

ORDINANCE NO. 11-2
Valley County Building Code

AN ORDINANCE OF COUNTY OF VALLEY, A POLITICAL SUBDIVISION OF THE STATE OF IDAHO, ADOPTING THE 2009 VERSION OF THE INTERNATIONAL BUILDING CODE, THE 2009 INTERNATIONAL RESIDENTIAL CODE, PARTS I-IV AND IX, INCLUDING APPENDICES G, J AND L, THE 2009 INTERNATIONAL ENERGY CONSERVATION CODE, 2009 INTERNATIONAL FIRE CODE; PROVIDING EXCEPTIONS AND AMENDMENTS THERETO; PROVIDING FOR FEES, PROVIDING THAT A PERMIT IS REQUIRED FOR INSTALLATION OF A MOBILE/MANUFACTURED HOME, PROVIDING FOR EXEMPTIONS; PROVIDING FOR SEVERABILITY; REPEALING CONFLICTING ORDINANCES #10-01, #06-3, #03-4 AND #99-2, AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF VALLEY COUNTY COMMISSIONERS OF VALLEY COUNTY, IDAHO:

Section 1. Code Adoption

That the approved editions of the following nationally recognized codes, as adopted by the State of Idaho and the Idaho Building Code Board, are adopted as the official building codes of Valley County.

2009 International Building Code
2009 International Residential Code, parts I-IV and IX, including Appendices G, J and L
2009 International Energy Conservation Code
2009 International Fire Code
Idaho Code 54-5209 (Idaho Contractor Registration Act)

The adopted versions of the foregoing codes shall be deemed superseded by successive versions of such codes as they are adopted or approved by the Idaho Building Code Board and the State of Idaho effective on the date any such codes are made effective by the Idaho Building Code Board and the State of Idaho.

Section 2. Short Title

This ordinance shall be known as the “Valley County Building Code”.

Section 3. Scope-Exemptions

- (1) The provisions of this ordinance shall apply to all buildings and construction within the unincorporated areas of Valley County, except as otherwise herein provided.

- (a) The provisions of the ordinance shall not apply within the City of Cascade, The City of Donnelly, The City of McCall, and the Impact Area for the City of McCall.
- (2) Structures used primarily for industrial chemical process purposes and for mineral extraction and mineral processing purposes shall be exempt from this act except for erection and fabrication of new structures that provide space for human occupancy and equipment as required therein to condition the building for personal comfort and safety.
- (3) Temporary facilities, as defined in Idaho Code 39-4105 (14), shall be exempt from this act.
 - (a) Recreational vehicles, such as motor homes and travel trailers, that are parked on property on their wheels, not set on a foundation, and licensed for over-the-road travel, whether connected to utilities or not, and whether under a structure or not, are temporary facilities for purposes of this act.
- (4) Farm outbuildings on farm as defined herein shall be exempt from this ordinance except as provided in Section 8 (1) of this act. Buildings for the purpose of human habitation, which are located on said farm are not exempt from this ordinance.
 - (a) Farms shall mean a tract of land in excess of five (5) acres wholly or in part classed in any of Land Use Categories No. 1 through 7 for appraisal and taxing purposes by the Valley County Assessor.
- (5) Requirement of Section 319.1, 2009 International Residential Code, requiring address numbers be 4” in height shall be deleted and local ordinance #2-90, requiring address numbers be 3 ½” in height shall be enforced.

Section 4. Definitions

As used in this ordinance, the terms defined in this Section shall have the following meaning, unless the context clearly indicates another meaning:

- (1) “Building Official” means the person so designated by the Board of County Commissioners.
- (2) “Person” means a natural person, corporation, partnership, trust, society, club, association, or other organization.
- (3) “Building” means a combination of materials, whether portable or fixed, which comprises a structure affording facilities or shelter for any use or occupancy, and shall include a part or parts thereof and all equipment therein normally a part of the structure.

