

ORDINANCE NO. 5__
Case No. ORA18-0002
TITLE 7, CHAPTER 1, KOOTENAI COUNTY CODE
Option 1 – Adoption of Building Codes with Opt-Out Provisions for Residential and
Accessory Structures on Parcels of Five (5) Acres or Larger

AN ORDINANCE OF KOOTENAI COUNTY, IDAHO, A POLITICAL SUBDIVISION OF THE STATE OF IDAHO, RELATING TO ADOPTION OF BUILDING CODES;

- ADOPTING PURPOSES, EXEMPTIONS, AND DEFINITIONS;
- ADOPTING CONSTRUCTION, MECHANICAL, ENERGY, AND OTHER CODES AND REQUIREMENTS,
- INCLUDING LOCAL AMENDMENTS TO ADOPTED CODES; PROVIDING FOR ADMINISTRATION AND ENFORCEMENT;
- PROVIDING THAT BUILDINGS CONSTRUCTED ON PARCELS OF FIVE (5.00) ACRES OR GREATER SHALL NOT BE SUBJECT TO MANDATORY PERMITTING, PLAN REVIEW, INSPECTION, OR ENFORCEMENT REQUIREMENTS;
- PROVIDING FOR APPEALS OF ACTIONS OF THE BUILDING OFFICIAL OR DESIGNEE;
- AND ADOPTING SITE PERMIT REQUIREMENTS FOR AGRICULTURAL BUILDINGS AND BUILDINGS CONSTRUCTED ON PARCELS OF FIVE (5.00) ACRES OR GREATER WHENEVER A BUILDING PERMIT IS NOT SOUGHT;
- REPEALING PREVIOUSLY ADOPTED ORDINANCES AND CODES; PROVIDING FOR SEVERABILITY;
- PROVIDING FOR SURVIVAL AND NON-WAIVER OF ENFORCEMENT ACTIONS UNDER PREVIOUSLY ADOPTED ORDINANCES AND CODES; AND PROVIDING FOR AN EFFECTIVE DATE.

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

SECTION 1. That Section 7-1-1, Kootenai County Code, shall be, and the same is hereby redesignated as Section 7.1.101, Kootenai County Code.

SECTION 2. That Section 7-1-2, Kootenai County Code, shall be, and the same is hereby redesignated as Section 7.1.102, Kootenai County Code.

SECTION 3. That Section 7-1-3, Kootenai County Code, shall be, and the same is hereby redesignated as Section 7.1.103, Kootenai County Code.

SECTION 4. That Section 7-1-4, Kootenai County Code, shall be, and the same is hereby redesignated as Section 7.1.104, Kootenai County Code, and is hereby amended to read as follows:

7.1.1047-1-4: PURPOSE: The purpose of this chapter is to:

A. Promote and protect the health, safety, welfare, and property of the public;

B. Require minimum performance standards and requirements for construction and construction materials, consistent with accepted standards of engineering, fire safety, life safety and accessibility for those with disabilities; and

C. Permit the use of modern technical methods, devices and improvements.

D. Permit owners of parcels of real property that are five (5) acres or larger to build residential structures and accessory structures on their property, 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, upon payment of each respective fee:

1. A plan review;

2. Approvals from other agencies with jurisdiction; and

3. A certificate of completion upon completion of the structure, if desired.

SECTION 5. That Section 7-1-5, Kootenai County Code, shall be, and the same is hereby redesignated as Section 7.1.105, Kootenai County Code, and is hereby amended to read as follows:

7.1.1057-1-5: STRUCTURES EXEMPT OR PERMITTED OF RIGHT:

A. Agricultural Buildings.: In accordance with section 39-4116, Idaho Code ~~section 39-4116,~~ agricultural buildings shall be exempt from the requirements of the codes adopted pursuant to by this chapter, provided they are situated on land actively devoted to agricultural or forestry pursuits and are, at the time of application, being assessed accordingly.

BC. Certain Equipment.: Equipment used primarily for industrial chemical process purposes and for mineral extraction and mineral processing shall be exempt from the requirements of the codes adopted pursuant to this chapter. This exemption does not include the erection and fabrication of new boilers, pressure vessels and other equipment required to condition a building for personnel comfort and safety. Equipment in this regard shall mean, and be limited to, facilities or installations for heating, ventilating, air conditioning, refrigerating equipment, elevators, dumbwaiters, escalators, and boilers and pressure vessels associated with building heating systems.

C. Residential Structures and Accessory Buildings on Parcels of Five Acres or Greater.

1. Single-family and two-family (duplex) residential structures and accessory structures on parcels of five (5.00) acres or greater in size shall be deemed to be permitted of right. Owners of such parcels may elect to proceed with the permitting, plan review, approvals from other

agencies with jurisdiction, inspection and enforcement provisions of this chapter in order to obtain a certificate of occupancy for the structure to be constructed, or may elect to opt out of the building permitting process as provided in this section. The provisions of this section shall not apply to hotels, motels, or multi-family residential structures containing three (3) or more dwelling units.

