

Boise Municipal Code

the Assistant Fire Marshal to act as the code official.
(6308, Added, 03/02/2004)

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

“Education Group E, Day Care” is to be changed from “...more than 5 children...” to “...more than 12 children...”.
(6308, Added, 03/02/2004)

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

“Group I-4, Child care facilities” is to be changed from “...more than 5 children” to “...more than 12 children...”.

AMENDMENTS TO CHAPTER 3 OF THE IFC

(6308, Added, 03/02/2004)

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

Add a Section 304.1.2.1 to read as follows:

304.1.2.1. Weed and Grass Mitigation. When cut or uncut weeds, grass, vines, and other vegetation are over 10 inches in height or determined by the code official to be a fire hazard, the owner shall be notified of the hazard by registered or certified mail addressed to said owner at his last known address or hand delivered. Upon failure, neglect, or refusal of any owner or agent to abate the hazard by cutting or removing the vegetation within five (5) days of receipt of the notice or five (5) days after the date of said notice if it is returned as undelivered, the code official is hereby authorized and empowered to pay for cutting and removing of cut or uncut weeds, grass, vines, and other vegetation, as authorized by Idaho Code 50-317. The charges for cutting and removing cut or uncut weeds, grass, vines, and other vegetation shall constitute a special assessment and be collected as authorized under Idaho Code 50-1008.
(6308, Added, 03/02/2004)

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

Section 307.2 is revised to read as follows:

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

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

(6308, Added, 03/02/2004)

Section 7-01-23 AMENDMENT ADDING SECTION 307.2.3, AIR QUALITY INDEX

Add a Section 307.2.3 to read as follows:

307.2.3 All open burning, even if a valid permit has been issued or no permit is required, is

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

AMENDMENTS TO CHAPTER 4 OF THE IFC

(6308, Added, 03/02/2004)

Section 7-01-24 AMENDMENT ADDING SECTION 401.3.1.2, RESTITUTION FOR MALICIOUS FALSE ALARMS

Add a Section 401.3.1.2 to read as follows:

401.3.1.2 The code official shall be authorized to seek restitution from the perpetrator and/or any and all accomplices for false alarms. Restitution for false alarms shall be the actual cost recovery of a first alarm assignment.

(6308, Added, 03/02/2004)

Section 7-01-25 AMENDMENT ADDING SECTION 401.3.4, SILENCING FIRE ALARMS

Add a Section 401.3.4 to read as follows:

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 the Fire Department.

(6308, Added, 03/02/2004)

Section 7-01-26 AMENDMENT ADDING SECTION 401.5, RESTITUTION FOR INTENTIONALLY-SET FIRES

Add a Section 401.5 to read as follows:

401.5 Restitution. The code official is authorized to charge restitution for responding to juvenile-caused or any other intentionally-set fires. The restitution for fire response shall be the actual cost recovery of a first alarm assignment.

AMENDMENTS TO CHAPTER 5 OF THE IFC

(6308, Added, 03/02/2004)

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

Add a Section 501.5 to read as follows:

501.5 Authority for Establishing Standards and Requirements for Fire Access Roads. Ada County Highway District (ACHD) is the authority to regulate all aspects of public streets. However, should ACHD remain silent on an issue, or in the event ACHD defers a decision to the Fire Department, then the standards in this code shall be considered as requirements.

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

Amend Section 109.3 by inserting the following to read:

...shall be guilty of a misdemeanor punishable by a fine of not more than \$300 or by imprisonment not exceeding 6 months or both...

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

Amend Section 111.4 to read as follows:

Any person who shall continue to perform any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be guilty of a misdemeanor punishable by a fine of not more than \$300 or by imprisonment not exceeding 6 months, or both such fine and imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

AMENDMENTS TO CHAPTER 2 OF THE IFC

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

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

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

"Education Group E, Day Care" is to be changed from "...more than 5 children..." to "...more than 12 children...".

7-01-20 AMENDMENT TO SECTION 202 GENERAL DEFINITIONS

"Group I-4, Child care facilities" is to be changed from "...more than 5 children" to "...more than 12 children...".