- (4) “Construction” means the erection, fabrication, re-construction, demolition, alteration, conversion, repair of a building, or the installation of equipment therein normally a part of the structure.
- (5) “Local Government” means Valley County.
- (6) “Manufactured home” means a structure, constructed according to HUD/FHA mobile home construction and safety standards, transportable in one or more sections, which, in the traveling mode, in eight (8) body feet or more in width or is forty (40) body feet or more in length, or when erected on site, is three hundred twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with the plumbing, heating, air-conditioning, and electrical system contained therein, except that such term shall include any structure which meets all the requirements of this paragraph except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the secretary of housing and urban development and complies with the standards established under 42 U.S.C. 5401 et seq. Snow loads for Manufactured homes are 120 to 150 pounds per square foot live load depending on location of placement. If snow loading is not met by manufacture, a ramada (snow roof cover) may be placed over manufactured home to meet snow load requirements. A letter is required for snow maintenance in RV or Trailer Parks before a Manufactured Home is placed. This letter shall be provided before issuance of the permit.
- (7) “Building Site” means any lot, tract, parcel, or subdivision of land, either public or private, upon which a building is placed or is to be place.
- (8) “Closed Construction” means any building component, assembly or system manufactured in such a manner that all concealed parts or processes of manufacture cannot be inspected before installation at the building site without disassembly, damage or destruction.
- (9) “Commercial coach” means a factory-assembled structure equipped with the necessary service connections and made so as to be readily movable and a unit on its own running gear and originally designed to be used either as a dwelling unit or other use without a permanent foundation.
- (10) “Temporary facility” means a structure designed and constructed to service actual construction projects and which is completely removed upon completion of the project. This structure shall not be a place of employment or human habitation, and does not include those temporary structures used for the protection of the public around and in conjunction with construction work.
- (11) “Human Habitation” means a space in a structure for living, sleeping, eating or cooking. Bathrooms, toilet compartments, storage or utility space and similar areas are not considered space for human habitation.

- (12) “Telecommunications facilities” means all wires, cables, equipment, apparatus or other installations necessary to furnish service, by which there is accomplished or may be accomplished, the sending or receiving of information, data, message writing signs, signals, pictures, and sounds of all kinds, by aid of such wires, cables, equipment, apparatus or other installations, but shall not include the habitable structure in which such telecommunications facilities are housed.
- (13) “Modular building” means any building or building component, other than a manufactured home, which is constructed according to standards contained in the International Building Code, as adopted or any amendments thereto which is of closed construction and is either entirely or substantially prefabricated or assembled at the place other than the building site.
- (14) The term “engineering design” as used in Section R301.1.3 of the 2006 International Residential Code, shall mean plans bearing the seal of a State of Idaho licensed architect or engineer and/or calculations or specifications which verify compliance with the International Codes.

Section 5. Adoption of Codes – The following published codes and referenced statutes are adopted.

- (1) The International Building Code, 2009 Edition published by the International Code Council.
- (2) International Residential Code, parts I-IV and IX, including Appendices G, J and L, 2009 published by the International Code Council.
- (3) International Energy Conservation Code, 2009 is a copyrighted work owned by the International Code Council, Inc.
- (4) Idaho Code Title 44, Chapter 22 and Idaho Code 44-2501 et seq. relating to manufactured homes.
- (5) The Uniform Code for Abatement of Dangerous Buildings, 1997, published by the International Conference of Building Officials.
- (6) American Standard Specifications for Making Buildings and Facilities Accessible to, and Usable by the Physically Handicapped, ANSI A117.1-1992, (R 1971) published by the American National Standards Institute.
- (7) University of Idaho publication “Ground and Roof Snow Loads for Idaho”, 1986.
- (8) Elevators, Dumbwaiters, Escalators and Moving Walks, ANSI A17.1-1996, and ANSI A17.1b-1973, published by the American National Standards Institute.
- (9) International Fire Code, 2009 published by the Building Officials and Code Administrators International, Inc., adopted by the Idaho Fire Marshall.
- (10) “The Technical Guidance Manual for Individual and Subsurface Sewage Disposal” published by the State of Idaho Department of Health and Welfare Dated May 6, 1993, only as it relates to the construction of Privy buildings.
- (11) Idaho Code Title 54, Chapter 52, relating to Contractors Registration.

Section 6. Amendments to this Ordinance

Amendments to this ordinance shall be in accordance with Idaho Code 39-4116.

Section 7. References to “City”, “City Council” and “Mayor”

Whenever the word “city” is referred to and used therein, it shall be deemed to read “County” and whenever “Mayor” or “City Council” may referred to, the same shall be deemed to read “Board of County Commissioners”.

