

ORDINANCE NO. 5__

Case No. ORA17-0005

TITLE 7, ~~CHAPTER 1~~, KOOTENAI COUNTY CODE

Repeal of Building Code Ordinance, Adoption of Building Location Permit Requirements and Procedures, and Adoption of Voluntary Building Permit Program

AN ORDINANCE OF KOOTENAI COUNTY, IDAHO, A POLITICAL SUBDIVISION OF THE STATE OF IDAHO, RELATING TO BUILDING CODES; REPEALING TITLE 7, CHAPTER 1, ~~IDAHO KOOTENAI COUNTY CODE~~; ADDING A NEW TITLE 7, CHAPTER 1, ~~IDAHO KOOTENAI COUNTY CODE~~, PROVIDING STANDARDS AND PROCEDURES FOR BUILDING LOCATION PERMITS FOR ANY BUILDINGS TO BE CONSTRUCTED, LOCATED, SET, OR RELOCATED ON REAL PROPERTY WITHIN THE UNINCORPORATED AREA OF KOOTENAI COUNTY; ADDING A NEW TITLE 7, CHAPTER 2, ~~IDAHO KOOTENAI COUNTY CODE~~, PROVIDING STANDARDS AND PROCEDURES FOR A VOLUNTARY BUILDING PERMIT PROGRAM WITHIN THE UNINCORPORATED AREA OF KOOTENAI COUNTY; ~~AMENDING REPEALING SECTION 8.8.205, KOOTENAI COUNTY CODE TO PROVIDE FOR BUILDING LOCATION PERMIT REQUIREMENTS~~; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Commented [PB1]: Corrected a typo with the three occurrences shown.

Commented [PB2]: Section 8.8.205 would no longer be needed.

NOW THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Kootenai County, Idaho as follows:

SECTION 1. That Title 7, Chapter 1 of the Kootenai County Code be, and the same is hereby repealed.

SECTION 2. That Title 7, Kootenai County Code, be, and the same is hereby amended by the addition thereto of a **NEW CHAPTER**, to be known and designated as Title 7, Chapter 1, Kootenai County Code, entitled "Building Location Permits," and to read as follows:

Article 1.1 General Provisions

7.1.101: BUILDING LOCATION PERMITS REQUIRED: It shall be unlawful to construct, ~~reconstruct~~, set, place, install, enlarge, extend, move or convert any building or structure within the unincorporated area of Kootenai County without first procuring a building location permit from the department in compliance with this chapter and with Title 8 of this code. The director may attach specific conditions to any building location permit to ensure compliance with the requirements and intent of this chapter and of Title 8 of this code, and to protect public health and safety.

7.1.102: BUILDING LOCATION PERMIT REQUIREMENTS FOR MANUFACTURED STRUCTURE PLACEMENT:

A. No manufactured home, mobile home, or modular building shall be set, placed, installed or moved without first procuring a building location permit from the department.

B. To be eligible for a building location permit, mobile homes shall comply with the ~~following rehabilitation requirements:~~rehabilitation requirements set forth in IDAPA 07.03.13. Proof of compliance shall be provided as specified on a certificate of compliance issued by the Idaho Division of Building Safety before a building location permit may be issued.

~~1. A smoke detector (which may be a single station alarm device) shall be installed on any wall in a hallway or space communicating with each bedroom area and the living area on the living area side and, when located in a hallway, the detector shall be between the return air intake and the living area. Each smoke detector shall be installed in accordance with its listing and the top of the detector shall be located on a wall four inches (4") to twelve inches (12") below the ceiling. The detector may be battery powered or may be connected to an electrical outlet box by a permanent wiring method into a general electrical branch circuit, without any switch between the over current protection device protecting the branch circuit and the detector.~~

~~2. The walls, ceilings and doors of each compartment containing a gas fired furnace or water heater shall be lined with five sixteenths inch ($\frac{5}{16}$ ") gypsum board, unless the door opens to the exterior of the home, in which case, the door may be all metal construction. All exterior compartments shall seal to the interior of the mobile home.~~

~~3. Each room designated expressly for sleeping purposes shall have an exterior exit door or at least one outside egress window or other approved exit device with a minimum clear dimension of twenty two inches (22") and a minimum clear opening of five (5) square feet. The bottom of the exit shall not be more than thirty six inches (36") above the floor.~~

~~4. All electrical systems shall be tested for continuity to assure that metallic parts are properly bonded, tested for operation to demonstrate that all equipment is connected and in working order, and given a polarity check to determine that connections are proper. The electrical system shall be properly protected for the required amperage load. If the unit wiring is of aluminum conductors, all receptacles and switches rated twenty (20) amperes or less directly connected to the aluminum conductors shall be marked CO/ALR. Exterior receptacles other than heat tape receptacles shall be of the ground fault circuit interrupter (GFI) type. Conductors of dissimilar metals (copper/aluminum or copper clad aluminum) must be connected in accordance with section 110-14 of the National Electrical Code.~~

~~5. The mobile home's gas piping shall be tested with the appliance valves removed from the piping system and piping capped at those areas. The piping system shall withstand a pressure of at least six inch (6") mercury or three pounds per square inch (3 psi) for a period of not less than ten (10) minutes without showing any drop in pressure. Pressure shall be measured with a mercury manometer or a slope gauge calibrated so as to read in increments of not greater than one tenth ($\frac{1}{10}$) pound or an equivalent device. The source of normal operating pressure shall be isolated before the pressure test is made. After the appliance connections are reinstalled, the piping system and connections shall be tested with line pressure of not less than ten inches (10") nor more than fourteen inches (14") water column air pressure. The appliance connections shall be tested for leakage with soapy water or a bubble solution. All gas furnaces and water heaters shall be vented to the exterior in accordance with the applicable provisions of the International Mechanical Code or International Fuel Gas Code.~~

Commented [PB3]: These standards are contained in the referenced IDAPA rules. Therefore, we don't have to reproduce them here. Also, this way we don't have to amend the ordinance of those standards change in the future.

~~6. A full water or air pressure test must be performed on the mobile home's water and sewer system.~~

~~a. Water piping shall be tested and proven tight under a water pressure not less than the working pressure under which it is to be used. The water used for tests shall be obtained from a potable source of supply. A fifty pound per square inch (50 psi) air pressure may be substituted for the water test. In either method of test, the piping shall withstand a test without leaking for a period of not less than fifteen (15) minutes.~~

~~b. A water test shall be applied to the drainage and vent system either in its entirety or in sections. If applied to the entire system, all openings in the piping shall be tightly closed, except at the highest opening, and the system filled with water to the point of overflow. If the system is tested in sections, each opening shall be tightly plugged except the highest opening of the section under the test and each section shall be filled with water, but no section shall be tested with less than a ten foot (10') head of water. In testing successive sections, at least the upper ten feet (10') of the next preceding section shall be tested, so that no joint or pipe in the structure, except the uppermost ten feet (10') of the system, shall have been submitted to a test of less than a ten foot (10') head of water. The water shall be kept in the system or in the portion under testing for at least fifteen (15) minutes before inspection starts. The system shall be tight at all points.~~

C. Any manufactured or mobile home newly set in the unincorporated area of Kootenai County, including those to be set within a mobile home park, must be documented as meeting no less than a thirty pounds per square foot (30 psf) roof snow load, as a condition of issuance of a building location permit. Any manufactured or mobile home that is not listed as meeting this minimum roof snow load requirement may satisfy this requirement by one of the following methods:

1. Construction of a self-supporting ramada (roof cover) is erected over the manufactured or mobile home. The ramada must meet a minimum roof snow load of 30 pounds per square foot.

2. Submittal of an engineering report, with supporting calculations, which has been prepared by a State of Idaho licensed professional engineer and documents that the mobile or manufactured home is capable of resisting the snow loads specific to its proposed location.

3. Alteration of the mobile or manufactured home so that is capable of resisting the snow loads specific to its proposed location. The submittal documents for such an alteration must include a design prepared by a State of Idaho licensed professional engineer, with supporting design calculations.

4. Exceptions:

a. Any mobile or manufactured home which can be verified as being currently legally set in conformance with all Kootenai County and State of Idaho regulations may be re-located elsewhere within the unincorporated area of Kootenai County without demonstrating compliance with options (a), (b), or (c) above, provided said structure can be verified as being constructed to meet a minimum roof snow load of 30 pounds per square foot. Compliance with other applicable statutes, rules, and ordinances is required.

Commented [PB4]: Clarification giving "teeth" to this snow load requirement since a building permit would not be required.

b. Any mobile or manufactured home which will be utilized as an approved temporary hardship unit as defined in Title 8, Kootenai County Code, may be approved by the building official for issuance of a building location permit without demonstrating compliance with options (a), (b), or (c) above, provided said structure can be verified as being constructed to meet a minimum roof snow load of 30 pounds per square foot.

