

## TITLE 15 BUILDINGS REGULATIONS

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Title 15 sets forth building and construction regulations relative to excavations, gas, fire, flood, etc.

For statutory provisions authorizing cities to adopt nationally recognized codes by reference, see [Idaho Code §50-901](#).

### CHAPTER 15.01 BUILDING CODE\*

\*Note to Chapter 15.01: For statutory provisions authorizing cities to adopt nationally recognized codes by reference, see [Idaho Code §50-901](#).

#### 15.01.010 Uniform Building Code adopted by reference – Copies on file

That certain documents, three (3) copies of each code of which are on file in the office of the City of Rexburg, Community Development Department of the City of Rexburg, being marked and designated as the *International Building Code, 2009* edition, the *International Residential Code 2009* edition, the *International Mechanical Code 2009* edition, the *International Fuel Gas Code 2009* edition and the *International Energy Conservation Code 2009* edition, all published by the International Code Council, the *NFPA 70 National Electrical Code as currently required by the State of Idaho* and the *Uniform Plumbing Code as currently required by the State of Idaho* and published by the International Association of Plumbing and Mechanical Officials **are hereby adopted as the Building Code of the City of Rexburg**, in the State of Idaho for regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use and the demolition of such structures as herein provided: proving for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, penalties, conditions and term of said Building Code on file in the office of the City of Rexburg Community Development Department are hereby referred to adopted and made a part hereof as if fully set out in this ordinance, with the additions, insertions and deletions and changes, if any, prescribed in Section 15.01.020 of this ordinance. ([Ord. 1059 § 1, 2010](#)).

#### 15.01.20 endments

For additional information regarding the following sections that are hereby revised please see [Ord. 1059 §2, 2010](#).

#### 15.01.030 Fees

That building permit fees and other inspection fees not identified in Section 15.01.020 above, shall be collected at time of Building Permit issuance and shall be as identified by Table 1A of the 1997 Uniform Building Code. ([Ord. 1059 §3, 2010](#))

#### **15.01.040 Severability**

That if any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of the ordinance. The Rexburg City Council hereby declares that it would have passed this ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional. ([Ord. 1059 §5, 2010](#))

That nothing in this ordinance or in the Building Code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in Section 15.01.020 of this ordinance: nor shall any just or legal right or remedy of any character lost, impaired or affected by this ordinance. ([Ord. 1059 §6, 2010](#))

#### **15.01.050 Violation – Penalty**

Any person, firm, or corporation violating any provision of the Building Code as described in Section 15.01.010 of this document, shall upon conviction thereof, be guilty of a general misdemeanor, which shall 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 said fine and imprisonment for any single violation, in addition to any penalty for any sanction provided for in the adopted Building Code as described in Section 15.01.010 of this document. Each day of violation shall constitute a separate offense. ([Ord.1059 § 8, 2010](#))

### **CHAPTER 15.02 LIFE SAFETY\***

\*Note to Chapter 15.02: For statutory provisions concerning life safety issues, administration and appeal, and violation –penalty, see Rexburg [Ordinance 851](#).

### **CHAPTER 15.03 EXCAVATIONS**

#### **15.03.010 Standards applicable**

Where not otherwise specified in this code, all materials and equipment used in the construction of public works in the city shall meet the standards as set forth in and approved by the American Society for Testing Materials. ([Ord. 530 §3, 1972](#)).

#### **15.03.020 Permit – Required – Recordkeeping – Fee**

No person shall hereafter make any excavation in any street, alley, or easement of the city without first having obtained a permit so to do from the city clerk, said permit to be issued in triplicate and a copy thereof delivered by the city clerk to the water department superintendent, a copy of the permit shall be filed, and kept on file, with the city clerk for a period of not less than five years after its issue. The city council, by resolution, shall set a fee to be charged the applicant by the city clerk and paid by the applicant before the issuance of the permit. ([Ord. 647 §1, 1982](#); [Ord. 565 §1, 1975](#); [Ord. 530 §1\(A\), 1972](#)).

### **15.03.030 Permit – Application – Notice of commencement of work**

Applications for permits may be made in person, by telephone, or by other medium of communication, but if the application is not made in person then the permittee or his/its qualified agent shall appear at the office of the city clerk-treasurer to execute the permit papers and file the necessary bond required in Section 15.03.040 not later than noon of the first working day following the application and before any excavation shall commence. Regardless of when any permit to excavate is issued, the permittee shall give notice to the city clerk-treasurer not more than twenty-four hours nor less than two hours before the time when the excavation is to commence. ([Ord. 565 §3, 1975](#); [Ord. 530 §1\(C\), 1972](#)).

### **15.03.040 Permit – Bond**

No permit shall be issued for any excavation unless the applicant shall present with the application, or file with the city clerk-treasurer, a bond in an amount sufficient to reconstruct said street, alley or easement as hereinafter in this chapter provided. The amount of said bond shall be fixed and determined by the street department superintendent, who shall make an estimate of the cost of such reconstruction of the street, alley or easement. In the event the applicant fails to reconstruct the street, alley or easement as hereinafter set forth, the city may proceed to do so and the cost thereof shall be paid from the bond filed by the applicant. ([Ord. 565 §2, 1975](#); [Ord. 530 §1\(B\)\(a\), 1972](#)).

### **15.03.050 Permit – Insurance required**

No permit shall be issued for any excavating unless the applicant shall present with the application, or have on file with the city clerk-treasurer, a certificate of insurance from an insurance company qualified to write contracts within the state, certifying that the applicant has public liability insurance with limits not less than five thousand dollars for property damage and not less than twenty thousand dollars per person and one hundred thousand dollars per occurrence for injury to the person, including death. All permits of any permittee shall be revoked immediately upon cancellation or expiration of the insurance. ([Ord. 530 §1\(B\), 1972](#)).