AMENDMENTS TO CHAPTER 3 OF THE IFC

7-02-21 AMENDMENT ADDING SECTION 304.1.2.1, WEED AND GRASS MITIGATION

Add a Section 304.1.2.1 to read as follows:

304.1.2.1. Weed and Grass Mitigation. When cut or uncut weeds, grass, vines, and other vegetation are over 10 inches in height or determined by the code official to be a fire hazard, the owner shall be notified of the hazard by registered or certified mail addressed to said owner at his last known address or hand delivered. Upon failure, neglect, or refusal of any owner or agent to abate the hazard by cutting or removing the vegetation within five (5) days of receipt of the notice or five (5) days after the date of said notice if it is returned as undelivered, the code official is hereby authorized and empowered to pay for cutting and removing of cut or uncut weeds, grass, vines, and other vegetation,

CHAPTER 3

GENERAL PRECAUTIONS AGAINST FIRE

SECTION 301
GENERAL

301.1 Scope. The provisions of this chapter shall govern the occupancy and maintenance of all structures and premises for precautions against fire and the spread of fire.

301.2 Permits. Permits shall be required as set forth in Section 105.6 for the activities or uses regulated by Sections 306, 307, 308.3, 308.4, 308.5 and 315.

SECTION 302
DEFINITIONS

302.1 Definitions. The following words and terms shall, for the purposes of this chapter and as used elsewhere in this code, have the meanings shown herein.

BONFIRE. An outdoor fire utilized for ceremonial purposes.

OPEN BURNING. The burning of materials wherein products of combustion are emitted directly into the ambient air without passing through a stack or chimney from an enclosed chamber. Open burning does not include road flares, smudgepots and similar devices associated with safety or occupational uses typically considered open flames or recreational fires. For the purpose of this definition, a chamber shall be regarded as enclosed when, during the time combustion occurs, only apertures, ducts, stacks, flues or chimneys necessary to provide combustion air and permit the escape of exhaust gas are open.

POWERED INDUSTRIAL TRUCK. A forklift, tractor, platform lift truck or motorized hand truck powered by an electrical motor or internal combustion engine. Powered industrial trucks do not include farm vehicles or automotive vehicles for highway use.

RECREATIONAL FIRE. An outdoor fire burning materials other than rubbish where the fuel being burned is not contained in an incinerator, outdoor fireplace, barbeque grill or barbeque pit and has a total fuel area of 3 feet (914 mm) or less in diameter and 2 feet (610 mm) or less in height for pleasure, religious, ceremonial, cooking, warmth or similar purposes.

SECTION 303
ASPHALT KETTLES

303.1 Transporting. Asphalt (tar) kettles shall not be transported over any highway, road or street when the heat source for the kettle is operating.

Exception: Asphalt (tar) kettles in the process of patching road surfaces.

303.2 Location. Asphalt (tar) kettles shall not be located within 20 feet (6096 mm) of any combustible material, combustible building surface or any building opening and within a controlled area identified by the use of traffic cones, barriers or other approved means. Asphalt (tar) kettles and pots shall not

be utilized inside or on the roof of a building or structure. Roofing kettles and operating asphalt (tar) kettles shall not block means of egress, gates, roadways or entrances.

303.3 Location of fuel containers. Fuel containers shall be located at least 10 feet (3048 mm) from the burner.

Exception: Containers properly insulated from heat or flame are allowed to be within 2 feet (610 mm) of the burner.

303.4 Attendant. An operating kettle shall be attended by a minimum of one employee knowledgeable of the operations and hazards. The employee shall be within 100 feet (30 480 mm) of the kettle and have the kettle within sight. Ladders or similar obstacles shall not form a part of the route between the attendant and the kettle.

303.5 Fire extinguishers. There shall be a portable fire extinguisher complying with Chapter 9 and with a minimum 40-B:C rating within 25 feet (7620 mm) of each asphalt (tar) kettle during the period such kettle is being utilized, and one additional portable fire extinguisher with a minimum 40-B:C rating on the roof being covered.

303.6 Lids. Asphalt (tar) kettles shall be equipped with tight-fitting lids.

303.7 Roofing kettles. Roofing kettles shall be constructed of noncombustible materials.

303.8 Fuel containers under air pressure. Fuel containers that operate under air pressure shall not exceed 20 gallons (76 L) in capacity and shall be approved.

SECTION 304
COMBUSTIBLE WASTE MATERIAL

304.1 Waste accumulation prohibited. Combustible waste material creating a fire hazard shall not be allowed to accumulate in buildings or structures or upon premises.

304.1.1 Waste material. Accumulations of wastepaper, wood, hay, straw, weeds, litter or combustible or flammable waste or rubbish of any type shall not be permitted to remain on a roof or in any court, yard, vacant lot, alley, parking lot, open space, or beneath a grandstand, bleacher, pier, wharf, manufactured home, recreational vehicle or other similar structure.

