

ORDINANCE 2014- 01

AN ORDINANCE AMENDING THE ELMORE COUNTY ZONING AND DEVELOPMENT ORDINANCE, TITLE 6, TO ADD CHAPTER 40, ADOPTING THE 2012 VERSION OF THE INTERNATIONAL BUILDING CODE, THE 2009 VERSION OF THE INTERNATIONAL RESIDENTIAL CODE, PARTS I-IV AND IX, AND THE 2009 VERSION THE INTERNATIONAL ENERGY CONSERVATION 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 SEVERABILTY; REPEALING ORDINANCE 2008-03 AND ANY OTHER CONFLICTING ORDINANCES, IF ANY, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Title 39, Chapter 40 of Idaho Code (“Idaho Building Code Act”) provides authority to Elmore County to adopt and enforce building codes.

WHEREAS, Title 67, Chapter 65 of the Idaho Code (“Local Land Use Planning Act”) and Article 12, Section 2 of the Idaho Constitution provides authority for Elmore County to adopt land use and regulation ordinances to protect the health, safety, and welfare of their citizens;

WHEREAS, the Board of Commissioners of Elmore County (the “Board”) adopted the 2004 Comprehensive Growth and Development Plan on August 9, 2004, which comprehensive plan was subsequently amended on December 3, 2007 and August 17, 2011 (the “Comprehensive Plan”);

WHEREAS, the Board amended and restated, in its entirety, the Elmore County Zoning and Development Ordinance on March 21, 2012 as Ordinance 2012-01; which ordinance was subsequently amended on September, 19, 2012, as Ordinance 2012-03 (collectively, the “Existing Zoning Ordinance”).

WHEREAS, the Elmore County Land Use and Building Department along with the Elmore County Planning and Zoning Commission have proposed certain changes to the Existing Zoning Ordinance in the form of an amendment to the Existing Zoning Ordinance, which changes are attached hereto on Exhibit A (the “Amendment”), which exhibit is made a part hereof as if fully set forth herein. The Amendment, adds a new chapter, Chapter 40, to the Existing Zoning Ordinance, adopting the 2012 version of the International Building Code, the 2009 version of the International Residential Code, Parts I-IV, and IX, and the 2009 version of International Energy Conservation Code; as amended in the Amendment.

WHEREAS, following notice, the Elmore County Planning and Zoning Commission conducted a public hearing on April 9, 2014 and offered a written recommendation of approval to the Board on May 21, 2014 in compliance with both the Local Land Use Planning Act, Idaho Code §§ 67-6501 through -6529, and the Existing Zoning Ordinance in consideration for the adoption of the Amendment;

WHEREAS, the Elmore County Board of Commissioners conducted a public hearing on July 14, 2014 in compliance with both the Local Land Use Planning Act and Zoning Ordinance in consideration of amending the Existing Zoning Ordinance by the addition of the Amendment;

WHEREAS, The Elmore County Board of Commissioners has determined the Amendment is: (i) not in conflict with the Comprehensive Plan; (ii) complies with the regulations outlined for the base zone, specifically the purpose statement; (iii) shall not be materially detrimental to the public health, safety and welfare; (iv) and shall not result in an adverse impact upon the delivery of services by any political subdivisions providing public services within the planning jurisdiction including, but not limited to, school districts.

NOW, THEREFORE, BE IT HEREBY ORDAINED BY THE ELMORE COUNTY BOARD OF COMMISSIONERS:

SECTION 1. ADOPTION OF THE AMENDED AND RESTATED ELMORE COUNTY ZONING AND DEVELOPMENT ORDINANCE: The Amendment is hereby adopted as an amendment to the Existing Zoning Ordinance. The Existing Zoning Ordinance shall remain in full force and effect as amended by the Amendment.

SECTION 2. REPEAL OF CONFLICTING ORDINANCE. The Ordinance 2008-03 is hereby repealed and replaced in its entirety with the Amendment. Additionally, any other ordinances of Elmore County, Idaho, if any, which are in conflict with the terms of this Ordinance and the Amendment are hereby repealed to the extent of such conflict.

