

TITLE 7

BUILDING REGULATIONS

Chapter 1

BUILDING CODES AND REGULATIONS

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7-1-1: COMPOSITION OF COUNTY BUILDING CODE:

The codes as adopted in this chapter shall be designated as the Latah County Building Code. These regulations apply to all structures and property in Latah County.

7-1-2: CODES ADOPTED:

- A. In accordance with Idaho Code Title 39 Chapter 41, Idaho Code Title 44 Chapters 21 and 22, and the Idaho Administrative Procedures Act Section 24.39 (7.03), the codes adopted for Latah County as amended herein and by the State of Idaho, include:
 - 1. The International Building Code, 2018 edition
 - 2. The International Residential Code, 2018 edition, parts I through VI
 - 3. The International Mechanical Code, 2018 edition
 - 4. The International Fuel Gas Code, 2018 edition
 - 5. The International Energy Conservation Code, 2018 edition
 - 6. The International Existing Building Code, 2018 edition
 - 7. The International Property Maintenance Code, 2018 edition
- B. The following appendices to the International Building Code, 2018 edition, are specifically adopted:
 - 1. Appendix C, Group U Agricultural Buildings
 - 2. Appendix E, Supplementary Accessibility Requirements
 - 3. Appendix F, Rodent Proofing
 - 4. Appendix G, Flood Resistant Construction
 - 5. Appendix H, Signs
 - 6. Appendix I, Patio Covers
 - 7. Appendix J, Grading

- C. The following appendices to the International Residential Code, 2018 edition, are specifically adopted:
1. Appendix A, Sizing and Capacities of Gas Piping
 2. Appendix B, Sizing of Venting Systems Serving Appliances with Draft Hoods, Category I, Appliances, and Appliances Listed for Use and Type B Vents
 3. Appendix C, Exit Terminals of Mechanical Draft and Direct-Vent Venting Systems
 4. Appendix D, Recommended Procedure for Safety Inspection of an Existing Appliance Installation
 5. Appendix J, Existing Buildings and Structures
 6. Appendix M, Home Day Care-R-3 Occupancy
 7. Appendix H Patio Covers
 8. Appendix Q, Tiny Houses
 9. Appendix R, Light Straw-Clay Construction
 10. Appendix S, Strawbale Construction
- D. The following appendices to the International Existing Building Code, 2018 edition, are specifically adopted:
1. Appendix A-1, Seismic Strengthening Provisions for Unreinforced Masonry Bearing Wall Buildings
 2. Appendix A-2, Earthquake Hazard Reduction in Existing Reinforced Concrete and Reinforced Masonry Wall Buildings with Flexible Diaphragms
 3. Appendix B, Supplementary Accessibility Requirements for Existing Buildings and Facilities
 4. Resource A, Guideline on Fire Ratings of Archaic Materials and Assemblies.

7-1-3: AMENDMENTS TO CERTAIN ADOPTED CODES:

The following language is hereby added to or amends the adopted codes as follows:

- A. Section [A]105.2 of the International Building Code, 2018 edition, Section R105.2 of the International Residential Code, 2018 edition, and Section 105.2 of the International Existing Building Code, 2018 edition, are hereby amended as follows:

105.2 Work exempt from permit [A]105.2 [R105.2] [105.2]

Exemption from permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction or the State of Idaho. All exemptions from permits requirements of this code are subject to the following:

1. While exempt items do not require a building permit, to be built or placed, they must be listed in the property's designated zone as an allowed use, an administrative zoning permit, or a conditional use permit by the Latah County Land Use Regulations, comply with all other land use regulations, such as floodplain development permits, driveway standards and/or industrial design standards when applicable, and obtain all required zoning approvals. If an exempt item is not allowed by the Latah County Land Use Regulations or doesn't gain zoning approval, it cannot be constructed or placed.
2. Based on eligibility, either a zoning placement permit for non-agricultural exempt structures or a zoning placement permit for agricultural exempt structures must be obtained to construct or place an exempt item, except items listed in 7-1-3(A)(4). The fee for such shall be as listed in Section 7-1-11. All zoning requirements must be met prior to the issuance of any zoning placement permit.