304.1.2 Vegetation. Weeds, grass, vines or other growth that is capable of being ignited and endangers property, shall be cut down and removed by the owner or occupant of the premises.

304.1.3 Space underneath seats. Spaces underneath grandstand and bleacher seats shall be kept free from combustible and flammable materials. Except where enclosed in not less than 1-hour fire-resistance-rated construction in accordance with the *International Building Code*, spaces underneath grandstand and bleacher seats shall not be

occupied or utilized for purposes other than means of egress.

304.2 Storage. Storage of combustible rubbish shall not produce conditions that will create a nuisance or a hazard to the public health, safety or welfare.

304.3 Containers. Combustible rubbish, and waste material kept within a structure shall be stored in accordance with Sections 304.3.1 through 304.3.3.

304.3.1 Spontaneous ignition. Materials susceptible to spontaneous ignition, such as oily rags, shall be stored in a listed disposal container.

304.3.2 Capacity exceeding 5.33 cubic feet. Containers with a capacity exceeding 5.33 cubic feet (40 gallons) (0.15 m³) shall be provided with lids. Containers and lids shall be constructed of noncombustible materials or approved combustible materials.

304.3.3 Capacity exceeding 1.5 cubic yards. Dumpsters and containers with an individual capacity of 1.5 cubic yards (40.5 cubic feet) (1.15 m³) or more shall not be stored in buildings or placed within 5 feet (1524 mm) of combustible walls, openings or combustible roof eave lines.

Exceptions:

1. Dumpsters or containers in areas protected by an approved automatic sprinkler system complying with Chapter 9.
2. Storage in a structure shall not be prohibited where the structure is of Type I or Type IIA construction, located not less than 10 feet (3048 mm) from other buildings and used exclusively for dumpster or container storage.

SECTION 305 IGNITION SOURCES

305.1 Clearance from ignition sources. Clearance between ignition sources, such as light fixtures, heaters and flame-producing devices, and combustible materials shall be maintained in an approved manner.

305.2 Hot ashes and spontaneous ignition sources. Hot ashes, cinders, smoldering coals or greasy or oily materials subject to spontaneous ignition shall not be deposited in a combustible receptacle, within 10 feet (3048 mm) of other combustible material including combustible walls and partitions or within 2 feet (610 mm) of openings to buildings.

Exception: The minimum required separation distance to other combustible materials shall be 2 feet (610 mm) where the material is deposited in a covered, noncombustible receptacle placed on a noncombustible floor, ground surface or stand.

305.3 Open-flame warning devices. Open-flame warning devices shall not be used along an excavation, road, or any place where the dislodgment of such device might permit the device to roll, fall or slide on to any area or land containing combustible material.

305.4 Deliberate or negligent burning. It shall be unlawful to deliberately or through negligence set fire to or cause the burning of combustible material in such a manner as to endanger the safety of persons or property.

SECTION 306 MOTION PICTURE FILM AND SCREENS

306.1 Motion picture projection rooms. Electric arc, xenon or other light source projection equipment which develops hazardous gases, dust or radiation and the projection of ribbon-type cellulose nitrate film, regardless of the light source used in projection, shall be operated within a motion picture projection room complying with Section 409 of the *International Building Code*.

306.1.1 Posting. Projection rooms that are limited to the projection of safety film shall have posted on the outside of each projection room door and within the projection room an approved sign having 1-inch (25 mm) block letters stating: SAFETY FILM ONLY IS PERMITTED IN THIS ROOM.

306.2 Cellulose nitrate film storage. Storage of cellulose nitrate film shall be in accordance with NFPA 40.

306.3 Motion picture screens. The flame spread index of screens on which motion pictures are projected shall not exceed 75 when tested in accordance with NFPA 255.

SECTION 307 OPEN BURNING

307.1 General. A person shall not kindle or maintain or authorize to be kindled or maintained any open burning unless conducted and approved in accordance with this section.

307.2 Permit required. A permit shall be obtained from the code official in accordance with Section 105.6 prior to kindling a fire for recognized silvicultural or range or wildlife management practices, prevention or control of disease or pests, or a bonfire. Application for such approval shall only be presented by and permits issued to the owner of the land upon which the fire is to be kindled.

307.2.1 Authorization. Where required by state or local law or regulations, open burning shall only be permitted with prior approval from the state or local air and water quality management authority, provided that all conditions specified in the authorization are followed.

