

ORDINANCE NO. 468
TITLE 7, CHAPTER 1, KOOTENAI COUNTY CODE
Case No. ORA13-0001 – Building Code 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 That Title 7, Chapter 1 of the Kootenai County Code be, and the same is hereby repealed.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 2012 International Building Code.

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

BUILDING OFFICIAL: The director of Kootenai County Community Development, or his or her designee.

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 2-1-3 of this code.

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

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

7-1-7: 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 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 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 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 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 Kootenai County Flood Damage Prevention Ordinance, Title 11, Chapter 1 of this code.

- G. THE 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 Kootenai County Flood Damage Prevention Ordinance, Title 11, Chapter 1 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.

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:

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 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 Delete section.

105.2 WORK EXEMPT FROM PERMIT.

BUILDING: 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. Such structures are limited to a ten foot eave height.

ELECTRICAL: Delete all electrical exemptions.

PLUMBING: Delete all plumbing exemptions.

105.5 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 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 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.

EXCEPTION: 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.

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 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.

406.3.4 SEPARATION.

1. Delete section and replace with the following:

The private garage shall be separated from a dwelling unit and its attic area with no less than one layer of 5/8" Type X Gypsum Board or equivalent on the garage side. If there is habitable, occupiable, or any conditioned space above a garage space, the garage side of the floor/ceiling assembly shall be protected with no less than two layers of 5/8" Type X Gypsum Board or equivalent. In such cases, the floor/ceiling assembly supporting members shall be protected with no less than one layer 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.

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.

1203.3 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 Add new section as follows:

Minimum Design Criteria shall be per Table 1604.1.1.

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

1608.1.1 Add new subsection as follows:

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

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. 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.

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: 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. Such structures are limited to a ten foot eave height.

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 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.

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

R301.2.4 Delete section.

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 5/8" Type X Gypsum Board or equivalent on the garage side. If there is habitable, occupiable, or any conditioned space above a garage space, the garage side of the floor/ceiling assembly shall be protected with no less than two layers of 5/8" Type X Gypsum Board or equivalent. In such cases, the floor/ceiling assembly supporting members shall be protected with no less than one layer 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.

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 Add new section as follows:

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

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

G2445 Delete entire section.

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.
- 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:

- 103 Delete section.
- 106.1 Delete section
- 106.2 Delete section.
- 106.3 Delete section.
- 106.4 Delete section.
- 107.3 Delete section.
- 107.6 Delete section.

- 108.2.1 Delete section.
- 109.4 Delete section.
- 109.5 Delete section.
- 109.6 Delete section.
- 110.3 Delete section.
- 110.4 Delete section.
- 111 Delete section.
- 112 Delete section.
- 302.4 Delete section.
- 302.8 Delete section.
- 302.9 Delete section.
- 303.1 Delete section.
- 304.2 Delete section.
- 304.5 Delete section.
- 304.6 Delete section.
- 304.13 Delete section.
- 304.14 Delete section.
- 304.15 Delete section.
- 304 16 Delete section.
- 304.17 Delete section.
- 304.18 and all subsections Delete sections.
- 304.19 Delete section.
- 305.1 Delete section.

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: 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 2012 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 Transportation Department, the Kootenai County Airport, and the fire protection district, as applicable.
4. For mobile or manufactured home setting permits, provide verification from the Appraisal Division of the Kootenai County Assessor's Office that applicable taxes have been paid.
5. For encroachments into surface water or wetlands, demonstrate that the proposal has received required encroachment permits from the Idaho Department of Lands, Idaho Department of Water Resources, or the U.S. Army Corps of Engineers.
6. 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.

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.

7-1-16: 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.

7-1-17: 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 and certificates of occupancy, 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, 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.