~~D. Proof of compliance shall be provided by an ICBO certified building inspector, gas utility provider, licensed electrical contractor or licensed plumbing contractor on a mobile home rehabilitation certificate form provided by the Department, or proof of compliance shall be provided as specified on a "certificate of compliance" issued by the Administrator of the Division of Building Safety of the State of Idaho. The owner of the mobile or manufactured home shall be responsible for obtaining an installation tag, installation permit, and all required inspections from the Idaho Division of Building Safety pursuant to IDAPA 07.03.12. Failure to comply with these requirements may result in revocation of a previously issued building location permit for the mobile or manufactured home.~~

~~E. The director may attach specific conditions to any building location permit to ensure compliance with the requirements and intent of this chapter and of Title 8 of this code, and to protect public health and safety.~~

Commented [PB5]: The certificate of compliance is covered in subsection (B) of this section. Therefore, this has been changed to put owners on notice that they still have to comply with state requirements.

7.1.103: EXEMPT STRUCTURES AND ACTIVITIES:

A. The following structures and activities shall be exempted from the provisions of this chapter:

1. Accessory buildings or structures that are detached structures used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed two hundred (200) square feet. ~~Such accessory structures are subject to the land use standards specified in Title 8 of this code, including, without limitation, setback areas.~~

Commented [PB6]: Moved to subsection (B) of this section to apply to each of the types of structures and activities covered in this subsection.

2. An addition to an existing residential accessory structure used solely for storage or agricultural uses such as woodsheds, lean-tos, greenhouses, general storage, provided the addition:

- a. Is an addition that has a total floor area not exceeding two hundred (200) square feet.
- b. Is accessed exclusively from a separate, outside entrance.
- c. Has no sewage disposal utilities.
- d. Does not cause an exempt structure to exceed two hundred (200) square feet.

3. Agricultural structures designed or constructed solely for the purpose of storing or housing hay, grain, poultry, livestock, produce, horticultural products or agricultural equipment, provided the floor area does not exceed two hundred (200) square feet. Such structure shall not be inhabited, a place of employment, or a place where products are erected, constructed, enlarged, improved, converted, demolished, processed, treated, or packaged for sale, nor shall such structure be a place used by or accessible to the general public. Such agricultural structures are subject to the land use standards specified in Title 8 of this code.

4. Fences that are less than eight feet (8') in height.
5. Manufactured homes, mobile homes or modular buildings that have been temporarily placed on licensed sales lots for retail or wholesale sales.
6. Temporary motion picture, television and theater stage sets and scenery used only for the duration of a particular event.
7. Platforms, walks and driveways not more than thirty inches (30") above grade and not over any basement or story below.
8. Retaining walls that are not over four feet (4') in height measured at grade.
9. Reroofing.
10. Row covers, high tunnels, hoop houses, or other membrane covered structures used in raising of crops to extend the growing season.
11. Swimming pools not exceeding four thousand (4,000) ~~square feet of area~~ gallons.
12. Water tanks not exceeding five thousand (5,000) gallons.
13. Window replacement or window awnings supported by an exterior wall.
14. Yurts, teepees, tents, or other membrane structures that do not contain a kitchen or plumbing facilities.
15. Buildings, construction trailers, equipment and materials used in conjunction with construction work during the period of construction. Such facilities shall be removed upon occupancy of the structure unless otherwise permitted pursuant to this chapter or Title 8 of this code.

B. The structures listed in subsection (A) of this section remain subject to all applicable land use standards specified in Title 8 of this code, including, without limitation, setback areas. Exceptions from the requirements of this chapter shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this chapter, Title 8 of this code, or other county ordinances, or in violation of any state or federal laws.

Commented [PB7]: See comment to subsection (A) of this section.

7.1.104: ~~STRUCTURES EXEMPT UPON FILING OF DECLARATION OF EXEMPT STRUCTURE:~~

~~A. No~~A. In addition to the structures and activities exempted from building location permitting requirements pursuant to section 7.1.103 of this chapter, no building location permit shall be required when a structure to be constructed is one of the following types:

Commented [PB8]: Both the title and the language in this subsection and subsection (D) of this section were changed to clarify that these are also exempt structures, but that a declaration of exempt structure must be filed so that CD staff can check for compliance with land use code requirements.

1. A detached non-habitable, accessory structure used as a tool or storage shed, playhouse, carport, shop, or an agricultural structure provided the floor area does not exceed one thousand (1,000) square feet. Such structure shall have no sewage disposal utilities, a place of

employment, or a place where products are erected, constructed, enlarged, improved, converted, demolished, processed, treated, or packaged for sale, nor shall such structure be a place used by or accessible to the general public. Additions shall not be added to previously exempted structures that would cause the structure to exceed one thousand (1,000) square feet.

2. An open shell structure, open shell lean-to addition, and an open shell deck addition to a residential structure or similar use where the additions shall not be added to previously exempted structures that would cause the structure to exceed one thousand (1,000) square feet. Such structure shall have no sewage disposal utilities.

B. For each type of structure listed in subsection (A) of this section, a completed declaration of exempt structure shall be filed with the department before the start of construction.

C. Every declaration of exempt structure issued under the terms of this chapter shall expire and become null and void if the building or work authorized by such declaration of exempt structure is not commenced within one (1) year from the issuance date of such declaration of exempt structure, or if the building or work authorized by such declaration of exempt structure is suspended or abandoned at any time after the work is commenced for a period of more than one (1) year.

D. The structure shall comply with the applicable requirements of Title 8 of this Code and other county ordinances, and with other applicable state or federal laws, and the declaration of exempt structure shall demonstrate compliance with such requirements.

E. All structures shall meet the separation distance requirements to the on-site septic tank, drainfield, or drainfield replacement area pursuant to the State of Idaho's individual/subsurface sewage disposal rules, IDAPA 58.01.03. The property owner shall comply with the "one number locator" (call before you dig) regulations of Title 55, Chapter 22, Idaho Code.

Article 1.2 Application Requirements and Approval Procedure

7.1.201: APPLICATION REQUIREMENTS:

A. The applicant for a building location permit shall provide the following:

1. A plot plan showing the location of the structure or building, showing distances from the building's greatest architectural projections to the property lines.
2. A copy of the recorded deed legally describing the property on which the structure or building is to be located.
3. A description of the intended use of the building or structure and diagrammatic plans of the structure in sufficient detail to identify the size and use of all components and floors of the structure.

Unless otherwise provided in this chapter, the plans need not be prepared by a licensed engineer or architect.

B. Applicants for building location permits for commercial, industrial, or public buildings, or for multi-family dwellings (other than for building mounted signs or freestanding signs not greater than 64 square feet and not greater than 10 feet in height, as measured from grade to top of sign), shall also provide a copy of building construction plans stamped by an architect or engineer licensed in the State of Idaho. Applicants for building location permits for structures located within a mapped floodplain or floodway shall also provide building construction plans certified by an Idaho registered engineer or Idaho licensed architect as being in compliance with Title 8, Chapter 7, Article 7.2 of this code.

C. Additional Requirements for Development in Special Flood Hazard Areas: Before construction or development begins within any special flood hazard area, the applicant shall provide sufficient information to conclusively demonstrate compliance with the applicable provisions of Title 8, Chapter 7, Article 7.2 of this code. At a minimum, this shall include the following:

1. A fully completed, pre-~~and post~~-construction elevation certificate for each structure;
2. A certification by a licensed professional engineer that any structural fill has been appropriately compacted;
3. A description of the extent to which any watercourse will be altered or relocated as a result of the proposed development; and
4. Any additional information required by the director.

Commented [PB9]: Changed to reflect that a post-construction certificate cannot be issued prior to construction.

7.1.202: PERMIT FEES:

A. The Board shall, by resolution, establish a fee schedule for building location permits, time extensions, investigation of work without permits and other building location permit related matters. A copy of the official fee schedule shall be maintained by the department and shall be available for public inspection during normal business hours.

B. Building location permit applications to be processed under the terms of this chapter shall be accompanied by the applicable filing fee.

C. All filing fees shall be payable to the department and are nonrefundable. No permit shall become effective until all fees have been paid.

D. The board may waive all or any portion of any fees for political subdivisions or public agencies.

E. The director may reduce any fine, investigative fee or assessment imposed by this chapter, upon a showing of good cause as evidenced by an affidavit executed by the landowner showing an undue hardship because of errors, equitable principles, excusable neglect or inadvertence. In no case shall the fee reduction be granted if it results in a grant of special privilege. Ignorance of the law by any person shall not justify such relief.

7.1.203: FEE FOR INVESTIGATION OF WORK WITHOUT PERMIT: Whenever any work for which a permit is required under the terms of this chapter has commenced without first obtaining said permit, an investigation fee as adopted by resolution of the board shall be collected

whether or not a permit is then or subsequently issued. The payment of the investigation fee shall not exempt any person from compliance with all other provisions of this chapter, nor from any penalty prescribed by law. A separate investigative fee shall be charged for each site visit to the subject property conducted by the department.

7.1.204: AGENCY AUTHORIZATIONS:

~~A. No building location permit shall be issued for the construction, placement, installation, enlargement or extension of any building, residence or structure unless approval has first been obtained from the agency having jurisdiction over the access serving the subject site. Where access is from a private road, confirmation shall be provided that the travelway is not within the jurisdiction of the public. To ensure effective coordination with other departments, agencies and organizations with jurisdiction, the director may request comment and/or require approval from affected agencies prior to issuance of a building location permit. Applications shall meet the following requirements:~~

Commented [PB10]: This language was changed to better specify the agency approvals required as applicable.

