

CHAPTER 1 – BUILDING REGULATIONS

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Section 9-1-1. Code Adoption: Elmore County will adopt the Building Codes that the State of Idaho adopt. That the approved editions of the following nationally recognized codes are adopted as the official building codes of the County of Elmore, except as provided in Section 9-1-2.

- 2015 International Building Code
- 2012 International Residential Code, Parts I-IV and IX
- 2015 International Conservation Code
- 2015 Idaho Fire Code

The adopted versions of the codes shall be effective upon adoption. The codes shall be deemed superseded by successive versions of such codes as they are adopted or approved by the State of Idaho effective on the 1st day of January of the year following the date any such codes are made effective for the state, unless a different date is required by state statute. The Board may, by resolution, confirm the building codes in effect in Elmore County.

Section 9-1-2. Amendments to adopted codes: Amendments to the guiding codes shall be adopted in accordance with Idaho Statute § 39-4109. The amendments are listed in IDAPA 07.03.01, “Rules of Building Safety”.

Section 9-1-3. Ground Snow Load: a formula used based on the type of roof to determine the given snow load of the roof. The ground snow load for areas north of Tollgate, Idaho, shall be 120 pounds per square foot. The ground snow load for areas south of Tollgate, Idaho, shall be 30 pounds per square. Map attached as exhibit “A”.

Section 9-1-4. Minimum Frost Depth for Footings: The minimum frost depth for footings in areas south of Tollgate, Idaho, shall be 24 inches deep. The minimum frost depth for footings in areas north of Tollgate, Idaho, and south of Featherville shall be 30

inches deep. The minimum frost depth for footings in areas Featherville and north shall be 36 inches deep. Map attached as exhibit "B".

Section 9-1-5. Permits and Fees:

- A. Applicants shall pay a combined permit and plan review fee in amounts to be determined by Resolution of the Board. All permits required under this Ordinance require fees to be paid prior to permit being issued, unless specified otherwise herein.
- B. Permits may require signatures from relevant outside agencies. Signatures needed from outside agencies will be determined by the Department.

Section 9-1-6. Manufactured Home Installation Permits: Placement of mobile/manufactured homes shall require an installation permit. The permit applicant shall supply to the Building Official the same site information required from the applicant seeking a building permit for a single-family dwelling and shall pay a permit fee as set by resolution of the Board of County Commissioners. Installation must conform with the Idaho Manufactured Home Installation Manual.

Section 9-1-7. Exemptions: Agricultural Structures, as defined by the International Building Code and this Ordinance, are exempt from the building codes adopted herein and building fees as adopted by resolution of the Board. Agricultural Structures shall remain subject to placement requirements and any other requirement established by this Ordinance and by State Code. Agricultural Structures will be recorded as such structures at the Elmore County Recorders office.

Section 9-1-8. Severability: This ordinance is hereby declared to be severable. Should any portion of this ordinance be declared invalid by a court of competent jurisdiction, the remaining provisions shall continue in full force and effect and shall be read to carry out the purpose(s) of the ordinance before the declaration of partial invalidity.

Section 9-1-9. Penalty for Failure to Obtain Building Permit and Violations:

- A. It shall be unlawful for anyone to commence site work, dig a foundation or otherwise commence construction of any improvement which is required to have a building permit under this ordinance. Anyone performing any of the forgoing actions prior to obtaining a building permit as required by this ordinance shall be in violation of this chapter and title and shall be subject to an investigation fee in pursuant to Title 7 Chapter 16 Section 7-16-6 and penalties in Title 7 Chapter 16 Section 7-16-3. Violations may be recorded at the Elmore County Recorder's Office.
- B. Other violations of the adopted building codes shall be subject to the enforcement, violation and penalties in Title 7 Chapter 16 Section 7-16-3.
- C. Building permits that have expired prior to issuance of a Certificate of Occupancy/Completion will be recorded at the Elmore County Recorder's Office as a

violation and will remain until such time as the violation has been resolved.

- D. When the violation has been resolved, a Release of Violation will be recorded at the Elmore County Recorder's Office within 30 days.

Section 9-1-10. Appeals:

- A. Application. An application for appeals provided by the Department shall be submitted within 20 days after the notice is served.

- B. Appeals Board. The board of appeals shall consist of five (5) members appointed by the Board of County Commissioners, each member shall serve a term of four (4) years.

- a. The building official shall serve as an ex officio member of the board but shall have no vote on any matter before the board.
- b. Board member qualifications: Members of the board shall consist of design professionals, contractors, building inspectors, and at least one member from the general public. No member of the board shall be employed by Elmore County.
- c. Rules and Procedures: The board is authorized to establish policy and procedures necessary to carry out its duties.
- d. Chairperson: The board shall annually select one member to serve as the chairperson.
- e. Disqualification of member: A member shall not hear an appeal in which that member has a personal, professional or financial interest.
- f. Secretary: The board shall designate a qualified clerk to serve as secretary to the board. The secretary shall file a detailed record of all proceedings in the office of the board.
- g. Compensation of members: Compensation of members shall be determined by the Board of County Commissioners.

- C. Notice of Meeting: The board shall meet upon notice from the chairperson, within 10 days of the filing of an appeal or at stated periodic meetings.

- a. Open Hearing: All hearings before the board shall be open to the public. The appellant, the appellant's representative, the building official and any person whose interests are affected shall be given an opportunity to be heard.
- b. Procedure: The board shall adopt and make available to the public through the secretary procedures under which a hearing will be conducted. The procedures shall not require compliance with strict rules of evidence, but shall mandate that only relevant information be received.
- c. Postponed Hearing: When four (4) members are not present to hear an appeal, either the appellant or the appellant's representative shall have

the right to request a postponement of the hearing.

D. Board Decision: The board shall modify or reverse the decision of the building official by a concurring vote of two thirds of its members.

- a. Resolution: The decision of the board shall be by a written decision. Certified copies shall be furnished to the appellant and to the building official.
- b. Administration: The building official shall take immediate action in accordance with the decision of the board.