2. For purposes of this section, parcel size may be figured using gross acreage (including one-half (1/2) of the adjacent right-of-way) if the gross acreage of the parcel is five (5.00) acres or greater in size, and the net acreage (excluding right-of-way) is no more than ten percent (10%) smaller than the minimum lot size which applies to the underlying zone (for example, 4.50 net acres or larger for a parcel with a gross acreage of 5.00 acres).

3. The owner of a parcel who has opted out of the residential building permitting process pursuant to this section may request a plan review to determine compliance of the building plan with the provisions of the codes adopted pursuant to this chapter. The owner requesting an optional plan review pursuant to this paragraph shall pay a fee established pursuant to resolution of the Board before the review is conducted. No building inspections or building code enforcement actions shall occur as a result of such plan reviews. Optional plan reviews requested pursuant to this paragraph will have a lower priority than plan reviews occurring in conjunction with a building permit issued pursuant to this chapter.

4. Residential and accessory structures for which the owner has elected to opt out of the building permitting process shall be exempted from compliance with the building codes adopted pursuant to this chapter, including the current adopted versions of the; following codes: International Building Code, International Energy Conservation Code, International Mechanical Code, International Property Maintenance Code, International Existing Building Code, International Fire Code, International Fuel Gas Code, and other building codes that may be adopted in the future. Notwithstanding the foregoing, other agencies may have, or in the future may be given, jurisdictional enforcement authority and/or compliance requirements which the Department has no authority to set aside.

D. Site Permits.

1. A site permit shall be required before the start of construction of an agricultural building, retaining wall greater than 4' above ground level unless within a setback area, or a structure exceeding 200 square feet for which the owner has opted out of the building permitting process pursuant to this section.

2) A site permit to remedy an existing building code violation may be applied for at any time, so long as the structure meets the requirements of this section.

Site permits and permit applications shall be governed by the laws in effect at the time a complete permit application is received. All structures shall comply with all applicable requirements of Title 8 of this code, and with other laws and rules.

E. Site Permit Application Requirements:

1. The applicant for a site permit shall provide the following:

- a. A plot plan showing the location of the structure or building, showing distances from the building's greatest architectural projections to the property lines and any other fixed structure, well, septic field, or easement within 100' of the proposed structure.
- b. A copy of the recorded deed legally describing the property on which the structure or building is to be located.
- c. If access to the proposed structure is via an easement for ingress and egress over property not owned by the applicant, the applicant shall provide documentation that the property has legal access, and that such legal access is sufficient for the intended residential use.
- d. 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 rooms and habitable floors of the structure.

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

2. 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:

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

F. Processing of Exempted Site Permits.

1. A site permit will be processed in the same manner as a site disturbance or building permit application and will be subject to compliance with all other laws, ordinances and department procedures in effect at the time. No building permit plan review or building inspections, or building permit fees will be required, unless requested and paid for by the owner.

2. The Department shall provide property owners with notice that they are strongly advised to contact other agencies with jurisdiction for information regarding applicable requirements and necessary approvals. The Department will coordinate agency approvals only at the request of the property owner.

3. The Department may require submittal of an initial erosion and stormwater risk assessment. If the parcel is classified as a high risk site, as defined in Title 8, Chapter 7, Article 7.1 of this code, a site disturbance plan will be required.

G. Notice to Title. At the time of site permit application, the owner of a structure for which the owner has opted out of the building permitting process pursuant to this section shall complete a document on a form provided by the Department which identifies the structure that is the subject of the site permit as a structure lawfully built without a building permit. Upon issuance of the site permit, the document shall be recorded in the Office of the County Recorder at the owner's expense.

H. Certificate of Completion: Upon completion of construction of a structure for which the owner has opted out of the building permitting process pursuant to this section, the owner may request the issuance of a certificate of completion. Before a certificate of completion is issued, casual inspection of the structure shall be performed by the Department, which shall be limited to observation of the exterior of the completed structure. The certificate of completion does not represent any statement of the structural or functional integrity of the structure, but merely that it appears complete.

I. Prohibited Activities. No property owner may build a structure in a manner that endangers adjoining property owners or that violates the provisions of title 8 of this code.

J. The owner of a residential structure that has previously been found, or is found, to be in violation of building codes, but is otherwise in compliance with all other requirements of this title and of Title 8 of this code, may complete a site permit application, pay required fees and be granted a certificate of completion. Recorded instruments that have clouded the owner's title will then be released.

SECTION 6. That Section 7-1-6, Kootenai County Code, shall be, and the same is hereby redesignated as Section 7.1.106, Kootenai County Code, and is hereby amended to read as follows:

7.1.1067-1-6: DEFINITIONS:

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

AGRICULTURAL BUILDING: A structure designed and constructed to house farm implements, hay, grain, poultry, livestock or other horticultural products, provided the building is situated on land actively devoted to forestry or agricultural pursuits as defined in Section 63-604, Idaho Code, and is, at the time of application, being assessed with an agricultural or forestry exemption. This structure shall not be a place of human habitation or a place of employment where agricultural or forestry products are processed, treated or packaged, nor shall it be a place used by the public. Shall be as defined in section 202 of the 2015 international building code.