~~1. Demonstrate that the proposal meets the requirements of this chapter, the codes referenced herein, and the requirements of all other applicable provisions of Kootenai County Code. With the application, the applicant shall provide copies of Orders of Decision approving any associated applications, such as those for variances, conditional use permits, temporary hardship permits, final subdivision plats, planned unit developments, or zone changes. If required, a site disturbance permit application must be made prior to or concurrently with a building location permit application.~~

~~2. Demonstrate that the proposal has received required permits and approvals from Panhandle Health District and sewer and water districts, as applicable.~~

~~3. Demonstrate that the proposal has received required access, approach, or encroachment permits or approvals from the highway district, Idaho Transportation Department, the Kootenai County Airport, and the fire protection district, as applicable.~~

~~4. For mobile or manufactured home setting permits, provide verification from the Appraisal Division of the Kootenai County Assessor's Office that applicable taxes have been paid.~~

~~5. For encroachments into surface water or wetlands, demonstrate that the proposal has received required encroachment permits from the Idaho Department of Lands, Idaho Department of Water Resources, or the U.S. Army Corps of Engineers, as applicable.~~

B. No building location permit shall be issued for the construction, placement, installation, enlargement or extension of any commercial, industrial or public building or structure, or multi-family residence, unless approval has first been obtained from the applicable fire protection district ~~and the Kootenai County Emergency Medical Services System (KCEMSS).~~

Commented [PB11]: Added per our discussion.

7.1.205: EXAMINATION OF APPLICATION AND ISSUANCE OF BUILDING LOCATION PERMIT; EXAMINATION OF PLANS AND INSPECTION OF STRUCTURES WHERE LOCATED IN FLOODPLAINS OR FLOODWAYS:

A. The director or designee shall administer the provisions of this chapter. The director or designee shall examine the permit application to determine:

1. Whether the setbacks shown on the plan meet the minimum setbacks specified for the use and in the zone in which it is located.
2. Whether the stated use of the structure is a permitted use in the zone in which it is located.
3. Whether the property was subdivided in accordance with the minimum lot or parcel size for the zone in which the parcel is located.
4. Whether the permit complies with other applicable provisions of this code.
5. Whether the permit includes the applicable agency authorizations as specified in this chapter.
6. Whether building construction plans for structures located within a mapped floodplain or floodway have been certified by an Idaho registered engineer or Idaho licensed architect as being in compliance with Title 8, Chapter 7, Article 7.2 of this code.

7.1.206: POSTING OF BUILDING LOCATION PERMIT: The permit holder shall post the building location permit at the job site's vehicular entrance to the public right-of-way or public or private easement at a location that is clearly visible at said entrance. The permit shall remain posted until construction has ceased or the structure has been occupied.

Article 1.3 Administration and Enforcement

7.1.301: DEFINITIONS: The definitions set forth in Title 8, Chapter 9 of this code shall apply to the provisions of this chapter.

7.1.302: DENIAL OF BUILDING LOCATION PERMIT APPLICATION: Should the director or designee determine that the building location permit application does not meet the requirements set forth in this chapter, the director or designee shall provide written notice to the applicant as to the actions that can be taken by the applicant to obtain the permit. Reasons for denial of a building location permit application may include that the permit fails to comply with any particular provision of this code.

7.1.303: APPEAL OF DENIAL OF BUILDING LOCATION PERMIT APPLICATION:

A. Any decision or determination made by the director in the administration of the provisions of this chapter shall be appealable to the Board by any affected persons aggrieved by the decision or determination.

B. Appeals shall be filed with the Department in writing no later than twenty-eight (28) days after the date of the decision or determination to be appealed.

C. Appeal hearing procedures shall be as set forth in Title 8, Chapter 8, Article 8.5 of this code.

7.1.304: NOTIFICATION OF ASSESSOR: The department shall convey one (1) copy of each issued building location permit to the Kootenai County Assessor's Office.

7.1.305: NOTICE OF COMPLETION; NOTICE OF OCCUPANCY: Before any structure may be occupied or used for its intended purpose, the property owner must provide written notice to the department confirming completion of work and readiness for occupancy as set forth in this section.

A. Within one (1) year of the issuance of the permit, the property owner shall provide either a notice of completion, or a notice of the status of work and date of expected completion, to the Department. Failure to provide notice pursuant to this section may result in additional inspections and may be subject to fees and fines as provided by this code or Idaho Code.

B. For purposes of this section, "occupy," "occupied" and "occupancy" shall have the same meaning as the definition of "occupied" in section 63-317, Idaho Code.

C. After a site inspection has been made to confirm compliance with the terms of the approved permit, this chapter, and Title 8 of this code, the department shall provide a copy of the final site inspection report to the assessor's office.

D. In instances in which submittal of plans and inspections ~~were~~are required for construction within a special flood hazard area, the property owner shall provide a copy of the inspection report, certified by a ~~certified building inspector~~design professional, confirming compliance with the standards set forth in Title 8, Chapter 7, Article 7.2 of this code to the department before the structure may be occupied. Where applicable, the property owner shall also provide a final elevation certificate to the department prior to occupancy.

Commented [PB12]: Grammatical correction.

Commented [PB13]: Changed to reflect proper person to inspect for compliance with flood damage prevention requirements.

7.1.306: COMPLIANCE WITH OTHER LAWS: Nothing in this chapter shall be construed to relieve an applicant for a building location permit from compliance with any other requirements contained within this code, Idaho Code, or state or federal regulations, such as obtaining site disturbance, sewage disposal, electrical and plumbing permits.

7.1.307: EXPIRATION DATE; ABANDONMENT:

A. Every building location permit issued under the terms of this chapter shall expire and become null and void if the building or work authorized by such permit is not commenced within one (1) year from the date on which the permit was issued, or if the building or work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of more than one (1) year. A new building location permit must be obtained before any such work can be recommenced.

B. Any permittee holding an unexpired building location permit may apply for an extension of the time within which work may commence under that permit if, for reasons beyond the permittee's control, the permittee is unable to commence work within the required time set forth in this chapter. The director may extend the time for action by the permittee for a period not exceeding one (1)

year upon a finding that circumstances beyond the control of the permittee have prevented action from being taken. No permit shall be extended more than one (1) time.

C. An application that has been filed under the terms of this chapter which has received a notice of incompleteness from the department and has remained incomplete for at least one hundred twenty (120) days may be deemed to have been abandoned.

1. The department shall send written notice to the applicant via certified mail that the application remains incomplete and will be deemed to have been abandoned if completion does not occur within thirty (30) days after the date of mailing of the notice. The notice shall specifically identify the items required for completion of the application.

2. If no response is provided by the applicant or the application remains incomplete after the thirty (30) day period, the application may be deemed to have been abandoned.

7.1.308: PENALTIES AND REMEDIES:

A. It shall be unlawful for any person to construct, place, install, enlarge, extend or occupy any structure subject to the provisions of this chapter without first procuring a building location permit from the department or in a manner that does not comply with an approved building location permit issued as provided in this chapter.

B. Violations of any provision of this chapter, or failure to comply with any of the requirements of this chapter, shall be ~~a misdemeanor or an infraction~~ punishable by ~~imprisonment in a county jail not exceeding six (6) months, or by a fine not exceeding one thousand~~ hundred dollars ~~(\$1,000.00), or both.~~

C. A separate violation shall be deemed to have occurred for each structure subject to the provisions of this chapter which is erected, constructed, placed, installed, enlarged, extended, moved or converted in violation of this chapter.

D. Each day on which a violation of this chapter occurs shall constitute a separate violation ~~for purposes of administrative, civil and criminal enforcement.~~ provided that the fine imposed for an ongoing violation shall not exceed one thousand dollars (\$1,000.00).

E. ~~The prosecuting attorney may take whatever criminal action deemed necessary to enjoin any violation of this chapter.~~ The prosecuting attorney may, with the consent of the Board, bring such civil action as may be deemed necessary to enjoin any violation of this chapter. Civil remedies may include, without limitation, the recovery of any costs, civil fines or penalties imposed as authorized in this chapter.

F. Whenever the director finds any work being performed in a manner contrary to the provisions of this chapter, the director may issue a notice of violation. The notice of violation shall be sent via certified mail to the property owner at the address on record with the county assessor, and shall state, in detail, the reasons for the issuance of the order, the applicable legal standards, and the exact steps that need to be taken to resolve the violation, including payment of any applicable fees. The notice may be recorded in the county recorder's office if the violation has remained unresolved for at least forty-five (45) days after the first notice of violation was mailed.

Commented [PB14]: The changes shown in this section were made per our discussion.

G. Any person who commits, participates in, assists in or maintains a violation of this chapter may be found guilty of, or liable for, such violation. Nothing in this chapter shall prevent Kootenai County from taking such lawful action as is necessary to restrain or prevent any violation of this chapter.