### **15.03.060 Backfilling and asphalt repairs – Specifications – Permittee responsibility**

The permittee shall be responsible for the backfilling and permanent asphalt repairs of the street, alley or easement in accordance with standard specifications on file in the office of the engineer. ([Ord. 530 §1\(D\), 1972](#)).

### **15.03.070 Safeguarding and maintenance responsibility**

It shall be the responsibility of the permittee to provide continuous maintenance and proper safeguards to the excavation until a permanent patch is completed and accepted by the street department. ([Ord. 530 §1\(E\), 1972](#)).

### **15.03.080 Asphalt repairs – Completion time**

Permanent asphalt repairs will be completed not later than ten days after the excavation has been backfilled, weather conditions permitting. In the event weather conditions prohibit permanent repairs, the street superintendent may authorize temporary cold patches to be replaced by the applicant when weather permits. ([Ord. 530 §1\(F\), 1972](#)).

### **15.03.090 Asphalt repairs – Performed by city when – Costs**

In the event the permittee does not make repairs within ten days after completion of backfill, the city may, at its election, complete the work and make such repair. In the event the repairs are completed by the city, the permittee agrees to pay to the city, within five days after determination of the amount, the cost of the city's repairs, based upon actual charges and cost to the city of repairs at the time the repair was completed. ([Ord. 530 §1\(G\), 1972](#)).

### **15.03.100 Precautions to prevent injury required – Penalty for failure to provide**

- 1) Any person who shall make any excavation along or upon any of the streets or alleys of the city shall use all necessary precautions to prevent injury to any person lawfully upon said streets.
- 2) Any person who makes any opening or excavation upon any of the public streets of the city and who fails to protect the public by proper warnings shall be deemed guilty of a misdemeanor. ([Ord. 530 §2, 1972](#)).

### **15.03.110 Violation deemed misdemeanor**

Any person who shall make any excavation upon any of the public streets, alleys or easements of the city in violation of the terms of this chapter shall be deemed guilty of a misdemeanor. ([Ord. 530 §1\(H\), 1972](#)).

## **CHAPTER 15.04 ELECTRICAL CODE\***

\*Note to Chapter 15.04: For statutory provisions authorizing cities to adopt nationally recognized codes by reference, see [Idaho Code §50-901](#).

### **15.04.010 Electric code adopted by reference**

That the document known as the National Electrical Code, copyrighted by the National Fire Protection Association, 2008 Edition, together with the amendments and revisions thereof, with the inclusion of appendices, is hereby adopted as the Electrical Code of the City of Rexburg, Idaho. Said Code provides for regulating and controlling the design, installation, quality of material, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of electrical systems, wires, circuit, motors, or other miscellaneous electrical equipment except as otherwise provided in said Code. ([Ord. 785 §1, 1996](#)).

### **15.04.020 Copies on file**

There has been on file and there shall hereafter be kept on file, in the office of the Clerk or City Engineer three (3) copies of said National Electrical Code, 2008 Edition, duly certified by the Clerk, for use and examination by the public. ([Ord. 785 §2, 1996](#)).

## **CHAPTER 15.05 GAS INSTALLATIONS**

### **15.05.010 Definitions**

As used in this chapter:

- 1) Gas: means natural gas, manufactured gas, hydrocarbon gas, or any mixture of gases produced, transmitted, distributed or furnished by any gas utility or agency.
- 2) Gas installations: means the installation of all facilities for producing, transmitting and distributing gas, and all accessory equipment, appurtenances and appliances necessary for the control and utilization of gas. ([Ord. 455 §1, 1965](#)).

#### **15.05.020 Gas production facilities**

[Section 3 of Ordinance no. 1054](#), adopting part of General Order No. 98 of the State of Idaho Public Utilities Commission, is hereby adopted and the same is hereby made a part hereof insofar as the provisions of said [Section 3 of Ordinance No. 1054](#) are applicable to the installation and maintenance of gas facilities in buildings. ([Ord. 455 §2\(a\), 1965](#)).

#### **15.05.030 Construction, operation and maintenance facilities for transmission and distribution**

[Section 2 of Ordinance No. 1054](#) adopting ASA B31.1.8 - 1959, as so adopted by [Section 2 of Ordinance No. 1054](#), is made a part hereof insofar as the same is applicable to the installations and maintenance of gas facilities in buildings. ([Ord. 455 §2\(b\), 1965](#)).

#### **15.05.040 Gas installations in buildings, adoption of N.B.F.U. pamphlet No. 54 as Gas Code**

The National Fire Protections Association Code No. 54 of 1969, regulating the construction, installation and maintenance of gas piping and gas appliances in buildings, and said National Fire Protection Association Code No. 54 under date of 1969, being of a general and permanent character as shown by three (3) copies thereof now on file in the office of the City Clerk, is hereby ratified and adopted as ordinances of Rexburg, and part of this ordinance, as regulating gas piping and gas appliances in buildings. ([Ord. 524 §1, 1972](#); [Ord. 455 §2\(c\), 1965](#)).

#### **15.05.050 Permit – Required**

It is unlawful for any person, firm or corporation to do or cause or permit to be done, whether acting as principal, agent or employee, any gas installation work of any nature in buildings or service lines thereto without first procuring a permit from the building inspector authorizing such work to be done. ([Ord. 455 §3\(a\), 1965](#)).