3. Typically, one or more zoning inspections are required prior to any construction or placement and after any construction or placement to ensure the built item is in compliance with the zoning regulations, including but not limited to setbacks.
4. The following exempt items do not require any zoning placement permit:
 - a. Exempt fences
 - b. Exempt retaining walls
 - c. Exempt water tanks under 2000 gallons
 - d. Exempt sidewalks and driveways
 - e. Painting, papering, tiling, carpeting, cabinets, countertops and similar finish work
 - f. Prefabricated swimming pools that are less than 48" deep
 - g. Exempt swings and other playground equipment accessory to detached one- and two-family dwellings
 - h. Exempt window awnings
 - i. Temporary motion picture, television and theater stage sets and scenery
 - j. Exempt nonfixed and movable fixtures, cases, racks, counters and partitions.
 - k. Exempt electrical, gas, mechanical and plumbing items
5. No exempt tool and storage shed, or any exempt one-story detached structure accessory to a residence (including but not limited to sheds and playhouses) shall include any wood stove, mechanical, or fuel gas item.
6. Exempt playhouses shall be accessory to an existing residential use.
7. All exempt items that are allowed to include and do include electrical, plumbing, mechanical, water use, waste disposal, or fuel gas are required to obtain a valid permit and final approval for such and provide a copy of that to the Department.
8. No exempt structure shall be used as a cabin, residence, tiny home, office, studio, or other similar item.
9. Exempt structures are not allowed on parcels that, as per the Latah County Land Use Regulations, are ineligible for building permits, except for the following, when allowed by the Latah County Land Use Regulations:
 - a. Agricultural buildings that are accessory to a bona fide agricultural operation on the property including and limited to open-sided (up to three sides) machinery, feed/grain and plant sheds, grain silos, and grain elevators that are approved under amended Sections [A]105.2.14;
 - b. One single story tool and/or storage shed with a floor area not greater than 120 square feet used to support a commercial agricultural, animal husbandry, or forestry operation.
 - c. Fences under 7 feet high
 - d. Retaining walls not over 4 feet in height measured from the bottom of the footing to the top of the wall unless supporting a surcharge or impounding Class I, II or IIIA liquids;
 - e. Water tanks supported directly on grade if the capacity is not greater than 5000 gallons and the ratio of height to diameter or width is not greater than 2:1;
 - f. Sidewalks and driveways not more than 30 inches above adjacent grade;
 - g. Shade cloth structures constructed for nursery or agricultural purposes (not including service systems)

With respect to the above, building permits shall not be required for the following:

105.2 Work exempt from permit [A]105.2 [R105.2] [105.2]

14. [11.] [7.] Agricultural buildings subject to Sections 39-4116 (5) and 54-5002(b) Idaho Code.

- a. A Zoning Placement Permit for Agricultural Exempt Buildings shall be applied for, the required fee shall be paid, and the application shall include:
 - i. Approval from the appropriate highway district or Idaho Transportation Department for access;
 - ii. Approval from the planning department that the exempt item/use is allowed in that zoning designation and verification of compliance with any other applicable zoning requirements or standards;
 - iii. The type of building specified and floor plan including dimensions and uses of areas;
 - iv. A site plan including distances to property lines;
 - v. A copy of the approval of any other relevant zoning permit (such as a floodplain development permit);
 - vi. A statement of use/affidavit limiting use to the uses as defined in the codes and permission to inspect for continued use compliance to ensure the structure is being used as allowed by code.
 - vii. A copy of any permit for items such as electrical, when allowed in this structure by this code.

The application must be complete to be considered. This permit shall be approved prior to construction or placement. The fee for such shall be as listed in Section 7-1-11.

- b. When required by code, classification as an agricultural building shall require that the structure be on agricultural zoned property and/or be part of an agricultural operation. Such structure shall be designated and constructed to house farm implements, hay, grain, poultry, livestock or other horticultural products. Such structure cannot be a place of employment, used by the public, a place where agricultural products are extracted, processed, treated or packaged, or conditioned livestock housing.
- c. No agricultural building shall act as a garage, residential shop, home, rental unit, kitchen, bunk house, living room, place of employment, place used by the public, place of recreation, or any other use not allowed by code. Storage and maintenance structures for equipment and machinery and sheds used exclusively in agricultural operations shall provide the following proof of having an agricultural operation:
 - i. Proof of agricultural operation shall be proved by providing a copy of the previous year's Federal Tax Form Schedule F, Federal Tax Form Schedule C, or other relevant tax form that specifies the nature of the agricultural operation and that there were gains/losses from farming or verification of registration of the owner as a farm owner or operator with Latah Farm Services Agency; and
 - ii. Classification of the property where the item is being built or placed as category 1, 2, 3, 4, or 5 by the Latah County Assessor.

15. [12.] [8.] Freestanding solar collectors not greater than 200 square feet and no higher than 10 feet above grade.

16. [13.] [9.] Commercially available membrane structures erected according to the manufacturers' instructions intended to provide weather protection for automobiles and recreational vehicles.

17. [14.] [10.] Residential flagpoles, that are the height of the pole plus 5% from a property line.

18. [15.] [11.] Unlit signs less than 12 square feet on poles less than 7' high or attached to the side of a structure.

- B. Section [A]105.3 of the International Building Code, 2018 edition, and Section R105.3 of the International Residential Code, 2018 edition, Section [A]105.3 of the International Existing Building Code are hereby amended as follows:

105.3 [R105.3] Application for permit.

6. Be signed by the applicant/owner. When allowed by office policy, the applicant's authorized agent or contractor may sign the application with permission of the property owner.

8. Written verification of septic/sewer approval from the North Central District Health Department, appropriate sewer district, or municipality.

Exemption: Permits for siding, window replacement, re-roofs, mechanical installations including wood stoves, accessory structures without bedrooms or bathrooms, and signs are exempt from this requirement, provided a 20' setback from the drainfield and septic tank is maintained.

9. Written verification from the Idaho Transportation Department, appropriate highway district, appropriate federal or state agency, or appropriate municipality of approved vehicle access for the building site to a public road.

Exemption: Permits for siding, window replacement, re-roofs, signs outside of the public right-of-way, mechanical installations including wood stoves, additions to existing structures, or accessory structures to existing single-family residences (not including accessory cottage houses) are exempt from this requirement.