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. The director of Kootenai County community development, or his or her designee.

CERTIFICATE OF COMPLETION: An optional document issued to a property owner who has applied for a site permit, upon request, once the property owner completes a residential structure or accessory structure to the point at which it appears that it may be used or occupied. A certificate of completion makes no representations as to the soundness, engineering, suitability, quality, approval by other agencies or compliance with agency requirements, or any other aspect of the structure, but only that it appears to be materially ready to occupy.

DEPARTMENT: Kootenai County Community Development.

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.

~~HEARING EXAMINER: The Kootenai County hearing examiner, as established under section 8.8.303 of this code.~~

MANUFACTURED HOME AND MOBILE HOME: Shall be as defined in section 39-4105, Idaho Code~~section 39-4105.~~

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

SITE PERMIT: A permit required for agricultural buildings and those structures for which the owner has opted out of the residential building permitting process pursuant to section 7.1.105 of this chapter, to ensure compliance with the provisions of Title 8 of this Code, and to assist in coordination with other agencies with jurisdiction if the property owner elects to have the Department act in such capacity. A site permit shall expire one year after an application has been submitted, which may be extended by the Director for an additional one-year period. If an extension request is not made by the property owner before the permit expires, the structure shall be deemed complete and transferred to the property assessment rolls.

B. To the extent not inconsistent with the definitions set forth in subsection (A) of this section, the definitions set forth in Title 8, Chapter 9 of this code shall apply to the provisions of this chapter.

SECTION 7. That Sections 7.1.101 through 7.1.106, Kootenai County Code, as set forth herein, shall be, and are hereby compiled as Title 7, Chapter 1, Article 1.1, Kootenai County Code, entitled “General Provisions.”

SECTION 8. That Section 7-1-7, Kootenai County Code, shall be, and the same is hereby redesignated as Section 7.1.201, Kootenai County Code, and is hereby amended to read as follows:

7.1.2017-1-7: ADOPTION OF CONSTRUCTION CODES:

Kootenai County hereby adopts the following construction codes, standards and requirements, except as amended by the state of Idaho by statute or administrative rule and by this chapter. ~~Any~~

inspection for which a fee is not specifically indicated within the following codes or other relevant provisions of Idaho Code or this code shall include an assessment of an additional fee equal to the amount of the reinspection fee as published in the fee resolution most recently adopted by the board.

A. The ~~2015~~2012 International Building Code, as published by the International 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 Kootenai County flood damage prevention ordinance, Title 8, Chapter 7, Article 7.2 of this code.

B. The 2012 International Residential Code, ~~including appendix G,~~ as published by the International Code Council, including Appendix G thereto, and also including Appendix Q as adopted herein, but 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 Kootenai County flood damage prevention ordinance, Title 8, Chapter 7, Article 7.2 of this code.

C. The ~~2015~~2012 International Energy Conservation Code, with 2012 amendments for the Residential portion thereof, as published by the International Code Council, excluding any incorporated references to the NEC electrical code, the International Plumbing Code, and the International Zoning Code.

D. The 2012 International Mechanical Code, as published by the International Code Council, excluding any incorporated references to the NEC electrical code, the International Plumbing Code, and the International Zoning Code.

E. The 2012 International Fuel Gas Code, as published by the International Code Council, excluding any incorporated references to the NEC electrical code, the International Plumbing Code, and the International Zoning Code.

F. The ~~2015~~2012 International Property Maintenance Code, including appendix A, as published by the International 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 Kootenai County flood damage prevention ordinance, Title 8, Chapter 7, Article 7.2 of this code.

G. The ~~2015~~2012 International Existing Building Code, as published by the International 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 Kootenai County flood damage prevention ordinance, Title 8, Chapter 7, Article 7.2 of this code.

H. The 2012 International Fire Code, as published by the International Code Council and as adopted, amended, and approved by the Idaho State Fire Marshal and the fire protection district with jurisdiction, if applicable, excluding any incorporated references to the NEC electrical code, the International Plumbing Code, and the International Zoning Code. The adopted version of the

foregoing code shall be deemed to be superseded by successive versions of such code as they are adopted or approved by the Idaho State Fire Marshal and the fire protection district with jurisdiction, if applicable, effective on the date that any such code becomes law.

SECTION 9. That a new Section 7.1.202, Kootenai County Code, shall be, and is hereby added to read as follows:

7.1.202: INSPECTION FEES NOT OTHERWISE SPECIFIED: Any inspection for which a fee is not specifically indicated within the following codes or other relevant provisions of Idaho Code or this 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.