#### **15.05.060 Permit – Not required for certain work**

A permit shall not be required for the clearing of stoppages or repairing of leaks in pipes, valves, or fixtures when such repairs do not involve or require the replacement of rearrangement of pipes, valves or fixtures. It shall be required, notwithstanding, that work of this nature be performed by persons qualified under this chapter as competent to do such work. ([Ord. 455 §3\(b\), 1965](#)).

#### **15.05.070 Permit – Application – Information required**

Any person, firm or corporation legally entitled to receive a permit shall make application at the building inspector's office on the form provided. A description of the work proposed to be done, and location, ownership, occupancy and use of the premises shall be given. The building inspector may require plans and specifications and other such information as may be deemed necessary and pertinent for examination before granting the permit. When it has been determined

that the information furnished by the applicant is in compliance with this chapter, the permit shall be issued, upon payment of the required fees as hereinafter fixed. ([Ord. 455 §3\(c\), 1965](#)).

#### **15.05.080 Permit – Cost – Inspection fee**

The applicant shall pay for each permit issued, at the time of issuance, a permit fee, plus an inspection fee in accordance with fees set by the city council. ([Ord. 455 §3\(d\), 1965](#)).

#### **15.05.090 Inspection – Requirements generally – Piping and pressure tests**

For additional information on this section please see [Ord. 524 §2, 1972](#); [Ord. 455 §4\(a\), 1965](#)).

#### **15.05.100 Inspector qualifications and supervisory authority**

The Rexburg city installation inspector shall be under the supervision of the fire department. The inspector furnished by the city shall pass the examination for a gas-fitting contractor by the examining board; there will be no charge by the city for such examination. ([Ord. 455 §4\(g\), 1965](#)).

#### **15.05.110 Inspection – Installations completed before passage of chapter provisions**

All gas installations completed prior to the passage of the ordinance codified in this chapter must be inspected and have an inspection tag securely attached as hereinabove provided, to show compliance with this chapter, and in order to bring substandard installations up to the standards herein provided, for the benefit of the health, safety and protection and general welfare of the public. ([Ord. 455 §4\(f\), 1965](#)).

#### **15.05.120 Inspection – Notification of readiness required – Reinspection fee**

It shall be the duty of the permit holder to notify the building inspector at least four hours prior to the time of inspection, exclusive of Saturdays, Sundays and legal holidays, that he is ready for such inspection. When reinspection is required, after the final inspection as before described, it shall be made at a flat charge of two dollars per reinspection. ([Ord. 455 §4\(d\), 1965](#)).

#### **15.05.130 Inspection – Certification**

The building inspector shall either approve that portion of the work completed at the time of inspection, or shall notify the permit holder of wherein the same fails to comply with this chapter; and when final inspection has been made and the work approved, the building inspector shall certify to the gas company or utility supplying gas to the premises, by attaching securely an inspection tag at the approximate location of the appliance, that such inspection has been made and the system found satisfactory as required by this chapter and ready for the setting of a gas meter or meters. ([Ord. 455 §4\(b\), 1965](#)).

#### **15.05.140 Inspection – By gas supplier – Right of entry**

The right is reserved for entry to the premises by the gas company or utility, and it shall be required that said supplier make its own inspection of all facilities before connecting the meter and admitting gas to the system. The gas company or utility shall make a second inspection of all facilities after gas is admitted to the system to assure, in the presence of the permit holder, the proper functioning of the system and all appliances. ([Ord. 455 §4\(c\), 1965](#)).

#### **15.05.150 Restrictions for turning on gas**

It is unlawful for any person to turn on gas in any building unless all outlets are properly connected or capped with screwed fittings; and further, it is unlawful for any person, except a qualified employee or agent of the company or utility furnishing gas to the premises, to turn on or connect gas service in any building or on any premises where and when gas service is not at the time being rendered; further, it is unlawful for any gas company or utility furnishing gas to set or cause to be set or connected any gas meter, or to turn on gas, until the inspector's certificate of inspection has been given as before stipulated. ([Ord. 455 §4\(e\), 1965](#)).

#### **15.05.160 Installation work – Certification of competency required**

It is unlawful for any person, firm or corporation to engage in the work or business of making gas installations unless such person, or a responsible person representing the firm or corporation as hereinafter in this chapter prescribed, has successfully passed an examination conducted by the board of examiners, and has had issued to him a certificate of competency by said board in accordance with provisions of this chapter. ([Ord. 455 §5\(a\), 1965](#)).

#### **15.05.170 Classifications of competency designated – Qualifications**

For a complete list of these qualifications please see [Ord. 455 §5\(b\), 1965](#).

#### **15.05.180 Gas fitting contractor – Insurance prerequisite to licensing**

Every gas fitting contractor, before securing a license as hereinafter in this chapter provided, must post a certificate of insurance with the city, evidencing the insurance of the gas fitting contractor against property damage in an amount consistent with state regulations. ([Ord. 455 §5\(c\), 1965](#)).

#### **15.05.190 Installation work – License requirements**

Before any person, firm or corporation shall carry on or engage in the work or business of making gas installations, he shall procure a license applicable to the classification in which he proposes to work, and pay the annual license fee imposed on such classifications. The license shall not be transferable. Every applicant for a license shall present a certificate of competency or other identification as proof that he is entitled to or has been approved by the board of examiners as competent for the classification sought. If the applicant be a partnership, firm or corporation, the application shall be made by a bona fide member or agent thereof, who shall at all times be in actual charge of the applicant's gas installation business. When any person is designated and authorized to be or act as an agent for the applicant, such authorization shall be in writing, signed by the applicant and the person designated, one copy of which shall be filed with the examining board and one copy in the office of the city building inspector or the city clerk. ([Ord. 455 §5\(d\), 1965](#)).