307.2.2 Prohibited open burning. Open burning that will be offensive or objectionable due to smoke or odor emissions when atmospheric conditions or local circumstances make such fires hazardous shall be prohibited. The code official is authorized to order the extinguishment by the permit holder or the fire department of open burning which creates or adds to a hazardous or objectionable situation.

307.3 Location. The location for open burning shall not be less than 50 feet (15 240 mm) from any structure, and provisions

shall be made to prevent the fire from spreading to within 50 feet (15 240 mm) of any structure.

Exceptions:

1. Fires in approved containers that are not less than 15 feet (4572 mm) from a structure.
2. The minimum required distance from a structure shall be 25 feet (7620 mm) where the pile size is 3 feet (914 mm) or less in diameter and 2 feet (610 mm) or less in height.

307.3.1 Bonfires. A bonfire shall not be conducted within 25 feet (7620 mm) of a structure or combustible material unless the bonfire is contained in a barbecue pit. Conditions which could cause a fire to spread within 25 feet (7620 mm) of a structure shall be eliminated prior to ignition.

307.3.2 Recreational fires. Recreational fires shall not be conducted within 25 feet (7620 mm) of a structure or combustible material unless the fire is contained in a barbecue pit. Conditions which could cause a fire to spread within 25 feet (7620 mm) of a structure shall be eliminated prior to ignition.

307.4 Attendance. Open burning, bonfires or recreational fires shall be constantly attended until the fire is extinguished. A minimum of one portable fire extinguisher complying with Section 906 with a minimum 4-A rating or other approved on-site fire-extinguishing equipment, such as dirt, sand, water barrel, garden hose or water truck, shall be available for immediate utilization.

307.5 Open-flame cooking devices. Charcoal burners and other open-flame cooking devices shall not be operated on combustible balconies or within 10 feet (3048 mm) of combustible construction.

Exceptions:

1. One- and two-family dwellings.
2. Where buildings and decks are protected by an automatic sprinkler system.

307.5.1 Liquefied-petroleum-gas-fueled cooking devices. LP-gas burners having a LP-gas container with a water capacity greater than 2.5 pounds (1.14 kg) [nominal 1 pound (0.454 kg) LP-gas capacity] shall not be located on combustible balconies or within 10 feet (3048 mm) of combustible construction.

Exception: One- and two-family dwellings.

SECTION 308 OPEN FLAMES

308.1 General. This section shall control open flames, fire and burning on all premises.

308.2 Where prohibited. A person shall not take or utilize an open flame or light in a structure, vessel, boat or other place where highly flammable, combustible or explosive material is utilized or stored. Lighting appliances shall be well-secured in a glass globe and wire mesh cage or a similar approved device.

lighted match, cigar, cigarette, matches, or other flaming or glowing substance or object on any surface or article where it can cause an unwanted fire.

308.3 Open flame. A person shall not utilize or allow to be utilized, an open flame in connection with a public meeting or gathering for purposes of deliberation, worship, entertainment, amusement, instruction, education, recreation, awaiting transportation or similar purpose in assembly or educational occupancies without first obtaining a permit in accordance with Section 105.6.

308.3.1 Open-flame decorative devices. Open-flame decorative devices shall comply with all of the following restrictions:

1. Class I and Class II liquids and LP-gas shall not be used.
2. Liquid- or solid-fueled lighting devices containing more than 8 ounces (237 ml) of fuel must self-extinguish and not leak fuel at a rate of more than 0.25 teaspoon per minute (1.26 ml per minute) if tipped over.
3. The device or holder shall be constructed to prevent the spillage of liquid fuel or wax at the rate of more than 0.25 teaspoon per minute (1.26 ml per minute) when the device or holder is not in an upright position.
4. The device or holder shall be designed so that it will return to the upright position after being tilted to an angle of 45 degrees from vertical.

Exception: Devices that self-extinguish if tipped over and do not spill fuel or wax at the rate of more than 0.25 teaspoon per minute (1.26 ml per minute) if tipped over.

5. The flame shall be enclosed except where openings on the side are not more than 0.375 inch (9.5 mm) diameter or where openings are on the top and the distance to the top is such that a piece of tissue paper placed on the top will not ignite in 10 seconds.
6. Chimneys shall be made of noncombustible materials and securely attached to the open-flame device.

Exception: A chimney is not required to be attached to any open-flame device that will self-extinguish if the device is tipped over.

