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## ORDINANCE NO. 828

AN ORDINANCE REPEALING SECTION II OF ORDINANCE NO. 784 AND ADOPTING THE UNIFORM FIRE CODE, 1997 EDITION, COPYRIGHTED BY THE INTERNATIONAL CONFERENCE OF BUILDING OFFICIALS AND WESTERN FIRE CHIEFS ASSOCIATION; REQUIRING COPIES OF SAID CODE TO BE KEPT IN THE OFFICE OF THE CITY CLERK; PROVIDING FOR A PENALTY FOR THE VIOLATION OF THIS ORDINANCE AND FOR SEVERABILITY; AND REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH AND PROVIDING WHEN THIS ORDINANCE SHALL BECOME EFFECTIVE.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF REXBURG, IDAHO:

SECTION I: That Ordinance No. 784 is hereby repealed.

SECTION II: That the document known as the Uniform Fire Code, 1997 Edition, including appendices as follows:

A. Section 101.8 References to Appendix. When this code references the Appendix, the provisions in the appendix shall not apply unless specifically adopted.

**The following appendixes are adopted:**

- 01. Appendix II-A Suppression and Control of Hazardous Fire Areas.**
- 02. Appendix II-C Marinas**
- 03. Appendix II-F Protected Above ground Tanks for Motor Vehicle Fuel Dispensing Stations Outside Buildings.**
- 04. Appendix II-J Storage of Flammable and Combustible Liquids in Tanks Located Within Below Grade Vaults.**
- 05. Appendix III-A Fire Flow Requirements for Buildings**
- 06. Appendix III-B Fire Hydrant Locations and Distribution**
- 07. Appendix V-A Nationally Recognized Standards of Good Practice**
- 08. Appendix VI-A Hazardous Materials Classifications**
- 09. Appendix VI-E Reference Tables from the Uniform Building Code.**

SECTION III: Additionally, the Uniform Fire Code is amended and changed in the following respects:

A. Section 103.3.2.1 General. Construction or work for which fire department approval is required shall be subject to inspection by the chief and such construction or work shall remain accessible and exposed for inspection purposes until approved. Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction. Inspections presuming to give authority to violate or cancel the provisions of this code or of other ordinances of the jurisdiction shall not be valid. It shall be the duty of the permit applicant or contractor or both to cause the work to remain accessible and exposed for inspection purposes. Neither the chief nor the jurisdiction shall be liable for expense entailed in the removal or replacement of any material required to allow inspection. **Approval as a result of plan reviews shall not be construed to be an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction. Plan reviews presuming to give authority to violate or cancel the provisions of this code or of the other ordinances of the jurisdiction shall not be valid.**

B. Section 104.3.2 Record retention. The fire department shall retain for not less than **five (5) years** a record of each investigation made showing the cause, the findings and disposition of each investigation.

C. Section 105.8. A permit **may be required** from the bureau of fire prevention prior to engaging in the following activities, operations, practice or functions:

D. Section 204. Chief is the chief officer of the fire department serving the jurisdiction, the chief officer's authorized representative, **or as appropriate, the Idaho State Fire Marshal.**

E. Section 1001.5.1 Inspection and testing. The chief is authorized to require periodic inspection and testing for fire sprinkler systems, fire hydrant systems, standpipe systems, fire alarm systems, portable fire extinguishers, smoke and heat ventilators, smoke-removal systems and other fire-protection or fire-extinguishing systems or appliances. Systems shall be inspected and tested as follows:

**1. Automatic fire-extinguishing systems shall be inspected and tested at least annually, see the current edition of NFPA 25.**

**2. Fire alarm systems shall be inspected and tested at least annually, see the current edition of NFPA 72.**

**3. Standpipe systems shall be inspected and tested at least every five years, see the current edition of NFPA 25.**

**An owner of a property or the authority having jurisdiction may establish a more stringent inspection and testing schedule.**

**EXCEPTIONS:** 1. Automatic fire-extinguishing equipment associated with commercial cooking operations when in compliance with Section 1006. 2. Systems in high-rise buildings when in compliance with Section 1001.5.4.

**All inspection and test reports shall be sent to the Authority Having Jurisdiction by the contractor (person) doing the maintenance or inspection. Reports of inspections and tests shall be maintained on the premises and made available to the Authority Having Jurisdiction when requested.**

F. Section 1003.1.2. Fire extinguishing systems shall be installed in accordance with the Uniform Fire Code and the current appropriate edition of the National Fire Protection Association Standards.

Fire extinguishing systems shall comply with the Uniform Fire Code and the current appropriate edition of the National Fire Protection Association standards.

G. Section 1107.1. Fire alarm systems shall be installed and maintained in accordance with the Uniform Fire Code and the current edition of NFPA 72.

H. Article 78. "Fireworks and Pyrotechnic Special Effects Material. Delete Section 7801.3 through 7801.3.1.2, and Section 7802.1 through 7802.4.3.

