

ORDINANCE NO. 450
TITLE 7, CHAPTER 1, KOOTENAI COUNTY CODE
Building Ordinance Amendments

AN ORDINANCE OF KOOTENAI COUNTY, IDAHO, A POLITICAL SUBDIVISION OF THE STATE OF IDAHO, ADOPTING PURPOSES, EXEMPTIONS, AND DEFINITIONS; ADOPTING CONSTRUCTION, MECHANICAL, ENERGY, AND OTHER CODES AND REQUIREMENTS, INCLUDING AMENDMENTS TO ADOPTED CODES; PROVIDING FOR ADMINISTRATION AND ENFORCEMENT; PROVIDING FOR APPEALS OF ACTIONS OF THE BUILDING OFFICIAL OR DESIGNEE; 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:

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 That Title 7, Chapter 1 of the Kootenai County Code be, and the same is hereby repealed.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, and to read as follows:

7-1-1: TITLE: This chapter shall be known as the Building Ordinance of Kootenai County, Idaho.

7-1-2: AUTHORITY: These regulations are authorized by Title 39, Chapter 41, and Title 31, Chapter 7 of *Idaho Code*; and Article 12, Section 2 of the *Idaho Constitution*, as amended or subsequently codified.

7-1-3: APPLICABILITY: This chapter shall apply within the unincorporated area of Kootenai County, Idaho.

7-1-4: 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.

7-1-5: EXEMPTIONS:

- A. Agricultural Buildings. In accordance with *Idaho Code* § 39-4116, agricultural buildings shall be exempt from the requirements of the codes adopted by this chapter, provided they are situated on land actively devoted to agricultural pursuits (as defined by *Idaho Code* § 63-604) and are, at the time of application, being assessed accordingly.

While exempt from code requirements as specified in *Idaho Code* § 39-4116, an Agricultural Exemption Permit is still required, and the permit shall be governed by the laws in effect at the time a complete permit application is received.

An Agricultural Exemption 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. Signoffs from other public agencies and an initial erosion and storm water risk assessment may be required. No building permit plan review fee or building inspections will, however, be required. In the case of a high risk site, as defined in the Kootenai County Site Disturbance Ordinance, Title 11, Chapter 2 of this code, a Site Disturbance Plan will be required.

- B. Equipment used primarily for industrial chemical process purposes and for mineral extraction and mineral processing shall be exempt from the requirements of 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.

7-1-6: DEFINITIONS: For purposes of this chapter and all codes adopted by reference herein, the following definitions shall apply:

AGRICULTURAL BUILDING: Shall be as defined in section 202 of the 2009 International Building Code.

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

BUILDING OFFICIAL: The director of the Kootenai County Building and Planning Department, or his or her designee.

COMMERCIAL COACH: A modular building equipped with the necessary service connections and made to be readily movable as a unit on its own running gear, and originally designed to be used without a permanent foundation.

DEPARTMENT: The Kootenai County Building and Planning Department.

HEARING EXAMINER: The Kootenai County hearing examiner, as established under section 2-1-3 of this code.

MANUFACTURED HOME: A structure that:

- A. Is constructed after June 15, 1976, in accordance with the HUD manufactured home construction and safety standards, and
- B. Is transportable in one (1) or more sections, and
- C. When in the traveling mode, is eight (8) body feet or more in width or is forty (40) body feet or more in length, or when erected on site, is three hundred twenty (320) or more square feet, and
- D. Is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and
- E. Includes the plumbing, heating, air conditioning, and electrical systems contained therein.

Such term shall also include any structure meeting all the requirements of this paragraph except the size requirements, and with respect to which the manufacturer voluntarily files a certification required by the Secretary of Housing and Urban Development, and complies with the standards established under 42 U.S.C. § 5401 et seq.

MOBILE HOME: A factory-assembled structure or structures generally constructed prior to June 15, 1976, and equipped with the necessary service connections and made so as to be readily movable as a unit or units on their own running gear, and designed to be used as a dwelling unit or units with or without a permanent foundation.