#### **15.05.200 Violation – Penalty**

Any person, firm or corporation that violates, disobeys, omits, neglects or refuses to comply with, or resists the enforcement of any of the provisions of this chapter, upon conviction thereof shall be punishable as set forth in [Chapter 1.02.020](#) of this code. ([Ord. 455 §7, 1965](#)).

## **CHAPTER 15.06 SIGN CODE\***

\*Note to Chapter 15.06: Prior Ordinance History: [Ords. 528](#), and [775](#).  
Use and Placement of Signs: [here](#).

### **15.06.010 Clear View of Intersecting Streets**

No sign may be placed or constructed so that any portion thereof is placed or projects into any public right-of-way. For the purpose of ensuring reasonable visibility and safety this ordinance shall prohibit the placement of signs within the sight triangle. The sight triangle applies to corner lots on intersecting City streets. The sight triangle is defined as follows: The triangle of land formed on any corner lot by drawing two (2) lines, starting at the same afore mentioned corner point heading away from each other along the lot lines, right-of-way lines, or prescribed right-of-way lines (whichever is applicable), a distance of thirty (30) feet and then connected by a diagonal line along the endpoints of the two (2) drawn lines forming a triangle. ([Ord. 1115 Chapter 10 §3\(a\), 2014](#)).

### **15.06.020 The Maximum Height**

Unless further restricted in this Sign Code, the maximum height of any free standing sign shall be twenty-four (24) feet from ground level to the top of the sign. On lots where a 24 foot free standing sign is allowed and the building height is greater than 24 feet, the maximum height of a free standing sign may be reviewed under a Conditional Use Permit for a taller free standing sign not to exceed the building height. ([Ord. 1115 Chapter 10 §3\(b\)\(part\), 2014](#); [Ord. 1027 §2, 2010](#)).

### **15.06.030 Definitions**

Various types of signs and definitions relating to signs, **Schedule “A”** hereto and incorporated as a part of this Ordinance. This Schedule is not intended to be all-inclusive, but is to be for definition purposes in assisting in the understanding and compliance with the intent of this Ordinance. ([Ord. 1115 Chapter 10 §3\(c\), 2014](#); [Ord. 1027 §3, 2010](#)).

### **15.06.040 Use and Placement**

**Schedule “B” including (3 spread sheets showing the separate Zones)** attached hereto, and by reference made a part hereof, is intended to set forth various types of signs, and the respective zones in which such signs shall be allowed. ([Ord. 1115 Chapter 10 §3\(d\), 2014](#); [Ord. 1027 §4, 2010](#)).

### **15.06.050 Permits and Fees**

For additional information on this section please see [Ord. 1115 §3\(e\), 2014](#); [Ord. 1027 §5, 2010](#).

### **15.06.060 Copies on File**

There shall hereafter be kept on file, in the offices of the City Clerk and the Building Department, three (3) copies of this sign code, duly certified by the Clerk, for use and examination by the public. ([Ord. 1115 §4, 2014](#); [Ord. 1027 §6, 2010](#)).

### **15.06.070 Violation - Penalty**

Any person, firm or corporation violating any provision of this chapter shall be guilty of a misdemeanor, and be subject to the following civil penalties or remedies:

For a complete list of the penalties or remedies please see [Ord. 1115 §5, 2014](#): [Ord. 1027 §7, 2010](#).

#### **15.06.080 Severability**

The sections of this chapter are severable and the invalidity of a section shall not affect the validity of the remaining sections, which should be construed as closely as possible with the overall purpose and intent of this chapter in the event any portion hereof is deemed to be invalid. ([Ord. 1115 §6, 2014](#): [Ord. 1027 §8, 2010](#)).

### **CHAPTER 15.07 INTERNATIONAL FIRE CODE\***

\*Note to Chapter 15.07: Prior ordinance history: [Ords. 654, 672, 689, 784, 828, 873, 918, 933, 997, 1042, 1063, and 1096](#).

Ord. [1063](#) & [1096](#) are repealed by [Ord. 1109](#)

#### **15.07.010 International Fire Code 2012 adopted by reference [Ord 1109 §2, 2014](#).**

**15.07.104.6 Official records.** The fire code official shall keep official records as required by Sections 104.6.1 through 104.6.4. Investigations shall show the cause, the findings and deposition of each. Such official records shall be retained as indicated in the City of Rexburg Records Management Manual, Appendix D, September 2006. ([Ord. 1109 §3\(B\), 2014](#)).

**15.07.105.1.1 Permits required.** Permits required by this code shall be obtained from the Rexburg City Clerk. Permit fees are located [here](#) and shall be paid prior to issuance of the permit. Issued permits shall be kept on the premises designated therein at all times and shall be readily available for inspection by the fire code official. ([Ord. 1109 §3\(C\), 2014](#)).

**15.07.105.7.1 Automatic fire-extinguishing systems.** A construction permit and safety system certification permit are required for installation of or modification to an automatic fire-extinguishing system. Maintenance performed in accordance with this code is not considered a modification and does not require a permit ([Ord. 1109 §3\(D\), 2014](#)).

**15.07.105.7.5 Fire alarm and detection systems and related equipment.** A construction permit and a safety system certification permit are required for installation of/or modification to fire alarm and detection systems and related equipment. Maintenance performed in accordance with this code is not considered a modification and does not require a permit ([Ord. 1109 §3\(E\), 2014](#)).

