

CITY OF GRAND VIEW

ORDINANCE NO. 2016-002

AN ORDINANCE OF THE CITY OF GRAND VIEW, OWYHEE COUNTY, STATE OF IDAHO, AMENDING CHAPTER 1 OF TITLE 9 OF THE CITY CODE OF GRAND VIEW AND ADOPTING THE 2012 EDITIONS OF THE INTERNATIONAL BUILDING CODE, THE INTERNATIONAL RESIDENTIAL CODE, THE INTERNATIONAL ENERGY CONSERVATION CODE, THE INTERNATIONAL EXISTING BUILDING CODE AND THE 2004 IDAHO MANUFACTURED HOME INSTALLATION STANDARDS; PROVIDING THAT ADOPTED VERSIONS OF THE CODES SHALL BE DEEMED SUPERSEDED BY SUCCESSIVE VERSIONS AS THEY ARE ADOPTED OR APPROVED BY THE STATE OF IDAHO BUILDING CODE BOARD; PROVIDING FOR EXCEPTIONS; PROVIDING FOR THE ADOPTION OF CERTAIN AMENDMENTS TO THE ADOPTED CODES; AMENDING THE DEFINITION OF AGRICULTURAL BUILDING; PROVIDING FOR A TABLE OF CLIMATIC AND GEOGRAPHIC DESIGN CRITERIA; PROVIDING FOR THE DUTY OF THE CITY'S BUILDING OFFICIAL; PROVIDING THAT PERMIT FEES SHALL BE ESTABLISHED BY RESOLUTION BY THE GRAND VIEW CITY COUNCIL; PROVIDING THAT A FEE MAY BE IMPOSED FOR AN AGRICULTURAL BUILDING; PROVIDING FOR APPEALS OF DECISIONS OF THE CITY'S BUILDING OFFICIAL AND APPEALS FROM THE PLANNING AND ZONING COMMISSION; PROVIDING THAT ANY VIOLATION SHALL BE A MISDEMEANOR PUNISHABLE ACCORDING TO THE LAWS OF THE STATE OF IDAHO; PROVIDING THAT ANY BUILDING OR OTHER STRUCTURE WHICH IS ERECTED IN VIOLATION OF THE NEW CHAPTER OR IN VIOLATION OF THE CODES ADOPTED, IN ADDITION TO SUBJECTING ANY OWNER, FIRM, CORPORATION OR AUTHORIZED AGENT TO MISDEMEANOR PENALTIES, SHALL BE SUBJECT TO NUISANCE OR ABATEMENT PROCEDURES; PROVIDING THAT IN THE EVENT THAT ANY ABATEMENT PROCEDURE IS SUCCESSFULLY BROUGHT BY THE CITY THE PERSON BUILDING SAID STRUCTURE OR THE OWNER OF THAT PROPERTY UPON WHICH THE STRUCTURE WAS WRONGFULLY ERECTED SHALL PAY ALL COURT COSTS AND ATTORNEY FEES FOR THE PROSECUTION OF THE ACTION; PROVIDING SEVERABILITY; REPEALING CITY OF GRAND VIEW INTERNATIONAL BUILDING CODE ORDINANCE NO. 2011-01; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Grand View City Council has jurisdiction and authority, pursuant to Idaho Code § 50-701, over city business matters within the limitations and restrictions of the governing laws; and

WHEREAS, the Grand View City Council, pursuant to Idaho Code § 50-701, has the "powers and duties as are now or may hereafter be provided under the general laws of the state of Idaho", and

WHEREAS, the City of Grand View, through the action of the Grand View City Council, elects to comply with "local government adoption and enforcement of building codes" pursuant to Idaho Code §§ 39-4109, 39-4116, and 54-5001; and

WHEREAS, the City of Grand View desires to repeal the City of Grand View International Building Code Ordinance 2011-01; and

WHEREAS, the City of Grand View desires to amend Chapter 1 of Title 9 in the Grand View City Code; and

WHEREAS, the ordinance was considered by the Grand View City Council at a duly noticed public meeting on _____;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Grand View, State of Idaho, as follows:

SECTION 1: Jurisdiction. The provisions of this Ordinance shall apply to all areas of incorporated lands within the City of Grand View.