MODULAR BUILDING: Any building or building component, other than a manufactured or mobile home, which is of closed construction and is either entirely or substantially prefabricated or assembled at a place other than the building site.

7-1-7: ADOPTION OF CONSTRUCTION CODES: Kootenai County hereby adopts the following construction codes, standards and requirements, except as amended 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 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.

- A. THE 2009 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 Kootenai County Flood Damage Prevention Ordinance, Title 11, Chapter 1 of this code.
- B. THE 2009 INTERNATIONAL RESIDENTIAL CODE, INCLUDING APPENDIX G, as published by the International Code Council, excluding parts VII and VIII thereof, 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 Kootenai County Flood Damage Prevention Ordinance, Title 11, Chapter 1 of this code.

- C. THE 2009 INTERNATIONAL ENERGY CONSERVATION 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.
- D. THE 2009 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 2009 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 2009 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 Kootenai County Flood Damage Prevention Ordinance, Title 11, Chapter 1 of this code.
- G. THE 2009 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 Kootenai County Flood Damage Prevention Ordinance, Title 11, Chapter 1 of this code.
- H. THE 2009 INTERNATIONAL FIRE CODE, as published by the International Code Council and as adopted, amended, and approved by the State of Idaho and the Idaho State Fire Marshal, 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 State of Idaho and the Idaho State Fire Marshal effective on the date that any such code becomes law.

7-1-8: AMENDMENTS TO INTERNATIONAL BUILDING CODE: The following terms, conditions, and provisions shall be incorporated 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: The installation, erection, and/or assembly of mobile or manufactured homes shall be governed by the requirements of the most current edition of the Idaho Manufactured Home Installation Standard (published by the State of Idaho Division of Building and Safety, Manufactured Housing Section). Systems not covered by the Standard shall be governed by the conditions of approval of the State of Idaho. Permanent foundation systems not specifically covered in the Standard shall be designed by a professional engineer, licensed by the State of Idaho.

No mobile, manufactured or modular building shall be installed on a building site unless it is approved and bears the insignia of approval of the Idaho Division of Building Safety. Any such building bearing an insignia of approval shall be deemed to comply with codes, laws or rules enacted by the State of Idaho governing the manufacture and construction of such building. No such building which has been approved by the State of Idaho Division of Building and Safety shall be in any way modified prior to its initial occupancy, unless approval of that modification is first made by the Division.

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 set within the boundaries of Kootenai County prior to January 1, 2008 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.

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. The Temporary Hardship Unit shall not be transferable to another party for permanent placement within Kootenai County. The land owner shall sign an agreement that the Temporary Hardship Unit shall not be marketed for sale as a part of the property upon which it is sited.

103.2 Delete section.

103.3 Delete section.

105.2 WORK EXEMPT FROM PERMIT.

BUILDING:

1. Delete section 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 120 square feet. Said accessory structure shall conform to placement standards established 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

ELECTRICAL: Delete all electrical exemptions.

PLUMBING: Delete all plumbing exemptions.

R105.5 **EXPIRATION.** 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, 2003 shall be eligible for an extension of time.

- 107.1 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 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.
- 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 Add new section as follows: 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 State Building 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 Delete section.
- 406.1.4
1. Delete section and replace with the following: The private garage shall be separated from a dwelling unit and its attic area, including supporting members with no less than one layer of 5/8" Type X Gypsum Board or equivalent on the garage side. If there is habitable, occupiable, or any conditioned space above or below 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. 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 1 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: Penetrations through the separation required in Section 406.1.4.(1) 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.
- 709.3 FIRE RESISTANCE RATING. Delete exceptions 1 & 2.

717.4.2 GROUPS R-1 AND R-2. Delete exception 3.

1009.6.3 Delete exception.

TABLE 1018.1. For R occupancies replace "0.5" hour fire resistance rating with a sprinkler system and replace with "1" hour.

1029.1 GENERAL. Delete exception 1.

1203.3 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 Add new Section as follows: Minimum Design Criteria shall be per Table 1604.1.1.