10. For structures that have electrical, the electrical permit number. For structures that have plumbing, the plumbing permit number. If not available at the time of application, these numbers shall be provided to the County as soon as they are acquired.

11. Applications shall include all the information required on the application. The items on the application must be substantially complete for the application to be considered complete. Incomplete applications cannot be considered. If an application is submitted that initially appears complete, but is missing information, it will be deemed incomplete until the applicant provides the information to the department. All timelines start over once the missing information is submitted or an application is resubmitted. Determination that an application is complete shall not constitute approval but shall authorize the application to proceed to formal plan review. A complete application does not guarantee that additional information will not be required. There may be information upon detailed review that is required for code compliance.

- C. Section [A]105.5 of the International Building Code, 2018 edition, Section R105.5 of the International Residential Code, 2018 edition, and Section [A]105.5 of the International Existing Building Code are hereby amended as follows:

[A]105.5 [R105.5] [A]105.5 Expiration. Every permit issued shall become invalid unless the work authorized by such permit is commenced within 180 days after its issuance, or if the work authorized by such permit is suspended or abandoned for a period of 180 days after the time the work is commenced. The Building Official is authorized to grant, in writing, not more than three extensions of time, for periods not more than 180 days each. The party must request an extension and pay the fee shown in Section 7-1-11.

Renewal. When a permit has expired or is going to expire, a renewal permit must be obtained. No work can be recommenced on an expired project until a renewal permit has been issued. The fees for such renewal permits are specified in Section 7-1-11. At the discretion of the Building Official, and only when deemed appropriate, in lieu of the fees specifically outlined, the applicant may be charged the fees set out for remodels or may, if the project is substantially close to being finished with approximately 90% or more of the project completed, be charged for individual items or inspections needed to complete a permit. A Certificate of Occupancy may be issued without all permitted elements completed provided that these elements are not essential to the completion of construction of the structure (i.e. garage or carport with a home, cover over a deck) and so long as construction of the elements has not begun. If these will be built at a future date, a new permit for these will be required at the time of construction. All subsequent work, which was not previously approved, shall adhere to the most current adopted code. No refund shall be given for partial permit approval.

- D. Section [A] 111.3 of the International Building Code, 2018 edition, Section R110.4 of the International Residential Code, 2018 edition, and [A]110.3 of the International Existing Building Code are hereby amended as follows:

[A]111.3 [R110.4] [A]110.3 Temporary Occupancy. The building official is authorized to issue a Temporary Certificate of Occupancy before the completion of the entire work covered by the permit, provided that such portion or portions shall be occupied safely and the corresponding fee for a Temporary Certificate of Occupancy has been paid. To occupy a structure safely, the Building Official shall determine what items must be complete and pass inspection prior to issuance.

The Temporary Certificate of Occupancy, when issued, shall contain a list of all items remaining for final approval and be signed by the applicant. It shall be valid for a period of 180 days. An applicant can request and receive, at the discretion of the Building Official, two (2) one-time 180 extensions of their Temporary Certificate of Occupancy. The fees, as indicated in Section 7-1-11, for a Temporary Certificate of Occupancy and Temporary Certificate of Occupancy extension shall be paid prior to issuance or extension. This Temporary Certificate of Occupancy may be recorded by the Building Department and may be revoked at any time if a safety hazard is deemed to exist that was not readily apparent at the time of the issuance.

If a structure is not completed at the time of the expiration of the Temporary Certificate of Occupancy, a renewal permit shall be required and a Certificate of Non-Compliance shall be recorded against the structure and shall not be removed until a valid Certificate of Occupancy has been issued. Enforcement actions may be taken against the owners of any property when occupying a structure that has no valid Certificate of Occupancy or Temporary Certificate of Occupancy.

- E. Section 107.1 of the International Building Code is hereby amended as follows:

[A] 107.1.1 Design. An Engineer or Architect, licensed in the State of Idaho, is required to submit all drawings for structures under this code. Submittals shall include the structural and interior design for the appropriate occupancy.

- F. Section 109 of the International Building Code, 2018 edition, Section R108 of the International Residential Code, 2018 edition, and Section 108 of the International Existing Building Code are hereby amended as follows:

[A] 109.3 [R108.3] [[A]108.3] Building permit valuations. Valuations are set in Section 7-1-11. When valuation data for certain projects is not available in Section 7-1-11, the Building Official shall determine a valuation in accordance with the policy established in Section 7-1-11. The corresponding fee shall be paid.

[A] 109.5.1 [R108.4.1] [[A]108.5.1] Plan Review Fees. When submittal documents are required by Section 107 [R106], a plan review fee shall be paid. Said plan review fee shall be as shown in Section 7-1-11. A non-refundable fee deposit, in an amount set forth in Section 7-1-11, for commencement of the plan review shall be paid for projects exceeding \$30,000 in valuation.

The plan review fees specified in this Section are separate fees from the permit fees specified in Section 109 [R108] and are in addition to the permit fees. Any balance, after deducting the plan review fee from the deposit, shall be credited to the amount due for the permit fee, or any amount owing after the deduction of the deposit from the full plan review fee shall be added to the amount due for the permit fee. Regardless of circumstance, plan review fees shall not be reduced or waived.