7.1.309: AUTHORITY AND ISSUANCE OF STOP WORK ORDER; UNLAWFUL CONTINUATION OF WORK:

A. Whenever the director finds any work being performed in a manner contrary to the provisions of this chapter, the director may issue a stop work order.

B. A stop work order shall be in writing and shall be posted on the premises where the work is being conducted, and a copy shall be given to the property owner, an agent of the owner, or the person or persons performing the work. Written notice shall also be sent via certified mail to the property owner at the address on record with the county assessor. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state, in detail, the reasons for the issuance of the order, the applicable legal standards, and the exact steps that need to be taken for the cited work to resume.

C. Any person who continues to work on, in or around a structure after having been served with a stop work order without the expressed written authorization of the director shall be subject to the penalties set forth in this chapter.

7.1.310: WAIVER OR MODIFICATION: The provisions of this chapter may be temporarily waived or modified to allow for the repair or replacement of structures damaged as a result of a disaster or emergency pursuant to resolution of the board, but only to the extent necessary to remedy damage actually or proximately caused by the disaster or emergency. Such waiver or modification shall not constitute a waiver or estoppel of the county's ability to enforce any violations of this chapter, or of any other provision of this code, existing on any parcel.

7.1.311: COMPLIANCE AGREEMENTS: The Building Official may enter into compliance agreements on a case by case basis, subject to the following provisions or conditions:

A. The Building Official finds that the violations that are the subject of the compliance agreement do not pose an imminent threat to people or property.

B. The party responsible for compliance agrees to remedy the violations in an expeditious manner by a certain date.

C. The party responsible for compliance agrees to hold the Building Official and Kootenai County harmless and to defend against any claims arising through operation of the compliance agreement. The responsible party shall provide evidence of general liability coverage for personal injury and property damage for the premises subject to the compliance agreement, with Kootenai County named as an additional insured.

D. The responsible party shall pay any costs and attorney fees incurred to enforce a compliance agreement.

SECTION 3. That Title 7, Kootenai County Code, be, and the same is hereby amended by the addition thereto of a **NEW CHAPTER**, to be known and designated as Title 7, Chapter 2, Kootenai County Code, entitled “Voluntary Building Permit Program,” and to read as follows:

Article 2.1 General Provisions

7.2.101: TITLE: This chapter shall be known as the Voluntary Building Code Program Ordinance of Kootenai County, Idaho.

7.2.102: AUTHORITY: These regulations are authorized by Article 12, Section 2 of the Idaho Constitution, Title 31, Chapter 7, Idaho Code, and Title 39, Chapter 41, Idaho Code, all as may be amended or subsequently codified.

7.2.103: SCOPE AND APPLICABILITY: The provisions of this chapter shall apply within the unincorporated area of Kootenai County, Idaho, but only to those persons who have voluntarily applied for a building permit to obtain a review of building plans and inspections of construction for the purpose of obtaining a certificate of occupancy from the Department.

7.2.104: PURPOSE: The purposes of this chapter are to:

A. Permit property owners to build structures on their property as they see fit, in accordance with applicable land use and building location standards, without the requirement of first obtaining a building permit but with the option of obtaining plan reviews, inspection of construction, and a certificate of occupancy upon completion of the structure, if desired;

B. Permit the use of modern technical methods, devices, and improvements, and encourage innovation and use of sound building techniques that may not necessarily comply with the most recently adopted building codes; and

C. Permit property owners to seek the County’s assistance in ensuring that structures are built in a manner which complies with minimum performance standards for construction and construction materials consistent with accepted standards of engineering, fire safety, life safety and accessibility for those with disabilities.

7.2.105: DEFINITIONS:

A. For purposes of this chapter and all codes referenced herein, the following definitions shall apply:

BOARD: The Board of County Commissioners of Kootenai County, Idaho.

BUILDING OFFICIAL: The Chief Building Official within the Kootenai County Community Development Department or his or her designee. If no Chief Building Official has been designated, the Director of Community Development shall assume the duties of the Chief Building Official.

DEPARTMENT: Kootenai County Community Development.

DIRECTOR: The Director of Community Development or his or her designed.

Commented [PB15]: Clarification.

ENGINEERING: Any work required to be performed by an Idaho licensed engineer. Engineering required in this chapter, or in any code adopted herein, may also be performed by an Idaho licensed architect if, and only to the extent that, such work is within the scope of the practice of a licensed architect as set forth in Idaho statute or administrative rule.

B. The definitions set forth in Title 8, Chapter 9 of this code shall apply to the provisions of this chapter.

Commented [PB16]: Clarifies that terms not specifically defined in this chapter that are defined in the land use code will have the meaning set forth in the land use code definition.

Article 2.2 Construction Codes

7.2.201: USE OF CONSTRUCTION CODES: The construction codes referenced in this section, as amended in Article 2.3 of this chapter, shall be used only as standards by which building plans will be reviewed, and inspections of construction will be conducted, to determine whether a certificate of occupancy may be issued upon completion of a structure.

A. THE 2015 INTERNATIONAL BUILDING CODE, as published by the International Code Council and as amended by the Idaho Building Code Council, excluding any incorporated references to the NEC electrical code, the International Plumbing Code, and the International Zoning Code, and excluding any reference to flood requirements. All flood requirements shall be governed by the provisions of Title 8, Chapter 7, Article 7.2 of this code.

B. THE 2012 IDAHO RESIDENTIAL CODE, as approved by the Idaho Building Code Council, including APPENDIX G and APPENDIX Q, excluding parts VII and VIII thereof, excluding any incorporated references to the NEC electrical code, the International Plumbing Code, and the International Zoning Code, and excluding any reference to flood requirements. All flood requirements shall be governed by the provisions of Title 8, Chapter 7, Article 7.2 of this code.

C. THE 2015 INTERNATIONAL ENERGY CONSERVATION CODE with 2012 amendments for the residential portion thereof, as approved by the Idaho Building Code Council, excluding any incorporated references to the NEC electrical code, the International Plumbing Code, and the International Zoning Code.

7.2.202: INSPECTION FEES NOT OTHERWISE SPECIFIED: Any inspection for which a fee is not specifically indicated within the codes set forth in this article, or other relevant provisions of Idaho Code or Kootenai County Code, shall include an assessment of an additional fee equal to the amount of the re-inspection fee as published in the fee resolution most recently adopted by the Board.

Article 2.3 Amendments to Construction Codes

7.2.301: AMENDMENTS TO INTERNATIONAL BUILDING CODE: The following terms, conditions, and provisions shall be incorporated as amendments to the 2015 International Building Code referenced in subsection 7.2.201(A) of this chapter. Section numbers prior to each item refer to those in the International Building Code.

101.1: Title. Add "Kootenai County" as the NAME OF JURISDICTION.

101.2: Scope. Delete section and replace with the following:

The provisions of this code shall apply to the construction, alteration, relocation, enlargement, replacement, repair, equipment, use and occupancy, removal and demolition of any structure, or any appurtenances connected or attached to such structures, for which a building permit and certificate of occupancy are sought.

Exception: Detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories above grade plane in height with a separate means of egress, and their accessory structures not more than three stories above grade plane in height, shall comply with the International Residential Code if a building permit and certificate of occupancy are sought for such structure.

101.4.3: Plumbing. Delete section.

102.6: Existing structures. Delete section and replace with the following:

The legal occupancy of any structure existing on the date of adoption of this code shall be permitted to continue without change.

102.6.1: Buildings not previously occupied. Delete section.

102.6.2: Buildings previously occupied. Delete section.

103.1: Creation of enforcement agency. Delete section and replace with the following:

There is hereby created a Building Division within Kootenai County Community Development, and the official in charge of this division shall be known as the building official.

103.3: Deputies. Delete section and replace with the following:

In accordance with the prescribed procedures of Kootenai County and with the concurrence of the Board of County Commissioners and the Director of Community Development, the building official shall have the authority to appoint inspectors, plan examiners, and other technical officers. Such employees shall have powers as delegated by the building official.

104.1: General. Delete first sentence.

104.2: Applications and permits. Delete section and replace with the following:

The building official shall receive applications, review construction documents and issue permits for the erection, and alteration, demolition and moving of structures, inspect the premises for which such permits have been issued and issue certificates of occupancy upon a determination that the structure is compliant with the provisions of this code.

104.2.1: Determination of substantially improved or substantially damaged existing buildings and structures in flood hazard areas. Delete section and replace with the following:

For applications for reconstruction, rehabilitation, repair, alteration, addition, or other improvement of existing buildings or structures located in flood hazard areas, the building official and flood plain administrator shall determine if the proposed work constitutes substantial improvement or repair of substantial damage. Where it is determined that the proposed work constitutes substantial improvement or repair of substantial damage, the building shall be required to meet the requirements of Title 8, Chapter 7, Article 7.2, Kootenai County Code.

104.6: Right of Entry. Delete section.

105.1: Required. Delete section.

105.1.1: Annual permit. Delete section.

105.1.2: Annual permit records. Delete section.

105.2: Work exempt from permit: Delete section.

105.2.1: Emergency repairs. Delete section.

