

ORDINANCE NO. 2001-02

AN ORDINANCE REPEALING ADAMS COUNTY ORDINANCES 1977-1, 1977-2, 1980-5, 1983-2, 1986-1, 1988-2, 1993-1, 1993-2; PROVIDING CERTAIN MINIMUM STANDARDS BY REGULATING CONSTRUCTION OF BUILDINGS; STATING PURPOSE AND PROVIDING DEFINITIONS; ADOPTING CODES AND AMENDMENTS; REFERENCING CITIES; REQUIRING FEES; PROVIDING PENALTIES; PROVIDING ADMINISTRATION AND INSPECTIONS; ESTABLISHING AN APPEALS PROCESS; PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS
OF ADAMS COUNTY, IDAHO

1. Adams County Ordinance's 1977-1, 1977-2, 1980-5, 1983-2, 1986-1, 1988-2, 1993-1, 1993-2, be repealed.
2. That the following be adopted:

Section 1 PURPOSE:

1. The purpose of this Ordinance is to provide certain minimum standards and requirements to safeguard life, health, property, and public welfare by regulating and controlling the design, construction, erection, alteration, moving, quality of materials, use, occupancy and maintenance of all buildings and structures, covered by this Ordinance, in Adams County. This Ordinance shall be known as the Adams County Building Code.

Section 2 SCOPE-EXEMPTIONS:

1. The provisions of this Ordinance shall apply to all buildings and construction within the unincorporated areas of Adams County, Idaho, except as otherwise provided herein.
2. This Ordinance shall require a building permit for all buildings constructed within the unincorporated areas of Adams County, Idaho.
3. This Ordinance shall not apply to temporary facilities as defined in Idaho Code 39-4105.

Section 3 DEFINITIONS:

As used in this Ordinance, the terms defined in this section shall have the following meaning, unless the context clearly indicates another meaning:

1. "Building Official" means the person so designated by the Board of County Commissioners. For industrial and commercial buildings the Building Official shall be the County Engineer.
2. "Person" means any natural person, corporation, partnership, trust, society, club, association, or other organization.
3. "Building" means a combination of materials, whether portable or fixed, which comprises a structure affording facilities or shelter for any use or occupancy, and shall include a part or parts thereof and all equipment therein normally a part of the structure.
4. "Construction" means the erection, fabrication, reconstruction, demolition, alteration, conversion, or repair of a building (other than in-kind), or the installation of equipment therein normally a part of the structure.
5. "Equipment" means facilities or installations including, but not limited to, heating, ventilating, air conditioning, and refrigerating facilities or installations, and elevators, dumbwaiters, escalators, boilers and pressure vessels and ski lifts, but not including telecommunications facilities.
6. "Local Government" means Adams County.
7. "Manufactured Building" means any building which is of closed construction and which is made or assembled in manufacturing facilities, on or off the building site, for installation, on the building site.
8. "Building Site" means any lot, tract, parcel, or subdivision of land, either public or private, upon which a building is placed or is to be placed.
9. "Closed Construction" means any building, building component, assembly or system manufactured in such a manner that all concealed parts or processes of manufacture cannot be inspected before installation, at the building site without disassembly, damage or destruction.
10. "Commercial Coach" means a factory-assembled structure equipped with the necessary service connections and made so as to be readily movable as a unit on its own running gear and originally designed to be used either as a dwelling unit or other use without a permanent foundation.
11. "Temporary Facility" means a structure designed and constructed to service actual construction projects and which is completely removed upon completion of the project. This structure shall not be a place of employment or human habitation, and does not include those temporary structures used for the protection of the public around and in conjunction with construction work.

12. "Human Habitation" when used in respect to temporary facilities, means a space in a structure for living, sleeping, eating, or cooking. Bathrooms, toilet compartments, storage or utility space and similar areas are not considered space for human habitation.
13. "Telecommunications Facilities" means all wires, cable equipment, apparatus or other installations necessary to furnish service, by which there is accomplished or may be accomplished, the sending or receiving of information, data message writing signs, signals, pictures, and sounds of all kinds, by aid of such wires, cables, equipment, apparatus or other installations, but shall not include the habitable structure in which such telecommunications facilities are housed.
14. "Farm" means any agricultural unit of forty (40) acres or more.

Section 4 ADOPTION OF CODES:

The following codes, except as herein amended, are hereby adopted for the unincorporated areas of Adams County, Idaho:

1. The Uniform Building Code 1997, including Chapter 11 as adopted by the State of Idaho. Should the State change or amend their Uniform Building Code, Adams County will adopt or amend the same.
2. The Uniform Mechanical Code, 1997, or what has been adopted by the State of Idaho.
3. The Uniform Fire Code as adopted by the State of Idaho.

Section 5 AMENDMENTS:

As such codes above enumerated are amended, changed or altered, such amendments, changes and alterations are hereby adopted and made a part of the Adams County Building Code.

Section 6 REFERENCES TO "CITY", "CITY COUNCIL" AND "MAYOR":

Whenever the word "City" is referred to and used in the above enumerated codes, it shall be deemed to read "County" and whenever "Mayor" or "City Council" may be referred to, the same shall be deemed to read "Board of County Commissioners."