[A] 109.6 [R108.5] Refunds. Prior to plan review and permit issuance, eighty percent [80%] of any fees paid shall be refunded if the application is withdrawn prior to commencement of the project. Plan review fees are not refundable after the plan review has been performed; however, eighty percent [80%] of any permit fees paid shall be refunded if the application is withdrawn prior to commencement of the project. No refunds shall be made after commencement of any work on the project. No refunds shall be made any time after a permit has expired, whether issued or not issued.

- G. Section 113 of the International Building Code, 2018 edition, and Section R112 of the International Residential Code, 2018 edition, and Section 112 of the International Existing Building Code, 2018 edition, and Section C109 of the International Energy Conservation Code, 2018 edition, are hereby amended as follows; and that all of the Subsections of Section 111 - Means of Appeal in the International Property Maintenance Code, 2018 edition are hereby deleted and replaced as follows:

[A] 113.1 [R112.1] [112.1] [111.1] [C109.1] General. In order to hear and decide appeals of orders, decisions or determinations made by the Building Official relative to the application and interpretation of this code, there shall be and is hereby created a Board of Appeals. The Building Official shall be an ex-officio member of said board but shall have no vote on any matter before the Board. This Board shall have three members, not including the Building Official. The Board of Appeals shall be appointed by the Board of Latah County Commissioners and shall hold office at its pleasure. Staff shall take minutes of the proceedings. The Board of Appeals shall conform to the Latah County Hearing Procedures Ordinance, and shall render all decisions and findings in writing to the appellant with a

duplicate copy to the Building Official.

[A] 113.2 [R112.2] [112.2] [111.2] [C109.2] Limitations on authority. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or an equally good or better form of construction is proposed.

Any affected person may file an appeal from any notice or action of the Building Official. A fee, as specified in Section 7-1-11, and written appeal describing the specific issues being appealed, must be submitted to the Latah County Planning and Building Department within fifteen (15) days of the date of the notice or action of the Building Official. After receiving the written appeal, the Board of Appeals shall be appointed by the Latah County Commissioners within thirty (30) days and the Board of Appeals, once appointed, shall first fix a date, time and place for hearing the appeal. The Board of Appeals shall hear the appeal within forty-five (45) days after the appointment by the Board of Latah County Commissioners. Written notice of the time and place of the hearing shall be given at least fifteen (15) days prior to the date of the hearing to each appellant and to the Building Official. The Board of Appeals must render a decision within thirty (30) days of the hearing of such appeal. Every decision of the Board of Appeals must be based upon findings of fact and every finding must be supported in the record of the proceedings of the Board of Appeals.

The Board of Appeals shall have no authority to waive any requirement of this code.

111.3 [C109.3] Qualifications. The Board of Appeals shall consist of members who are qualified by experience and training to pass on matters pertaining to building construction and property maintenance and are not employees of the jurisdiction.

- H. Section 112.4, Failure to Comply, of the International Property Maintenance Code, 2018 edition, shall be amended as follows:

112.4 Failure to comply. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine of not less than \$300 for each day the work continues.

- I. Section R202, Definitions, of the International Residential Code, 2018 edition, shall be amended as follows:

Structure. That which is built or constructed, including roll-off containers, shipping containers or similar items.

- J. Table R301.2(1), Climatic and Geographic Design Criteria, of the International Residential Code, 2018 edition, shall be completed as follows:

Ground/Roof Snow Load: The ground snow loads, as determined by the study, "Ground and Roof Snow Loads for Idaho", Ronald L. Sack, et al, University Press of Idaho, 1976, shall be used to calculate all roof snow loads. All elevations above 3300 feet shall have an additional 20 pounds of snowload above the base snowload. The Latah County Basic Roof Snow Loads map shall be incorporated into this Ordinance as Section 7-1-10.

Wind Speed: 90 mph IRC; IBC 115 mph or design using 1609IBC or Chapter 26-30 ASCE 7

Seismic Design Category: B

Subject to Damage from weathering: Severe

Subject to damage from frost line depth: Frost Depth 30 inches

Subject to damage from termite: Slight to moderate

Winter Design Temp: 10 Degrees F

Ice Shield Underlayment Required: Yes

Flood Hazards: Date of entry into the National Flood Insurance Program, May 31, 1980
Date of current Flood Insurance Rate Map Index: April 15, 2002

Air Freezing Index: 1500 or less

Mean Annual Temperature: 47.3 Degrees F

- K. Section R304 of the International Residential Code, 2018 edition, shall be amended as follows:

R304.5 Minimum area of a dwelling unit. A dwelling unit shall have at least 255 square feet, with a separate bathroom containing a water closet, lavatory and bathtub or shower with a minimum floor area of 35 square feet, an additional 100 square feet for each occupant in excess of two, and must be on a permanent foundation. Dwelling units that do not meet these requirements are considered temporary and are subject to Subsection 7-1-7 of this Code.

- L. Section 302.1 of the International Building Code, 2018 edition, shall be amended as follows:

11. Office and Studio Accessory to Residential (see section 313): Group OSA

- M. Section 312 of the International Building Code 2018 edition, shall be amended as follows:

Section 312.1.2 Utility Occupancy and Pole Structures with Utility Occupancy. Utility occupancy or pole structures with utility occupancy that are not exempt from building permits may contain a bathroom but cannot contain a kitchen or a bar. Any bathroom shall be considered a utility occupancy (not pole) and shall be charged as such. Kitchens and bars shall be considered R-3 and shall be charged as such and shall also be subject to required zoning permits for primary or secondary residential structure.