G. Section 7902.1.7.2.3. Upon approval of the Authority Having Jurisdiction underground tanks that comply with the performance standards for new or upgraded underground tanks set forth in 40 CFR 280.20 or 40 CFR 280.21 EPA final rule may remain out

of service indefinitely so long as they remain in compliance with the operation, maintenance and release detection requirements of the final rule.

**H. Section 8003.3.1.3.5.1 Upon approval of the Authority Having Jurisdiction, emergency response kits recommended by the Chlorine Institute may be used for chlorine gas product leaks in lieu of the treatment systems requirements of this section, as long as there are adequate responders immediately available, who are trained in their use and acceptable to the Authority Having Jurisdiction.**

SECTION IV: There has been on file, and there shall hereafter be kept on file, in the office of the City Clerk three (3) copies of said Uniform Fire Code, 1997 Edition, duly certified by the Clerk, for use and examination by the public.

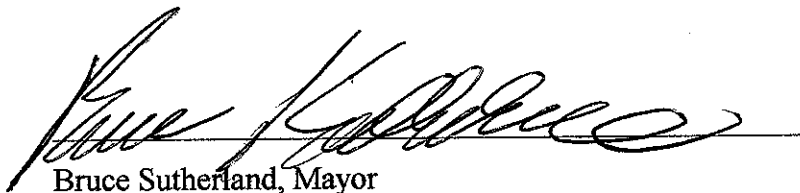
SECTION V: Any person, firm or corporation violating any provision of the Uniform Fire Code or its appendices shall, upon conviction thereof, be punishable by a fine not to exceed Three Hundred Dollars (\$300.00) or by imprisonment for not more than six (6) months or by both such fine and imprisonment for any single violation.

SECTION VI: The sections of this Ordinance are severable and the invalidity of a section shall not affect the validity of the remaining sections.

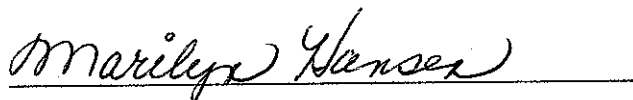
SECTION VII: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION VIII: This Ordinance shall become effective upon its passage, approval and publication in the manner provided by law.

PASSED BY THE COUNCIL AND APPROVED BY THE MAYOR this 6<sup>th</sup> day of September, 2000.

  
Bruce Sutherland, Mayor

ATTEST:

  
Marilyn Hansen, City Clerk

(SEAL)



**STATEMENT OF  
REXBURG CITY ATTORNEY  
AS TO ADEQUACY OF SUMMARY  
OF ORDINANCE 828**

The Undersigned, Stephen P. Zollinger, in his capacity as City Attorney of the City of Rexburg, Idaho, hereby certifies that he is the legal advisor of the City and has reviewed a copy of the attached Summary of Ordinance 828 of the City of Rexburg, Idaho, and has found the same to be true and complete and provides adequate notice to the public pursuant to Idaho Code 50-901A(3).

Dated this 7<sup>th</sup> day of September, 2000

  
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Stephen P. Zollinger, City Attorney

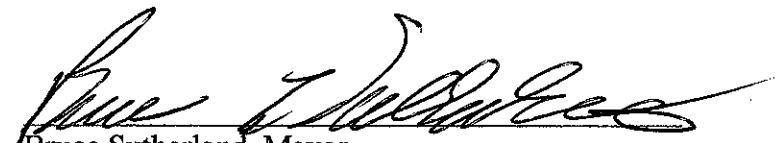
**SUMMARY OF ORDINANCE 828  
OF THE CITY  
OF REXBURG, IDAHO**

PUBLIC NOTICE IS HEREBY GIVEN that the City of Rexburg, Idaho, adopted at its regular meeting of September 6, 2000, that Ordinance No. 828 entitled:

AN ORDINANCE REPEALING SECTION II OF ORDINANCE NO. 784 AND ADOPTING THE UNIFORM FIRE CODE, 1997 EDITION, COPYRIGHTED BY THE INTERNATIONAL CONFERENCE OF BUILDING OFFICIALS AND WESTERN FIRE CHIEFS ASSOCIATION; REQUIRING COPIES OF SAID CODE TO BE KEPT IN THE OFFICE OF THE CITY CLERK; PROVIDING FOR A PENALTY FOR THE VIOLATION OF THIS ORDINANCE AND FOR SEVERABILITY; AND REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH AND PROVIDING WHEN THIS ORDINANCE SHALL BECOME EFFECTIVE.

The effective date of the Ordinance is the date of its passage, approval and publication. A copy of the full text of the Ordinance is available at City Hall, 12 North Center, Rexburg, Idaho. Examination or copies may be requested in writing or in person during regular business hours of the City Clerk, from 8 a.m. to 4 p.m. pursuant to the Open Records Act, Idaho Code, Title 9, Chapter 3.

Dated this 7<sup>th</sup> day of September, 2000.

  
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Bruce Sutherland, Mayor

ATTEST:

  
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Marilyn Hansen, City Clerk

Published: September 13, 2000