

ELMORE COUNTY ORDINANCE NO. 99-4

AN ORDINANCE OF THE COUNTY OF ELMORE, STATE OF IDAHO, CONCERNING BUILDING REGULATIONS AND STANDARDS: ADOPTING BY REFERENCE THE FOLLOWING CODES: THE UNIFORM BUILDING CODE, THE NATIONAL ELECTRICAL CODE WITH ALL APPENDICES, THE UNIFORM PLUMBING CODE, THE UNIFORM FIRE CODE AS ADOPTED BY THE STATE OF IDAHO, THE UNIFORM MECHANICAL CODE, THE UNIFORM SIGN CODE, THE UNIFORM CODE FOR ABATEMENT OF DANGEROUS BUILDINGS, THE UNIFORM HOUSING CODE, THE UNIFORM ADMINISTRATIVE CODE, AND THE UNIFORM CODE FOR BUILDING CONSERVATION: PROVIDING, THAT AS THE AFOREMENTIONED CODES AND SUPPORTING DOCUMENTS ARE AMENDED, ALTERED, REVISED AND REPUBLISHED FROM TIME TO TIME, THE BOARD OF COMMISSIONERS OF ELMORE COUNTY MAY EXAMINE AND DETERMINE WHETHER TO ADOPT THE SAME IN WHOLE OR PART: PROVIDING THAT ONE COPY OF EACH OF THE ABOVE-NAMED CODES SHALL BE ON FILE AT ALL TIMES IN THE OFFICE OF THE COUNTY CLERK: PROVIDING FOR THE ISSUANCE OF PERMITS AND COLLECTIONS OF FEES THEREOF: PROVIDING PENALTIES FOR THE VIOLATION THEREOF: REPEALING ORDINANCE NO. 86-5 OF THE COUNTY OF ELMORE AND ALL ORDINANCES IN CONFLICT HEREOF 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 inspections, the issuance of permits and certificates, and other administrative and enforcement duties imposed upon him by Code of Building Regulations.

SECTION 4. FEES. (1) The Elmore County Building Department shall 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.

(2) The building permit fee schedule adopted pursuant to this ordinance shall be that contained in the current Uniform Fee Table of the Uniform Building Code.

(3) Except as hereinafter provided, the value of construction for the purpose of computing the building permit fees shall be as provided in the "Building Permit Valuation

Table” listed in the current edition of the International conference of Building Officials’ “Building Standards” publication.

(4) Building permit fees for accessory buildings, roof construction and covering, siding, swimming pools, uncovered decks, alterations or repair of existing buildings, or buildings or structures not listed in the Data Table or herein, shall be based on actual value as determined by the building official, or actual cost as submitted by the applicant, or by the contractor’s bid price.

(5) The “actual construction value” shall be the total value of all construction work for which the permit is issued, as well as all finish work, painting, roofing, electrical, plumbing, heating, air conditioning, elevators, fire extinguishing systems and other permanent equipment.

(6) Subject to approval of the Elmore County Board of Commissioners, the Director of the Elmore County Building Department may establish a uniform schedule of fees for any item of work done by the Department not specifically addressed in this Ordinance. Furthermore, the Director may apply to the Board of Commissioners to amend the schedule of fees charged. The Director may apply for a change in the Building Permit fees upon publication of a new schedule of permit fees in the Uniform Fee Table of the Uniform Building Code. The Director may also apply to the Board of Commissioners for adoption of a new International Conference of Building Officials’ “Building Permit Valuation Table” when such is published.

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 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 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 defects, construction defects, or safety hazards 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 or the codes and supporting documents adopted by reference herein, 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. Upon conviction, each offense shall be punishable by a fine not to exceed 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(14), Idaho Code, shall be exempt from this ordinance except for any temporary structure also defined as a modular building under the provisions of Section 39-4121, Idaho Code, 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.

(4) Agricultural buildings on parcels of five (5) acres or more are exempt from this ordinance. Provided however, that before constructing an agricultural building, the applicant shall obtain and file a Notice of Proposed New Agricultural Building from the Elmore County Building Department. An agricultural building is a structure designed and constructed to house farm implements, hay, grain, poultry, livestock, or other horticultural products. The structure shall not be a place of human habitation or a place of employment where agricultural products are processed, treated or packaged, nor shall it be a place used by the public.

SECTION 10. ADOPTION OF UNIFORM CODES. (1)The Uniform Building Code (1997 ed.) including all Appendices, the National Electrical Code (1996 ed.), the Uniform Plumbing Code

(1997 ed.), the Uniform Fire Code (1997 ed.) as adopted by the state of Idaho at Section 41-253 Idaho Code and IDAPA 18.01.50 (with the exception of IDAPA 18.01.50.000 through 18.01.50.003), the Uniform Mechanical Code (1997 ed.), the Uniform Sign Code (1997 ed.), the Uniform Code for Abatement of Dangerous Buildings (1997 ed.), the Uniform Housing Code (1997 ed.), the Uniform Administrative Code (1997 ed.), and the Uniform Code for Building Conservation (1997 ed.), are hereby adopted by reference into the Elmore Building Code. One copy of the current edition of the books publishing the aforementioned codes 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.

(2) Whenever the above named codes and supporting documents are amended, altered, revised and republished from time to time, the Board of Commissioners of Elmore County, after notice and hearing as required by statute, may amend this Ordinance and incorporate all or part of said changes.