SECTION 10. That Sections 7.1.201 and 7.1.202, Kootenai County Code, as set forth herein, shall be, and are hereby compiled as Title 7, Chapter 1, Article 1.2, Kootenai County Code, entitled “Adoption of Construction Codes.”

SECTION 11. That Section 7-1-8, Kootenai County Code, shall be, and the same is hereby redesignated as Section 7.1.301, Kootenai County Code, and is hereby amended to read as follows:

7.1.301-1-8: AMENDMENTS TO INTERNATIONAL BUILDING CODE: The following terms, conditions, and provisions shall be incorporated as amendments to the 2015 International Building Code adopted pursuant to subsection 7.1.201(A) of into the codes adopted by this chapter, and shall be enforced as part of said codes. 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.

101.4.3: Plumbing. Delete section with no replacement.

~~101.4.7 Mobile, Manufactured, And Modular Buildings. Add new section as follows:~~

~~Any manufactured or mobile home newly set in the unincorporated area of Kootenai County, including within mobile home parks, must be documented as meeting no less than a 30 pounds per square foot roof snow load. Any manufactured or mobile home that is not listed as meeting the minimum roof snow requirements of sections 1608.1 and 1608.2 of the international building code, as amended by this section, may satisfy these requirements by one of the following methods:~~

~~a. A self supporting ramada (roof cover) is erected over the manufactured or mobile home. Such a cover must meet the appropriate snow load requirements as required in this document and the adopted codes specific to its proposed location. A separate building permit shall be obtained for the ramada prior to or at the same time as the setting permit.~~

~~b. An engineering report, with supporting calculations, shall be prepared by a state of Idaho licensed professional engineer which documents that the mobile or manufactured home is capable of resisting the snow loads specific to its proposed location, pursuant to this document and the adopted codes.~~

~~e. The mobile or manufactured home is altered so that is capable of resisting the snow loads specific to its proposed location. The submittal documents for such an alteration shall contain supporting design calculations and be the design prepared by a state of Idaho licensed professional engineer.~~

~~Exceptions:~~

~~1. 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 within the jurisdiction 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.~~

~~2. Any mobile or manufactured home which will be utilized as an approved temporary hardship unit as defined in the Kootenai County zoning ordinance, title 9, Kootenai County code, may be approved by the building official for issuance of a building 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.~~

~~103.2 Delete section.~~

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

~~In accordance with the prescribed procedures of this jurisdiction and with the concurrence of the appointing authority, 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.~~

~~104.2.1: 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.~~

~~105.1.1: Annual permit. Delete section.~~

~~105.1.2: Annual permit records. Delete section.~~

~~105.2: Work exempt from permit.~~

~~Building: Delete item 1 and replace with the following:~~

One-story detached accessory structures used as tool or storage sheds, playhouses, gazebos, free standing pergolas, and similar uses, provided the floor area does not exceed ~~200~~ 420-square feet. Said accessory structure shall conform to placement standards established ~~in Title 8 of the by the Kootenai County zoning ordinance, title 9,~~ Kootenai County code. Roof projections of said structures shall not extend a distance greater than twelve inches from the outside of the exterior wall of the structure. Structure floor area shall be measured from the inside of exterior walls or columns. Such structures are limited to a ten foot eave height.

Add a new Item No. 14 to read as follows:

14. Equipment used primarily for industrial chemical process purposes and for mineral extraction and mineral processing. This exemption does not include the erection and fabrication of new boilers, pressure vessels and other equipment required to condition a building for personnel comfort and safety. Equipment in this regard shall mean and be limited to facilities or installations for heating, ventilating, air conditioning, refrigerating equipment, elevators, dumbwaiters, escalators, and boilers and pressure vessels associated with building heating systems.

Electrical: Delete all electrical exemptions.

Plumbing: Delete all plumbing exemptions.

105.5: Expiration. Delete last sentence and replace with the following ~~Add to the end of the section:~~

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~~ 2003 shall be eligible for an extension of time.

107.1: ~~General 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 in two or more sets 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 requirement for submittal of electronic documents under special circumstances.

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.

111.2.2: Certificate issued. Modify the first paragraph to read ~~Add new section~~ as follows:

After the building official inspects the building or structure and finds no violations of the provisions of this code or other laws that are enforced by the Community Development Department, 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: ~~Prior to issuance of a certificate of occupancy the applicant shall provide documentation of final approval from all relevant agencies with jurisdiction, including, but not limited to, the fire district, highway district, Idaho department of transportation, 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.~~

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 7.1.406, Kootenai County Code, and Title 8, Chapter 8, Article 8.5, Kootenai County Code.

113.3: Qualifications. Delete section.

202: Definitions. Delete the definition of “agricultural building.”