Section 8. Amendments to Code

The following amendments shall be made to the 2009 International Building Code, the 2009 International Residential Code, and/or all other documents adopted herein:

- (1) There will be a charge for inspections outside of normal business hours of \$47.00 per hour. (Minimum charge-two hours)

Re-inspection fees for multiple visits (same inspection) shall be \$47.00 per hour.

Inspections for which no fee is specifically indicated shall be \$47.00 per hour.

Additional plan review required by changes, additions or revisions to plan would be an additional charge of \$47.00 per hour.

For use of outside consultants for plan checking and inspections, or both will be assessed at actual cost of service. Actual costs include administrative and overhead costs.

An application for a permit for construction of an agricultural structure shall be filed with a fixed fee of \$5.00 per structure but no structural review or inspection of construction will be required.

An application for a permit for construction of a out-building and one story detached accessory buildings used as a tool shed, storage building, or similar use that does not exceed 600 square feet in floor area, the rafter span is not wider than 20 feet, and does not provide for human occupancy shall be filed with a fixed fee of \$5.00 per structure but no structural review or inspection of construction will be required.

An application for a permit to locate an existing building regulated by International Residential Code, including manufactured homes, and commercial coaches, on a new site within this jurisdiction shall be filed with a set fee of \$135.00 per structure, and with two copies of a site plan and foundation plan, inspection of construction will be required, foundation footings and walls shall be inspected. An additional fee shall be charged for a permanent perimeter foundation. Structural plans are required for modular buildings.

- (2) Plans and Specifications

Footings: Bottom of footing shall extend to at least a depth of 24 inches below finished grade. Bedrock may be less and poor soils may require a deeper footing depth.

Concrete footings shall have at least two reinforcing bars of ½” diameter placed at not more than (4) feet on center properly anchored (tied) in the footing and at least two reinforcing bars of ½” diameter placed continuously longitudinally at the center of the wall thickness, one within two to six inches of the top of the wall and one within two to six inches of the bottom of the wall. The bars may be deformed to avoid utility lines and vents. Walls in excess of four feet high shall be reinforced in accordance with provisions of the IRC & IBC.

- (3) **Snow Loads:** Section 1607 of the International Building Code and International Residential Code be amended by adding the following:

The design snow load for Valley County shall be designated as 120 to 150 pounds per square foot depending on location of structure, including manufactured homes. For the Pistol Creek and Trails End areas the designated snow load shall be 60 pound per square foot live load. The basic design snow loads shall be determined by the procedure provided in the 1986 University of Idaho Snow load study Publication “Ground and Roof Snow Loads for Idaho” and the Valley County snow load zone map. Manufactured Homes snow loads are addressed in section 4 (6) herein. Seismic calculations shall be 35% of the roof snow load.

Commercial, public use, assembly, and similar buildings or occupancies shall be designed for the “basic design snow load” and the plans shall bear the stamp of an Idaho licensed architect or engineer.

Single family dwellings, garages, utility, and similar buildings regulated by the IBC & IRC shall be designed for not less than the minimum normal design snow load.

Exceptions: The Building Official may require a different snow load in certain locations of Valley County known to experience heavier snowfalls.

- (4) **Plan Review Fees:** The plan review fee will be 35% of the Building Permit Fee. The fee will be waived for agricultural and general purpose utility structures, or as determined.
- (5) **Privy Buildings:** Building Official may issue permits for privy buildings upon application when the proposed building and site meet the requirements of the Central District Health Department and Valley County Planning and Zoning Commission. Construction shall be in accordance with “Privy Policy” prepared by Valley County and the Technical Guidance Manual for Individual and Subsurface Sewage Disposal as adopted by Section 5 (10) herein. The minimum permit fee shall be sixty dollars (\$60.00).
- (6) **Idaho Amendments to the International Building and Energy Code**

Effective January 1, 2011: See Appendix A

Section 9. Providing for Certified Copies

Not less than one (1) copy of each of the Code enumerated in Section 5 hereof shall be available for use and examination by the public in the office of the Building Official.