**15.07.105.7.6 Fire pumps and related equipment.** A construction permit and safety system certification permit are required for installation of/or modification to fire pumps and related fuel tanks, jockey pumps, controllers and generators. Maintenance performed in accordance with this code is not considered a modification and does not require a permit ([Ord. 1109 §3\(F\), 2014](#)).

**15.07.106.5 Re-inspection fees.** A re-inspection fee may be assessed for each re-inspection when such portion of work for which inspection is called for is not completed or when corrections called for are not made within the allotted time ([Ord. 1109 §3\(G\), 2014](#)).

**15.07.109.3 Violation penalties.** Persons who shall violate a provision of this code or shall fail to comply with any of the requirements therein or who shall erect, install, alter, repair, or do work in violation of the approved construction documents or directive of the fire code official, or of a permit or certificate used under provisions of this code, shall be guilty of a misdemeanor, punishable by a fine of not more than \$500.00 dollars, or by imprisonment not exceeding 180 days, or both such fine and imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offence ([Ord. 1109 §3\(H\), 2014](#)).

**15.07.113.2 Schedule of permit fees.** A fee for each permit and repeated false alarms shall be paid as required, in accordance with the Rexburg Municipal Code; They can be found [here](#) ([Ord. 1109 §3\(K\), 2014](#)).

**15.07.113.3 Work commencing before permit issuance.** Any person who commences any work, activity or operation regulated by this code, before obtaining the necessary permits shall be subject to an additional fee established by the applicable governing authority which shall be in addition to the required permit fees. An exception shall be granted for emergency repair work performed during off-business hours. Emergency repair work shall be work similar in nature to repairing frozen or physically damaged piping in order to return a system to service ([Ord. 1109 §3\(L\), 2014](#)).

**15.07.113.6 Reimbursement of operational costs.** Madison Fire Department is authorized to seek reimbursement of response, suppression and ambulance costs from or related to incidents. The costs shall be based upon the current edition of the Idaho Fire Service Organization Rate Book ([Ord. 1109 §3\(M\), 2014](#))

**15.07.114 Safety system certification permit.** All installations, modifications, required maintenance, or servicing of life-safety systems are to be performed by an approved licensed business or person(s). A business or person(s) shall obtain a “Safety System Certification Permit” from the City Clerk’s office to do any work in the City of Rexburg. Permits shall expire one year from the date of issuance unless otherwise noted on the permit. Fire Alarm Contractors shall provide proof of Liability Insurance and proof of having a minimum of a NICET Level II certification for fire alarm systems design and NICET Level I for testing. Fire Sprinkler Contractors shall provide proof of Liability Insurance and proof of having a minimum of a NICET Level II certification for sprinkler system design, NICET Level I for testing, and any additional certifications as required. Certifications shall be equal to/or the equivalent as specified in NFPA 72 ([Ord. 1109 §3\(N\), 2014](#))

**15.07.114.1 Tags.** Tags for inspection of fire suppression systems, fire extinguishers, and fire alarm systems are required to be obtained from the Rexburg City Clerk’s office for use in the City of Rexburg ([Ord. 1109 §3\(O\), 2014](#))

**15.07.401.3.4 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 Madison Fire Department ([Ord. 1109 §3\(P\), 2014](#))

**15.07.401.5 Making false report.** A person shall not give, signal, or transmit a false report. The Fire Chief shall be authorized to seek restitution from the perpetrator and/or any and all accomplices for making false reports. Restitution for making false reports shall be the actual cost recovery of personnel, engines, and supplies according to the current edition of the Idaho Fire Service Organization Rate Book ([Ord. 1109 §3\(Q\), 2014](#)).

**15.07.501.4 Timing of installation.** When fire apparatus access roads, driveways, or a water supply for fire protection is required to be installed, such protection shall be installed and made serviceable prior to/and during the time of construction except when approved alternative methods of protection are provided. Temporary street signs shall be installed at each street intersection when construction of new roadways allows passage by vehicles in accordance with Section 505.2 ([Ord. 1109 §3\(S\), 2014](#)).

**15.07.502 .1 Driveway.** A driveway is a vehicular ingress and egress route that serves no more than five (5) single family dwellings, not including accessory structures ([Ord. 1109 §3\(T\), 2014](#)).

#### **15.07.503 FIRE APPARATUS ACCESS ROADS AND DRIVEWAYS**

For additional information on this section please see [Ord. 1109 §3\(U\), 2014](#)

**15.07.503.2.4 Turning radius.** The minimum turning radius shall be not less than 30 feet and an outside turning radius of not less than 45 feet ([Ord. 1109 §3\(W\), 2014](#)).

**15.07.503.4 Obstruction of fire apparatus access roads.** Fire apparatus access roads shall not be obstructed in any manner, including the parking of vehicles, the accumulation of snow, or the growing of vegetation. The minimum widths and clearances established in Section 503.2.1 shall be maintained at all times ([Ord. 1109 §3\(X\), 2014](#)).

**15.07.503.6 Security gates.** Where security gates are installed, they shall have an approved means of emergency operation and be equipped with a Knox Box®. The Knox Box® shall contain the appropriate key, card, or code to operate the security gate. The security gate and the emergency operation shall be maintained operational at all times. Electric gate openers, where provided, shall be listed in accordance with UL 325. Gates intended for automatic operation shall be designed, constructed, and installed to comply with the requirements of ASTM F 2200. Security gates shall be approved by the fire code official.

**15.07.503.7 Driveways.** Driveways shall be provided when any portion of an exterior wall of the first story of a building is located more than 150 feet from a fire apparatus access road.