- N. Chapter 3, Occupancy and Use, of the International Building Code, 2018 edition, shall be amended as follows:

SECTION 313

OFFICE AND STUDIO ACCESSORY TO RESIDENTIAL GROUP OSA

313.1 General. Buildings and structures that are accessory to a built residential use not classified in a different occupancy shall be constructed, equipped and maintained to conform to the requirements of this code commensurate with the fire and life hazard incidental to the Utility occupancy (Group U) and must meet the following requirements: a permanent foundation regardless of size, windows/doors that meet egress requirements, insulation and u-factor windows when a heating or cooling source is implemented, and smoke detector (when applicable a carbon monoxide detector). Group OSA structures, when plumbed, shall be permitted as a Group R-3. Group OSA shall include the following:

- Home pool cabana
- Home office
- Home artist studio
- Home recording studio
- People sheds
- Similar structures at the discretion of the Building Official

- O. Section R403 of the International Residential Code, 2018 edition, shall be amended as follows:

R403.1.1 Minimum size. The footing width for light frame construction shall be 16" for 1- and 2-story with soil bearing value of 1500 p.s.f., and 23" for 3-story with soil bearing value of 1500 psf. Spread footings shall be a minimum of 8 inches (200 mm) in thickness, or thicker where required by design loads. Footing projections shall be at least 2 inches (51 mm) and shall not exceed the thickness of the footing. The size of footings supporting piers and columns shall be based on the tributary load and allowable soil pressure in accordance with Table R401.4.1.

All footings shall have a minimum of two (2) No. 4 ($\frac{1}{2}$ inch) or larger reinforcement rods laid continuously in the footing. Lap splices shall be a minimum of 40 bar diameters.

- P. Section R404.1.3 of the International Residential Code, 2018 edition, shall be amended as follows:

R404.1.3 Concrete foundation walls. Concrete foundation walls shall be constructed as follows or using the appropriate tables associated with Chapter 4 of this Code: For walls less than 48 inches in height from the top of the footing, horizontal rebar, #4, shall be spaced at intervals of a maximum of 18 inches and vertical rebar, #4, shall be spaced at intervals of a maximum of 48 inches. For walls more than 48 inches in height from the top of the footing, horizontal and vertical rebar, #4, shall be spaced at intervals of a maximum of 18 inches. The horizontal rebar shall be placed not greater than 9 inches from the top of the wall. Openings up to 6 feet in concrete walls shall have a lintel above with two #5 rebar or equivalent on the top and bottom, extending 2 feet past the opening on either side and within 1.5 to 3 inches of the opening. Openings greater than 6 feet shall be engineered. The minimum thickness shall be 8 inches for walls which support 2 or 3 stories above grade, all basement walls, and all supported and unsupported walls over 6 feet with unbalanced backfill of 4 feet or more. Foundation walls in excess of 10 feet in height or retaining walls in excess of 8 feet of unbalanced backfill shall be engineered.

7-1-4: AMENDMENTS TO MECHANICAL CODE AND FUEL GAS CODE:

- A. Section 106.5.2 of the International Mechanical Code, 2018 edition, and Section 106.6.2 of the International Fuel Gas Code, 2018 edition, are hereby amended as follows:

106.5.2 [106.6.2 IFGC] Permit Fees. The fees for each permit shall be as set forth in Section 7-1-11. Mechanical fees for new residences shall be considered to be included in the building permit fee for the new residence, and no separate mechanical permit shall be issued. All other mechanical installations shall require a separate permit with attendant fees to be issued.

106.5.3 [106.6.3 IFGC] Fee refunds.

2. Not more than eighty percent [80%] of the permit fee paid shall be refunded when no work has been done under a permit issued in accordance with this code.

3. Not more than eighty percent [80%] of the plan review fee paid shall be refunded when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any plan review effort has been expended.

- B. Section 109 of the International Mechanical Code, 2018 edition, and International Fuel Gas Code, 2018 edition, are hereby amended as follows:

109.1 Application for appeal. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or an equally good or better form of construction is proposed.

Any affected person may file an appeal from any notice or action of the Building Official. A fee as specified in Section 7-1-11 and written appeal describing the specific issues being appealed must be submitted to the Latah County Planning and Building Department within fifteen (15) days of the date of the notice or action of the Building Official. After receiving the appeal, the Board of Appeals shall be appointed by the Latah County Commissioners within thirty (30) days and the Board of Appeals, once appointed, shall first fix a date, time and place for hearing the appeal. The Board of Appeals shall hear the appeal within forty-five (45) days after the appointment by the Board of Latah County Commissioners. Written notice of the time and place of the hearing shall be given at least fifteen (15) days prior to the date of the hearing to each appellant and to the Building Official. The Board of Appeals must render a decision within thirty (30) days of the hearing of such appeal. Every decision of the Board of Appeals must be based upon findings of fact and every finding must be supported in the record of the proceedings of the Board of Appeals.