105.2.2: Repairs. Delete section.

105.2.3: Public service agencies. Delete section.

105.4: Validity of permit. Delete the first, second, and fourth sentences of this section.

105.5: Expiration. Delete the last sentence and replace with the following:

Extensions of time shall be requested in writing and justifiable cause demonstrated. The applicant must provide the original approved plans for any building permit to be considered for an extension of time. If such extension is granted, the applicant shall be assessed a fee equal to the amount of the re-inspection fee as published in the most recent fee resolution adopted by the Board.

Exception: Except as determined by the building official, no building permit which was issued prior to January 1, 2006 shall be eligible for an extension of time.

107.1: General. Delete section and replace with the following:

Submittal documents consisting of construction documents, statement of special inspections, geotechnical report, structural observation programs and other data shall be submitted electronically with each permit application. The architectural construction documents shall be prepared by, or under the direct supervision of an Idaho licensed architect per Idaho law. Where special conditions exist, the building official may require additional documentation prepared by, or under the direct supervision of an Idaho licensed engineer practicing within his or her particular field of competence per Idaho law. Any design which is the result of standard engineering practice shall be accompanied by

supporting calculations for all load combinations and all sheets of plans containing engineered items must bear the seal and signature of the responsible design professional.

Exceptions:

1. The building official is authorized to waive the submission of construction documents and other data not required to be prepared by an Idaho licensed architect or engineer if it is found that the nature of the work applied for is such that review of construction documents is not necessary to obtain compliance with this code.
2. The Building Official is authorized to waive the submission of electronic documents under special circumstances.

108.2: Conformance. Delete section and replace with the following:

Temporary structures and uses for which a building permit has been issued shall comply with the requirements in Section 3103.

109.3: Building permit valuations. Delete section and replace with the following:

Valuation for permit fee calculations shall be set by the Building Official in accordance with the current Fee Resolution adopted by the Board.

109.4: Work commencing before permit issuance. Delete section.

110.1: General. Delete the first sentence and replace with the following:

Construction or work for which a permit has been issued shall be subject to inspection by the building official and such construction or work shall remain accessible and exposed for inspection purposes until approved.

111.2: Certificate issued. Modify the first paragraph to read as follows:

After the building official inspects the structure and finds that the structure meets or exceeds the standards set forth in the provisions of this code, and finds no violations of other laws that are enforced by Kootenai County Community Development, and finds evidence of final approval from all relevant agencies with jurisdiction, including, but not limited to, the fire district, highway district, Idaho Transportation Department, Panhandle Health District, sewer districts, the Idaho State Electrical Inspector, the Idaho State Plumbing Inspector, the Idaho Department of Health and Welfare, the Idaho Department of Lands, the U.S. Army Corps of Engineers, and the Kootenai County Airport, the building official shall issue a certificate of occupancy that contains the following:

112.1: Connection of service utilities. Delete section and replace with the following:

No permit holder shall make connections from a utility, source of energy, fuel or power to any building or system that is the subject of such permit until released by the building official.

112.3: Authority to disconnect service utilities. Delete section and replace with the following:

The building official shall have the authority to authorize disconnection of utility service to a building, structure or system for which a building permit has been issued in case of emergency where necessary to eliminate an immediate hazard to life or property.

113.1: General. Delete section and replace with the following:

In order to hear and decide appeals of orders, decisions, or determinations made by the building official relative to the application and interpretation of this code, there shall be and is hereby created a board of appeals. The Board of Appeals shall consist of the Kootenai County Board of Commissioners. Appeals shall be conducted in accordance with Section 7.2.407, Kootenai County Code, and Title 8, Chapter 8, Article 8.5, Kootenai County Code.

113.2: Limitations on authority. Delete section.

113.3: Qualifications. Delete section.

114: Violations. Delete section in its entirety.

115: Stop Work Order. Delete section in its entirety.

202: Definitions. Add the following definitions:

MANUFACTURED HOME and MOBILE HOME: Shall be as defined in Section 39-4105, Idaho Code.

MODULAR BUILDING: Shall be as defined in Section 39-4301, Idaho Code.

406.3.4.1: Dwelling unit separation. Delete section and replace with the following:

The private garage shall be separated from the dwelling unit and its attic area with no less than one layer of 5/8" Type X Gypsum Board or equivalent on the garage side. If the garage ceiling is utilized as part of the separation, the entire garage must be lined with 5/8" type X Gypsum Board or equivalent. If there is habitable, occupiable, or any conditioned space above a garage space, the garage side of the floor/ceiling assembly shall be protected with no less than two layers of 5/8" Type X Gypsum Board or equivalent and the entire garage must be lined with 5/8" type X Gypsum Board or equivalent. If a common door is provided, it shall be a self-closing, tight-fitting solid-wood door 1 3/8" in thickness, or a self-closing, tight-fitting 20-minute fire-rated door, or solid or honeycomb steel doors not less than 1 3/8" thick. Openings from a private garage directly into a room used for sleeping purposes shall not be permitted. Penetrations through the separation required in Section 406.3.4 shall be protected with approved materials to resist the passage of flame and products of combustion. The material filling this annular space shall be required to meet the ASTM E 814 or UL 1479.

718.4.2: Groups R-1 and R-2. Delete exception 3.

1203.4: Under-floor ventilation. Add to the end of the section the following:

A minimum of Class I vapor retarder shall be provided in underfloor areas extending from foundation wall to foundation wall.

1604.1: General.

Add new section 1604.1.1 as follows:

1604.1.1: Minimum Design Criteria. Minimum design criteria shall be as set forth in Table 1604.1.1.

Add new Table 1604.1.1 as follows:

**Table 1604.1.1
Minimum Design Criteria**

Wind Speed	Per IBC 1609
Air Freezing Index	1500
Seismic Design Category	C
Weathering	Severe
Minimum Frost Depth	24"
Assumed Minimum Soil Bearing Pressure	1500 psf
Decay	Slight
Ice Barrier Underlayment Required	Yes

1608.1: General. Add new section 1608.1.1 as follows:

1608.1.1: Flat Roof Snow Loads. The flat roof snow load for buildings to be located on land parcels with a ground snow load not exceeding 60 psf may be either a minimum of 40 psf or designed in accordance with accepted engineering practice. The flat roof snow load for buildings to be located on land parcels with a ground snow load greater than 60 psf but not exceeding 70 psf may be either a minimum of 50 psf or designed in accordance with accepted engineering practice. The flat roof snow load for buildings to be located on land parcels with a ground snow load greater than 70 psf but not exceeding 85 psf may be either a minimum of 60 psf or designed in accordance with accepted engineering practice. Buildings to be located on land parcels with a ground snow load greater than 85 psf shall be designed in accordance with accepted engineering practice.

1608.2: Ground snow loads. Delete entire section and replace with the following:

The ground snow loads shall be determined using factors and methodology contained in the publication entitled *Ground and Roof Snow Loads for Idaho*, and the accompanying

map entitled *Normalized Ground Snow Loads for Idaho*, by the University of Idaho, Moscow, Idaho, 1986.

1806: Presumptive load-bearing values of soils. Add new section 1806.0 as follows:

1806.0: General Rule. Unless the “Class of Materials” in Table 1806.2 is determined by a State of Idaho licensed engineer, the presumptive load-bearing value of supporting material shall be 1500 psf.

1807.1.6.2: Concrete foundation walls. Delete section, including Table 1807.1.6.2, and replace with the following:

Minimum Reinforcement for Footings and Foundation Walls. Concrete foundation walls shall be laterally supported at the top and bottom. All foundation and retaining walls exceeding 4’ in height from bottom of footing to top of wall must extend to and be anchored to floor or roof framing above or shall be engineered. Minimum placement of reinforcing bars for foundation walls for light frame construction which do not exceed four feet in height shall be no greater than twenty-four inches on center, and six inches of the top and bottom of the stem wall horizontally, and forty eight inches on center vertically. Minimum placement of reinforcing bars for foundation walls exceeding four feet in height to a maximum height of nine feet shall be no greater than eighteen inches on center, and six inches of the top and bottom of the stem wall horizontally, and eighteen inches on center vertically. All vertical reinforcement shall be embedded into the footings without ground contact. Minimum reinforcement for all continuous footings shall be two continuous horizontal reinforcing bars. Minimum reinforcing bar size shall be #4. Foundation walls are permitted to be otherwise designed by an Idaho licensed architect or engineer.

1809.5: Frost protection. Delete Item No. 1 and replace with the following:

1. Extending below the established frost depth of 24”.

7.2.302: AMENDMENTS TO INTERNATIONAL RESIDENTIAL CODE: The following terms, conditions, and provisions shall be incorporated into the 2012 International Residential Code referenced in subsection 7.2.201(B) of this chapter. Section numbers prior to each item refer to those in the International Residential Code.

R101.1: Title. Add “Kootenai County” as the NAME OF JURISDICTION.