406.3.4.1: Dwelling unit separation. 4- 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 $\frac{5}{8}$ " 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 $\frac{5}{8}$ " 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 $\frac{5}{8}$ " type X gypsum board or equivalent and the entire garage must be lined with $\frac{5}{8}$ " type X Gypsum Board or equivalent. ~~In such cases, the floor/ceiling assembly supporting members shall be protected with no less than one layer of $\frac{5}{8}$ " type X gypsum board or equivalent.~~ If a common door is provided, it shall be a self-closing, tight-fitting solid-wood door $1\frac{3}{8}$ " inches in thickness, or a self-closing, tight-fitting 20-minute fire-rated door, or solid or honeycomb steel doors not less than $1\frac{3}{8}$ " inches (34.9 mm) thick. Openings from a private garage directly into a room used for sleeping purposes shall not be permitted. ~~2. Add the following to the end of the paragraph: Electrical outlet and plumbing penetrations through the separation required in section 406.31.4.(1) shall be protected or constructed with approved materials to resist the passage of flame and products of combustion. Recessed penetrations, such as for laundry connection boxes, shall be surrounded by $\frac{5}{8}$ " Type X Gypsum board. Penetrations of this surround shall be protected as set forth in this section.~~ The material filling this annular space shall be required to meet the ASTM E 814 or UL 1479.

~~708.3 Fire Resistance Rating. Delete exceptions 1 & 2.~~

~~718.4.2; Groups R-1 and R-2. Delete exception 3.~~

~~1018.1 Construction. In table 1018.1, for R occupancies, replace "0.5" hour fire resistance rating with a sprinkler system and replace with "1" hour.~~

~~1203.43 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.~~

~~1604.1.1; General. Add new section 1604.1.1 as follows:~~

~~1604.1.1. Minimum design criteria. Minimum design criteria shall be as set forth in per Table 1604.1.1.~~

~~Add new Table 1604.1.1 as follows:~~

[table begins on next page]

**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

1608.1.4: General. Add new subsection 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 subsection 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.

~~1809.5 Frost Protection. Delete subsection and replace with the following:~~

~~Extending below the established frost depth of 24".~~

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".

~~2308.2 Delete subsections 3.2 and 3.3.~~

SECTION 12. That Section 7-1-9, Kootenai County Code, shall be, and the same is hereby redesignated as Section 7.1.302, Kootenai County Code, and is hereby amended to read as follows:

7.1.3027-1-9: AMENDMENTS TO INTERNATIONAL RESIDENTIAL CODE: The following terms, conditions, and provisions shall be incorporated into the 2012 International Residential Code adopted pursuant to subsection 7.1.201(B) of ~~codes adopted by this chapter, and shall be enforced as part of said codes.~~ 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 exceptions.

~~R103.2 Delete section.~~

~~R103.3 Delete section.~~

R104.10.1: Flood Hazard Areas. Delete section.

R105.2: Work exempt from permit.

Building: Delete Item No. 1 and replace with the following:

One-story detached accessory structures used as tool or storage sheds, playhouses, gazebos, free standing pergolas, and similar uses, provided the floor area does not exceed 200 square feet. Said accessory structure shall conform to placement standards established in Title 8 ~~by the Kootenai County zoning ordinance, title 9,~~ Kootenai

County Code. Roof projections of said structures shall not extend a distance greater than ~~twenty-four~~~~twelve~~ inches from the outside of the exterior wall of the structure. Structure floor area shall be measured from the inside of exterior walls or columns. Such structures are limited to a ten foot eave height.

Electrical: Delete electrical exemptions ~~without replacement~~.

R105.3.1.1: Determination of substantially improved or substantially damaged existing buildings and structures in flood hazard areas. Modify section to read as follows:

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.

R105.5: Expiration. Delete the last sentence and replace with the following ~~Add to the end of the section:~~

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~~~~2003~~ shall be eligible for an extension of time.

R106.1: Submittal Documents. Delete section and replace with the following ~~Add to the end of the first paragraph:~~

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 accepted ~~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. Modify the first sentence to read as follows: ~~Delete section.~~

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:

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.

R109.1.3: Floodplain inspections. Delete section.

R110.3.4: Certificate issued. Modify the first paragraph to read as follows: ~~Add new section as follows:~~

After the building official inspects the building or structure and finds no violations of the provisions of this code or other laws that are enforced by the Community Development Department, 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: ~~Prior to issuance of a certificate of occupancy, the applicant shall provide documentation of final approval from all relevant agencies with jurisdiction, including, but not limited to, the fire district, highway district, Idaho department of transportation, 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.~~

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.

R112.2.1: 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.

R202: Definitions. Delete the definition of “manufactured home.”

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
Wind Speed (mph)		76 mph fastest mile 90 mph three second gust
Air Freezing Index		1500
Mobile/Manufactured Snow Load		30 psf (See IBC 101.4.7)
Seismic Design Category		C
Subject To Damage From	Weathering	Severe
	Frost Line Depth	24"
	Termite	Slight
	Decay	Slight
Ice Barrier Underlayment Required		Yes

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 *"Normalized 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.

