

ORDINANCE NO. 163
SHOSHONE COUNTY BUILDING CODE ORDINANCE

AN ORDINANCE OF THE SHOSHONE COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF IDAHO, ADOPTING THE 2018 EDITION OF THE INTERNATIONAL BUILDING CODE, 2020 IDAHO RESIDENTIAL CODE, 2020 IDAHO ENERGY CONSERVATION CODE, 2018 INTERNATIONAL EXISTING BUILDING CODE, AS PUBLISHED BY THE INTERNATIONAL CODE COUNCIL AND ADOPTED BY THE STATE OF IDAHO OR THE IDAHO BUILDING CODE BOARD, AND THE 2018 INTERNATIONAL FIRE CODE AS PUBLISHED BY THE INTERNATIONAL CODE COUNCIL AND AS ADOPTED, AMENDED, AND APPROVED BY THE IDAHO STATE FIRE MARSHAL, TOGETHER WITH ANY AMENDMENTS OR REVISIONS TO THE CODES MADE BY THE IDAHO BUILDING CODE BOARD THROUGH THE NEGOTIATED RULEMAKING PROCESS; PROVIDING FOR AMENDMENTS OR ADDITIONS TO THE ADOPTED CODES; PROVIDING FOR EXEMPTIONS; PROVIDING SEVERABILITY; PROVIDING REPEAL OF CONFLICTING ORDINANCES; AND PROVIDING AN EFFECTIVE DATE OF MAY 18, 2021.

NOW THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Shoshone County, Idaho:

SECTION 1. That Title 7-Building Regulations, Chapter 1- Building Code of the Shoshone County Code be, and the same is hereby repealed.

SECTION 2. That Title 7- Building Regulations, Shoshone 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-Building Code, Shoshone County Code, and read as follows:

7-1-1: TITLE: This chapter shall be known as the Building Code of Shoshone 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 to the unincorporated areas of Shoshone 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.

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

7-1-5: EXEMPTIONS:

- A. Agricultural Buildings as defined in the current International Building Code. 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 Building Permit Application and will be subject to compliance with all other laws, ordinances and Department procedures in effect at the time. Approvals 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.

- 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 current International Building Code.

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

BUILDING OFFICIAL: The person(s) appointed by the Shoshone County Board of Commissioners to enforce and administer this code.

DEPARTMENT: Shoshone County Building Department.

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.

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.

REGISTERED DESIGN PROFESSIONAL: An individual who is licensed to practice their respective design profession as defined by Title 54 Chapter 3 and 12 of the Idaho Code.

7-1-7: SANITARY SEWAGE DISPOSAL

Sanitary sewage disposal shall be governed by Shoshone County Code Title 4 - Health and Sanitation; Chapter 3, Approval Required; Exception Section 1.

7-1-8: LAND USE AND CONTROL MEASURES

No building permit or mobile/manufactured home setting permit shall be issued or authorized unless the work or project is in compliance with the comprehensive plan and titles 9 of this code. No building permit or mobile home setting permit that is issued shall create a vested right to build if, after issuance of a permit, such permit would become invalid because of amendments to the comprehensive plan and/or titles 9 of this code. In the event of a conflict between titles 9 of this code and this chapter or a code adopted hereby, the more stringent requirement will apply. Changing or altering any existing land use must meet all requirements of the comprehensive plan and/or titles 9 of this code prior to issuance of a permit.

No building permit or mobile/manufactured home setting permit shall be issued or authorized within the Bunker Hill Superfund site overlay district (BO) until all the requirements of the environmental health code and Institutional Control Programs (ICP), as the same may be amended from time to time, have been met and Panhandle Health District 1 has issued an ICP permit, all as required by titles 9 of this code.

No building permit or mobile/manufactured home setting permit shall be issued or authorized for new construction or substantial improvements within the floodplain area before determining that the proposed construction meets all requirements of the flood damage prevention chapter of the Shoshone County zoning ordinance.

Only one residential dwelling or mobile/manufactured home setting permit per parcel of land shall be issued unless more than one permit be allowed by special or conditional planning and zoning permit or subdivision approval.

7-1-9: ADOPTION OF CONSTRUCTION CODES

Shoshone 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 Shoshone 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 2018 Edition of the INTERNATIONAL BUILDING CODE, as adopted by the International Code Council and adopted by the State of Idaho or the Idaho Building Code Board, together with any amendments or revisions to the International Building Code made through the negotiated rule making process, excluding those portions specifically amended herein, and any incorporated references to the NEC electrical code, the International Plumbing Code, and the International Zoning Code.
- B. THE 2020 Edition of the IDAHO RESIDENTIAL CODE, parts I-IV and IX as published by the International Code Council and adopted by the State of Idaho, or the Idaho Building Code Board, together with any amendments or revisions to the International Building Code made through the negotiated rule making process, excluding those portions specifically amended herein, and any

incorporated references to the NEC electrical code, the International Plumbing Code, and the International Zoning Code

- C. THE 2020 Edition of the IDAHO ENERGY CONSERVATION CODE, as prepared and promulgated by the International Conference of Building Officials, together with any amendments or revisions to the residential portion or revisions to the International Energy Conservation Code made by the Idaho Building Code Board through the negotiated rulemaking process, excluding any incorporated references to the NEC electrical code, the International Plumbing Code, and the International Zoning Code.
- D. THE 2018 Edition of the INTERNATIONAL EXISTING BUILDING CODE, as published by the International Code Council and adopted by the State of Idaho or the Idaho Building Code Board, together with any amendments or revisions to the residential portion or revisions to the International Existing Building Code made by the Idaho Building Code Board through the negotiated rulemaking process, excluding any incorporated references to the NEC electrical code, the International Plumbing Code, and the International Zoning Code.
- E. THE 2018 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.