TABLE 1604.1.1

a. Wind Speed:	90 mph 3 second gust, 76 mph fastest mile.
b. Air Freezing Index:	1500
c. Seismic Design Category:	C
d. Weathering:	Severe
e. Minimum Frost Depth:	24"
f. Assumed Minimum Soil Bearing Pressure:	1500 psf
g. Decay:	Slight
h. Ice Barrier Underlayment Required:	Yes

1608.1.1 Add new subsection as follows: The roof snow load for 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 roof snow load for 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.

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, *Ground and Roof Snow Loads for Idaho* and accompanying map "Normalized Ground Snow Loads for Idaho" by the University of Idaho, Moscow, Idaho, 1986.

1806.2 DESIGN. Delete section and replace with the following: A presumptive allowable load bearing value for Class 5 soil in Table 1806.2 (1500 psf) shall be used for foundation design of structures except that certification by a professional engineer licensed in the State of Idaho that in place soils will meet classification of type 4 soils

will be accepted (2000 psf). Mud, organic clays, peat or unprepared fill shall not be assumed to have a presumptive load bearing capacity unless data to substantiate the use of such a value are submitted. Classification of soil types 1, 2, or 3 will require certification by an Idaho licensed civil or geological engineer having sufficient education and experience to prove competency in the field of geotechnical engineering.

1805.1.1 Add subsection as follows: If the slope in the immediate vicinity of the construction site is greater than 15%, the Building Official or his designee may require a detailed site plan and/or a foundation plan prepared by a State of Idaho licensed design professional. These plans may be in addition to any storm water management or erosion control plans required by other ordinances or code requirements and may require complete soils evaluation by an Idaho licensed civil or geological engineer having sufficient education and experience to prove competency in the field of geotechnical engineering.

1809.5 FROST PROTECTION

1. Delete subsection and replace with the following: Extending below the established frost depth of 24”.

1907.14 MINIMUM REINFORCEMENT. Add new section as follows: In all cases, 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 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.

2308.2 Delete subsections 3.2 and 3.3.

7-1-9: AMENDMENTS TO INTERNATIONAL RESIDENTIAL CODE: The following terms, conditions, and provisions shall be incorporated 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 Residential Code.

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

R101.2 Delete exception.

R103.2 Delete section.

R103.3 Delete section.

R104.10.1 Delete section.

R105.2 WORK EXEMPT FROM PERMIT.

BUILDING:

1. Delete section 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 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.
7. Delete section and replace with the following: Pre-fabricated swimming pools that are not greater than four feet deep.

ELECTRICAL: Delete electrical exemption without replacement.

R105.5 EXPIRATION. 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, 2003 shall be eligible for an extension of time.

R106.1 SUBMITTAL DOCUMENTS. Add to the end of the first paragraph: Any design which is the result of accepted engineering practice shall be accompanied by supporting calculations for all load combinations.

R106.1.3 Delete section.

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 Delete section.

R110.3.1 Add new section as follows: 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 State Building 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 GENERAL. Delete section.

TABLE R301.2(1) CLIMATIC AND GEOGRAPHIC DESIGN CRITERIA

Ground Snow Load	Wind Speed (MPH)	Air Freezing Index	Mobile/ Manufactured Snow Load	Seismic Design Category	Subject to Damage From				Ice Barrier Underlayment Required
					Weathering	Frost Line Depth	Termite	Decay	
Varies♦	76 mph Fastest Mile 90 mph Three Second gust	1500	30 psf See IBC 101.4.7	C	Severe	24"	Slight	Slight	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 *Ground and Roof Snow Loads for Idaho* and the accompanying map "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 roof snow load for 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 roof snow load for 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. Buildings to be located on land parcels with a ground snow load greater than 70 psf shall be designed in accordance with accepted engineering practice.

R301.2.4 Delete section.