7. Fuel canisters shall be safely sealed for storage.
8. Storage and handling of combustible liquids shall be in accordance with Chapter 34.
9. Shades, where used, shall be made of noncombustible materials and securely attached to the open-flame device holder or chimney.
10. Candelabras with flame-lighted candles shall be securely fastened in place to prevent overturning, and shall be located away from occupants using the area and away from possible contact with drapes, curtains or other combustibles.

308.3.2 Location near combustibles. Open flames such as from candles, lanterns, kerosene heaters, and gas-fired heat

migation or thermal insecticidal fogging and to maintain a room, vault or chamber in which a toxic or flammable fumigant is used.

105.6.21 Hazardous materials. An operational permit is required to store, transport on site, dispense, use or handle hazardous materials in excess of the amounts listed in Table 105.6.21.

105.6.22 HPM facilities. An operational permit is required to store, handle or use hazardous production materials.

105.6.23 High-piled storage. An operational permit is required to use a building or portion thereof as a high-piled storage area exceeding 500 square feet (46 m²).

105.6.24 Hot work operations. An operational permit is required for hot work including, but not limited to:

1. Public exhibitions and demonstrations where hot work is conducted.
2. Use of portable hot work equipment inside a structure.

Exception: Work that is conducted under a construction permit.

3. Fixed-site hot work equipment such as welding booths.
4. Hot work conducted within a hazardous fire area.
5. Application of roof coverings with the use of an open-flame device.
6. When approved, the code official shall issue a permit to carry out a Hot Work Program. This program allows approved personnel to regulate their facility's hot work operations. The approved personnel shall be trained in the fire safety aspects denoted in this chapter and shall be responsible for issuing permits requiring compliance with the requirements found in this chapter. These permits shall be issued only to their employees or hot work operations under their supervision.

105.6.25 Industrial ovens. An operational permit is required for operation of industrial ovens regulated by Chapter 21.

105.6.26 Lumber yards and woodworking plants. An operational permit is required for the storage or processing of lumber exceeding 100,000 board feet (8,333 ft³) (236 m³).

105.6.27 Liquid- or gas-fueled vehicles or equipment in assembly buildings. An operational permit is required to display, operate or demonstrate liquid- or gas-fueled vehicles or equipment in assembly buildings.

105.6.28 LP-gas. An operational permit is required for:

1. Storage and use of LP-gas.

Exception: A permit is not required for individual containers with a 500-gallon (1893 L) water capacity or less serving occupancies in Group R-3.

2. Operation of cargo tankers that transport LP-gas.

105.6.29 Magnesium. An operational permit is required to melt, cast, heat treat or grind more than 10 pounds (4.54 kg) of magnesium.

105.6.30 Miscellaneous combustible storage. An operational permit is required to store in any building or upon any premises in excess of 2,500 cubic feet (71 m³) gross volume of combustible empty packing cases, boxes, barrels or similar containers, rubber tires, rubber, cork or similar combustible material.

105.6.31 Open burning. An operational permit is required for the kindling or maintaining of an open fire or a fire on any public street, alley, road, or other public or private ground. Instructions and stipulations of the permit shall be adhered to.

Exception: Recreational fires.

105.6.32 Open flames and candles. An operational permit is required to remove paint with a torch; use a torch or open-flame device in a hazardous fire area; or to use open flames or candles in connection with assembly areas, dining areas of restaurants or drinking establishments.

105.6.33 Organic coatings. An operational permit is required for any organic-coating manufacturing operation producing more than 1 gallon (4 L) of an organic coating in one day.

105.6.34 Places of assembly. An operational permit is required to operate a place of assembly.

105.6.35 Private fire hydrants. An operational permit is required for the removal from service, use or operation of private fire hydrants.

Exception: A permit is not required for private industry with trained maintenance personnel, private fire brigade or fire departments to maintain, test and use private hydrants.

105.6.36 Pyrotechnic special effects material. An operational permit is required for use and handling of pyrotechnic special effects material.

105.6.37 Pyroxylin plastics. An operational permit is required for storage or handling of more than 25 pounds (11 kg) of cellulose nitrate (pyroxylin) plastics and for the assembly or manufacture of articles involving pyroxylin plastics.

105.6.38 Refrigeration equipment. An operational permit is required to operate a mechanical refrigeration unit or system regulated by Chapter 6.

105.6.39 Repair garages and service stations. An operational permit is required for operation of repair garages and automotive, marine and fleet service stations.

105.6.40 Rooftop heliports. An operational permit is required for the operation of a rooftop heliport.

105.6.41 Spraying or dipping. An operational permit is required to conduct a spraying or dipping operation utilizing flammable or combustible liquids or the application of combustible powders regulated by Chapter 15.