Section 7 AMENDMENTS TO UNIFORM BUILDING CODE:

The Uniform Building Code enumerated in Section 5 (1) hereof, is hereby amended in the following respects;

1. Section 304(b) Permit Fees, of the Uniform Building Code is specifically adopted. There shall also be charged Permit Fees for single-wide manufactured homes in the amount of \$50.00 per mobile home. Double-wide manufactured homes shall require a permit fee in the amount of 100.00. Triple-wide manufactured homes shall require a permit fee in the amount of \$150.00. FHA/VA approved pre-built homes shall require a permit fee of \$100.00.
2. Permit Fees for mobile home roofs shall be 2.5 cents per square foot.
3. There shall be no fee for building permits or inspections for haysheds, barns, storage sheds, farm outbuildings, and machine sheds that are not attached to dwellings. Furthermore there shall be no fees for demolitions. If requested, inspections will be done to ensure buildings comply with Code. A flat fee will be set by the Board.
4. Snow Loads. Section 1607.4.4 of the Uniform Building Code be amended by adding the following:

The minimum nominal design snow load for Adams County shall be designated as 80 pounds per square foot in Council, 100 pounds per square foot in New Meadows, 80 pounds per square foot in Indian Valley and Salmon River.

Section 8 PROVIDING FOR CERTIFIED COPIES:

Not less than three copies of each of the codes enumerated in Section 5 hereof duly certified by the Clerk of the Board of County Commissioners of Adams County, Idaho, are on file for use and examination by the public in the office of the Clerk of the Board of County Commissioners of Adams County, Idaho.

Section 9 FIRE WISE CONSTRUCTION:

Fire wise Construction is encouraged and in high hazard areas may be required by the Building Official.

Section 10 APPROACHES TO COUNTY ROADS AND STATE HIGHWAYS:

That the Building Official shall require the installation of a driveway approach to the County Road or State Highway that provides continuity of drainage along the right-of-way as required by the County Road Superintendent and/or the State Highway officials.

Section 11 PERMITS FROM OTHER AGENCIES:

That prior to the issuance of a building permit the Building Official shall require evidence of approval by other governmental agencies to install (a) electric service, (b) water system, (c) sewer system, and (d) approach to state and county roads.

Section 12 PERMITS REQUIRED:

It shall be unlawful for any person, firm, co-partnership, association or corporation to do, or cause or permit to be done, after the adoption of this Ordinance, whether acting as principal, agent or employee, any construction, improvement, extension, alteration or demolition of any building, residence or structure, coming under the purview of this act, in Adams County without first procuring a permit authorizing such work.

Section 13 ZONING AND SITE DEVELOPMENT:

No building permit shall be issued or authorized unless the work or project is in compliance with zoning and/or site development Ordinances of the county, provided such zoning and/or site development is not in conflict with the codes herein enumerated.

Section 14 UNLAWFUL TO ENERGIZE WITHOUT PERMIT:

It shall be unlawful for any person, firm, or corporation to connect or energize any electrical installation or any other utility service to any building or structure coming under the provisions of this Ordinance unless the necessary permit covering such installation has been issued.

Section 15 EXPIRATION, SUSPENSION AND REVOCATION OF PERMITS:

Each permit issued under this Ordinance shall expire if the work or building authorized by the permit is not commenced within sixty (60) days from the permit date, or if the work or building authorized by the permit once commenced is thereafter suspended or abandoned for a period of one hundred eighty (180) days. Suspended or abandoned work, for which the original permit has expired, shall be recommenced only after the issuance of a new permit therefore. A building permit, issued by mistake, issued on the basis of incorrect information supplied or issued in violation of any statute, regulation, or provision of this Code, may be suspended or revoked by written notice to the permittee. A building permit is good only for 2 years, if construction is to be continued past the two-year expiration date an extension can be granted upon receipt of written notification to the building official.

Section 16 ADMINISTRATION:

The Board of Commissioners of Adams County shall provide a Building Official to enforce the provisions of this Ordinance. The Building Official shall file monthly reports of permits and receipts before the second Monday of each month. All fees shall be remitted to the County Auditor within three working days of receipt.

Section 17 INSPECTION:

- (a) It shall be the duty of the Building Official to inspect the construction of all buildings and structures covered by this Ordinance for compliance with the design plans and conformity to the State of Idaho adopted codes.
- (b) That it shall be the duty of a permit holder to notify the Building Official at least twelve (12) hours prior to the time of inspection, exclusive of Sundays and holidays, that he will be ready for inspection at a stipulated time. He will request an inspector to perform the inspection within twenty-four (24) hours of the stipulated time for the inspection and shall, after said 24 hours without being inspected, be allowed to proceed with work the same as if the inspection had been made and the work found to be satisfactory.
- (c) The inspector may waive any inspection of a permit holder, if in the opinion of the Building Official the permit holder has complied with all codes adopted by this Ordinance

Section 18 LIMITATION OF RESPONSIBILITY:

Neither an approval nor a permit granted shall constitute permission or authority or be interpreted as a waiver, for violation of any statute, Ordinance or regulation. Neither the County of Adams nor its offices or employees shall assume liability for structural or construction defects through the administration or enforcement of this Ordinance.