Section 10. Permits from Other Agencies

Prior to issuance of a building permit for a building proposed to be used for human habitation, the Building Official shall require evidence of approval of the sanitary sewer system by Central District Health Department or sewer district.

Section 11. Permits Required

It shall be unlawful for any person, firm, co-partnership, association or corporation to do, or cause, or allow to be done, after the adoption of this ordinance, whether acting as principal, agent or employee, any construction, improvement, extension, alteration or demolition of any building, residence or structure, coming under the purview of this act, in Valley County without first procuring a permit authorizing such work to be done.

Section 12. Zoning and Site Development

No building permit shall be issued or authorized unless the work or project is in compliance with zoning and/or site development ordinances of the County, provided such zoning and/or site development is not in conflict with the codes herein enumerated.

Section 13. Unlawful to Energize Without Permit

It shall be unlawful for any person, firm, or corporation to connect or energize any electrical installation or any other utility service to any building or structure coming under the provisions of this ordinance unless the necessary permit covering such installation has been issued.

The Building Official will not approve a final inspection or issue a certificate of occupancy for any building containing a liquefied petroleum gas fixture or appliance without first receiving evidence that a gas check has been completed and approved by a qualified inspector. The gas check will include observation of a pressure test and an inspection of all gas piping, valves, controls, and appurtenances required by applicable codes for a safe, complete and workable installation. Qualified inspectors are those who are licensed plumbers with the State of Idaho or are certified installers by a certification program recognized in the industry and by the Building Official.

The gas check certification is the sole responsibility of the property owner or his agent including providing evidence of the approval to the Building Official.

Section 14. Expiration, Suspension and Revocation of Permits

Each permit issued under this ordinance shall expire if the work or building authorized by the permit is not commenced within one hundred eighty (180) days from the permit date, or if the work or building authorized by the permit once commenced is thereafter suspended or abandoned for a period of three hundred sixty five (365) days. Suspended or abandoned work, for which the original permit has expired, shall be recommenced only after the issuance of a new permit therefore. A building permit, issued by mistake, issued on the basis of incorrect information supplied or issued in violation of any statute, regulation, or provision of this Code, may be suspended or revoked by written notice to the permitted. The Building Official is authorized to grant, in writing, one or more extensions of time, for periods of not more than 180 days each. The extension shall be requested in writing and justifiable cause demonstrated.

Section 15. Administration

The Valley County Board of Commissioners shall establish a Building Department and employ a Building Official and such persons to administrate and implement the application and inspection functions required by the International Building Code, the International Residential Code along with local and state agencies. The Building Department shall collect the building permit fee and issue the building permits after approval of the complete application by the Building Official.

Section 16. Inspection

- (a) It shall be the duty of the Building Department to inspect the construction of all buildings and structures covered by this Ordinance for compliance with the design plans and for conformity to the codes.
- (b) It shall be the duty of a permit holder to notify the Building Department that the building or site is ready for inspection. The type of inspection and the time shall be stipulated in the notification. The stipulated time shall be at least twenty-four (24) hours from the time of notification. The Building Official/Inspector will normally make the inspection prior to the time stipulated but if no inspection is made within twenty four (24) hours after the stipulated time, work will be allowed to proceed for footing and foundation work only. If no inspection is made within forty-eight (48) hours after the stipulated time, work will be allowed to proceed for frame inspections only. The time limitations herein are exclusive of Saturdays, Sundays, and holidays.
- (c) The Building Official may waive any inspection in writing.

Section 17. Limitation of Responsibility

Neither an approval nor a permit granted shall constitute permission or authority or be interpreted as a waiver for violation of any statute, ordinance or regulation. Neither the County of Valley nor its officers or employees shall assume liability for structural or construction defects through the administration or enforcement of this ordinance.

Section 18. Board of Appeals Established

The Board of County Commissioners of Valley County, Idaho, establishes itself as the Board of Appeals. The purpose, conduct, and function of this Board shall be as described in Section 113 of the 2009 International Building Code. This Board will not act upon matters pertaining to electrical, plumbing, and mechanical questions or any other matters reserved to the State of Idaho, as provided by Chapter 41, Title 39, Idaho Code.