Table R302.1 EXTERIOR WALLS. Delete the distances contained in the last column of the table under the heading Minimum Fire Separation Distance, and replace with the following:

Walls (Fire-resistance rated): <3 Feet

Walls (Not fire-resistance rated): ≥ 3 Feet

Projections (Fire-resistance rated): < 3 Feet

Projections (Not fire-resistance rated): ≥ 3 Feet

R302.2 TOWNHOUSES. Delete the exceptions 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 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 Delete section and replace with the following: The garage shall be separated from a dwelling unit and its attic area, including supporting members with no less than one layer of 5/8" Type X Gypsum Board or equivalent on the garage side. If there is habitable, occupiable, or any conditioned space above or below 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. 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 1 3/8 inches (34.9 mm) 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 1/2" gypsum and replace with 5/8" type X gypsum.

R313.2 Delete section.

R401.4.1 GEOTECHNICAL EVALUATION. Delete section and corresponding Table R401.4.1 and replace with the following: A presumptive allowable load bearing value for class 5 soil in IBC Table 1804.2 (1500 psf) shall be used for foundation design of structures, except that certification by a professional engineer licensed in the State of Idaho that in place soils will meet classification of type 4 soils will be accepted (2000 psf). Mud, organic clays, peat or unprepared fill shall not be assumed

to have a presumptive load bearing capacity unless data to substantiate the use of such a value are submitted. Classification of soil types 1, 2, or 3 will require certification by an Idaho licensed civil or geological engineer having sufficient education and experience to prove competency in the field of geotechnical engineering.

R401.6 Add section as follows: If the slope in the immediate vicinity of the construction site is greater than 15%, the Building Official or his designee may require a detailed site plan and/or a foundation plan prepared by a State of Idaho licensed design professional. These plans may be in addition to any stormwater management or erosion control plans required by other ordinances or code requirements and may require complete soils evaluation by an Idaho licensed civil or geological engineer having sufficient education and experience to prove competency in the field of geotechnical engineering.

R404.1.2.2 Delete section and replace with the following: In all cases, 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 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.

R408.1.2 Add new section as follows: The ground surface of all under-floor spaces shall be provided with a continuous Class I vapor retarder.

Table R502.2.2.1 Delete table and footnotes.

G2406.2 Delete items (3) and (4).

G2445 Delete entire section.

G2407 Add new section: LPG appliances. The un-trapped floor drain requirements in Sections G2407.3 and G2407.4 shall apply only to new construction and to additions or alterations where there is not an existing concrete slab.

G2407.1 Add new section: Walk-out basement, appliance such as a decorative gas fireplace or stove, exposed to finished living space: Appliances installed per manufacturer's instructions.

G2407.2 Add new section: Walk-out basement, appliance such as furnace or water heater in a separate mechanical room, finished living space: All combustion air must be drawn

from outside, crawl space, or attic areas. No more than one door between the mechanical room and exterior exit (door or sliding glass door).

G2407.3 Add new section: Walk-out basement, unfinished area:

MINIMUM 3" UN-TRAPPED DRAIN TO DAYLIGHT MUST BE INSTALLED. OUTLET MUST BE PROTECTED FROM BLOCKAGE AND SCREENED.

UNBURNED GAS DETECTOR (SNIFFER) CONNECTED TO WHOLE BUILDING SHUT-OFF SOLENOID MUST BE INSTALLED.

G2407.4 Add new section: Under floor area or true basement, including walk-out without door to exterior:

MINIMUM 3" UN-TRAPPED DRAIN TO DAYLIGHT MUST BE INSTALLED. OUTLET MUST BE PROTECTED FROM BLOCKAGE.

UNBURNED GAS DETECTOR (SNIFFER) CONNECTED TO WHOLE BUILDING SHUT-OFF SOLENOID, PLUS EXPLOSION-PROOF EVACUATION EXHAUST MUST BE INSTALLED.

G2415.10.1 Delete section and replace with the following: Individual lines to outside lights, grills, or other appliances shall be installed a minimum of 12 inches below finished grade, provided that such installation is approved and is installed in locations not susceptible to physical damage.