R101.2: Scope. Delete section and replace with the following:

The provisions of this code shall apply to the construction, alteration, relocation, enlargement, replacement, repair, equipment, use and occupancy, removal and demolition of detached one- and two-family dwellings and townhouses not more than three stories above grade plane in height with a separate means of egress, and their accessory structures, if a building permit and certificate of occupancy are sought for such structure

R102.7: Existing structures. Delete section and replace with the following:

The legal occupancy of any structure existing on the date of adoption of this code shall be permitted to continue without change.

R102.7.1: Additions, alterations, or repairs. Delete section.

R103.1: Creation of enforcement agency. Delete section and replace with the following:

There is hereby created a Building Division within Kootenai County Community Development, and the official in charge of this division shall be known as the building official.

R103.3: Deputies. Delete section and replace with the following:

In accordance with the prescribed procedures of Kootenai County and with the concurrence of the Board of County Commissioners and the Director of Community Development, the building official shall have the authority to appoint inspectors, plan examiners, and other technical officers. Such employees shall have powers as delegated by the building official.

R104.1: General. Delete first sentence.

R104.2: Applications and permits. Delete section and replace with the following:

The building official shall receive applications, review construction documents and issue permits for the erection, and alteration, demolition and moving of structures, inspect the premises for which such permits have been issued and issue certificates of occupancy upon a determination that the structure is compliant with the provisions of this code.

R104.6: Right of Entry. Delete section.

R104.10.1: Flood hazard areas. Delete section.

R105.2: Work exempt from permit. Delete section.

R105.2.1: Emergency repairs. Delete section.

R105.2.2: Repairs. Delete section.

R105.2.3: Public service agencies. Delete section.

R105.3.1.1: Determination of substantially improved or substantially damaged existing buildings and structures in flood hazard areas. Delete section and replace with the following:

For applications for reconstruction, rehabilitation, repair, alteration, addition, or other improvement of existing buildings or structures located in flood hazard areas, the building official and floodplain administrator shall determine if the proposed work constitutes substantial improvement or repair of substantial damage. Where it is determined that the proposed work constitutes substantial improvement or repair of substantial damage, the building shall be required to meet the requirements of Title 8, Chapter 7, Article 7.2, Kootenai County Code.

R105.4: Validity of permit. Delete the first, second, and fourth sentences of this section.

R105.5: Expiration. Delete the last sentence and replace with the following:

Extensions of time shall be requested in writing and justifiable cause demonstrated. The applicant must provide the original approved plans for any building permit to be considered for an extension of time. If such extension is granted, the applicant shall be assessed a fee equal to the amount of the re-inspection fee as published in the most recent fee resolution adopted by the Board.

Exception: Except as determined by the building official, no building permit which was issued prior to January 1, 2006 shall be eligible for an extension of time.

R106.1: Submittal documents. Delete section and replace with the following:

General. Submittal documents consisting of construction documents, statement of special inspections, geotechnical report, structural observation programs and other data shall be submitted electronically with each permit application. Any submittal that does not comply with prescriptive structural requirements of this Code must be designed or partially designed under standard engineering practice. Any design which is the result of standard engineering practice shall be accompanied by supporting calculations for all load combinations and all sheets of plans containing engineered items must bear the seal and signature of the responsible design professional.

Exceptions:

1. The building official is authorized to waive the submission of construction documents and other data not required to be prepared by an Idaho licensed architect or engineer if it is found that the nature of the work applied for is such that review of construction documents is not necessary to obtain compliance with this code.

2. The building official is authorized to waive the submission of electronic documents under special circumstances.

R106.1.3: Information for construction in flood hazard areas. Revise the first sentence to read as follows:

For buildings and structures located in whole or in part in flood hazard areas as established in Title 8, Chapter 7, Article 7.2, Kootenai County Code, construction documents shall include:

R107.2: Conformance. Delete section and replace with the following:

Temporary structures and uses for which a building permit has been issued shall comply with the requirements in Section 3103.

R108.3: Building permit valuations. Delete section and replace with the following:

Valuation for permit fee calculations shall be set by the building official in accordance with the current fee resolution adopted by the Board.

R108.6: Work commencing before permit issuance. Delete section.

R109.1.3: Floodplain inspections. Delete section.

R110.3: Certificate issued. Modify the first paragraph to read as follows:

After the building official inspects the structure and finds that the structure meets or exceeds the standards set forth in the provisions of this code, and finds no violations of other laws that are enforced by Kootenai County Community Development, and finds evidence of final approval from all relevant agencies with jurisdiction, including, but not limited to, the fire district, highway district, Idaho Transportation Department, Panhandle Health District, sewer districts, the Idaho State Electrical Inspector, the Idaho State Plumbing Inspector, the Idaho Department of Health and Welfare, the Idaho Department of Lands, the U.S. Army Corps of Engineers, and the Kootenai County Airport, the Building Official shall issue a certificate of occupancy that contains the following:

R111.1: Connection of service utilities. Delete section and replace with the following:

No permit holder shall make connections from a utility, source of energy, fuel or power to any building or system that is the subject of such permit until released by the building official.

R111.3: Authority to disconnect service utilities. Delete section and replace with the following:

The building official shall have the authority to authorize disconnection of utility service to a building, structure or system for which a building permit has been issued in case of emergency where necessary to eliminate an immediate hazard to life or property.

R112.1: General. Delete section and replace with the following:

In order to hear and decide appeals of orders, decisions, or determinations made by the building official relative to the application and interpretation of this code, there shall be and is hereby created a Board of Appeals. The Board of Appeals shall consist of the Kootenai County Board of Commissioners. Appeals shall be conducted in accordance with Section 7.1.406, Kootenai County Code, and Title 8, Chapter 8, Article 8.5, Kootenai County Code.

R112.2: Limitations on authority. Delete section.

R112.2.1: Determination of substantial improvement in flood hazard areas. Delete section.

R112.2.2: Criteria for issuance of a variance for flood hazard areas. Delete section.

R112.3: Qualifications. Delete section.

R113: Violations. Delete section in its entirety.

R114: Stop Work Order. Delete section in its entirety.

R202: Definitions.

Delete the definition of “MANUFACTURED HOME” and replace with the following:

MANUFACTURED HOME and MOBILE HOME: Shall be as defined in Section 39-4105, Idaho Code. A mobile home shall be considered a manufactured home for purposes of this code, provided that any application for setting or significant modification of a mobile home must be accompanied by a rehabilitation certificate issued by the State of Idaho, Division of Building Safety.

Add the following definition:

TINY HOUSE ON FOUNDATION: A structure intended to be utilized for human habitation as a dwelling unit designed and constructed under provisions of Appendix Q of this Code.

R301.2: Climatic and geographic design criteria. Delete Table R301.2(1) and replace with the following:

Table R301.2(1)
Climatic and Geographic Design Criteria

Ground Snow Load	Varies ¹	
Wind Speed (MPH)	Fastest Mile: 76 mph Three Second gust: 90 mph	
Air Freezing Index	1500	
Mobile/Manufactured Snow Load	30 psf minimum ¹	
Seismic Design Category	C	
Subject to Damage From	Weathering	Severe
	Frost Line Depth	24”
	Termite	Slight
	Decay	Slight
Ice Barrier Underlayment Required	Yes	

¹ The ground snow loads to be used in determining the design snow loads shall be determined using the factors and methodology contained in the publication entitled *Ground and Roof Snow Loads for Idaho*, and the accompanying map entitled *Formalized Ground Snow Loads for Idaho*, by the University of Idaho, Moscow, Idaho, 1986. Methodology for determining design snow loads shall be as required in IBC Section 1608.1.

R301.2.3: Snow loads. Delete section and replace with the following:

Wood framed construction, cold formed steel framed construction, and masonry and concrete construction on land parcels with a ground snow load not exceeding 70 psf may be in accordance with Chapters 5, 6, and 8. The flat roof snow load for buildings to be located on land parcels with a ground snow load not exceeding 60 psf may be either a minimum of 40 psf or designed in accordance with accepted engineering practice. The flat roof snow load for buildings to be located on land parcels with a ground snow load greater than 60 psf but not exceeding 70 psf may be either a minimum of 50 psf or designed in accordance with accepted engineering practice. The flat roof snow load for buildings to be located on land parcels with a ground snow load greater than 70 psf but not exceeding 85 psf may be either a minimum of 60 psf or designed in accordance with accepted engineering practice. Buildings to be located on land parcels with a ground snow load greater than 85 psf shall be designed in accordance with accepted engineering practice.

R301.2.4: Floodplain construction. Delete section.

R301.2.4.1: Alternative provisions. Delete section.

R302.2: Townhouses. Delete the exceptions and replace with the following:

Exception: A two (2) one-hour fire-resistance rated wall assembly or a common two-hour fire-resistance rated wall assembly tested in accordance with ASTM E 119 or UL 263 is permitted for townhouses. If two (2) one-hour walls are used, plumbing and electrical installations within the wall cavity shall conform with fire-resistance penetration requirements in accordance with section R302.4 through R302.4.2 for each of the two (2) one-hour rated walls. The two-hour fire-resistance rated common wall shall not contain plumbing or mechanical equipment, ducts or vents within its wall cavity. The wall shall be rated for fire exposure from both sides and shall extend to and be tight against the exterior walls and the underside of the roof sheathing. Penetrations of electrical outlet boxes shall be in accordance with section R302.4.