SECTION 2: Adoption of Codes. As provided by Idaho Code § 39-4116 the following codes and their amendments, including subsequent revisions and supplements, are hereby adopted by reference and made a part of this Ordinance and the City Code of the City of Grand View as though fully set forth herein:

- A. 2012 International Building Code, as adopted by the State of Idaho or the Idaho Building Code Board, together with any amendments or revisions to the International Building Code made by the Idaho Building Code Board through the negotiated rulemaking process;
- B. 2012 International Residential Code, except parts five and six, as adopted by the State of Idaho or the Idaho Building Code Board, together with any amendments or revisions to the International Residential Code made by the Idaho Building Code Board through the negotiated rulemaking process;
- C. 2012 International Energy Conservation Code, as adopted by the State of Idaho or the Idaho Building Code Board, together with any amendments or revisions to the International Energy Conservation Code made by the Idaho Building Code Board through the negotiated rulemaking process;
- D. 2012 International Existing Building Code, as adopted by the State of Idaho or the Idaho Building Code Board, together with any amendments or revisions to the International Existing Building Code made by the Idaho Building Code Board through the negotiated rulemaking process; and
- E. 2004 Idaho Manufactured Home Installation Standards, prepared by the State of Idaho, together with any amendments or revisions to the Idaho Manufactured Home Installation

Standards made by the Idaho Building Code Board through the negotiated rulemaking process.

SECTION 3: Superseded by Successive Versions of Codes: 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 State of Idaho Building Code Board, such successive versions to become the law of the city on the effective date set for the successive versions by the State of Idaho Building Code Board, unless the Grand View City Council specifically provides otherwise.

SECTION 4: Exceptions:

- A. Agricultural Building Defined: An "agricultural building" is a structure designed and constructed to house farm implements, hay, grain, poultry, livestock, or other horticultural products where said structure is situated on land which shall consist of at least a single parcel of land five (5) or more acres in size, exclusive of any public right of way. This structure shall not be a place of human habitation or a place of employment where agricultural products are processed, treated, packaged or sold, nor shall it be a place used by the public. In order to qualify the property owner shall have an approved "Agricultural Exemption" from the Owyhee County Assessor.
- B. Exempted: As set forth in Idaho Code § 39-4116(5), agricultural buildings shall be exempt from the requirements of the building code adopted herein but shall remain subject to placement requirements established by zoning regulations.

SECTION 5: Amendments to Adopted Codes: The following sections of the foregoing adopted codes are amended as stated herein.

- A. International Building Code, 2012 edition: The following sections are hereby amended:
 - 1. Section 101.1. Insert City of Grand View.
 - 2. Section 101.4.1, "Gas", is deleted and repealed in its entirety.
 - 3. Section 101.4.2, "Mechanical", is deleted and repealed in its entirety.
 - 4. Section 101.4.3, "Plumbing", is deleted and repealed in its entirety.
 - 5. Section 103.3, "Deputies", delete last sentence.
 - 6. Section 105 Permits: "105.1.1 Annual permit", is deleted and repealed in its entirety.
 - 7. Section 105 Permits: "105.1.2 Annual permit records" is deleted and repealed in its entirety.
 - 8. Section 105 Permits: "105.2 Work exempt from permit to amend the list under "Building" as follows:

1. One-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provide the floor area is not greater than 200 square feet.
9. Section 105 Permits: "105.2 Work exempt from permit" will add to list under "Building" as follows:
 14. Agricultural building as defined in this article.
10. Section 105 Permits: "105.3 Application for permit" will add the following sentence:

No building permit may be issued, and no person may enter into occupancy or begin the proposed use, until a certificate of compliance from the zoning official has been issued as required by City of Grand View.
11. Section 105 Permits: "105.5 Expiration", add a second paragraph:

If work has not been completed, the final inspection performed and the project approved for occupancy or use within two (2) years from the date of such permit being issued, that the City of Grand View permit shall expire by limitation and become null and void. Prior to work recommencing after the permit has expired, a new permit shall be obtained.
12. Section 107 Submittal Documents: "107.1 General" delete the first two (2) sentences and replace with the following:

