

ELMORE COUNTY ORDINANCE NO. 83-1

AN ORDINANCE OF THE COUNTY OF ELMORE, STATE OF IDAHO, CONCERNING BUILDING REGULATIONS AND STANDARDS: ADOPTING BY REFERENCE THE UNIFORM BUILDING CODE, 1982 EDITION THEREOF: PROVIDING THAT THREE COPIES OF THE MANUAL AND AMENDMENT THERETO SHALL BE ON FILE IN THE OFFICE OF THE COUNTY RECORDER: PROVIDING FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES THEREFORE: PROVIDING PENALTIES FOR THE VIOLATION THEREOF: REPEALING ORDINANCE NO. 81-1 OF THE COUNTY OF ELMORE AND ALL ORDINANCES IN CONFLICT THEREOF AND FIXING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ELMORE COUNTY, IDAHO, IN LAWFUL MEETING ASSEMBLED:

## ARTICLE I

## GENERAL PROVISIONS

Section 1. PURPOSE OF ORDINANCE. The purpose of this ordinance is to promote the public safety and welfare and orderly development by the adoption of minimum building standards to be required and enforced throughout the unincorporated territory of the County of Elmore.

Section 2. SHORT TITLE -- THE CODE. This ordinance may be cited as the "Code of Building Regulations."

Section 3. ADOPTION OF REGULATIONS. Subject to approval by the Board of County Commissioners, the Director for the Elmore County Building Department may promulgate reasonable regulations to implement or facilitate inspection function, the issuance of permits and certificates, and other administrative and enforcement duties imposed upon him by the Code of Building Regulations.

Section 4. INSPECTION FEES. Subject to approval by The Board of County Commissioners, the Director for the Elmore County Building Department shall establish and charge a reasonable and uniform schedule of fees for building permits, permit renewal, plan checking, processing applications, maintenance of records, and for the performance of special services in administering and enforcing the Code of Building Regulations. The schedule may provide for the partial refund of permit fees to applicants.

Section 5. EXPIRATION, SUSPENSION AND REVOCATION OF PERMITS. Each permit issued under the Code of Building Regulations shall expire if the work or building authorized by the permit is not commenced within sixty (60) 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 one hundred eighty (180) days. Suspended or abandoned work for which the original permit has expired, shall be recommenced only after the issuance of a new permit therefor. 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 permittee.

Section 6. LIMITATION ON RESPONSIBILITY. Neither an approval nor a permit granted shall constitute permission or authority to be interpreted as a waiver, for violation of any statute, ordinance, or regulation. Neither the County of Elmore nor its offices or employees shall assume liability for structural or construction defects through the administration or enforcement of the Code of Building Regulations.

Section 7. VIOLATIONS. Any person who violates, or causes, permits, or allows the violation of any provision of the Code of Building Regulations, 1982 Edition, is guilty of a misdemeanor, and is guilty of a separate offense for each day or portion thereof he permits, causes, or allows the violation to continue. It is the intent of this Section to make a violation of any Section of this Code or building regulations and any of the codes adopted by reference a misdemeanor. Any act declared by the Code of Building Regulations to be a misdemeanor shall be punishable upon conviction thereof, by a fine of not exceeding Three Hundred Dollars (\$300.00) or by imprisonment in the County Jail for not exceeding six (6) months, or by both such fine and imprisonment.

#### ARTICLE II

##### ELMORE COUNTY BUILDING CODE

Section 9. SHORT TITLE. This article may be cited as the Elmore County Building Code.

Section 10. APPLICATION OF CODE - EXEMPTIONS. (1) The Elmore County Building Code shall apply to the construction, erection, enlargement, alteration, repair, moving, improvement, removing, conversion, demolition, and use and occupancy of all buildings and construction within the unincorporated territory of the County of Elmore, except as otherwise herein provided.

(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, and equipment as required therein to condition the building for personnel comfort and safety. Equipment in this regard shall mean and shall be limited to facilities or installations for heating, ventilating, air conditioning, refrigerating facilities associated with air conditioning,

elevators, dumbwaiters, escalators, and boilers and pressure vessels associated with building heating systems.

(3) Temporary facilities, as defined in Section 39-4105(16) Idaho Code, shall be exempt from this ordinance, except for such temporary facilities which are classified as a manufactured building under the provisions of Section 39-4121, Idaho Code, and/or a commercial coach under the provisions of Section 39-4122, Idaho Code.

(4) Farms, as defined in Section 39-4105(19), Idaho Code, shall be exempt from this act except for the resident housing located upon said agricultural unit, and/or any structure which is classified as a manufactured building under the provisions of Section 39-4121, Idaho Code, and/or a commercial coach under the provisions of Section 39-4122, Idaho Code, or a mobile home under the provisions of Chapter 40, Title 39, Idaho Code.

Section 11. ADOPTION OF UNIFORM BUILDING CODE. The "Uniform Building Code" (and "Uniform Building Code Appendix"), 1982 Edition, and the "Uniform Building Code Standards" 1982 Edition, published by the International Conference of Building Officials, as modified and amended in this Article, is adopted by reference into the Elmore County Building Code. And the same is hereby adopted and incorporated as an Ordinance of the County of Elmore as fully as though set forth in length therein. Three copies of the book entitled "Uniform Building Code", 1982 Edition, together with all amendments thereto, duly certified by the County Clerk shall be kept on file in his office for use and examination of and by the public.

### ARTICLE III

#### ELMORE COUNTY BUILDING PERMIT

Section 12. PERMITS. It shall be unlawful for any person, firm, copartnership, association or corporation to do,

or cause or permit to be done, after the adoption of this ordinance whether acting as principal, agent or employee, any construction, improvement, extension, alteration or relocation of any building, residence or structure, coming under the purview of this act in the County of Elmore, prior to obtaining the necessary building permit as provided in this Code.


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.

Section 14. REPEAL OF CONFLICTING ORDINANCES. That Ordinance No. 81-1 cited as the Elmore County Building Code and all other ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 15. SAVING CLAUSE. In the event any of the above-entitled Sections are declared unconstitutional and unlawful, each Section thereof shall be declared independent of the other.

Section 16. EFFECTIVE DATE. This Ordinance shall be in full force and effect from and after its passage, approval, and publication.

PASSED, Under suspension of the rules, at a regular meeting of the Elmore County Board of County Commissioners in the City of Mountain Home, County of Elmore, State of Idaho, held on the 28 day of Feb., 1983, upon which a roll call vote was duly taken and said Ordinance duly passed by a unanimous vote as an Ordinance of Elmore County, Idaho.

  
Board of County Commissioners  
Chairman, Elmore County, Idaho

M. A. Riddle  
Commissioner

M. H. Linder  
Commissioner

ATTEST:

Ramona Ypazabal  
RAMONA YPAZABAL, Clerk  
Board of County Commissioners