Driveways shall provide a minimum unobstructed width of 12 feet and minimum unobstructed height of 13 feet 6 inches. Driveways in excess of 150 feet in length shall be provided with

turnarounds. Driveways in excess of 200 feet in length and 20 feet in width may require turnouts in addition to a turnaround ([Ord. 1109 §3\(Y\), 2014](#)).

**15.07.503.7.2 Turnarounds.** Driveway turnarounds shall have an inside turning radius of not less than 30 feet and outside turning radius of not less than 45 feet. Driveways that connect with an access road or roads at more than one point may be considered as having a turnaround if all changes of direction meet the radius requirements for driveway turnarounds.

**15.07.503.7.3 Turnouts.** Where line of sight along a driveway is obstructed by a man-made or natural feature, turnouts shall be located as may be required by the fire code official to provide for safe passage of vehicles. Driveway turnouts shall be of an all-weather road surface at least 10 feet wide and 30 feet long ([Ord. 1109 §3\(AA\), 2014](#)).

**15.07.503.7.4 Bridge load limits.** Vehicle load limits shall be posted at both entrances to bridges on driveways and private roads. Design loads for bridges shall be established by the fire code official and the city engineer ([Ord. 1109 §3\(BB\), 2014](#)).

**15.07.503.7.5 Address markers.** All buildings shall have a permanently posted address, which shall be placed at each driveway entrance and be visible from both directions of travel along the road. In all cases the address shall be posted at the beginning of construction and maintained thereafter. The address shall be visible and legible from the road on which the address is located. Address signs along one-way roads shall be visible from both the intended direction of travel and the opposite direction. Where multiple addresses are required at a single driveway, they shall be mounted on a single post and additional signs shall be posted at locations where driveways divide ([Ord. 1109 §3\(CC\), 2014](#)).

**15.07.503.7.6 Grade.** The gradient for driveways shall not exceed 10 percent unless approved by the fire code official ([Ord. 1109 §3\(DD\), 2014](#)).

**15.07.503.7.8 Surface.** Driveways shall be designed and maintained to support the imposed loads of local responding fire apparatus and shall be surfaced as to provide all weather driving capabilities. Driveways shall be constructed according to the latest version of Idaho Standards for Public Works Construction ([Ord. 1109 §3\(EE\), 2014](#)).

**15.07.503.8 Barricade specifications.** If emergency vehicle access roadways are secured with a barricade, chain, gate, or bollard, such barricade shall meet the following criteria. Removal or opening of said barricade must result in a clear unobstructed road width of at least twenty (20) feet. Chains and locks shall not 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 fire code official. Access roadways shall be maintained year-round, including snow removal ([Ord. 1109 §3\(FF\), 2014](#)).

**15.07.505.3 Multi-family dwelling address.**

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. The 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.

When apartment, condominium, or town house complexes (more than one structure) have been assigned one address, each individual building shall also be assigned a number. The building number shall be posted in a conspicuous location with the number being a minimum of twelve (12) inches in height in a contrasting color to the background. Unit or apartment numbers shall then be assigned in the 10, 100, 200, 300, etc. series per floor as identified in paragraph a. of this section ([Ord. 1109 §3\(Q\), 2014](#)).

**15.07.506.1 Knox Box® location.** Where access to or within a structure or an area is restricted because of secured openings or where immediate access is necessary for life-saving or fire-fighting purposes, the fire code official is authorized to require a Knox Box® (s) to be installed in approved locations. The Knox Box®(s) shall contain keys, cards, or codes to gain necessary access and operate life safety equipment as required by the fire code official. All newly constructed structures subject to this section shall have the Knox Box®(s) installed and containing the required keys prior to the issuance of an occupancy permit. Locations shall include:

For a complete list of what these locations include please see [Ord. 1109 §3\(KK\), 2014](#).

**15.07. 507.2 Type of water supply.** A water supply shall consist of water delivered by fire apparatus, reservoirs, pressure tanks, elevated tanks, water mains, or other sources capable of providing the required fire flow as approved by the fire code official. No exceptions allowed ([Ord. 1109 §3\(LL\), 2014](#)).

**15.07.507.5.7 Fire hydrant distance from buildings.** Fire hydrants shall not be installed closer than forty (40) feet and/or at access points to buildings. In such areas of the city where forty (40) feet is an impractical distance, the code official may allow a lesser distance. Access to hydrants adjacent to properties must be approved by the fire code official ([Ord. 1109 §3\(PP\), 2014](#)).

**15.07.507.5 Fire hydrant systems.** Fire hydrant systems shall comply with sections 507.5.1 through 507.5.7 ([Ord. 1109 §3\(NN\), 2014](#)).

**15.07.507.5.5 Clear space around hydrants.** A 3-foot clear space shall be maintained around the circumference of fire hydrants, including snow, except as otherwise required or approved ([Ord. 1109 §3\(OO\), 2014](#)).

**15.07.507.5.7 Fire hydrant models.** New fire hydrants shall be the Waterous® WB67-250, Mueller® A-423, or Clow® F-2545. New hydrants shall be painted red and installed with a 5 inch Storz fitting and cap ([Ord. 1109 §3\(QQ\), 2014](#)).

**15.07.509.2 Equipment access.** Approved access shall be provided and maintained for all fire protection equipment to permit immediate safe operation and maintenance of such equipment. Storage, trash and other materials, or objects shall not be placed or kept in such a manner that would prevent such equipment from being readily accessible. A working space shall be clearly marked and identified of not less than thirty (30) inches on each side of fire suppression sprinkler riser piping and not less than thirty-six (36) inches in front of fire suppression sprinkler riser piping shall be provided.

