

OWYHEE COUNTY

ORDINANCE NO. 07-06

AN ORDINANCE ADOPTING THE INTERNATIONAL BUILDING CODE 2006 EDITION WITH PROVISIONS OF THE AMERICAN WITH DISABILITIES ACT ACCESSIBILITY GUIDELINES AND THE FEDERAL FAIR HOUSING ACT ACCESSIBILITY GUIDELINES, THE STANDARD ACCESSIBLE AND USABLE BUILDINGS AND FACILITIES ICC/ANSI A117.1-2003, THE INTERNATIONAL RESIDENTIAL CODE FOR ONE-AND TWO-FAMILY DWELLINGS 2006 EDITION, THE INTERNATIONAL EXISTING BUILDING CODE 2006 EDITION, THE INTERNATIONAL MECHANICAL CODE 2006 EDITION, THE INTERNATIONAL FUEL GAS CODE 2006 EDITION, THE INTERNATIONAL ENERGY CONSERVATION CODE 2006 EDITION, THE 2005 NATIONAL ELECTRICAL CODE, THE 2003 UNIFORM PLUMBING CODE AND THE STATE OF IDAHO MANUFACTURED HOME INSTALLATION STANDARDS 2004 EDITION AS THE LAW OF OWYHEE COUNTY PROVIDING FOR EXCEPTIONS FOR AGRICULTURAL BUILDINGS, PROVIDING AMENDMENTS TO INTERNATIONAL BUILDING CODE SECTIONS 101.4.1, 101.4.4, 103.2, 103.3, 105.1.1, 105.1.2, 105.2, 105.5, 106.1, 108.4, 108.6, 111.1, 1608.1, 1608.2, 1906.4, 3408.1, AND INTERNATIONAL RESIDENTIAL CODE SECTIONS R103.2, 105.2, R105.5, R108.5, R111.1, R202, R301.2, R309.1, R309.2, R403.1.3.1, AND INTERNATIONAL MECHANICAL CODE SECTION 903 AND PROVIDING FOR SEVERABILITY, PROVIDING FOR REPEAL OF CONFLICTING AND PRIOR ORDINANCE 05-01, PROVIDING FOR FEES TO BE SET BY RESOLUTION, PROVIDING FOR ENFORCEMENT BY THE BUILDING OFFICIAL, AND PROVIDING FOR AN EFFECTIVE DATE.

Section 1. Code Adoption.

The approved editions of the following nationally recognized codes, as adopted by the State of Idaho Building Code Board are adopted as the Owyhee Building Code:

- a) The International Building Code 2006 Edition with provisions of the American with Disabilities Act Accessibility Guidelines and the Federal Fair Housing Act Accessibility Guidelines.
- b) The Standard Accessible and Usable Buildings and Facilities ICC/ANSI A117.1 2003.
- c) The International Residential Code for One and Two Family Dwellings 2006 Edition.
- d) The International Existing Building Code 2006 Edition.
- e) The International Mechanical Code 2006 Edition.
- f) The International Fuel Gas Code 2006 Edition.
- g) The International Energy Conservation Code 2006 Edition.
- h) The 2005 National Electrical Code.

- i) The 2003 Uniform Plumbing Code.
- j) The State of Idaho Manufactured Installation Standards 2004 Edition.
- k) Providing for exceptions for Agriculture Buildings, providing amendments to International Building Code sections 101.4.1, 101.4.4, 103.2, 103.3, 105.1.1, 105.1.2, 105.2, 105.5, 106.1, 108.4, 108.6, 111.1, 1608.1, 1608.2, 1906.4, 3408.1, And International Residential Code sections R103.2, R105.2, R105.5, R108.5, R111.1, R202, R301.2, R309.1, R309.2, R403.1.301 and International Mechanical Code section 903.

Section 2. Superceding Successive Versions of Codes.

The adopted versions of the foregoing Codes shall be deemed superceded 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 Owyhee County on the effective date set for the successive versions by the State of Idaho Building Code Board, unless the Board of Owyhee County Commissioners specifically provides otherwise.

Section 3. Duty of Building Official

The building official of Owyhee County, named by the Board of Owyhee County Commissioners, shall have the duty of enforcing the Owyhee County Building Code, and shall have the further duty of advising the Commissioners when a successive version of any of the codes adopted by Section 1 is adopted and made effective by the State of Idaho Building Code Board.

Section 4. Exceptions.

4.1 As set forth in the Idaho Code, 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.

4.2 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.

Section 5. Amendments to adopted codes.

The following sections of the foregoing adopted codes are amended as stated herein:

- a. International Building Code Section 101.4.1, “Electrical” is deleted and repealed in its entirety.

- b. International Building Code Section 101.4.4, “Plumbing” is deleted and repealed in its entirety.
- c. International Building Code Section 103.2 and International Residential Code Section R103.2, “Appointment” is deleted and repealed in its entirety.
- d. International Building Code Section 103.3 “Deputies” delete last sentence.
- e. International Building Code Section 105.1.1, “Annual permit” is deleted and repealed in its entirety.
- f. International Building Code Section 105.1.2, “Annual permit records” is deleted and repealed in its entirety.
- g. International Building Code Section 105.2 and International Residential Code Section R105.2. “Work exempt from a permit” Building 1 to amend as follows: Change floor area from one hundred twenty (120) square feet to two hundred (200) square feet.
- h. International Building Code Section 105.5 and International Residential Code Section 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. The cost of that permit, if obtained within one year of the original permit expiration shall be one half (1/2) of the cost of a new permit for the remaining work required to complete the structure or project.
- i. International Building Code Section 106.1, “Submittal Documents” delete the first two 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.
- j. International Building Code Section 108.4 is amended to read as follows: Work commencing before permit issuance. Any person, who commences any work on a building or structure before obtaining the necessary permit, shall be subject to an investigation fee in the amount established by the building official up to quadruple of the permit fee. Investigation fees shall be in addition to the required permit fee.