Section 19 BOARD OF APPEALS ESTABLISHED:

The Board of County Commissioners of Adams County, Idaho, does hereby establish itself as a Board of Appeals to rule on the refusal of the Building Official to authorize the issuance of a building permit hereunder and to rule on problems concerning regulatory building codes. This Board will not act upon matters pertaining to electrical and plumbing questions or any other matters reserved to the State of Idaho, as provided by Chapter 41, Title 39, Idaho Code.

Section 20 HEARINGS:

Hearings before this Board of Appeals shall be public and shall be conducted in a quasi-judicial manner operating within the same time limits imposed upon the State Board by Sections 39-4107 (3) and 39-4120 of the Idaho Code and employing the rules of evidence. Attorneys may represent petitioner but are not required. All proceedings shall be recorded and said recordings shall be kept and made permanent.

Section 21 CONFLICT OF INTEREST:

If a member of the Board should find that acting on a particular hearing before them would result in a conflict of interest, he must absent himself from said hearings. He must abstain from making any comments or statements or doing any other thing that would in any manner influence the other members of the Board.

Section 22 FINDINGS:

Findings by the Board shall be explicit and shall state the ruling and the reasons for said decision by delineating the findings of fact and conclusions of law. Signed copies of the findings shall be sent to all parties to the action. The Board shall render all decisions and findings in writing to the appropriate enforcement official and agency, the appellant, and the State Director of Labor and Industrial Services within ten (10) days of the close of hearing.

Section 23 APPEALS:

(1) Appeals from the local Board of Appeals herein established shall be filed within ten (10) days after mailing of the Notice of Decision by the local appeals board. The appeal will be filed and heard as empowered by Idaho Code Section 39-4120, (State Board of Appeals). Appeals shall be brought before the said State Board of Appeals by persons affected by any code, rule, regulation or decision pursuant to Idaho Code Sections 39-4101 through 39-4129, provided, such appeals shall be heard only after the appellant has received a decision from the local appeals board, if any, as provided for in Section 39-4119, Idaho Code. Final decisions by the said State Board of Appeals, other than code interpretations, are reviewable upon appeal to the District Court in the County wherein the person praying for the appeal is a resident or in the County of Adams and shall be heard de novo, as provided by State law. (2) Appeal of Board decisions shall be in such form and manner as provided by the Idaho rules of civil procedure.

Section 24 INJUNCTION-AFFIDAVIT SETTING OUT NONCONFORMITY:

The County Building Department may obtain, from the District Court having jurisdiction, a temporary injunction enjoining the construction of a building or installation of manufactured buildings on any building site upon affidavit of the department that such building does not conform to the requirements of this act or to the rules and regulations adopted pursuant to this act or any other act of the State of Idaho relating to building construction. The affidavit must set forth such violations in detail. The injunction may be made permanent, in the discretion of the Court.

Section 25 VIOLATIONS MISDEMEANORS:

Any person who willfully violates any provision of this Ordinance or who willfully violates any provision of the codes enumerated herein, is guilty of a misdemeanor, and upon conviction, shall be fined not more than three hundred dollars (\$300.00) for each violation and/or up to six (6) months in jail.

Section 26 DIFFERENCE IN BUILDING PERMIT:

False information given or a substantial change in the structure reported to the Building Official or found by inspection will result in an additional fee or a refund to meet the correct building permit fee.

Section 27 CIVIL ACTION:

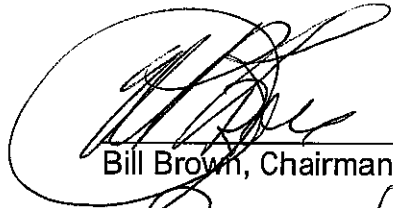
Notwithstanding any other remedies available, any person in an individual capacity, damaged as a result of a violation of this act or the codes enumerated herein or promulgated pursuant to this act, has a cause of action in any Court of competent jurisdiction against the person who committed the violation, and if such damage person prevails, he shall be entitled to a reasonable attorney's fee to be determined by the Court together with court costs.

Section 28 SEVERABILITY:

If any portion of this Ordinance, or the application of such provision to any person or circumstance, shall be held invalid, the remainder of this Ordinance, or the application of such provision to persons or circumstances other than those to which it is held invalid, shall not be affected thereby.

IN WITNESS WHEREOF, We have hereunto signed our names as the Board of County of Adams County, Idaho, and caused the official corporate seal of said County to be attached hereto this 29th day of May, 2001.

BOARD OF COUNTY COMMISSIONERS
ADAMS COUNTY, IDAHO



Bill Brown, Chairman

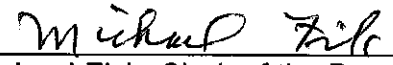


Ray Stoker, Commissioner



Judy Ellis, Commissioner

ATTEST:



Michael Fisk, Clerk of the Board