R302.5.3: Other penetrations. Delete section and replace with the following:

Penetrations through the separation required in Section R302.6 shall be protected with approved materials to resist the passage of flame and products of combustion. The material filling this annular space shall be required to meet the ASTM E 814 or UL 1479.

R302.6: Dwelling/garage fire separation. Delete section and replace with the following:

The private garage shall be separated from a dwelling unit and its attic area with no less than one layer of 5/8" Type X Gypsum Board or equivalent on the garage side. If the garage ceiling is utilized as part of the separation, the entire garage must be lined with 5/8" type X Gypsum Board or equivalent. If there is habitable, occupiable, or any conditioned space above a garage space, the garage side of the floor/ceiling assembly shall be protected with no less than two layers of 5/8" Type X Gypsum Board or equivalent and the entire garage must be lined with 5/8" type X Gypsum Board or equivalent. If a common door is provided, it shall be a self-closing, tight-fitting solid-wood door 1 3/8 inches in thickness, or a self-closing, tight-fitting 20-minute fire-rated door, or solid or honeycomb steel doors not less

than 1³/₈ inches thick. Openings from a private garage directly into a room used for sleeping purposes shall not be permitted.

R302.7: Under-stair protection. Delete reference to ½” gypsum and replace with 5/8” type X gypsum.

R313.2: One- and two-family dwellings automatic fire systems. Delete section.

R404: Foundation and Retaining Walls. Add new section R404.0 as follows:

R404.0: Plain concrete and masonry foundation and retaining walls discouraged; engineering required. The use of plain concrete and masonry foundation and retaining walls is discouraged. The use of prescriptive tables for reinforcement contained in Tables R404.1.1(2) through R404.1.2(9) will require a engineered determination of soil classification. All foundation and retaining walls exceeding 4’ in height from bottom of footing to top of wall must extend to and be anchored to floor or roof framing above or shall be engineered. In lieu of engineered design for full height walls, the following wall prescriptive reinforcement schedule must be used.

Add new section R404.0.1 as follows:

R404.0.1: Reinforcement for foundation walls. Concrete foundation walls shall be laterally supported at the top and bottom. Minimum placement of reinforcing bars for foundation walls which do not exceed four feet in height shall be no greater than twenty four inches on center and six inches of the top and bottom of the stem wall horizontally, and forty eight inches on center vertically. Minimum placement of reinforcing bars for foundation walls exceeding four feet in height to a maximum height of nine feet shall be no greater than eighteen inches on center and six inches of the top and bottom of the stem wall horizontally, and eighteen inches on center vertically. All vertical reinforcement shall be embedded into the footings without ground contact. Minimum reinforcement for all continuous footings shall be two continuous horizontal reinforcing bars.

Minimum reinforcing bar size shall be #4. Foundation walls exceeding 9’ in height must be and all walls are permitted to be otherwise designed by an Idaho licensed architect or engineer.

R408.1: Ventilation. Add new section R408.1.1 as follows:

R408.1.1: Vapor retarder required. The ground surface of all under-floor spaces shall be provided with a continuous Class I vapor retarder.

Appendix Q: Tiny Houses on Foundations. Add new appendix as follows:

AQ101: Scope. This appendix shall be applicable to tiny houses used as single dwelling units. Any tiny house that is the subject of an application for a building permit shall be constructed in compliance comply with this code, including foundation, structural, mechanical, and energy compliance, except as otherwise stated in this appendix.

AQ102: Definitions. For purposes of this appendix, the following words and terms shall have the meanings shown herein. Refer to Chapter 2 of this code for general definitions.

TINY HOUSE. A dwelling that is 400 square feet or less in floor area, excluding lofts.

ESCAPE AND RESCUE ROOF ACCESS WINDOW. A skylight or roof window designed and installed to satisfy the emergency escape and rescue opening requirements in Section R310 of this code.

LANDING PLATFORM. A landing provided as the top step of a stairway accessing a loft.

LOFT. A floor level located more than 30 inches above the main floor and open to it on at least one side with a ceiling height of less than 6 feet 8 inches, used as a living or sleeping space.

AQ103: Minimum Ceiling Height. Habitable space and hallways in tiny houses shall have a ceiling height of not less than 6 feet 8 inches. Bathrooms, toilet rooms, and kitchens shall have a ceiling height of not less than 6 feet 4 inches. Obstructions shall not extend below these minimum ceiling heights including beams, girders, ducts, lighting and other obstructions.

Exception: Ceiling heights in lofts are permitted to be less than 6 feet 8 inches.

AQ104: Lofts.

AQ104.1: Minimum loft area and dimensions. Lofts used as a sleeping or living space shall meet the minimum area and dimension requirements of Sections AQ104.1.1 through AQ104.1.3 of this Appendix.

AQ104.1.1: Minimum area. Lofts shall have a floor area of not less than 35 square feet.

AQ104.1.2: Minimum dimensions. Lofts shall be not less than 5 feet in any horizontal dimension.

AQ104.1.3: Height effect on loft area. Portions of a loft with a sloping ceiling measuring less than 3 feet from the finished floor to the finished ceiling shall not be considered as contributing to the minimum required area for the loft.

Exception: Under gable roofs with a minimum slope of 6:12, portions of a loft with a sloping ceiling measuring less than 16 inches from the finished floor to the finished ceiling shall not be considered as contributing to the minimum required area for the loft.

AQ104.2: Loft access. The access to and primary egress from lofts shall be any type described in Sections AQ104.3 through AQ104.6 of this Appendix.

AQ104.3: Stairways. Stairways accessing lofts shall comply with this code or with Sections AQ104.3.1 through AQ104.3.5 of this Appendix.

AQ104.3.1: Width. Stairways accessing a loft shall not be less than 17 inches in clear width at or above the handrail. The minimum width below the handrail shall be not less than 20 inches.

AQ104.3.2: Headroom. The headroom in stairways accessing a loft shall be not less than 6 feet 2 inches, as measured vertically, from a sloped line connecting the tread or landing platform nosings in the middle of their width.

Exception: The headroom for a landing platform, where stairways access lofts, shall be not less than 4 feet 6 inches.

AQ104.3.3: Treads and risers. Risers for stairs accessing a loft shall be not less than 7 inches and not more than 12 inches in height. Tread depth and riser height shall be calculated in accordance with one of the following formulas:

1. The tread depth shall be 20 inches minus $\frac{4}{3}$ of the riser height, or
2. The riser height shall be 15 inches minus $\frac{3}{4}$ of the tread depth.

AQ104.3.4: Landing platforms. The top tread and riser of stairways accessing lofts shall be constructed as a landing platform where the loft ceiling height is less than 6 feet 2 inches where the stairway meets the loft. The landing platform shall be 18 inches to 22 inches in depth measured from the nosing of the landing platform to the edge of the loft, and 16 to 18 inches in height measured from the landing platform to the loft floor.

AQ104.3.5: Stairway handrails. Handrails shall comply with Section R311.7.8 of this code.

AQ104.3.6: Stairway guards. Guards at open sides of stairways shall comply with Section R312.1 of this code.

AQ104.4: Ladders. Ladders accessing lofts shall comply with Sections AQ104.4.1 and AQ104.4.2 of this Appendix.

AQ104.4.1: Ladder size and capacity. Ladders accessing lofts shall have a rung width of not less than 12 inches and 10 inches to 14 inches spacing between rungs. Ladders shall be capable of supporting a 200 pound load on any rung. Rung spacing shall be uniform within $\frac{3}{8}$ inch.

AQ104.4.2: Ladder incline. Ladders shall be installed at 70 to 80 degrees from horizontal.

AQ104.5: Alternating tread devices. Alternating tread devices accessing lofts, and handrails of alternating tread devices shall comply with sections 1011.14.1 and

1011.14.2 of the International Building Code, excluding the exception. The clear width at and below the handrails shall be not less than 20 inches.

AQ104.6: Ship's ladders. Ship's ladders accessing lofts, and treads and handrails of ship's ladders shall comply with sections 1011.15.1 and 1011.15.2 of the International Building Code. The clear width at and below handrails shall be not less than 20 inches.

AQ104.7: Loft guards. Loft guards shall be located along the open side of lofts. Loft guards shall not be less than 36 inches in height or one-half of the clear height to the ceiling, whichever is less.

AQ105: Emergency Escape and Rescue Openings. Tiny houses shall meet the requirements of Section R310 of this code for emergency escape and rescue openings.

Exception: Escape and rescue roof access windows in lofts used as sleeping rooms shall be deemed to meet three requirements of Section R310 of this code where installed such that the bottom of the opening is not more than 44 inches above the loft floor, provided the escape and rescue roof access window complies with the minimum opening area requirements of Section R310 of this code.

7.2.303: AMENDMENTS TO INTERNATIONAL ENERGY CONSERVATION CODE:

The following deletion shall be incorporated into the 2015 International Energy Conservation Code referenced in subsection 7.2.201(C) of this chapter. The section number prior to this item refer to those in the International Energy Conservation Code.