Add new section R301.2.3.1 as follows:

R301.2.3.1: Mobile, manufactured, and modular buildings. Any manufactured or mobile home newly set in the unincorporated area of Kootenai County, including within mobile home parks, must be documented as meeting no less than a 30 pounds per square foot roof snow load. Any manufactured or mobile home that is not listed as meeting the minimum roof snow requirements of sections 1608.1 and 1608.2 of the International Building Code, as amended by this section, may satisfy these requirements by one of the following methods:

a. A self-supporting ramada (roof cover) is erected over the manufactured or mobile home. Such a cover must meet the appropriate snow load requirements as required in this document and the adopted codes specific to its proposed location. A separate building permit shall be obtained for the ramada prior to or at the same time as the setting permit.

b. An engineering report, with supporting calculations, shall be prepared by a State of Idaho licensed professional engineer which documents that the mobile or manufactured home is capable of resisting the snow loads specific to its proposed location, pursuant to this document and the adopted codes.

c. The mobile or manufactured home is altered so that is capable of resisting the snow loads specific to its proposed location. The submittal documents for such an alteration shall contain supporting design calculations and be the design prepared by a State of Idaho licensed professional engineer.

Exceptions:

1. 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 within the jurisdiction 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.

2. 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 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.

R301.2.4: Floodplain construction. Delete section.

R301.2.4.1: Alternative provisions. Delete section.

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

Exception: A two (2) 1-hour fire-resistance rated wall assembly or a common 2-hour fire-resistance rated wall assembly tested in accordance with ASTM E 119 or UL 263 is permitted for townhouses. If two (2) 1-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) 1-hour rated walls. The 2-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.

~~R302.5.1 Delete section.~~

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 $\frac{5}{8}$ " 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 $\frac{5}{8}$ " 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 $\frac{5}{8}$ " type X gypsum board or equivalent and the entire garage must be lined with $\frac{5}{8}$ " type X Gypsum Board or equivalent. ~~In such cases, the floor/ceiling assembly supporting members shall be protected with no less than one layer of $\frac{5}{8}$ " type X gypsum board or equivalent.~~ If a common door is provided, it shall be a self-closing, tight-fitting solid-wood door $1\frac{3}{8}$ inches in thickness, or a self-closing, tight-fitting 20-minute fire-rated door, or solid or honeycomb steel doors not less than $1\frac{3}{8}$ inches (34.9 mm) thick. Openings from a private garage directly into a room used for sleeping purposes shall not be permitted. Electrical outlet and plumbing penetrations through the separation required in Section 406.3.4 shall be protected or constructed with approved materials to resist the passage of flame and products of combustion. Recessed penetrations, such as for laundry connection boxes, shall be surrounded by $\frac{5}{8}$ " Type X Gypsum board. Penetrations of this surround shall be protected per above. The material filling this annular space shall be required to meet the ASTM E 814 or UL 1479.

R302.7: Under-Stair Protection. Delete reference to $\frac{1}{2}$ " gypsum and replace with $\frac{5}{8}$ " 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 prohibited; engineering required. The use of plain concrete and masonry foundation and retaining walls is prohibited in Kootenai County. The use of prescriptive tables for reinforcement contained in Tables

R404.1.1(2) through R404.1.2(9) requires a engineered determination of soil classification if the foundation or retaining wall is over 4' above grade. 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.

R404.1.2.2 Reinforcement For Foundation Walls. Delete section and replace with the following:

~~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 are permitted to be otherwise designed by an Idaho licensed architect or engineer.~~

R408.1.2: 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.

G2406.2: Prohibited locations. Delete Items (3) and (4).

G2445: Unvented Room Heaters. Delete entire section.

Appendix Q: ICC International Residential Code Electrical Provisions/National Electrical Code Cross Reference. Delete appendix in its entirety and replace with the following:

Appendix Q: Tiny Houses on Foundations.

AQ101: Scope. This appendix shall be applicable to tiny houses used as single dwelling units. Tiny houses shall 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.

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.

SECTION 13. That Section 7-1-10, Kootenai County Code, shall be, and the same is hereby redesignated as Section 7.1.303, Kootenai County Code.

SECTION 14. That Section 7-1-11, Kootenai County Code, shall be, and the same is hereby redesignated as Section 7.1.304, Kootenai County Code.

SECTION 15. That Section 7-1-12, Kootenai County Code, shall be, and the same is hereby redesignated as Section 7.1.305, Kootenai County Code.

SECTION 16. That Section 7-1-13, Kootenai County Code, shall be, and the same is hereby redesignated as Section 7.1.306, Kootenai County Code.

SECTION 17. That Section 7-1-14, Kootenai County Code, shall be, and the same is hereby redesignated as Section 7.1.307, Kootenai County Code.

SECTION 18. That Sections 7.1.301 through 7.1.307, Kootenai County Code, as set forth herein, shall be, and are hereby compiled as Title 7, Chapter 1, Article 1.3, Kootenai County Code, entitled "Amendments to Adopted Codes."