SECTION 3. EFFECTIVE DATE. This Ordinance shall take effect and be in force after its passage, approval and publication as required by law. In lieu of publication of the entire Ordinance, a summary thereof in compliance with Idaho Code § 31-715A may be published.

Dated this 14th day of July, 2014.

[Signatures on following page]

ELMORE COUNTY BOARD OF COMMISSIONERS



By: *Albert Hofer*
Albert Hofer, Chairman

By: *Franklin Corbus*
Franklin Corbus, Commissioner

By: *Wesley R. Wootan*
Wesley R. Wootan, Commissioner

ATTEST:

Barbara Steele
Barbara Steele, Elmore County Clerk

Exhibit A
TITLE 6
ELMORE COUNTY
ZONING and DEVELOPMENT ORDINANCE

CHAPTER 40 – BUILDING REGULATIONS

Sections:

- 6-40-1 Code Adoption**
- 6-40-2 Amendment to Adopted Codes**
- 6-40-3 Ground Snow Load**
- 6-40-4 Minimum Frost Depth for Footings**
- 6-40-5 Permit Fees**
- 6-40-6 Manufactured Home Installation Permits**
- 6-40-7 Exemptions**
- 6-40-8 Severability**
- 6-40-9 Penalty for Failure To Obtain Building Permit and violations**

Section 6-40-1. Code Adoption: 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 6-40-2:

- the 2012 version of the International Building Code;
- the 2009 version of the International Residential Code, Parts I-IV and IX;
- the 2009 version of the International Energy Conservation Code;

The adopted versions of the foregoing codes shall be effective upon adoption. The foregoing 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 6-40-2. Amendments to adopted codes: That the following amendments shall be applicable to the adopted building codes:

A. 2012 International Building Code:

1. TABLE 2902.1 FOOTNOTE F

- f. Drinking fountains are not required for an occupant load of thirty (30) or fewer.

2. TABLE 2902.1 FOOTNOTE G

g. For business occupancies, excluding restaurants, and mercantile occupancies with an occupant load of thirty (30) or fewer, service sinks shall not be required.

B. 2009 International Residential Code, parts I-IV and IX:

SECTION R315.2, CARBON MONOXIDE ALARMS WHERE REQUIRED IN EXISTING DWELLINGS

R315.3 Where required in existing dwellings.

Where work requiring a *permit* occurs in existing *dwellings* that have attached garages or in existing dwellings within which fuel-fired *appliances* exist, carbon monoxide alarms shall be provided in accordance with Section R315.1.

Exceptions:

1. Work involving the exterior surfaces of *dwellings*, such as, but not limited to, replacement of roofing or siding, or the *addition* or replacement of windows or doors, or the *addition* of a porch or deck, or electrical permits, are exempt from the requirements of this section.
2. Installation, *alteration* or repairs of noncombustion plumbing or mechanical systems are exempt from the requirements of this section.

SECTION N1102.4.3, FIREPLACES

N1102.4.3. Fireplaces. New wood-burning fireplaces shall have tight-fitting flue dampers and outdoor combustion air.

C. International Energy Conservation Code:

SECTION 402.4.3, FIREPLACES

402.4.3 Fireplaces. New wood-burning fireplaces shall have tight-fitting flue dampers and outdoor combustion

Section 6-40-3. 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 attach as exhibit "B".

Section 6-40-4. 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 "C".

Section 6-40-5. Permit Fees: Applicants shall pay a combined permit and plan review fees in amounts to be determined by Resolution of the Board. All permits required under the Ordinance require fees to be paid prior to permit being issued, unless specified otherwise herein.

Section 6-40-6. 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.

Section 6-40-7. 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.

