The City of Ketchum, Idaho hereby declares that should any section, paragraph, sentence or word of this ordinance or of the *International Fire Code* as adopted and amended herein be declared for any reason to be invalid, it is the intent of the City of Ketchum, Idaho that it would have passed all other portions of this ordinance independent of the elimination here from of any such portion as may be declared invalid.

Section 4. EFFECTIVE DATE

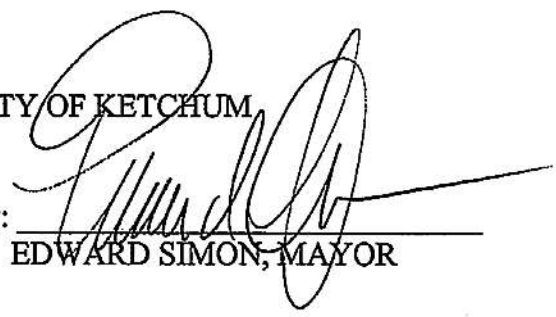
This Ordinance shall be in full force and effect from and after its passage, approval and publication according to law.

Passed BY THE City Council and APPROVED by the Mayor this 6th day of January, 2003.



CITY OF KETCHUM

By:



EDWARD SIMON, MAYOR

ATTEST:



SANDRA E. CADY
City Clerk

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