SECTION 19. That Section 7-1-15, Kootenai County Code, shall be, and the same is hereby repealed.

SECTION 20. That a new Section 7.1.401, Kootenai County Code, shall be, and is hereby added to read as follows:

7.1.401: ADMINISTRATIVE AUTHORITY: The Building Official, or his or her designee, shall be responsible for administering and enforcing the provisions of this chapter, other related provisions of Kootenai County Code, and the codes adopted herein with the exception of the International Fire Code. The Building Official may establish procedures for permit applications, plan checking, 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.

SECTION 21. That a new Section 7.1.402, Kootenai County Code, shall be, and is hereby added to read as follows:

7.1.402: 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 permits, and prior to final approval and/or issuance of a Certificate of Occupancy. With the exception of site permits issued for structures when the owner has elected to opt out of the building permitting process, applications shall meet the following requirements:

A. Demonstrate that the proposal meets the requirements of this chapter, the codes adopted 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 and the Kootenai County Emergency Medical Services System (KCEMSS).

SECTION 22. That a new Section 7.1.403, Kootenai County Code, shall be, and is hereby added to read as follows:

7.1.403: 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.

SECTION 23. That a new Section 7.1.404, Kootenai County Code, shall be, and is hereby added to read as follows:

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

SECTION 24. That a new Section 7.1.405, Kootenai County Code, shall be, and is hereby added to read as follows:

7.1.405: 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.

SECTION 25. That Section 7-1-16, Kootenai County Code, be, and the same shall be redesignated as Section 7.1.406, Kootenai County Code, and shall be amended to read as follows:

7-1-406-1-16: 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 ~~a hearing examiner~~, an explanation of the grounds for the appeal, and applicable fees.

1. An "affected person" is defined as one having a bona fide ~~an~~ 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. ~~After receiving a recommendation from the hearing examiner, the final decision on the appeal shall be made by the board of county commissioners. The board may summarily issue a final decision approving the recommendation from the hearing examiner, or may conduct an additional appeal hearing prior to making a final decision. The Board may adopt additional procedures for the hearing of appeals;~~ by ordinance or resolution, procedures for the hearing of appeals brought pursuant to the provisions of this chapter.

3. The final decision on the appeal shall be made by the Board.

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, certificate of occupancy, or certificate of completion due to the refusal of a jurisdiction other than Kootenai County to approve the permit or certificate, may also be appealed.

~~C. The hearing examiner shall not have the authority to recommend waiver of any requirement of any of the codes adopted herein. The Board of county commissioners shall not have authority to waive any requirement of any of the codes adopted herein.~~

SECTION 26. That Section 7-1-17, Kootenai County Code, be, and the same shall be redesignated as Section 7.1.407, Kootenai County Code, and shall be amended to read as follows:

7.1.407-1-17: REMEDIES AND PENALTIES:

A. ~~Legal Action-Misdemeanor:~~ Any person who violates any provisions of this chapter, or the codes adopted herein, shall be guilty of an infraction ~~misdemeanor~~ punishable as provided in ~~Idaho Code section 1-4-1 of this code 39-4126.~~ The Building Official may also seek equitable relief from a court of competent jurisdiction to restrain conduct in violation of this chapter or to compel performance of duties established under this chapter. Each structure that is in violation of any provision of this chapter, and each day of an ongoing offense, will be considered a separate violation.

B. Stop Work Order: Whenever any terrain modification, construction or other site work is not in compliance with any provision of this chapter, adopted codes, conditions of approval, or related laws, regulations or requirements, including, without limitation, ~~the Kootenai County site disturbance ordinance,~~ Title 8, Chapter 7, Article 7.1 of this code, the Building Official may order the work stopped by written notice. Such notice shall be served on any persons engaged in doing or causing such work to be done, and persons shall stop such work until authorized by the Building Official to proceed. A stop work order may be appealed within twenty eight (28) days of issuance according to the procedure outlined in section 7.1.406 ~~7-1-16~~ of this chapter.

~~C. Equitable Relief: The building official may seek equitable relief from a court of competent jurisdiction, to restrain conduct in violation of this chapter, or to compel performance of duties established under this chapter. Said equitable remedies may be pursued in addition to criminal penalties.~~

CD. Withholding of Permits:

1. The Building Official may withhold permits, including building permits and certificates of occupancy or completion, on lots or parcels of land where a violation of any provision of this code then exists. The Building Official may also suspend issuance of permits, including building permits and certificates of occupancy or completion, to applicants who have demonstrated a record of unresolved noncompliance with the provisions of this code.

2. If a permit is withheld, the Building Official shall set forth the nature of noncompliance in writing. The applicant may submit a written response to the compliance issues raised by the Building Official. Upon consideration of the response and the full record of performance, the Building Official shall issue a final ruling in the case, which may include a list of conditions which must be met before any additional permits may be issued. A decision of the Building Official may be appealed within twenty-eight (28) days of issuance according to the procedure outlined in section 7.1.406 ~~7-1-16~~ of this chapter.