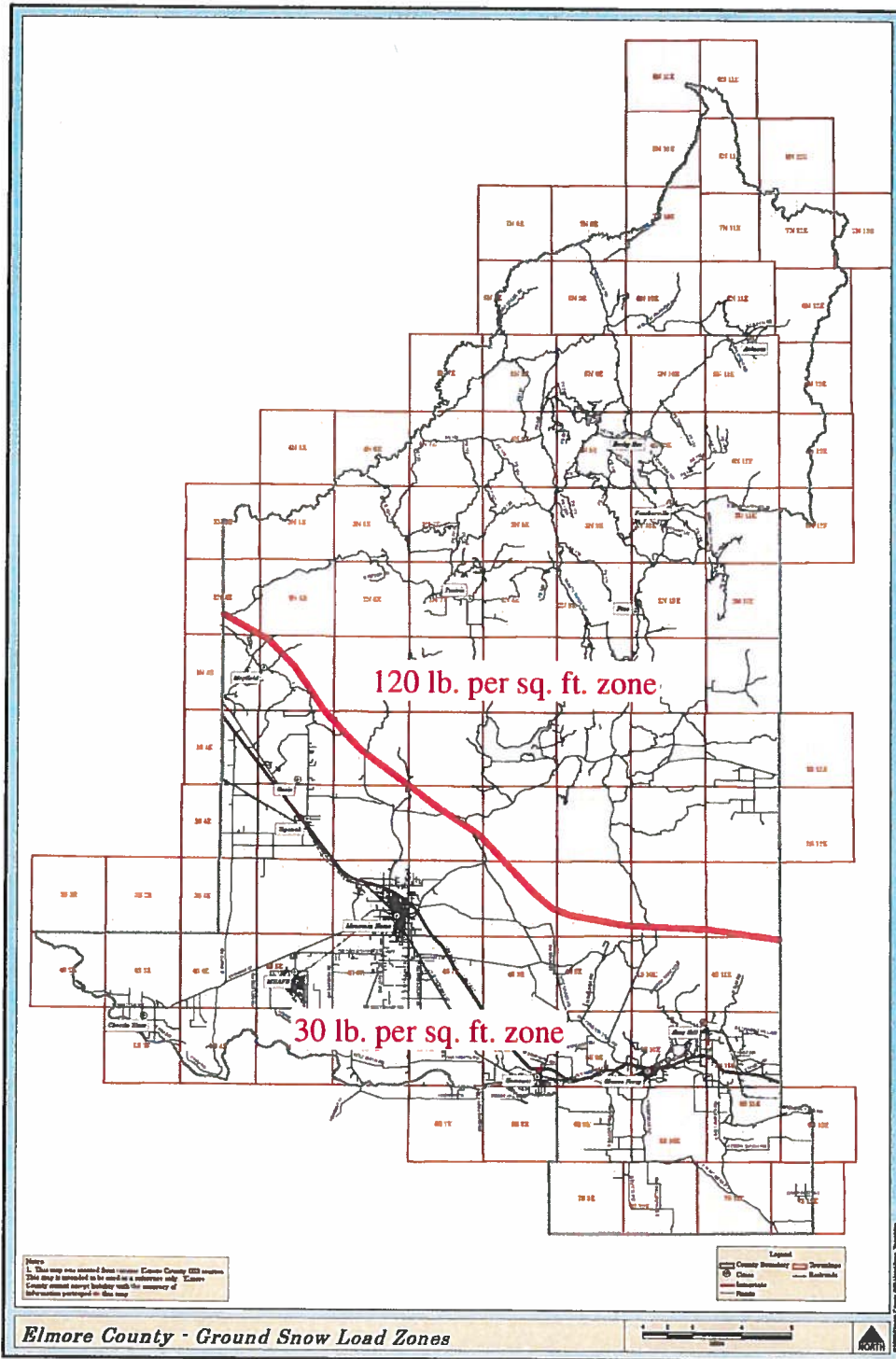
Section 6-40-8. Severability. This ordinance is hereby declared to be severable. Should any portion of this ordinance be declared invalid by a court of competent jurisdiction, the remaining provisions shall continue in full force and effect and shall be read to carry out the purpose(s) of the ordinance before the declaration of partial invalidity.

Section 6-40-9. 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 section 6-3-13 and penalties in Section 6-3-5 of this ordinance.

B. Other violations of the adopted building codes shall be subject to the enforcement, violation and penalties in section 6-3-5 of this ordinance.

Exhibit "B"



Note
 1. This map was created from various Elmore County GIS systems.
 This map is intended to be used as a reference only. Elmore
 County cannot accept liability with respect to accuracy of
 information presented on this map.

Elmore County - Ground Snow Load Zones



Exhibit "C"