F. RESERVED FOR FUTURE AMENDMENTS

7-1-10: 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. Insert: "Shoshone County" as the NAME OF JURISDICTION.

Wind Speed	Per IBC 1609
Air Freezing Index	1500
Seismic Design Category	C
Weathering	Severe
Minimum Frost Depth	30"
Assumed Minimum Soil Bearing Pressure	1500 psf
Decay	Slight
Ice Barrier Underlayment Required	Yes

1612.3 - Establishment of flood hazard areas: Flood hazard areas will be those areas as established through the Shoshone County Flood Plain Ordinance.

1809.5 - Frost protection: Minimum frost depth is 30" (thirty inches)

7-1-11: 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. Insert: "Shoshone County" as the NAME OF JURISDICTION.

R301.2 - Insert the following:

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

ROOF SNOW LOAD	WIND DESIGN		SEISMIC DESIGN CATEGORY	SUBJECT TO DAMAGE FROM			WINTER DESIGN TEMP	ICE BARRIER UNDERLAYMENT REQUIRED	FLOOD HAZARDS	AIR FREEZING INDEX	MEAN ANNUAL TEMP
	SPEED (MPH)	TOPOGRAPHIC EFFECTS		WEATHERING	FROST LINE DEPTH	TERMITE					
SEE TABLE R301.2.(1.1)	76	YES	C	SEVERE	30"	SLIGHT	5	YES	26 Sept 08	1500	46 Deg

Table R301.2(1.1)

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.

BUILDING ELEVATION	MINIMUM ROOF DESIGN SNOW LOAD
0' - 2349' MSL	40 PSF
2350' - 3000' MSL	60 PSF
3001' - 3799' MSL	80 PSF
3800' - 4499' MSL	100 PSF
< 4500' MSL	120 PSF

7-1-12: 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 the Shoshone County Code, and the codes adopted herein with the exception of the 2018 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. **INTER-DEPARTMENT AND INTERAGENCY COORDINATION.** To ensure effective coordination with other departments, agencies and organizations with jurisdiction, the Building Official may request comment and/or require approval from affected agencies prior to issuance of permits. 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 the Shoshone 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 1 and those sewer and water districts having jurisdiction.
3. Demonstrate that the proposal has received required access, approach, or encroachment permits or approvals from the highway district, Idaho Transportation Department, and the fire protection district, as applicable.
4. For mobile or manufactured home setting permits, provide verification from the Appraisal Division of the Shoshone 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 the Shoshone 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.

7-1-13: APPEAL FROM ADMINISTRATIVE RULINGS:

A. Any affected person, agency or organization may appeal a decision made by the Building Official by submitting, within thirty (30) days of the decision, a written request for an appeal hearing before Board of Building Code Appeals, 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. Appeals of the decisions of the Board of Building Code Appeals shall be heard by the Board of County Commissioners. Appeals shall be in writing in a form acceptable to the jurisdiction and made within thirty (30) days after the decision of the Board of Building Code Appeals. Appeals of

the Board's decision shall be made in accordance with Idaho State law. The Board of County Commissioners may adopt, by ordinance or resolution, procedures for the hearing of appeals brought pursuant to the provisions of this chapter.

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

7-1-14: 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 Shoshone County Site Disturbance Ordinance, Title 9, Chapter 18 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 thirty (30) days of issuance according to the procedure outlined in section 7-1-13 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 thirty (30) days of issuance according to the procedure outlined in section 7-1-13 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, his or her agents, and Shoshone 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 Shoshone 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 mailed to the property owner via certified mail.

A Notice of Building Ordinance Violation may be appealed within thirty (30) days of issuance according to the procedure outlined in section 7-1-13 of this chapter.

If the Board of Building Code Appeals recommends that the violation be affirmed, they 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 Board of Building Code Appeals recommends that the violation be reversed, they may recommend actions to be taken by the Building Official to release the violation. Board of Building Code Appeals 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.

G. 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 2. Effect on Pending Prosecution 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 Shoshone County Board of Commissioners or Shoshone County Planning Administration or the validity of any such action to be taken upon matters pending before the Shoshone County Board of Commissioners or Shoshone County Planning Administration on the effective date of this Ordinance.

SECTION 3. Successive Versions

The adopted versions of the foregoing codes shall be deemed superseded and successive versions of such codes as they are adopted by the Idaho Building Code Board are effective on the date any such codes are made effective by the Idaho Building Code Board

Section 4. Copies on File

A copy of the latest edition of the foregoing codes and standards shall be kept on file at the office of the Planning Administrator for use and examination of and by the public.

Section 5. Fees

Fees for building permits and related building department services shall be set by resolution of the Board of County Commissioners.

Section 6. Severability

The ordinance is hereby declared to be severable. Should any portion of this ordinance be declared invalid by a court of competent jurisdiction, the remaining provisions shall continue in full force and effect and shall be read to carry out the purpose(s) of the ordinance before the declaration of partial invalidity.

Section 7. Repeal of Conflicting Provisions

All other provisions of the current Shoshone County Code which conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

Section 8. Effective Date This Ordinance shall be effective and be in full force on May 18, 2021, upon passage and publication as provided for by law.

DATED this 18th day of May, 2021.

SHOSHONE COUNTY BOARD OF COMMISSIONERS



MIKE FITZGERALD, CHAIRMAN



JAY HUBER, COMMISSIONER



JOHN HANSEN, COMMISSIONER

ATTEST:



LORI TEETERS, DEPUTY CLERK