The Board of Appeals shall have no authority to waive any requirement of this code.

109.2 Membership of board. DELETED

109.2.1 Qualifications. In order to hear and decide appeals of orders, decisions or

determinations made by the Building Official relative to the application and interpretation of this code, there shall be and is hereby created a Board of Appeals. The Building Official shall be an ex-officio member of said board but shall have no vote on any matter before the board. This board shall have three members, not including the Building Official. The Board of Appeals shall be appointed by the Board of Latah County Commissioners and shall hold office at its pleasure. A member of the Board of Appeals shall act as Secretary and shall take minutes of the proceedings. The Board of Appeals shall conform to the Latah County Hearing Procedures Ordinance and shall render all decisions and findings in writing to the appellant with a duplicate copy to the Building Official. The Board of Appeals shall consist of members who are qualified by experience and training to pass on matters pertaining to building construction and are not employees of the jurisdiction.

109.2.2 Alternate members. DELETED

109.2.3 Chairman. DELETED

109.2.5 Secretary. DELETED

109.3 Notice of meeting. DELETED

109.4.1 Procedure. DELETED

109.5 Postponed hearing. DELETED

109.6 Board decision. DELETED

109.6.1 Resolution. DELETED

7-1-5: MANUFACTURED, MODULAR, AND MOBILE HOMES:

All H.U.D. approved manufactured or modular homes, or mobile homes manufactured before June 15, 1976 with a valid rehabilitation certificate (pre-H.U.D.), that are in compliance with the requirements of Idaho Code and any rules and regulations promulgated thereunder, and that bear an insignia of approval by the state where they were constructed, are considered to be single family dwellings and shall be treated as such in this code and under any other Latah County code, including the Latah County Land Use Ordinance.

In order for any of these manufactured buildings to be installed and occupied within the unincorporated areas of Latah County a valid installation permit (and foundation or other permits when applicable) must be issued by the Department of Planning and Building, inspections must be passed, and a certificate of occupancy must be obtained under the same requirements as any other single family dwelling, with the following additional requirements:

- A. If the building site is an approved space within a legal manufactured home park, the manufactured home park development plans for setbacks shall prevail along with the setback and separation distances for structures contained in the Building Codes.
- B. Applications for installation permits shall also contain the license number and name of the contractor and licensed installer;

- C. All installations shall meet the minimum requirements as set forth in the State-approved installation instruction for the specific unit or model, or in the current Idaho Manufactured Home Installation Standard.
- D. Every installation requires a permit, including but not limited to moving from one space to another in a legally approved manufactured home park or placing a different home in a space that had a previous home in a legally approved manufactured home park.
- E. A building permit is required and must be obtained for any remodel or change to the interior of a manufactured building before any work may be performed. No structural changes or additions can be constructed on a manufactured building without submittal of plans stamped by an engineer licensed in the State of Idaho. Manufactured buildings cannot change occupancy.

7-1-6: USE OF HOME WHILE BUILDING OR INSTALLING NEW RESIDENCE:

Any person may remain in a legally existing residence while obtaining a building or installation permit to build or install a new home on the same property, so long as they have successfully and legally converted the existing home into an accessory cottage house or a second residence per the Latah County Land Use Ordinance or applied for and successfully obtained a land division so the existing home will be on its own legal parcel. Alternatively, if a person does not want to or cannot legally keep the existing residence, the owner shall file an affidavit (provided by the Building Department) with the Building Department. The affidavit shall state that the owner will remove the existing home prior to the issuance of a certificate of occupancy and prior to any occupancy of the new structure. The owner shall comply with the conditions agreed to in the affidavit.

7-1-7: PERMANENT LIVING QUARTERS:

Nothing within this chapter shall be construed to allow a camping trailer, licensed vehicle or trailer, tent, yurt, recreational vehicle (including park models), or any other vehicle, accessory structure, or item as a permanent dwelling. No parcel can be used for temporary living quarters for a period of more than six (6) months in a twelve (12) month period, unless permitted for use as specified under a conditional use permit for a campground or recreational vehicle park. When a valid permit has been issued to construct a residence for a property, an owner may apply to live in temporary living quarters on the same property for periods of 6 months at a time, up to a total of 2 years. Other than the building permit, all the same approvals as a residential building permit are required. The fee shall be as shown in Section 7-1-11.

7-1-8: PERMITS CONTRARY TO LAW:

Any permit issued contrary to law under authority of this chapter for construction or any use contrary to law or any other ordinance of Latah County shall be void.

7-1-9: ENFORCEMENT AND PENALTIES:

When the Building Official or designee has inspected or caused to be inspected any building or structure or property and has found that such building or structure or property is noncompliant, or the Building Official or designee is unable to verify compliance because the required inspections have not been requested and performed, the Building Official or designee shall

commence proceedings to cause the repair or inspection of the building or structure. The following are available to enforce compliance with the provisions of this chapter. Nothing herein shall prevent the Board of County Commissioners or any other public official or private citizen from taking such other lawful action as is necessary to prevent or correct any violation of this chapter or of the Idaho Code.