Construction documents, special inspection and structural observation programs, and any other data including deferred submittals, shall be submitted in two (2) sets with each application for a permit. The construction documents shall be prepared by or under the direct supervision of an Idaho registered architect or Idaho registered engineer and are required to be stamped or sealed with that Idaho registered design professional's stamp or seal.
13. Section 112 Service Utilities: "112.1 Connection to service utilities", add a second paragraph to read as follows:

A final inspection and approval is required upon completion and prior to occupancy and use of all buildings and structures. Lack of building official approval may result in the termination of utility services to said building or structure and prosecution under International Building Code Section 114.3.
14. Section 1608 Snow Loads: "1608.1 General", is amended to read as follows:

Design snow loads shall be determined in accordance with section 7 of ASCE 7-98, but the design roof load shall not be less than a uniform snow load of twenty five (25) psf below six thousand feet (6,000') and thirty-five (35) psf

above six thousand feet (6,000'). The minimum roof snow load for City of Grand View shall be twenty-five (25) pounds per square foot.

15. Section 1608 Snow Loads: "1608.2 Ground snow loads", is amended to read as follows:

The ground snow load to be used in determining the design snow loads for City of Grand View shall be twenty (20) psf.

16. Section 3410 Moved Structures: "3410.1 Conformance" amend the section to add a second paragraph as follows:

Any building or structure, excluding manufactured homes moved into or within City of Grand View, shall be inspected by a State of Idaho licensed/registered architect or engineer. This inspection shall be followed by a report bearing the stamp/seal of the licensed/registered architect/engineer accompanying the City of Grand View building permit application. The report shall contain the following information:

- a. Identifies the particular building.
- b. States that the licensed/registered architect/engineer does not find any structural condition indicating a deficiency that would preclude the continued use of the building.
- c. States that the roof cover meets the requirements of the 2012 IBC, chapter 15.
- d. If the building is a dwelling, provide an energy code analysis of the specific dwelling showing that the dwelling meets the requirements of the 2012 International Energy Conservation Code. If the dwelling does not comply with the 2012 International Energy Conservation Code, a plan shall be submitted for the modifications needed to attain that compliance.
- e. This report shall be accompanied by an Idaho licensed/registered architect/engineer foundation design for that specific building.

17. Section 3412 Compliance Alternatives: "3412.2 Applicability" Insert August 9, 1993.

B. International Residential Code for One- and Two-Family Dwellings, 2012 edition: The following sections are hereby amended:

1. Section R101.1 Insert City of Grand View.
2. Section R105 Permits: "R105.3 Application for permit" will add the following sentence:

No building permit may be issued, and no person may enter into occupancy or begin the proposed use, until a certificate of compliance from the zoning official has been issued as required by the City of Grand View.

3. Section R105 Permits: "R105.5 Expiration", add a second paragraph:

If work has not been completed, the final inspection performed and the project approved for occupancy or use within two (2) years from the date of such permit being issued, that the City of Grand View permit shall expire by limitation and become null and void. Prior to work recommencing after the permit has expired, a new permit shall be obtained.

4. Section R111 Service Utilities: "R111.1 Connection to service utilities", add a second paragraph to read as follows:

A final inspection and approval is required upon completion and prior to occupancy and use of all buildings and structures. Lack of building official approval may result in the termination of utility services to said building or structure and prosecution under International Residential Code Section R113.3.

5. Section R301.2, "Climatic And Geographic Design Criteria", Table R301.2(1) shall be changed to read as follows:

TABLE R301.2(1) CLIMATIC AND GEOGRAPHIC DESIGN CRITERIA

GROUND SNOW LOAD	WIND DESIGN		SEISMIC DESIGN CATEGORY ^f	SUBJECT TO DAMAGE FROM			WINTER DESIGN TEMP ^e	ICE BARRIER UNDERLAYMENT REQUIRED ^h	FLOOD HAZARDS ^g	AIR FREEZING INDEX ⁱ	MEAN ANNUAL TEMP ^j
	Speed ^d (mph)	Topographic effects ^k		Weathering ^a	Frost line depth ^b	Termite ^c					
20 psf Roof snow load below 6,000 feet: 25 psf Roof snow load above 6,000 feet: 35 psf	90	No	B	Severe	24"	Slight to moderate	10° F	Not Required	FIRM maps as currently adopted	980	51° F

1. For S1: 1 pound per square foot -0.0479kN/m2, 1 mile per hour = 1.609 km/h.
2. Language explaining the letters (a) through (k), inclusively, found in the above table, is included with the table in the international residential code and is incorporated by reference as if fully written herein.

