

ELMORE COUNTY ORDINANCE NO. 86-5

AN ORDINANCE OF THE COUNTY OF ELMORE, STATE OF IDAHO, CONCERNING BUILDING REGULATIONS AND STANDARDS: ADOPTING BY REFERENCE THE FOLLOWING CODE, THE UNIFORM BUILDING CODE, WITH THE EXCEPTION OF CHAPTER 53 OF THE APPENDIX, AND THE UNIFORM BUILDING CODE STANDARDS, 1985 EDITION THEREOF, UNIFORM CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS, 1985 EDITION THEREOF: PROVIDING THAT AS THE UNIFORM BUILDING CODE AND THE SUPPORTING DOCUMENTS OF THE UNIFORM BUILDING CODE STANDARDS, THE UNIFORM CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS, THE UNIFORM FIRE CODE AND THE FIRE CODE STANDARDS ARE AMENDED, ALTERED, REVISED AND REPUBLISHED FROM TIME TO TIME, THE CURRENT ADMENDMENT, ALTERATIONS, OR EDITIONS THEREOF SHALL BECOME THE BUILDING CODE FOR THE COUNTY EFFECTIVE JANUARY 1, IMMEDIATELY FOLLOWING SAID PUBLICATION: PROVIDING THAT NOT LESS THAN THREE COPIES OF EACH OF THE ABOVE-NAMED CODES SHALL BE ON FILE AT ALL TIMES IN THE OFFICE OF THE COUNTY RECORDER: PROVIDING FOR THE ISSUANCE OF PERMITS AN COLLECTIONS OF FEES THEREOF: PROVIDING PENALTIES FOR THE VIOLATION THEREOF: REPEALING ORDINANCE NO. 83-1 OF THE COUNTY OF ELMORE AND ALL ORDINANCES IN CONFLICT THEREOF AND FIXING AN EFFECTIVE DATE.

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

ARTICLE I

GENERAL PROVISIONS

SECTION 1. PURPOSE OF ORDINANCE. That 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 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 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 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, is guilty of 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 of 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 not exceeding six (6) months, or by both such fine and imprisonment.

## ARTICLE II

### ELMORE COUNTY BUILDING CODE

SECTION 8. SHORT TITLE. This article may be cited as the Elmore County Building Code.

SECTION 9. 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 installation 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(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 provision of Section 39-4122, Idaho Code or a mobile home under the provisions of Chapter 40, Title 39, Idaho Code.

SECTION 10. ADOPTION OF UNIFORM BUILDING CODE. The current edition of the "Uniform Building Code" (and "Uniform Building Code Appendix", with the exception of Chapter 53 of the appendix) and current edition of the "Uniform Building Code Standards," published by the International conference of building Officials as modified and amended in this Article is hereby adopted by reference into the Elmore Building Code. The current edition of the "Uniform Code for the Abatement of Dangerous Buildings" and the current edition of the "Uniform Fire Code" and "Fire Code Standards" are also 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 a fully as though set forth in length therein. Three copies of the current editions of the books entitled "Uniform Building Code," "Uniform Building Code Standards," "Uniform Code for the Abatement of Dangerous Buildings," "Uniform Fire Code," and "Fire Code Standards" together with all amendments, additions and alterations, thereto, duly certified by the County Clerk shall be kept on file in her office for the use and examination of and by the public.

### ARTICLE III

#### ELMORE COUNTY BUILDING PERMIT

SECTION 11. 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 12. 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 13. REPEAL OF CONFLICTING ORDINANCES. That Ordinance No. 83-1 cited as the Elmore County Building Code and all other ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 14. 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 15. 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 27 day of January, 1986, upon which roll call

vote was duly taken and said Ordinance duly passes by an unanimous vote as an Ordinance of Elmore County, Idaho.

Attest:

*Romona E. Grayabel*  
Clerk of the Board of  
County Commissioners

*W. H. Sander*  
Chairman, Elmore County Board of  
Commissioners

*James S. Sander*  
Commissioner

*Maurice A. Fiddle*  
Commissioner