- A. **Injunction:** The County may obtain from a District Court having jurisdiction, an injunction enjoining the construction or installation of buildings or structures on any building site upon affidavit of the County that such building or structure does not conform to the requirements of this chapter. The affidavit must set forth such violations in detail. The injunction may be made permanent, at the discretion of the court.
- B. **Stop work order:** Upon notice from the code official that work is being performed contrary to the provisions of this code or in a dangerous or unsafe manner, such work shall immediately cease. Such notice can be in the form of a letter or placed upon any structure or property where the violation is occurring. Any person who shall continue any work on the item after having been served with a stop work order, except such work as that person is directed to perform by the Department to remove a violation or unsafe condition, shall be liable for a fine of not less than \$300 for each day the work continues.
- C. **Violation Penalties:** Any person who willfully violates or fails to comply with any provisions of this chapter or any provisions of the codes enumerated in this chapter or rules promulgated by the Administrator of this chapter or the Board pursuant to this chapter or the codes enumerated in this chapter, or who, having obtained a permit hereunder, shall willfully fail to continue to comply with the conditions as set forth herein, is guilty of a misdemeanor, and upon conviction, shall be fined not more than three hundred dollars (\$300.00), or imprisoned for not more than ninety (90) days, or by both fine and imprisonment. A separate violation is deemed to have occurred with respect to each building or structure not in compliance with this chapter. Further, each day such violation continues constitutes a separate offense.
- D. **Work commencing before permit issuance:** In addition to any penalties assessed under Section 7-1-8 of this ordinance, any work which is started or proceeded prior to obtaining a permit or approval to include plan or system approval, which is required by these rules and/or the codes enumerated in Title 39, Chapter 41, Idaho Code, where any enforcement action has begun, shall be subject to a fee, as set forth in Section 7-1-9. Such fee shall be in addition to the required permit and/or approval fees. The fee for work commenced prior to obtaining any required permit or approvals shall be double the permit fee for any second or additional offenses by any person, company, contractor, individual, property owner or the like and is not dependent on any enforcement action. The payment of such fees shall not relieve any persons from fully complying with the requirements of Title 39, Chapters 40 or 41, or both, Idaho Code, or these rules in the execution of the work, nor from any other penalties as prescribed by law.
- E. **Civil Action:** Notwithstanding any other remedies available, any person damaged as a result of a violation of this chapter or the codes enumerated herein or promulgated pursuant to this chapter has a cause of action in any court of competent jurisdiction against the person who committed the violation, and if such damaged person prevails, they shall be

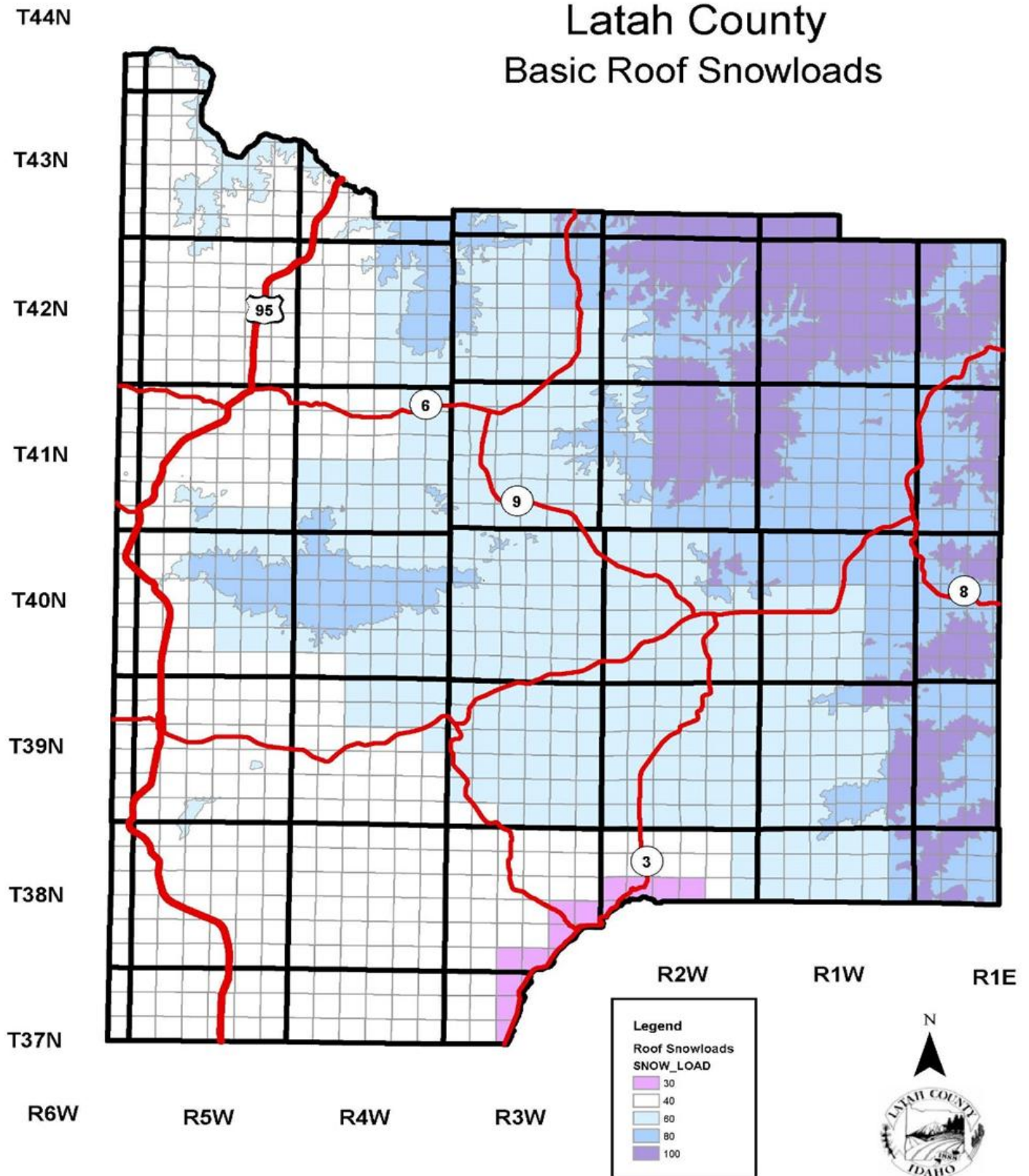
entitled to a reasonable attorney's fees to be determined by the court, together with court costs. Further, each day such violation continues constitutes a separate offense.

