

OWYHEE COUNTY

ORDINANCE NO. 2015-01

AN ORDINANCE OF THE COUNTY OF OWYHEE, STATE OF IDAHO, PROVIDING FOR THE ADOPTION OF THE 2012 EDITIONS OF THE INTERNATIONAL BUILDING CODE, THE INTERNATIONAL RESIDENTIAL CODE, THE INTERNATIONAL ENERGY CODE, AND THE INTERNATIONAL EXISTING BUILDING CODE; PROVIDING FOR THE ADOPTION OF CERTAIN AMENDMENTS TO THE ADOPTED CODES; AMENDING THE DEFINITION OF AGRICULTURAL BUILDINGS; AMENDING CHAPTER 1 OF TITLE 7 IN THE OWYHEE COUNTY CODE; PROVIDING SEVERABILITY; REPEALING ORDINANCES 10-04 AND 13-01; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners have jurisdiction and authority, pursuant to Idaho Code §31-801 over county business matters with in the limitations and restrictions of governing law; and

WHEREAS, the Board of County Commissioners under Idaho Code §31-828 has the duty to “perform all other acts and things required by law . . . , or which may be necessary to the full discharge of the duty” of such office; and

WHEREAS, pursuant to Idaho Code §31-706 a majority of the three (3) member board; i.e. two (2) members of the board, constitutes a quorum; and

WHEREAS, Owyhee County, through the actions of the Board of County Commissioners, elect to comply with Idaho Code §§ 39-4116;

WHEREAS, Owyhee County desires to amend Chapter 1 of Title 7 in the Owyhee County Code; and

WHEREAS, the ordinance was considered by the Owyhee County Board of Commissioners at a duly noticed public meeting on February 2, 2015;

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Owyhee County, State of Idaho, as follows:

SECTION 1: Jurisdiction. The provisions of this Ordinance shall apply to all areas of unincorporated lands within Owyhee County.

SECTION 2: Adoption of Codes. As provided by Idaho Code §§ 39-4116 the following codes and their amendments, including subsequent revisions and supplements, are hereby adopted by reference and made a part of this Ordinance as though fully set forth herein:

- A. 2012 International Building Code, as adopted by the State of Idaho or the Idaho Building Code Board, together with any amendments or revisions to the International Building Code made by the Idaho Building Code Board through the negotiated rulemaking process;
- B. 2012 International Residential Code, except parts five and six, as adopted by the State of Idaho or the Idaho Building Code Board, together with any amendments or revisions to the International Residential Code made by the Idaho Building Code Board through the negotiated rulemaking process;
- C. 2012 International Energy Conservation Code, as adopted by the State of Idaho or the Idaho Building Code Board, together with any amendments or revisions to the International Residential Code made by the Idaho Building Code Board through the negotiated rulemaking process;
- D. 2012 International Existing Building Code, as adopted by the State of Idaho or the Idaho Building Code Board, together with any amendments or revisions to the International Existing Building Code made by the Idaho Building Code Board through the negotiated rulemaking process; and
- E. 2004 Idaho Manufactured Home Installation Standards, prepared by the State of Idaho, together with any amendments or revisions to the Idaho Manufactured Home Installation Standards made by the Idaho Building Code Board through the negotiated rulemaking process.

SECTION 3: Superseded by Successive Versions of Codes: The adopted versions of the foregoing codes shall be deemed superseded by successive versions of such codes as they are adopted or approved by the state of Idaho building code board, such successive versions to become law of the county on the effective date set for the successive versions by the state of Idaho building code board, unless the board of county commissioners specifically provides otherwise.

SECTION 4: Exceptions:

- A. **Agricultural Building Defined:** An "agricultural building" is a structure designed and constructed to house farm implements, hay, grain, poultry, livestock, or other horticultural products where said structure is situated on land which shall consist of at least a single parcel of land five (5) or more acres in size, exclusive of any public right of way. This structure shall not be a place of human habitation or a place of employment where agricultural products are processed, treated, packaged or sold, nor shall it be a place used by the public. In order to qualify the property owner shall have an approved "Agricultural Exemption" from the County Assessor.
- B. **Exempted:** As set forth in Idaho Code §§ 39-4116(5), agricultural buildings shall be exempt from the requirements of the building code adopted herein but shall remain subject to placement requirements established by zoning regulations.

SECTION 5: Amendments to Adopted Codes: The following sections of the foregoing adopted codes are amended as stated herein.