DE. Compliance Agreements: The Building Official may enter into compliance agreements on a case by case basis, subject to the following provisions or conditions:

1. 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.
2. The party responsible for compliance agrees to remedy the violation(s) in an expeditious manner by a certain date.
3. 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.
4. The responsible party shall pay any costs and/or attorney fees incurred to enforce a compliance agreement.

EF. Notice of Building Ordinance Violation: If a permit expires prior to the final inspection, or if the applicant fails to obtain a Certificate of Occupancy or Certificate of Completion as required under this chapter, or if the Building Official determines that an applicant has failed to comply with any provision of this chapter, the codes adopted herein, or any other provision of this code, the Building Official may issue a Notice of Building Ordinance Violation, subject to the following provisions.

1. The Building Official shall prepare and mail, via certified mail, a Notice of Building Ordinance Violation. The notification shall include:
 - a1. The property owner and the legal description of the parcel.
 - b2. The nature of the violation.
 - c3. The remedial action that must be undertaken to resolve the violation.
 - d4. The length of time allotted to resolve the violation.
 - e5. Information regarding the process for appeal.
2. The property owner shall have forty-five (45) days from the date the notice was mailed to resolve the violation. If resolution does not occur within the forty-five (45) day time period, the notice of building ordinance violation shall be filed in the county recorder's office. A copy of the recorded notice shall be mailed to the property owner via certified mail.
3. A notice of building ordinance violation may be appealed within twenty eight (28) days of issuance according to the procedure outlined in section ~~7.1.4067-1-16~~ of this chapter.

~~If the hearing examiner recommends that the violation be affirmed on appeal, he or she may recommend a number of days for the property owner to comply with the applicable provisions~~

~~of this chapter before the notice of building ordinance violation would be recorded. If the hearing examiner recommends that the violation be reversed on appeal, he or she may recommend actions to be taken by the building official to release the violation. The hearing examiner may also recommend the addition or removal of conditions of remedial action.~~

4. If the Board affirms the violation on appeal, the decision of the Board shall specify an exact number of days for the property owner to comply with the applicable provisions of this chapter before the notice of building ordinance violation is recorded. If the Board reverses the violation on appeal, the decision of the Board shall specify the actions to be taken by the Building Official to release the violation. The Board may also elect to add or remove conditions of remedial action.

5. At such time as the building ordinance violation is resolved, the owner shall pay the fee specified in the current adopted fee schedule and the Building Official shall file in the office of the county recorder a release of notice of building ordinance violation. The release shall contain all of the information contained in the notice of building ordinance violation, as well as the corrective action taken to resolve the violation. A copy of the release shall be mailed to the owner, via certified mail.

~~FG. Effect of Article, Section:~~ The provisions of this article section shall be construed to supersede any conflicting administrative provisions contained in any code adopted by this chapter, including, without limitation, any provisions regarding appeal boards.

G. Exception. The provisions of this section shall not apply to the construction of any structure that is not subject to the permitting, plan review, inspection or enforcement requirements set forth in this chapter and the codes adopted pursuant to this chapter.

SECTION 27. That Sections 7.1.401 through 7.1.407, Kootenai County Code, as set forth herein, shall be compiled as Title 7, Chapter 1, Article 1.4, Kootenai County Code, entitled “Administration and Enforcement.”

SECTION 28. Construction on projects with active building permits initiated under prior codes may proceed to completion in accordance with the codes in effect at the time of permit application. Any repair, reconstruction, remodeling, or alteration of existing structures shall conform to the codes in effect at the time a complete application is received.

SECTION 29. 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 30. Neither the adoption of this Ordinance nor the repeal of any ordinance shall, in any manner, affect the prosecution for violation of such ordinance committed prior to the effective date of this Ordinance or be construed as a waiver of any license or penalty due under any such ordinance or in any manner affect the validity of any action heretofore taken by the Kootenai County Board of Commissioners or Kootenai County Community Development (formerly known as the Kootenai County Building and Planning Department) or the validity of any such action to

be taken upon matters pending before the Kootenai County Board of Commissioners or Kootenai County Community Development on the effective date of this Ordinance.

SECTION 31. Notice of adoption of this Ordinance shall be published in one (1) issue of the *Coeur d'Alene Press* upon its passage and approval.

SECTION 32. This Ordinance shall take effect and be in full force as of the date on which Notice of adoption of this Ordinance is published in the *Coeur d'Alene Press*.

DATED this _____ day of _____, 2018.

**KOOTENAI COUNTY
BOARD OF COMMISSIONERS**

Marc Eberlein, Chairman

Chris Fillios, Commissioner

Bob Bingham, Commissioner

ATTEST:
JIM BRANNON, CLERK

By: _____
Deputy Clerk

Publication Date: _____, 2018

C: Community Development, Prosecuting Attorney (Civil and Criminal Divisions), NIBCA, Ordinance File