

*Deanna Bramblett*

Ordinance No. 2013-135

Amending Benewah County Code Title 8, Chapter 1, Building Codes and Regulations

AN ORDINANCE OF THE COUNTY OF BENEWAH, A POLITICAL SUBDIVISION OF THE STATE OF IDAHO, PROVIDING FOR AMENDMENT TO TITLE 8, CHAPTER 1, SECTION 1 BENEWAH COUNTY CODE BY ADOPTING THE BUILDING CODES AS ADOPTED BY STATE OF IDAHO AS THE OFFICIAL BUILDING CODES OF THE COUNTY; PROVIDING FOR AMENDMENT TO TITLE 8, CHAPTER 1, SECTION 2 BENEWAH COUNTY CODE TO UPDATE CROSS REFERENCES TO THE BUILDING CODES; PROVIDING FOR THE REPEAL OF TITLE 8, CHAPTER 1, SECTION 4 BENEWAH COUNTY CODE; PROVIDING FOR THE AMENDMENT OF TITLE 8, CHAPTER 1, SECTION 5 BENEWAH COUNTY CODE, SEPTIC SYSTEM APPROVAL PRIOR TO BUILDING PERMIT ISSUANCE, TO RENUMBERED SAID SECTION AS SECTION FOUR (4) AND AMENDED SAID SECTION TO REPEAL THE SUBSECTION REQUIRING VALIDATION PRIOR TO AN ELECTRICAL HOOKUP; PROVIDING FOR SEVERABILITY; REPEALING CONFLICTING ORDINANCES AND PROVIDING AN EFFECTIVE DATE.

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

**SECTION 1.** That Title 8, Chapter 1, Section 1 Benewah County Code, entitled Codes Adopted, be, and the same is hereby amended as follows:

**8-1-1: CODES ADOPTED:**

A. Code Adoption: The approved editions of the following ~~nationally recognized~~ codes, as adopted by the state of Idaho, together with any amendments, exclusions or revisions made by the or the Idaho building code board through the negotiated rule making process, are adopted as the official building codes of the county, except as provided in section 8-1-2 of this chapter, ~~and insofar as the adopted codes do not conflict with the Idaho state building code regulations:~~

1. The International Building Code, 2012 edition
2. The International Residential Code, 2009 edition
3. The International Energy Conservation Code, 2009 edition

*Ord  
135*

4. The Uniform Building Code for Abatement of Dangerous Buildings, 1997 edition
5. The International Fire Code, 2012 edition
6. The International Mechanical Code, 2009 edition
7. The International Fuel and Gas Code, 2009 edition
8. The National Electrical Code, 2008 edition
9. The Idaho State Plumbing Code, 2009 edition

- ~~1. 2006 international building code, as published by the International Code Council, including appendix E, excluding incorporated references to the electrical code and the plumbing code, including the accessibility provisions in the 2001 supplement to the international codes.~~
- ~~2. 2006 international residential code, as published by the International Code Council, except for parts VII and VIII; including appendix G, parts I through IV and IX.~~
- ~~3. 2006 international energy conservation code as published by the International Code Council.~~
- ~~4. 2006 international mechanical code as published by the International Code Council.~~
- ~~5. The 1997 edition of the uniform building code.~~
- ~~6. 2006 international fire code as published by the international code council.~~

B. Successive Versions Effective: The adopted versions of the foregoing codes shall be deemed superseded by successive versions of such codes as they are adopted or approved by the Idaho building code board effective January 1 of the year following the adoption ~~on the date any such codes are made effective~~ by the Idaho building code board.

C. Copies On File: Copies of each code as adopted in subsection A of this section shall be and remain on file in the office of the county building inspector and open for public inspection ~~county offices, as provided for in subsection 8-1-4A of this chapter.~~

D. Penalty: Violation of any provisions of this section, or failure to comply with any of its requirements shall constitute a misdemeanor. Each day such violation continues shall be considered a separate offense; provided, however, that the maximum punishment of each offense shall be as provided in section 1-4-1 of this code. The landowner, tenant, subdivider, builder, contractor, subcontractor, public official, or any other person who commits, participates in, assists in, or maintains such violation may be found guilty of a separate offense. Nothing herein contained shall prevent the county commissioners or any other public official(s) or private citizen(s) from taking such lawful action as is necessary to restrain or prevent any violation of this section.

**SECTION 2:** That Title 8, Chapter 1, Section 2 Benewah County Code, entitled Amendments to Adopted Codes, be, and the same is hereby amended as follows:

**8-1-2: AMENDMENTS TO ADOPTED CODES:**

A. Generally: Amendments relating to the administrative duties of the building inspector, the fee schedule, or civil or criminal penalties relating to the enforcement of this chapter may be adopted by resolution. All other amendments to this chapter shall be by ordinance. ~~the international building code, the international residential code, I through IV and IX, including appendix G, and the international energy conservation code, the international mechanical code, and the 1997 edition of the uniform building code shall be adopted by amending the ordinance.~~

B. Amendments To International Building Code:

105.5 Expiration: The building office is authorized to reinstate as valid, a permit which has expired. The reinstatement shall be requested in writing and justifiable cause demonstrated. In any case, accumulated extensions of time for any permit shall not be granted for more than a total time equal to the code adoption cycle of the codes in effect at the time of permit issuance; or an expired permit shall not be reinstated if the adopted codes at the time of the original permit are no longer in effect. Upon the granting of an extension of time for a valid permit, or granting a reinstatement of an expired permit, the applicant shall be assessed a fee equal to the amount of the reinspection fee as published in the most recent Benewah County fee resolution.