**15.07.901.6.2 Records.** Records of all system inspections, tests and maintenance required by the referenced standards shall be maintained on the premises for a minimum of three years. An additional copy of all inspection and test reports shall be sent to Madison Fire Department by the contractor (person) doing the maintenance or inspection ([Ord. 1109 §3\(RR\), 2014](#)).

**15.07.903.1.2 Warehouse sprinkler systems.** An automatic sprinkler system shall be installed in warehouse type buildings where any portion of the building has an open ceiling height over twelve (12) feet.

**15.07.903.1.3 Freeze protection.** Approved automatic sprinkler systems in new buildings and structures shall be protected from freezing to a temperature of  $-40^0$  Fahrenheit. ([Ord. 1096 §3\(MM\), 2012](#))

**15.07.903.2 Where required.** Approved automatic sprinkler systems in new buildings and structures shall be provided in the locations described in Sections 903.2.1 through 903.2.12.

**15.07.903.3.1.2 NFPA 13R sprinkler systems.** Where allowed in buildings of Group R, with three (3) to twelve (12) dwelling units, automatic sprinkler systems shall be installed throughout in accordance with NFPA 13R or NFPA 13 ([Ord. 1109 §3\(SS\), 2014](#)).

**15.07. 903.3.7 Fire department connections.** The location of fire department connections (FDC) shall be within 150 feet of a hydrant and adjacent to the fire apparatus access road. The FDC shall include clappers. ([Ord. 1096 §3\(OO\), 2012](#))

- **15.07. 903.3.8 Approved piping.** All piping and fittings four inches or greater shall be ductile iron beginning at a minimum of three feet from the exterior of the building or structure and continuing through to the appurtenances associated with the fire suppression system. Private fire service mains and their appurtenances shall be tested in accordance to NFPA 24. ([Ord. 1096 §3\(PP\), 2012](#))

- **15.07.905.1 General.** Standpipe systems shall be provided in new buildings and structures in accordance with this section. The hose threads used in connection with standpipe systems shall be approved and shall be compatible with fire department hose threads. The location of fire department hose connections shall be approved. All Standpipe systems shall be automatic standpipe systems as defined by NFPA 14 unless approved by the Fire Chief or his designee. In buildings used for high-piled combustible storage, fire protection shall be in accordance with Chapter 23 ([Ord. 1109 §3\(WW\), 2014](#)).

- **15.07.906.5 Conspicuous location.** Portable fire extinguishers shall be located in conspicuous locations where they will be readily accessible and immediately available for use. R-2 occupancies shall have at a minimum one portable fire extinguisher within the dwelling unit located near the cooking area. These locations shall be along normal paths of travel, unless the fire code official determines that the hazard posed indicates the need for placement away from normal paths of travel. ([Ord. 1109 §3\(YY\), 2014](#); [Ord. 1096 §2\(RR\), 2012](#))

**15.07.907.1 General.** This section covers the application, installation, performance, and maintenance of fire alarm systems and their components in new and existing buildings and structures. The requirements of Section 907.2 are applicable to new buildings and structures. The requirements of Section 907.3 are applicable to existing buildings and structures. No partial fire alarm and detection systems shall be allowed ([Ord. 1109 §3\(ZZ\)\(part\), 2014](#)).

**15.07.907.7.1. Wiring.** Wiring shall comply with the requirements of NFPA 70 and NFPA 72. Wireless protection systems utilizing radio-frequency transmitting devices shall comply with the special requirements of supervision of low-power wireless systems in NFPA 72. All wiring not installed in conduit shall be installed with approved hangers or protective devices. All hangers or protective devices must meet the approval of the fire code official ([Ord. 1109 §3\(AAA\), 2014](#)).

- **15.07.907.7.3.2.3 Zone and address location labeling.** Fire alarm control panels (FACP) shall have all zones and address points plainly and permanently labeled as to their location, on the outside of the panel or on an easily readable map of the building affixed to the outside of the panel. The annual inspection shall include inspections items identified in NFPA 72 and include a random inspection of 10% of the initiating devices to ensure proper labeling of the address on the device and address verification at the FACP. The access doors leading to the FACP shall be posted with “FACP” in four inch tall letters with ½” stroke width. Remote annunciators shall be installed in approved locations. ([Ord. 1109 §3\(BBB\), 2014](#); [Ord. 1096 §2\(UU\), 2012](#))

- **15.07.4601.1 Scope.** The provisions of this chapter shall apply to existing buildings constructed prior to the adoption of this code and only if in the opinion of the fire code official, they constitute a distinct hazard to life or property ([Ord. 1109 §3\(DDD\), 2014](#)).

- **15.07.B105.3 Hydrant testing.** Fire flow testing of hydrants shall be supervised by the fire code official. Documentation of the hydrant testing shall be made available to the fire code official within 10 working days. ([Ord. 1096 §2\(WW\), 2012](#))

**15.07.D103.3 Turning radius.** The minimum turning radius shall not be less than 30 feet and an outside turning radius of not less than 45 feet ([Ord. 1109 §3\(KKK\), 2014](#)).