A. International Building Code, 2012 edition: The following sections are hereby amended:

1. Section 101.1. Insert Owyhee County.
2. Section 101.4.1, "Gas", is deleted and repealed in its entirety.
3. Section 101.4.2, "Mechanical", is deleted and repealed in its entirety.
4. Section 101.4.3, "Plumbing", is deleted and repealed in its entirety.
5. Section 103.3, "Deputies", delete last sentence.
6. Section 105 Permits: "105.1.1 Annual permit", is deleted and repealed in its entirety.
7. Section 105 Permits: "105.1.2 Annual permit records" is deleted and repealed in its entirety.
8. Section 105 Permits: "105.2 Work exempt from permit to amend the list under "Building" as follows:
 1. One-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provide the floor area is not greater than 200 square feet.
9. Section 105 Permits: "105.2 Work exempt from permit" will add to list under "Building" as follows:
 14. Agricultural building as defined in this article.
10. Section 105 Permits: "105.3 Application for permit" will add the following sentence:

No building permit may be issued, and no person may enter into occupancy or begin the proposed use, until a certificate of compliance from the zoning official has been issued as required by Owyhee County Ordinance 09-09.
11. Section 105 Permits: "105.5 Expiration", add a second paragraph:

If work has not been completed, the final inspection performed and the project approved for occupancy or use within two (2) years from the date of such permit being issued, that Owyhee County permit shall expire by limitation and become null and void. Prior to work

recommencing after the permit has expired, a new permit shall be obtained.

12. Section 107 Submittal Documents: "107.1 General" delete the first two (2) sentences and replace with the following:

Construction documents, special inspection and structural observation programs, and any other data including deferred submittals, shall be submitted in two (2) sets with each application for a permit. The construction documents shall be prepared by or under the direct supervision of an Idaho registered architect or Idaho registered engineer and are required to be stamped or sealed with that Idaho registered design professional's stamp or seal.

13. Section 112 Service Utilities: "112.1 Connection to service utilities", add a second paragraph to read as follows:

A final inspection and approval is required upon completion and prior to occupancy and use of all buildings and structures. Lack of building official approval may result in the termination of utility services to said building or structure and prosecution under International Building Code Section 114.3.

14. Section 1608 Snow Loads: "1608.1 General", is amended to read as follows:

Design snow loads shall be determined in accordance with section 7 of ASCE 7-98, but the design roof load shall not be less than a uniform snow load of twenty five (25) psf below six thousand feet (6,000') and thirty-five (35) psf above six thousand feet (6,000'). The minimum roof snow load for Owyhee County shall be twenty-five (25) pounds per square foot.

15. Section 1608 Snow Loads: "1608.2 Ground snow loads", is amended to read as follows:

The ground snow load to be used in determining the design snow loads for Owyhee County shall be twenty (20) psf.

16. Section 3410 Moved Structures: "3410.1 Conformance" amend the section to add a second paragraph as follows:

Any building or structure, excluding manufactured homes moved into or within Owyhee County, shall be inspected by a state of Idaho licensed/registered architect or engineer. This inspection shall be followed by a report bearing the stamp/seal of the licensed/registered architect/engineer accompanying the Owyhee County building permit application. The report shall contain the following information:

- i. Identifies the particular building.
- ii. States that the licensed/registered architect/engineer does not find any structural condition indicating a deficiency that would preclude the continued use of the building.
- iii. States that the roof cover meets the requirements of the 2012 IBC, chapter 15.
- iv. If the building is a dwelling, provide an energy code analysis of the specific dwelling showing that the dwelling meets the requirements of the 2012 International Energy Conservation Code. If the dwelling does not comply with the 2012 International Energy Conservation Code, a plan shall be submitted for the modifications needed to attain that compliance.
- v. This report shall be accompanied by an Idaho licensed/registered architect/engineer foundation design for that specific building.

17. Section 3412 Compliance Alternatives: "3412.2 Applicability" Insert August 9, 1993.

B. International Residential Code for One- and Two-Family Dwellings, 2012 edition: The following sections are hereby amended:

1. Section R101.1 Insert Owyhee County.

2. Section R105 Permits: "R105.3 Application for permit" will add the following sentence:

No building permit may be issued, and no person may enter into occupancy or begin the proposed use, until a certificate of compliance from the zoning official has been issued as required by Owyhee County Ordinance 09-09.

3. Section R105 Permits: "R105.5 Expiration", add a second paragraph:

If work has not been completed, the final inspection performed and the project approved for occupancy or use within two (2) years from the date of such permit being issued, that Owyhee County permit shall expire by limitation and become null and void. Prior to work recommencing after the permit has expired, a new permit shall be obtained.

4. Section R111 Service Utilities: "R111.1 Connection to service utilities", add a second paragraph to read as follows:

A final inspection and approval is required upon completion and prior to occupancy and use of all buildings and structures. Lack of building official approval may result in the termination of utility services to said building or structure and prosecution under International Residential Code Section R113.3.