ARTICLE III

ELMORE COUNTY BUILDING PERMIT

SECTION 11. PERMITS. It shall be unlawful for any person, firm, co-partnership, association, company or corporation, after the adoption of this Ordinance, to do, cause or permit to be done, 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 Ordinance, without first 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. 86-5 cited as the Elmore County Building Code and all other ordinances or parts of ordinances in conflict herewith are hereby repealed.

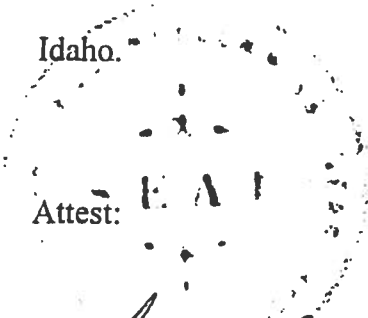
SECTION 14. SAVINGS CLAUSE. In the event any of the above-entitled Sections are declared unconstitutional and/or unlawful, each Section thereof shall be declared independent of the other and any sections of this Ordinance not declared unconstitutional and/or unlawful shall remain in full force and effect.

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 28th day of June, 1999, upon which roll call vote was duly taken and said Ordinance duly passed by a unanimous vote as an Ordinance of Elmore County,

Idaho.

Attest:

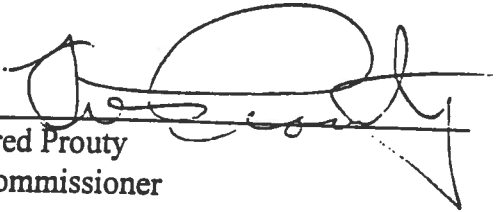


Hail S. Best

Clerk of the Board of
County Commissioners

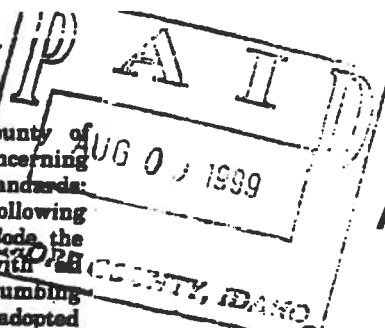
Larry E. Rose
Larry Rose
Chairman, Elmore County Board of
Commissioners

Don Reynolds
Don Reynolds
Commissioner



Fred Prouty
Commissioner

**ELMORE COUNTY
ORDINANCE 88-4**



Affidavit of Publication

An Ordinance of the County of Elmore, State of Idaho, concerning building regulations and standards: adopting by reference the following codes: The Uniform Building Code, the National Electrical Code with all appendices, the Uniform Plumbing Code, the Uniform Fire Code as adopted by the State of Idaho, the Uniform Mechanical Code, the Uniform Sign Code, the Uniform Code for Abatement of Dangerous Buildings, the Uniform Housing Code, the Uniform Administrative Code, and the Uniform code for Building Conservation: Providing, that as the aforementioned codes and supporting documents are amended, altered, revised and republished from time to time, the Board of Commissioners of Elmore County may examine and determine whether to adopt the same in whole or part: Providing that one copy of each of the above-named codes shall be on file at all times in the office of the County Clerk: Providing for the issuance of permits and collections of fees thereof: Providing penalties for the violation thereof: Repealing Ordinance No. 88-5 of the County of Elmore and all ordinances in conflict herewith and fixing an effective date.

Be it ordained by the Board of the County Commissioners of Elmore County, Idaho, in lawful meeting assembled:

The following is a list of sections contained in the Ordinance. A copy of the entire Ordinance is available on request at the Recorder's Office, Elmore County, Idaho.

- ARTICLE 1 GENERAL PROVISIONS
 - Section 1. PURPOSE OF ORDINANCE
 - Section 2. SHORT TITLE--THE CODE
 - Section 3. ADOPTION OF REGULATIONS
 - Section 4. FEES
 - Section 5. EXPIRATION, SUSPENSION AND REVOCATION OF PERMITS
 - Section 6. LIMITATION ON RESPONSIBILITY
 - Section 7. VIOLATIONS
- ARTICLE II ELMORE COUNTY BUILDING CODE
 - Section 8. SHORT TITLE
 - Section 9. APPLICATION OF CODE - EXEMPTIONS
 - Section 10. ADOPTION OF UNIFORM CODES
- ARTICLE III ELMORE COUNTY BUILDING PERMIT
 - Section 11. PERMITS
 - Section 12. UNLAWFUL TO ENERGIZE WITHOUT PERMIT
 - Section 13. REPEAL OF CONFLICTING ORDINANCES
 - Section 14. SAVINGS CLAUSE
 - Section 15. EFFECTIVE DATE

County of Elmore } ss.
STATE OF IDAHO }

I, Coleen W. Swenson, do solemnly swear that I am the foreman, or publisher of the

Mountain Home News

a weekly newspaper of general circulation, published once a week at MOUNTAIN HOME, IDAHO, that the notice attached hereto and which is a part of publication thereof; was published in said newspaper for

1 consecutive weeks, the first publication having been made on 7th day of

July, 1999, and the last publication having been made on the 7th day of

July, 1999; every Wednesday

issue of the paper during the period and time of publication and that the notice was published in the newspaper proper and not in a supplement thereof.

And I further swear that the said MOUNTAIN HOME NEWS has been continuously and uninterruptedly published in said Elmore County during a period of 78 consecutive weeks prior to the first publication of the attached notice.

Coleen W. Swenson

Subscribed and sworn to me this 7th day of

July, 1999

Cynthia A. Koberse
Notary Public

Residing in Mountain Home, Elmore County, Idaho. My commission expires 09-09-2002