7-1-10: AMENDMENTS TO THE INTERNATIONAL FUEL GAS CODE:

103.2 Delete section.

103.3 Delete section.

109 Delete section.

303.3 Prohibited Locations: Delete exceptions 3 and 4.

303.8 Add new section: LPG appliances. The un-trapped floor drain requirements in Sections 303.8.3 and 303.8.4 shall apply only to new construction and to additions or alterations where there is not an existing concrete slab.

303.8.1 Add new section: Walk-out basement, appliance such as a decorative gas fireplace or stove, exposed to finished living space: Appliances installed per manufacturer's instructions.

303.8.2 Add new section: Walk-out basement, appliance such as furnace or water heater in a separate mechanical room, finished living space: All combustion air must be drawn

from outside, crawl space, or attic areas. No more than one door between the mechanical room and exterior exit (door or sliding glass door).

303.8.3 Add new section: Walk-out basement, unfinished area:

MINIMUM 3" UN-TRAPPED DRAIN TO DAYLIGHT MUST BE INSTALLED. OUTLET MUST BE PROTECTED FROM BLOCKAGE AND SCREENED.

UNBURNED GAS DETECTOR (SNIFFER) CONNECTED TO WHOLE BUILDING SHUT-OFF SOLENOID MUST BE INSTALLED.

303.8.4 Add new section: Under floor area or true basement, including walk-out without door to exterior:

MINIMUM 3" UN-TRAPPED DRAIN TO DAYLIGHT MUST BE INSTALLED. OUTLET MUST BE PROTECTED FROM BLOCKAGE.

UNBURNED GAS DETECTOR (SNIFFER) CONNECTED TO WHOLE BUILDING SHUT-OFF SOLENOID, PLUS EXPLOSION-PROOF EVACUATION EXHAUST MUST BE INSTALLED.

404.10.1 Delete section and replace with the following: Individual lines to outside lights, grills, or other appliances shall be installed a minimum of 12 inches below finished grade, provided that such installation is approved and is installed in locations not susceptible to physical damage.

621.4 Delete section and replace with the following: Prohibited Locations. Unvented room heaters shall not be installed within occupancies in Groups A, E, I, and R. The location of unvented room heaters shall also comply with Section 303.3.

7-1-11: AMENDMENTS TO THE INTERNATIONAL MECHANICAL CODE:

103.2 Delete section.

103.3 Delete section.

109 Delete section.

7-1-12: AMENDMENTS TO THE INTERNATIONAL ENERGY CONSERVATION CODE:

109 Delete section.

7-1-13: AMENDMENTS TO THE INTERNATIONAL PROPERTY MAINTENANCE CODE:

305.3 Delete section.

305.6 Delete section.

306.1.1 Item 3 Delete section.

308.2 and all subsections Delete sections.

308.3 and all subsections Delete sections.

309 Delete section.

Chapter 4 Delete chapter.

Chapter 5 Delete chapter.

Chapter 6 Delete chapter.

Chapter 7 Delete chapter.

7-1-14: AMENDMENTS TO THE INTERNATIONAL EXISTING BUILDING CODE:

103.2 Delete section.

103.3 Delete section.

112 Delete section.

7-1-15: AMENDMENTS TO THE INTERNATIONAL FIRE CODE:

103.2 Delete section.

103.3 Delete section.

108 Delete section.

7-1-16: ADMINISTRATION AND ENFORCEMENT:

A. ADMINISTRATIVE AUTHORITY. The Building Official, or his 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 2009 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.

B. INTERDEPARTMENT 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. Applications shall meet the following requirements:

1. 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.
2. Demonstrate that the proposal has received required permits and approvals from Panhandle Health District and sewer and water districts.
3. Demonstrate that the proposal has received required access, approach, or encroachment permits or approvals from the Highway District, Idaho Department of Transportation, the Airport Department, and the Fire 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.
6. Demonstrate that the proposal complies with all applicable requirements of the fire district with jurisdiction, including, without limitation, the 2009 International Fire Code, and has received approval from that fire district.