~~108.3~~ 109.3 Building Permit Valuations: Valuation for permit fee calculations shall be set by the building official in accordance with the current fee resolution adopted by Benewah County.

~~110.1~~ 111.1 Use And Occupancy: No building or structure shall be used or occupied, and no change in the existing occupancy classification of a building or structure or portion thereof shall be made until the building official has issued a certificate of occupancy or certificate of completion therefor as provided herein. Issuance of a certificate of occupancy or certificate of completion shall not be construed as an approval of a violation of the provisions of this code or other ordinances of the jurisdiction.

~~110.2.2~~ Prior to issuance of a certificate of occupancy or certificate of completion, the applicant shall provide final approval from all 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, and the U.S. Army Corp of Engineers.

1604.2 Minimum Design Criteria:

a. Wind speed	90 mph 3 second gust
	75 mph fastest mile
b. Air freezing index	1,500
c. Seismic design category	2-B-C
d. Weathering	Severe
e. Minimum frost depth	24 inches
f. Soil bearing pressure, assumed minimum	1,500 pfs
g. Decay	Slight
h. Ice shield underlayment required	Yes

C. Amendments To International Residential Code:

R105.5 Expiration: The building official is authorized to reinstate as valid, a permit which has expired. The reinstatement shall be requested in writing and justifiable cause demonstrated. In any case, accumulated extensions of time for any permit shall not be granted for more than a total time equal to the code adoption cycle of the codes in effect at the time of permit issuance; or an expired permit shall not be reinstated if the adopted codes at the time of the original permit issuance are no longer in effect. Upon the granting of an extension of time for a valid permit, or granting a reinstatement of an expired permit, the applicant shall be assessed a fee equal to the amount of the reinspection fee as published in the most recent Benewah County fee resolution.

R108.3 Building Permit Valuations: Valuations for permit fee calculations shall be set

by the building official in accordance with the current fee resolution adopted by Benewah County.

R110.1 Use And Occupancy: No building or structure shall be used or occupied, and no change in the existing occupancy classification of building or structure or portion thereof shall be made until the building official has issued a certificate of occupancy or certificate of completion therefor as provided herein. Issuance of a certificate of occupancy or certificate of completion shall not be construed as an approval of a violation of the provisions of this code or other ordinances of the jurisdiction.

R110.4 Prior to issuance of a certificate of occupancy or certificate of completion, the applicant shall provide final approval from all agencies with jurisdiction, including, but not limited to, 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, and the U.S. Corps of Engineers.

Table R301.2(1) Climatic And Geographic Design Criteria:

Wind speed (mph)	75 mph fastest mile
	90 mph 3 second gust
Air freezing index	1,500
Seismic design category	2-B C
Weathering	Severe
Frost line depth	24 inches
Termite	Slight
Decay	Slight
Ice shield underlayment required	Yes
Roof snow load <sup>1</sup>	

Notes:

1. The ground snow loads used in determining the design snow loads shall be determined by using the factors and methodology contained in the publication "Ground Roof And Snow Loads For Idaho" and the accompanying map "Normalized Ground Snow Loads For Idaho" by the University of Idaho, Moscow, ID, 1986. Methodology for determining design snow loads shall be as required in international building code (IBC) section 1608.

~~401.2.1~~ Table N1102.1 Minimum Requirements: In no cases shall there be less than the following components in any conditioned, habitable space:

a. Ceiling (flat)	R-38
b. Ceiling (vaulted)	<del>R-30</del> 38
c. Exterior walls	<del>R-19</del> 20
d. Floors	<del>R-19</del> 30
e. Cantilevered floors	R-30
f. Slab perimeter (2')	R-10
g. Windows	<del>0.50</del> 0.35 u-factor

**SECTION 3:** That Title 8, Chapter 1, Section 4 Benewah County Code, entitled Abatement of Dangerous Buildings, be, and the same is hereby repealed:

**SECTION 4:** That Title 8, Chapter 1, Section 5 Benewah County Code, entitled Septic System Approval Prior to Building Permit Issuance, shall be renumbered as Section four (4) and amended as follows:

**8-1-54: SEPTIC SYSTEM APPROVAL PRIOR TO BUILDING PERMIT ISSUANCE:**

A. Permit Required: No building permit shall be issued for the construction of any building or structure designed for human habitation or requiring sewage disposal in the county unless a septic permit has first been approved issued by the regional health district official, ~~and a copy of such permit is recorded with the building permit application.~~

~~B. Electrical Hookup: It shall be unlawful for any building or structure designed for human habitation or subject to the codes adopted in sections 8-1-1 and 8-1-4 of this chapter, as amended, to be energized by connecting or energizing any electrical installation until a card containing the respective county permit numbers shall have been presented, by the applicant, to the power company involved. The power company shall validate the card by recording the hookup date and official signature and return the card to the county building department where it will be kept on file.~~

E. Penalty: Any violation of subsection B of this section is declared to be a misdemeanor and subject to penalty as provided in section 1-4-1 of this code.

**SECTION 5: Severability:** This 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 6: Repeal of Conflicting Provisions:** That any ordinance or part thereof in conflict with the provision of this Ordinance is hereby repealed to the extent of such conflict.

**SECTION 7: Effective Date:** This ordinance shall be effective January 1, 2014, upon passage and publication as provided by law.

PASSED AND APPROVED BY THE BOARD OF COUNTY COMMISSIONERS,  
BENEWAH COUNTY, IDAHO.

Dated this 23 day of December, 2013.

ATTEST:

BENEWAH COUNTY

By: Deanna Bramblett  
Deanna Bramblett, County Clerk

By: Jack A. Buell  
Jack A. Buell, Chairman

Publish: Next Available