C. International Energy Conservation Code, 2012 edition: The following section(s) are hereby amended:

1. Section 101.1 Insert City of Grand View.

D. International Existing Building Code, 2012 edition: The following section(s) are hereby amended:

1. Section 101.1 Insert City of Grand View.
2. Section 1401 Performance Compliance Methods: "1401.2 Applicability" Insert March 21, 2005.

SECTION 6: Duty of Building Official: The building official of the city, named by the City of Grand View City Council, shall have the duty of enforcing the city building code, and shall have the further duty of advising the council members when a successive version of any of the codes adopted in section 2 of this ordinance is adopted and made effective by the State of Idaho Building Code Board.

SECTION 7: Permit Fees:

- A. Fee Schedule Established: Fees to enforce this chapter shall be established by resolution of the City of Grand View City Council. The City Council shall establish a permit fee schedule, which schedule shall reflect the fees which are to be charged by the official responsible for charging those fees. The fee schedule shall be kept on file in the office of the city clerk and in the office of the building inspector or building official and shall be made available to the public upon request. Said fee schedule shall be reviewed regularly as required by law. The building official, the building inspector or a designee shall charge permit fees in accordance with the schedule created by a resolution of the City Council.
- B. Agricultural Buildings: A fee may be imposed for an agricultural building to ensure that any said building is in compliance with setback and easement restrictions. The fee for any such agricultural building shall be equivalent to the minimum fee established for building permits and adopted by resolution of the City Council.

SECTION 8: Appeal:

- A. Right Of Appeal: Any determination or ruling by the building official, his agents or assigns may be subject to appeal by an aggrieved party.
- B. Notice: Notice of such appeal shall be given to the building official within fifteen (15) days of the decision, determination, or ruling that is the subject of said appeal. The building official shall create a form for notice of appeal.
- C. Hearing By Planning And Zoning Board: Any said appeal shall be heard first by the city planning and zoning board under the hearing procedure rules set forth by that board.
- D. Appeal From Decision Of Planning And Zoning Board: A determination by the planning and zoning board on a matter arising from the rules or law of this chapter may be appealed to the City of Grand View City Council in the same manner.

SECTION 9: Violations:

- A. Misdemeanor: Any violation of this chapter shall be a misdemeanor punishable in accordance with the laws of the state of Idaho.
- B. Nuisance Or Abatement Procedures Applicable: Any building or other structure which is erected in violation of this chapter or in violation of the codes adopted in section 2 of this chapter, in addition to subjecting any owner, firm, corporation or authorized agent to misdemeanor penalties, shall be subject to nuisance or abatement procedures, which may be brought by any city official, any member of the zoning commission, the planning and zoning administrator, the building official, or any other person.
- C. Costs Of Action: In the event that any abatement procedure is successfully brought, the person building said structure or the owner of that property upon which the structure was wrongfully erected shall pay all court costs and attorney fees for the prosecution of that action.

SECTION 10: Severability. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance shall, for any reason be held invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect, invalidate or nullify the remaining portions of this Ordinance.

SECTION 11: Repeal of Prior Ordinance. City of Grand View Ordinance Number 2011-01, and any ordinances or resolutions which are in conflict with this Ordinance are hereby repealed, but only insofar as the conflict exists; upon the date this ordinance shall take effect or provided for herein in Section 13.

SECTION 12: Publication. This Ordinance may be published in summary form allowed by Idaho Code § 50-901A.

SECTION 13: Effective Date. This Ordinance shall be in full force and effect immediately after its passage, approval, adoption and publication as required by the laws of the State of Idaho.

APPROVED AND ADOPTED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF GRAND VIEW, IDAHO, THIS _____ DAY OF _____, _____.

**CITY OF GRAND VIEW CITY COUNCIL
CITY OF GRAND VIEW, IDAHO**

FRANKLIN D. HART, MAYOR

ATTEST:

Tammy M. Payne, City Clerk

Date: _____
Date of Publication: _____, 2016