5. Section R301.2, "Climatic And Geographic Design Criteria", Table R301.2(1) shall be changed to read as follows:

TABLE R301.2(1) CLIMATIC AND GEOGRAPHIC DESIGN CRITERIA

GROUND SNOW LOAD	WIND DESIGN		SEISMIC DESIGN CATEGORY ^r	SUBJECT TO DAMAGE FROM			WINTER DESIGN TEMP ^e	ICE BARRIER UNDERLAYMENT REQUIRED ^h	FLOOD HAZARDS ^g	AIR FREEZING INDEX ⁱ	MEAN ANNUAL TEMP ^j
	Speed ^d (mph)	Topographic effects ^k		Weathering ^a	Frost line depth ^b	Termite ^c					
20 psf Roof snow load below 6,000 feet: 25 psf Roof snow load above 6,000 feet: 35 psf	90	No	B	Severe	24"	Slight to moderate	10° F	Not Required	FIRM maps as currently adopted	980	51° F

1. For S1: 1 pound per square foot -0.0479kN/m², 1 mile per hour = 1.609 km/h.
2. Language explaining the letters (a) through (k), inclusively, found in the above table, is included with the table in the international residential code and is incorporated by reference as if fully written herein.

C. International Energy Conservation Code, 2012 edition: The following section(s) are hereby amended:

1. Section 101.1 Insert Owyhee County.

D. International Existing Building Code, 2012 edition: The following section(s) are hereby amended:

1. Section 101.1 Insert Owyhee County.
2. Section 1401 Performance Compliance Methods: "1401.2 Applicability" Insert March 21, 2005.

SECTION 6: Duty of Building Official: The building official of the county, named by the board of county commissioners, shall have the duty of enforcing the county building code, and shall have the further duty of advising the commissioners when a successive version of any of the codes adopted in section 2 of this ordinance is adopted and made effective by the state of Idaho building code board.

SECTION 7: Permit Fees:

- A. Fee Schedule Established: Fees to enforce this chapter shall be established by resolution of the board of county commissioners (board). The board shall establish a permit fee schedule, which schedule shall reflect the fees which are to be charged by the official responsible for charging those fees. The fee schedule shall be kept on file in the office of the county clerk

and in the office of the building inspector or building official and shall be made available to the public upon request. Said fee schedule shall be reviewed regularly as required by law. The building official, the building inspector or a designee shall charge permit fees in accordance with the schedule created by a resolution of the board.

- B. Agricultural Buildings: A fee may be imposed for an agricultural building to ensure that any said building is in compliance with setback and easement restrictions. The fee for any such agricultural building shall be equivalent to the minimum fee established for building permits and adopted by resolution of the board.

SECTION 8: Appeal:

- A. Right Of Appeal: Any determination or ruling by the building official, his agents or assigns may be subject to appeal by an aggrieved party.
- B. Notice: Notice of such appeal shall be given to the building official within fifteen (15) days of the decision, determination, or ruling that is the subject of said appeal. The building official shall create a form for notice of appeal.
- C. Hearing By Planning And Zoning Board: Any said appeal shall be heard first by the county planning and zoning board under the hearing procedure rules set forth by that board.
- D. Appeal From Decision Of Planning And Zoning Board: A determination by the planning and zoning board on a matter arising from the rules or law of this chapter may be appealed to the board of county commissioners in the same manner.

SECTION 9: Violations:

- A. Misdemeanor: Any violation of this chapter shall be a misdemeanor punishable in accordance with the law of the state of Idaho.
- B. Nuisance Or Abatement Procedures Applicable: Any building or other structure which is erected in violation of this chapter or in violation of the codes adopted in section 2 of this chapter, in addition to subjecting any owner, firm, corporation or authorized agent to misdemeanor penalties, shall be subject to nuisance or abatement procedures, which may be brought by any county official, any member of the zoning commission, the planning and zoning administrator, the building official, or any other person.
- C. Costs Of Action: In the event that any abatement procedure is successfully brought, the person building said structure or the owner of that property upon which the structure was wrongfully erected shall pay all court costs and attorney fees for the prosecution of that action.

SECTION 10: Severability. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance shall, for any reason be held invalid or unconstitutional by a court of competent

jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect, invalidate or nullify the remaining portions of this Ordinance.

SECTION 11: Repeal of Prior Ordinance. Owyhee County Ordinance Number 10-04, Ordinance Number 13-01, and any ordinances or resolutions which are in conflict with this Ordinance are hereby repealed, but only insofar as the conflict exists; upon the date this ordinance shall take effect or provided for herein in Section 13.

SECTION 12: Publication. This Ordinance may be published in summary form allowed by Idaho Code § 31-715(A).

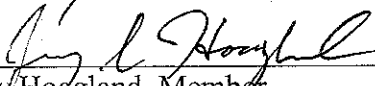
SECTION 13: Effective Date. This Ordinance shall be in full force and effect immediately after its passage, approval, adoption and publication as required by the laws of the State of Idaho.

APPROVED AND ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF OWYHEE COUNTY, IDAHO THIS 9TH DAY OF FEBRUARY, 2015.

**BOARD OF COUNTY COMMISSIONERS
OWYHEE COUNTY, IDAHO**



Joe Merrick, Chairman

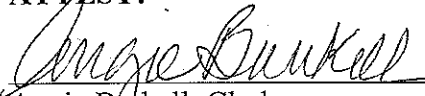


Jerry Hoagland, Member



Kelly Aberasturi, Member

ATTEST:



Angie Barkell, Clerk

Date: February 9, 2015

Date of Publication: February 18, 2015