105.6.42 Storage of scrap tires and tire byproducts. An operational permit is required to establish, conduct or maintain storage of scrap tires and tire byproducts that exceeds 2,500 cubic feet (71 m³) of total volume of scrap tires and for indoor storage of tires and tire byproducts.

107.2.1 Test and inspection records. Required test and inspection records shall be available to the code official at all times or such records as the code official designates shall be filed with the code official.

107.2.2 Reinspection and testing. Where any work or installation does not pass an initial test or inspection, the necessary corrections shall be made so as to achieve compliance with this code. The work or installation shall then be re-submitted to the code official for inspection and testing.

107.3 Supervision. Maintenance and testing shall be under the supervision of a responsible person who shall ensure that such maintenance and testing are conducted at specified intervals in accordance with this code.

107.4 Rendering equipment inoperable. Portable or fixed fire-extinguishing systems or devices and fire-warning systems shall not be rendered inoperative or inaccessible except as necessary during emergencies, maintenance, repairs, alterations, drills or prescribed testing.

107.5 Owner/occupant responsibility. Correction and abatement of violations of this code shall be the responsibility of the owner. If an occupant creates, or allows to be created, hazardous conditions in violation of this code, the occupant shall be held responsible for the abatement of such hazardous conditions.

SECTION 108 BOARD OF APPEALS

108.1 Board of appeals established. In order to hear and decide appeals of orders, decisions or determinations made by the code official relative to the application and interpretation of this code, there shall be and is hereby created a board of appeals consisting of members who are qualified by experience and training to pass on matters pertaining to this code and who are not employees of the jurisdiction. The code official shall be an ex officio member of said board but shall have no vote on any matter before the board. The board of appeals shall be appointed by the governing body and shall hold office at its pleasure. The board shall adopt rules of procedure for conducting its business, and shall render all decisions and findings in writing to the appellant with a duplicate copy to the code official.

108.2 Limitations on authority. An application for appeal shall be based on a claim that the intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or an equivalent method of protection or safety is proposed. The board shall have no authority to waive requirements of this code.

108.3 Administration. The code official shall take action in accordance with the decision of the board.

SECTION 109 VIOLATIONS

109.1 Unlawful acts. It shall be unlawful for a person, firm or corporation to erect, construct, alter, repair, remove, demolish

or utilize a building, occupancy, premises or system regulated by this code, or cause same to be done, in conflict with or in violation of any of the provisions of this code.

109.2 Notice of violation. When the code official finds a building, premises, vehicle, storage facility or outdoor area that is in violation of this code, the code official is authorized to prepare a written notice of violation describing the conditions deemed unsafe and, when compliance is not immediate, specifying a time for reinspection.

109.2.1 Service. A notice of violation issued pursuant to this code shall be served upon the owner, operator, occupant, or other person responsible for the condition or violation, either by personal service, mail, or by delivering the same to, and leaving it with, some person of responsibility upon the premises. For unattended or abandoned locations, a copy of such notice of violation shall be posted on the premises in a conspicuous place at or near the entrance to such premises and the notice of violation shall be mailed by certified mail with return receipt requested or a certificate of mailing, to the last known address of the owner, occupant or both.

109.2.2 Compliance with orders and notices. A notice of violation issued or served as provided by this code shall be complied with by the owner, operator, occupant or other person responsible for the condition or violation to which the notice of violation pertains.

109.2.3 Prosecution of violations. If the notice of violation is not complied with promptly, the code official is authorized to request the legal counsel of the jurisdiction to institute the appropriate legal proceedings at law or in equity to restrain, correct or abate such violation or to require removal or termination of the unlawful occupancy of the structure in violation of the provisions of this code or of the order or direction made pursuant thereto.

109.2.4 Unauthorized tampering. Signs, tags or seals posted or affixed by the code official shall not be mutilated, destroyed or tampered with or removed without authorization from the code official.

109.3 Violation penalties. Persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, repair or do work in violation of the approved construction documents or directive of the code official, or of a permit or certificate used under provisions of this code, shall be guilty of a [SPECIFY OFFENSE], punishable by a fine of not more than [AMOUNT] dollars or by imprisonment not exceeding [NUMBER OF DAYS], or both such fine and imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

See next page

109.3.1 Abatement of violation. In addition to the imposition of the penalties herein described, the code official is authorized to institute appropriate action to prevent unlawful construction or to restrain, correct or abate a violation; or to prevent illegal occupancy of a structure or premises; or to