C101.1: Title. Add "Kootenai County" as the NAME OF JURISDICTION.

C101.2: Scope. Delete section and replace with the following:

This code applies to commercial buildings for which a building permit and certificate of occupancy are sought, and the buildings' sites and associated systems and equipment.

C101.3: Intent. Delete the first sentence and replace with the following:

This code shall regulate the design and construction of buildings for which a building permit and certificate of occupancy are sought with respect to the use and conservation of energy over the life of each building.

C101.4.1: Mixed occupancy. Delete section and replace with the following:

When a building for which a building permit and certificate of occupancy are sought includes both residential and commercial occupancies, each occupancy shall be separately considered and meet the applicable provisions of the IECC – Commercial and Residential Provisions.

C101.5: Compliance. Delete section and replace with the following:

Residential buildings for which a building permit and certificate of occupancy are sought shall meet the provisions of IECC – Residential Provisions. Commercial buildings for which a building permit and certificate of occupancy are sought shall meet the provisions of IECC – Commercial Provisions.

C102.1.1: Above code programs. Delete the last sentence.

C103.1: General. Delete the second sentence.

C104.1: General. Delete the first sentence and replace with the following:

Construction or work that is the subject of a permit application shall be subject to inspection by the code official or his or her designated agent, and such construction or work shall remain accessible and exposed for inspection purposes until approved.

C107.3: Work commencing before permit issuance. Delete section.

C108: Stop Work Order. Delete section in its entirety.

C109: Board of Appeals. Delete section in its entirety.

C401.2. Application. Modify the first paragraph to read as follows:

Commercial buildings for which a building permit and certificate of occupancy are sought shall comply with the one of the following:

Chapter 5 [CE]. Delete this chapter in its entirety.

R101.1: Title. Add “Kootenai County” as the NAME OF JURISDICTION.

R101.2: Scope. Delete section and replace with the following:

This code applies to residential buildings for which a building permit and certificate of occupancy are sought, and the buildings’ sites and associated systems and equipment.

R101.3: Intent. Delete the first sentence and replace with the following:

This code shall regulate the design and construction of buildings for which a building permit and certificate of occupancy are sought with respect to the use and conservation of energy over the life of each building.

R101.4.3: Additions, alterations, renovations or repairs. Delete section.

R101.4.4: Change in occupancy or use. Delete section.

R101.4.5: Change in space conditioning. Delete section.

R101.4.6: Mixed occupancy. Delete section and replace with the following:

When a building for which a building permit and certificate of occupancy are sought includes both residential and commercial occupancies, each occupancy shall be separately considered and meet the applicable provisions of the IECC – Commercial and Residential Provisions.

R101.5: Compliance. Delete section and replace with the following:

Residential buildings for which a building permit and certificate of occupancy are sought shall meet the provisions of IECC – Residential Provisions. Commercial buildings for which a building permit and certificate of occupancy are sought shall meet the provisions of IECC – Commercial Provisions.

R102.1.1: Above code programs. Delete the last sentence.

R103.1: General. Delete the second sentence.

R104.1: General. Delete the first sentence and replace with the following:

Construction or work that is the subject of a permit application shall be subject to inspection by the code official.

R107.3: Work commencing before permit issuance. Delete section.

R108: Stop Work Order. Delete section in its entirety.

R109: Board of Appeals. Delete section in its entirety.

R401.1: Scope. Delete section and replace with the following:

This chapter applies to residential buildings for which a building permit and certificate of occupancy are sought.

R401.2: Compliance. Delete section and replace with the following:

Projects that are the subject of a permit application shall comply with sections identified as “mandatory” and with either sections identified as “prescriptive” or the performance approach in section R405.

7.2.304: PROVISIONS OF CODES MANDATING COMPLIANCE DELETED: In addition to the amendments set forth in sections 7.2.301, 7.2.302, and 7.2.303 of this article, any provisions of the codes referenced in this chapter which provides that compliance with those codes is mandatory, or refers to enforcement of such codes, is hereby deleted, and shall be void, and of no force or effect.

Article 2.4 Administration and Enforcement

7.2.401: ADMINISTRATIVE AUTHORITY: The Building Official shall be responsible for administering the provisions of this chapter. The Building Official may establish procedures for

permit applications, plan reviews, issuance of permits, and field inspections, and may collect fees, as approved by resolution of the Board, for services associated with the administration of building permits.

7.2.402: BUILDING PERMITS:

A. Applications for building permits shall be strictly voluntary, and no penalty shall arise from the failure to obtain a building permit pursuant to the provisions of this chapter- so long as a building location permit is duly obtained under Chapter 1 of this title, if required. Plan reviews and inspections to determine compliance with the codes referenced in this chapter shall only occur upon submittal of a building permit application.

Commented [PB17]: Clarification that you need one or the other (unless exempt from building location permitting requirements).

B. Before a building permit may be issued, the Building Official shall determine that the application complies with the applicable requirements for issuance of a building location permit as set forth in Chapter 1 of this title.

C. A building permit issued pursuant to this chapter shall satisfy the requirement for issuance of a building location permit pursuant to Chapter 1 of this title.

7.2.403: INTER-DEPARTMENT AND INTERAGENCY COORDINATION: To ensure effective coordination with other departments, agencies and organizations with jurisdiction, the Building Official may request comment and/or require approval from affected agencies prior to issuance of building permits, and prior to final approval and issuance of a Certificate of Occupancy. Applications shall meet the following requirements:

A. Demonstrate that the proposal meets the requirements of this chapter, the codes referenced herein, and the requirements of all other applicable provisions of Kootenai County Code. With the application, the Applicant shall provide copies of Orders of Decision approving any associated applications, such as those for variances, conditional use permits, temporary hardship permits, final subdivision plats, planned unit developments, or zone changes.

B. Demonstrate that the proposal has received required permits and approvals from Panhandle Health District and sewer and water districts.

C. Demonstrate that the proposal has received required access, approach, or encroachment permits or approvals from the highway district, Idaho Transportation Department, the Kootenai County Airport, and the fire protection district, as applicable.

D. For mobile or manufactured home setting permits, provide verification from the Appraisal Division of the Kootenai County Assessor's Office that applicable taxes have been paid.

E. For encroachments into surface water or wetlands, demonstrate that the proposal has received required encroachment permits from the Idaho Department of Lands, Idaho Department of Water Resources, or the U.S. Army Corps of Engineers.

F. Demonstrate that the proposal complies with all applicable requirements of the fire protection district with jurisdiction, including, without limitation, the International Fire Code, and has received approval from that fire protection district.

7.2.404: CORRECTION OF EXISTING VIOLATIONS: Applications for permits authorized by this chapter will not be processed until all violations of any provision of this code on the subject parcel are corrected, except when the purpose of the permit is to correct such violations.

7.2.405: VESTING OF PERMIT APPLICATIONS: Permits shall be governed by the laws and regulations in effect at the time a complete permit application is accepted.

7.2.406: RIGHT OF ENTRY: The property owner or authorized agent's signature on a permit application shall constitute approval for the Department to enter onto and inspect the property and structures associated with a permit or application.

7.2.407: APPEAL FROM ADMINISTRATIVE RULINGS:

A. Any affected person, agency or organization may appeal a decision made by the Building Official by submitting, within twenty-eight (28) days of the decision, a written request for an appeal hearing before the Board, an explanation of the grounds for the appeal, and applicable fees.

1. An affected person is defined as one having a *bona fide* interest in real property which may be affected by the decision.
2. Appeal hearings shall be conducted in accordance with Title 8, Chapter 8, Article 8.5 of this code. The Board may adopt additional procedures for the hearing of appeals by ordinance or resolution.
3. The final decision on the appeal shall be made by the Board of County Commissioners.

B. Appeals shall be based on a claim that the true intent of this code, or any of the codes adopted herein, has been incorrectly interpreted, the provisions of this code do not fully apply, or an equally good or better form of construction is proposed. A denial of a permit or Certificate of Occupancy due to the refusal of a jurisdiction other than Kootenai County to approve the permit or certificate may also be appealed.

SECTION 4. That Section 8.8.205, Kootenai County Code be, and the same is hereby repealed.

SECTION 5. If any provision of this Ordinance shall be declared by a court of appropriate jurisdiction to be invalid, such decision shall not affect the validity of remaining portions of this Ordinance. Any remaining portions shall be interpreted to give effect to the spirit of this Ordinance prior to removal of the provisions declared invalid.

SECTION 6. This Ordinance shall take effect and be in full force upon its passage, approval, and publication in one (1) issue of the *Coeur d'Alene Press*.

DATED this _____ day of _____, 2018.

**KOOTENAI COUNTY
BOARD OF COMMISSIONERS**

**ATTEST:
JIM BRANNON, CLERK**

Marc Eberlein, Chairman

By: _____
Deputy Clerk

Chris Fillios, Commissioner

Bob Bingham, Commissioner

Publication Date: _____, 2018

C: Community Development, Prosecuting Attorney (Civil and Criminal Divisions), NIBCA, Coeur d'Alene Association of Realtors, Ordinance File