- F. **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 or the Latah County Land Use Ordinance exists, unless the permit being requested is to resolve the violation(s). 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 provisions of this Code. If a permit is withheld, the Building Official shall refer to the notice and order that details the violations or any letter sent regarding the Latah County Land Use Ordinance. If a notice and order or letter of violation has not been issued, the Building Official, within thirty (30) days of the denial of a permit, shall issue a notice and order in accordance with Subsection F of this Section; or in the case of a violation of the Latah County Land Use Ordinance, the planner shall issue a letter detailing the violations in accordance with the procedures set out in Latah County Land Use Ordinance.
- G. **Recordation Of Noncompliance:** Notwithstanding any other remedies available, the Building Official may, to ensure that future owners of properties are put on notice of noncompliance, record with the Latah County Auditor any letter, document, or item that describes the matter of noncompliance on a property. This may be done any time after the issue of noncompliance is discovered.
- H. **Notice Of Noncompliant Building Or Structure Or Other Code Violation:**
1. Notice And Order, and Appeal Process: At the discretion of the Building Official and typically after other remedies in this section have not succeeded in compliance, the Building Official shall issue a notice and order directed to the record owner of the building or structure. The notice and order shall contain:
 - a. The street address, if issued, and/or a legal description or Assessor's parcel number sufficient for identification of the premises upon which the building or structure is located.
 - b. A statement that the Building Official has found the building or structure to be noncompliant with a brief and concise description of the conditions found to render the building or structure noncompliant under the applicable provisions of the applicable code.
 - c. A statement of the action required to be taken as determined by the Building Official and that any person having any record title or legal interest in the building or structure may appeal from the notice and order or any action of the Building Official to the Board of Appeals, in accordance with Section 113 of the International Building Code, 2018 edition, and Section R112 of the International Residential Code, 2018 edition; and that failure to appeal will constitute a waiver of all right to an administrative hearing and determination of the matter.
 2. Service of Notice and Order: The notice and order shall be mailed by regular mail, or by any other method of service or delivery at the discretion to the Building Official, to the owner of the property as shown on the tax record of the property. The failure of the Building Official to serve any person having an interest in the property that is not shown on the tax records of the County shall not invalidate any proceedings hereunder as to any other person duly served or relieve any such person from any duty or obligation imposed by the provisions of this Section. The failure of any person to receive notice as set out in this Subsection F3 shall not affect the validity of any proceedings taken under this Section.

3. **Proof of Service:** The Building Official shall keep a copy of the notice and order sent with the records of the noncompliance for the property.
 4. **Recordation of Noncompliance:** Except as specified in Section 7-1-9(G), if compliance is not had with the order within the time specified therein, and no appeal has been properly and timely filed, the Building Official shall file in the Office of the County Recorder a certificate describing the property and certifying: a) that the building or structure is noncompliant and b) that the owner has been so notified. Whenever the corrections ordered shall thereafter have been completed or the building or structure demolished so that it no longer exists on the property described in the certificate, the Building Official shall file a new certificate with the County Recorder certifying that the building or structure has been demolished or all required corrections have been made so that the building or structure is no longer noncompliant, whichever is appropriate.
- I. **Referral for Further Action:** The Building Official shall notify the County Prosecutor's Office of completion of any of the above and, when the County Prosecutor has not already taken action, refer the matter to the County Prosecutor's Office for further action.

7-1-10: SNOW LOAD

Latah County Basic Roof Snowloads



7-1-11: FEES

Building valuation and fees are as set by separate resolution

SECTION 10. SEVERABILITY. Should any word, clause, phrase, sentence, paragraph, subsection, or other part of this Ordinance or any particular application thereof be declared unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions of this Ordinance.

SECTION 11. EFFECTIVE DATE. This Ordinance shall be in full force and effect from and after its passage, approval, and publication according to law.

PASSED by the Board of County Commissioners of Latah County, Idaho, this 24th day of June, 2025.

Thomas C. Lamar, Chair

Tony Johnson, Commissioner

Jason Stooks, Commissioner

Attest: _____
Clerk/Deputy Clerk of the Board