C. CORRECTION OF EXISTING VIOLATIONS. Applications for permits authorized by this chapter may not be accepted until all violations of any provision of Kootenai County Code on the subject parcel are corrected. Under certain circumstances where compliance would require the granting of permits to cure existing violations, this requirement may be waived.

D. EFFECTIVE STANDARDS. Permits shall be governed by the laws and regulations in effect at the time a complete permit application is accepted.

E. 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.

7-1-17: APPEAL FROM ADMINISTRATIVE RULINGS: 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 a Hearing

Examiner, an explanation of the grounds for the appeal, and applicable fees. An affected person is defined as one having an interest in real property which may be affected by the decision. 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, by ordinance or resolution, procedures for the hearing of appeals brought pursuant to the provisions of this chapter.

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.

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.

7-1-18: REMEDIES AND PENALTIES:

- A. Any person who violates any provisions of this chapter, or the codes adopted herein, shall be guilty of a misdemeanor punishable as provided in *Idaho Code* § 39-4126. 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 11, Chapter 2 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 7-1-17 of this chapter.
- C. 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.
- D. **WITHHOLDING OF PERMITS.** The Building Official may withhold permits, including building permits, 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, to applicants who have demonstrated a record of unresolved noncompliance with the provisions of this code.

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 7-1-17 of this chapter.

E. 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.

F. 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.

The Building Official shall prepare and mail, via certified mail, a Notice of Building Ordinance Violation. The notification shall include:

1. The property owner and the legal description of the parcel.
2. The nature of the violation.
3. The remedial action that must be undertaken to resolve the violation.
4. The length of time allotted to resolve the violation.
5. Information regarding the process for appeal.

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.

A Notice of Building Ordinance Violation may be appealed within twenty-eight (28) days of issuance according to the procedure outlined in section 7-1-17 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.

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.

At such time 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.

H. EFFECT OF SECTION. The provisions of this 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.

SECTION 3. This Ordinance shall repeal and replace Title 7, Chapter 1 of the Kootenai County Code, and all previously adopted building codes and ordinances. Construction on projects initiated under prior codes may proceed to completion in accordance with the codes in effect at the time of permit issuance. 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 4. 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.

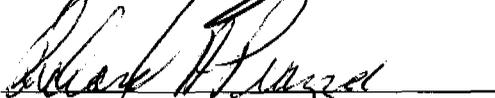
SECTION 5. Neither the adoption of this Ordinance nor the repeal of any ordinance shall, in any manner, affect the prosecution for violation of such ordinance committed prior to the effective date of this Ordinance or be construed as a waiver of any license or penalty due under any such ordinance or in any manner affect the validity of any action heretofore taken by the Kootenai County Board of Commissioners or 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 the Kootenai County Building and Planning Department on the effective date of this Ordinance.

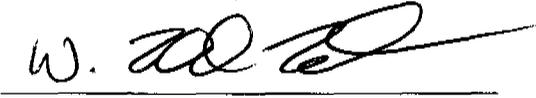
SECTION 6. This Ordinance shall take effect and be in full force upon its passage, approval, and publication in one (1) issue of *The Coeur d'Alene Press*.

DATED this 16th day of December 2010

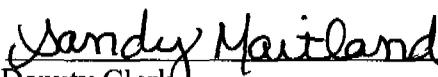
**KOOTENAI COUNTY
BOARD OF COMMISSIONERS**

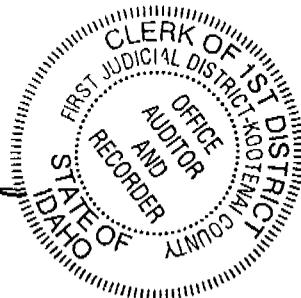

Elmer R. Currie, Chairman


Richard A. Piazza, Commissioner


W. Todd Tondee, Commissioner

ATTEST:
DANIEL J. ENGLISH, CLERK

BY: 
Deputy Clerk



Publication Date: December 22, 2010