Section 19. Hearings

Hearings before this Board of Appeals shall be public and shall be conducted in a quasi-judicial manner operating within the same time limits imposed upon the State Board of Appeals as per Sections 39-4107(3) and 39-4120 of the Idaho Code and employing the rules of evidence. Attorneys may represent petitioner but are not required. All proceedings shall be recorded and said recordings shall be kept and made permanent.

Section 20. Conflict of Interest

If a member of the Board should find that acting on a particular hearing before them would result in a conflict of interest, he/she must absent him/herself from said hearings. He/she must abstain from making any comments or statements or doing any other thing that would in any matter influence the other members of the Board.

Section 21. Findings

Findings by the Board shall be explicit and shall state the ruling and the reasons for said decision by delineating the findings of fact and conclusions of law. Signed copies of the findings should be sent to all parties to the action. The Board shall render all decisions and findings in writing to appropriate enforcement official and agency, the appellant, and the State Director of Labor and Industrial Services within ten (10) working days of close of hearing.

Section 22. Appeals

- (1) Appeals from the Local Board of Appeals herein established shall be filed within ten (10) days after mailing of notice of decision by the local appeals board. The appeal will be filed and heard as empowered by Idaho Code 39-4120, (State Board of Appeals). Appeals shall be brought before the said State Board of Appeals by persons affected by any code, rule, regulation or decision pursuant to Idaho Code 39-4101 through 39-4129, provided, such appeals shall be heard only after the appellant has received a decision from the local appeals board, if any, as provided for in Idaho Code 39-4119. Final decisions by the State Board of Appeals, other than code interpretations, are

reviewable upon appeal to the district court in the county wherein the person praying for the appeal is a resident, or in the County of Valley and shall be heard de novo, as provided by State Law.

- (2) Appeals of Board decisions shall be in such form and manner as provided by the Idaho rules of civil procedure.

Section 23. Injunction Upon Affidavit Setting Out Nonconformity

The County Building Department may obtain from a district court having jurisdiction, a temporary injunction enjoining the construction of a building or installation of manufactured buildings on a building site upon affidavit of the department that such building does not conform to the building site or requirements of this act or to the rules and regulations adopted pursuant to this act or any other act of the State of Idaho relating to building construction. The affidavit must set forth such violations in detail. The injunction may be made permanent, in the discretion of the court.

Section 24. Violations Misdemeanor

- (1) Any person who violates any provision of this ordinance or who violates any provision of the codes enumerated herein, is guilty of a misdemeanor, and upon conviction, shall be fined not more than three hundred dollars (\$300.00).
- (2) A separate violation is deemed to have occurred with respect to each building not in compliance with this act. Each day such violation continues is considered a separate offense.
- (3) Work without a permit. Whenever the Building Official determines that work for which a permit is required has been commenced without first obtaining said permit he/she shall, in addition to the procedures outlined in Section 114 of the adopted International Building Code, notify the property owner in writing to inform him/her of the date of the inspection, the location of the work, the nature of the violation, the remedy for the violation, and the amount of the special investigation fee. The special investigation fee may be one hundred dollars (\$100.00) or the amount of the building permit fee, whichever is greater. Failure to make application for the required building permit or failure to pay the special investigation fee within ten (10) days after receipt of said notice shall each constitute a violation of this Ordinance.

Section 25. Civil Action

Notwithstanding any other remedies available, any person in an individual capacity, damaged as a result of a violation of this act or the codes enumerated herein or promulgated pursuant to this act, has a cause of action in any court of competent jurisdiction against the person who committed the violation, and if such damaged person prevails, he shall be entitled to a reasonable attorney's fee to be determined by the court together with court cost.

Section 26. Severability

If any portion of this ordinance, or the application of such provision to any person or circumstance, shall be held invalid, the remainder of this ordinance, or the application of such provision to persons or circumstance, shall be held invalid, the remainder of this ordinance, or the application of such provision to persons or circumstances other than those to which is held invalid, shall not be affected thereby.

The Board of County Commissioners of Valley County hereby approves this Ordinance to become effective upon its publication in The Star News.

ADOPTED this _____ day of _____, 2011

BOARD OF VALLEY COUNTY COMMISSIONERS

Gordon L. Cruickshank, Chairman

Gerald “Jerry” Winkle, Commissioner

Ray Moore, Commissioner

ATTEST: Archie Banbury, Valley County Clerk