- k. International Building Code Section 108.6, and International Residential Code Section R108.5, “Refunds” is amended to read as follows: The building official may authorize refunding of not more than eighty percent (80%) of the building permit fee paid when no work has been done under a permit issued in accordance with this code. The building official shall not authorize refunding of any fee paid except on written application filed by the original permit applicant not later than 180 days after the date of fee payment. Eighty percent of the plan review fee shall be available for refund if no plan review has begun. Plan Review Deposit: Once the building plans have been reviewed by the building department, the plan review deposit is not refundable.
- l. International Building Code Section 111.1 and International Residential Code Section 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 Building Code Section 113.3.
- m. International Building Code Section 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 25 psf. below 6000 feet and 35 psf. above 6000 feet. The minimum roof snow load for Owyhee County shall be twenty-five (25) pounds per square foot.
- n. International Building Code Section 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 20 psf.
- o. International Building Code Section 1906.4, Location for Force Transfer, is amended as follows: Construction joints shall be made and located as not to impair the strength of the structure. Provision shall be made for the transfer of shear and other forces through constructive joints. Construction joints shall have vertical reinforcement of at least one #4 bar at not more than four feet on center. The vertical bar shall extend to 3 inches clear of the bottom of the footing and extend a minimum of 14 inches into the stem wall to tie footing and stem wall together.
- p. International Building Code Section 3408.1 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.

1. Identifies the particular building.
 2. 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.
 3. States that the roof covering meets the requirements of the 2006 IBC Chapter 15.
 4. If the building is a dwelling, provide an energy code analysis of the specific dwelling showing that the dwelling meets the requirements of the 2006 International Energy Conservation Code. If the dwelling does not comply with the 2006 International Energy Conservation Code, a plan shall be submitted for the modifications needed to attain that compliance.
 5. This report shall be accompanied by an Idaho licensed/registered architect/engineer foundation design for that specific building.
- q. Climatic and geographic Design Criteria: 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 SPEED (mph) (e)	SEISMIC DESIGN CATEGORY (g)	SUBJECT TO DAMAGE FROM				WINTER DESIGN TEMP (f)	Ice shield Under-layment	FLOOD HAZARDS (h)	AIR FREEZING INDEX (j)	MEAN ANNUAL TEMP (k)
			Weathering (a)	Frost depth(b)	Termite (c)	Decay (d)					
20 PSF Roof snow load Below 6000 feet 25 psf. Above 6000 feet 35psf.	90	B	Severe	24"	Slight to Moderate	None to Slight	10 Degree F	Not required	FIRM maps as currently adopted	980	51 Degrees F

1. For SI: 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.

- r. International Residential Code, Section R309.1 is amended to include: “Fire rated doors shall have self-closing devices.”
- s. International Residential Code, Section R309.2 is amended to read as follows: “The garage shall be separated from the residence and its attic area by not less than 5/8 inch, Type X gypsum board applied to the garage

side. Garages beneath habitable rooms shall be separated from all rooms above by not less than 5/8 inch, Type X gypsum or equivalent where the separation is a floor ceiling assembly. The structure supporting the separation shall also be protected by not less than 5/8 inch, Type X gypsum Board or equivalent.”

- t. International Residential Code, Section R403.1.3.1 is amended to read as follows: Foundations with stem walls shall have installed a minimum of one No. 4 bar within 12 inches of the top of the wall and one No. 4 bar located 3 inches to 4 inches from the bottom of the footing. Typical garage fronts shall be reinforced as specified in conditions 1.17-22, 1.22-27 and 1.32-48.
- u. International Mechanical Code Section 903 Factory Built Fireplaces: The addition of a new section 903.4 Provisions for mitigating indoor air pollutants emitted by unvented gas fireplaces and appliances. Unvented gas fireplaces and appliances shall not be permitted without the installation of a supplemental whole-house ventilation strategy, which will serve to provide a non-passive outside air source to the living space during the time of fireplace operation. Such a strategy may be provided through the installation of an approved air-to-air heat exchanger, or an engineered ventilation system designed to mitigate those combustion by-products emitted by the unvented gas burning appliance.

Section 6. Permit Fees:

6.1 Fees to enforce the above set out sections 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.

6.2 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 7 General Provisions

7.1 Severability.

This ordinance is hereby declared to be severable as to all its parts. Should any portion of the ordinance be declared invalid by a court of competent jurisdiction, the

remaining provisions shall continue in full effect and force and shall be read so as to carry out the purposes of the ordinance before the declaration of partial invalidity.

7.2 Repeal.

All provisions of prior ordinances of Owyhee County relating to building regulations which conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

7.3 Effective Date.

This ordinance shall be effective on the date published in the newspaper in which legal notices for the County are published.

7.4 Appeal.

Any determination or ruling by the Building Official, his agents or assigns may be subject to appeal by an aggrieved party. Notice of such appeal shall be given to the Building Official within 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. Any said appeal shall be heard first by the County Planning and Zoning Board under the rules hearing procedure set forth by that 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 8 Violations:

8.1 Misdemeanor: Any violation of this section shall be a misdemeanor punishable in accordance with the law of the State of Idaho.

8.2 Nuisance Or Abatement Procedures Applicable: Any building or other structure which is erected in violation of this section or in violation of the codes adopted in subsection A of this section, 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.

8.3 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.

Enacted by the Owyhee County Board of Commissioners as an ordinance on the

3rd day of December, 2007.

Dick Freund, Chairman

Jerry Hoagland, Commissioner

Harold Tolmie, Commissioner

Attest:

Charlotte Sherburn, Clerk

Date published: 12/12/2007