**15.07.D103.6.2.3 Fire access signage.** All occupancies classified as commercial shall have fire access roadways posted with the proper signs as in Section D103.6 at seventy-five (75) foot intervals from the center of the fire access road. Additionally, curbs shall be painted red and maintained as required by the fire code official. ([Ord. 1109 §3\(LL\), 2014](#))

- **15.07.D105.3 Proximity to building.** Buildings or structures of four stories or less shall have at least one of the required access routes located within a minimum of 15 feet and maximum of 45 feet from the building, and shall be positioned parallel to one entire side of the building. Buildings or structures greater than four stories shall have at least one of the required access routes located within a minimum of 15 feet and maximum of 30 feet from the building, and shall be positioned parallel to one entire side of the building. ([Ord. 1109 §3\(MMM\), 2014](#))

## **CHAPTER 15.08 FIRE DEPARTMENT LOCK BOX**

**15.08.010 Repealed by [Ordinance 1063](#)**

## **CHAPTER 15.09 FLOOD DAMAGE PREVENTION**

### **15.09.010 Statutory authorization**

The Legislature of the state of Idaho has, in statutes, delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the city council of the city of Rexburg, Idaho, does ordain as set out in this chapter. ([Ord. 717 §1.1, 1991](#)).

### **15.09.020 Findings of fact**

The flood hazard areas of the city of Rexburg are subject to periodic inundation which results in loss of life and property, health, and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

These flood losses are caused by the cumulative effect of obstructions in areas of special flood hazards which increase flood heights and velocities, and when inadequately anchored, damage uses in other areas. Uses that are inadequately floodproofed, elevated, or otherwise protected from flood damage also contribute to the flood loss. ([Ord. 717 §1.2, 1991](#)).

### **15.09.030 Statement of purpose**

It is the purpose of this chapter to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

For the specific points of the purpose please see [Ord. 717 §1.3, 1991](#).

### **15.09.040 Methods of reducing flood losses**

In order to accomplish its purposes, this chapter includes methods and provisions for:

For additional information please see [Ord. 717 §1.4, 1991](#).

### **15.09.050 Definitions**

For additional information on this section please see [Ord. 717 §2.0, 1991](#).

**15.09.060 Lands to which this chapter applies**

This ordinance shall apply to all areas of special flood hazards within the jurisdiction of the city of Rexburg. ([Ord. 717 §3.1, 1991](#)).

**15.09.070 Basis for establishing the areas of special flood hazard**

The areas of special flood hazard identified by the Federal Insurance Administration in a scientific and engineering report entitled "The Flood Insurance Study for Madison County and Its Incorporated Cities," dated January 17, 1990, with accompanying Flood Insurance Maps is adopted by reference and declared to be a part of this chapter. The Flood Insurance Study is on file at the city clerk's office, City Building, 35 North 1st East, Rexburg, Idaho. ([Ord. 717 §3.2, 1991](#)).

**15.09.080 Penalties for noncompliance**

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this chapter and other applicable regulations. Violation of the provisions of this chapter by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Any person who violates this chapter or fails to comply with any of its requirements shall upon conviction thereof be fined not more than three hundred dollars or imprisoned for not more than one hundred eighty days, or both, for each violation, and in addition shall pay all costs and expenses involved in the case. Nothing herein contained shall prevent the city of Rexburg from taking such other lawful action as is necessary to prevent or remedy any violations. ([Ord. 717 §3.3, 1991](#)).

**15.09.090 Abrogation and greater restrictions**

This chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this chapter and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail. ([Ord. 717 §3.4, 1991](#)).

**15.09.100 Interpretation**

In the interpretation and application of this chapter, all provisions shall be:

- 1) Considered as minimum requirements;
- 2) Liberally construed in favor of the governing body; and,
- 3) Deemed neither to limit nor repeal any other powers granted under state statutes. ([Ord. 717 §3.5, 1991](#)).

**15.09.110 Warning and disclaimer of liability**

The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by manmade or natural causes. This chapter does not imply that land outside the areas of special flood hazards or uses permitted

within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the city of Rexburg, any officer or employee thereof, or the Federal Insurance Administration, for any flood damages that result from reliance on this chapter or any administrative decision lawfully made hereunder. ([Ord. 717 §3.6, 1991](#)).

**15.09.120 Development permit required**

A development permit shall be obtained before construction or development begins within any area of special flood hazard established in Section 15.09.070. The permit shall be for all structures, including manufactured homes, as set forth in the definitions and for all development including fill and other activities, also as set forth in the definitions. ([Ord. 717 §4.1-1, 1991](#)).

**15.09.130 Application for development permit**

Application for a development permit shall be made on forms furnished by the city clerk and/or city building inspector and may include but not be limited to plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing. Specifically, the following information is required:

For details of the required information please see [Ord. 717 §4.1-2, 1991](#).

**15.09.140 Designation of the city building inspector as administrator**

The city building inspector is appointed to administer and implement this chapter by granting or denying development permit applications in accordance with its provisions. (Ord. 717 §4.2, 1991).

**15.09.150 Duties and responsibilities of the city building inspector**

For additional information on this section please see [Ord. 717 §4.3, 1991](#).

**15.09.160 Variance procedures – Appeals board**

For additional information on this section please see [Ord. 717 §4.4-1, 1991](#).

**15.09.170 Conditions for variances**

For additional information on this section please see [Ord. 717 §4.4-2, 1991](#).

**15.09.180 Provisions for flood hazard reduction – General standards**

For additional information on this section please see [Ord. 717 §5.1, 1991](#).

**15.09.190 Specific standards**

For additional information on this section please see [Ord. 717 §5.2, 1991](#).

**15.09.200 Floodways**

For additional information on this section please see [Ord. 717 §5.3, 1991](#).

**CHAPTER 15.10 COMMERCIAL BUILDING DESIGN STANDARDS**

All commercial establishments are to follow the Commercial Design Standards. ([Ord. 1026, 2009](#))