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ORDINANCE NO. 2003-01

AN ORDINANCE OF THE COUNTY OF BUTTE, STATE OF IDAHO, ADOPTING THE LATEST VERSION OF THE INTERNATIONAL BUILDING CODE, THE INTERNATIONAL RESIDENTIAL CODE, PARTS I-IV AND IX, AND THE INTERNATIONAL ENERGY CONSERVATION CODE; PROVIDING EXCEPTIONS; PROVIDING FOR SEVERABILITY; REPEALING CONFLICTING ORDINANCES AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF BUTTE, STATE OF IDAHO:

Section 1. Code Adoption: That the approved editions of the following nationally recognized codes, as adopted by the state of Idaho or the Idaho Building Code Board, are adopted as the official building codes of the County of Butte, except as provided in Section 2:

- International Building Code, including all rules promulgated by the Board to provide equivalency with the provisions of the American with Disabilities Act accessibility guidelines and the federal Fair Housing Act accessibility guidelines
- International Residential Code, parts I-IV and IX
- International Energy Conservation Code

The adopted versions of the foregoing codes shall be deemed superseded by successive versions of such codes as they are adopted or approved by the Idaho Building Code Board effective on the date any such codes are made effective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

Section 2. Definitions: That the following definitions shall be applicable to adopted codes:

A. "Agricultural Building" means a structure that is designed and constructed for one or more of the following purposes:

(1) Livestock shelters or buildings, including shade structures and milking barns;

(2) Poultry buildings or shelters;

(3) Barns;

(4) Storage of equipment and machinery used exclusively in agriculture;

(5) Horticultural structures, including detached production greenhouses and crop protection shelters;

(6) Sheds;

(7) Grain Silos; or

(8) Stables.

B. "Equipment and machinery used exclusively in agriculture" means farm implements and other equipment and machinery that are used exclusively on land actively devoted to agriculture, and are not used on public highways except as necessary for access to land actively devoted to agriculture.

C. "Land actively devoted to agriculture" means real property meeting the eligibility criteria for appraisal, assessment and taxation as agricultural property as set forth in Idaho Code §63-604.

D. The above definitions shall supersede any definitions of these terms that are contained in the IBC.

Section 3. Exemptions: Agricultural buildings are exempt from the building codes adopted herein to the extent that such exemption is provided in Idaho Code §39-4116, provided that both of the following criteria are met:

A. The building is used solely for one or more of the purposes listed in subsection (2)(A) above; and

B. The property on which the building is sited has been determined by the Butte County Assessor to be land actively devoted to agriculture.

Agricultural buildings shall remain subject to placement requirements established by zoning regulations.

Section 4. Requirements Applicable to Agricultural Buildings: Notwithstanding any other provision of this ordinance, the following requirements shall apply to agricultural buildings:

A. An agricultural building shall not be:

(1) Used as a place of human habitation; or

(2) Used as a place of employment where agricultural products are processed, treated, or packaged; or

(3) Open to use by the public.

B. All agricultural buildings shall conform to the minimum placement standards established pursuant to the Butte County Zoning Ordinance.

C. The owner of an agricultural building shall obtain a site permit for the building from the Butte County Building Department.

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: All provisions of the current ordinances of the County of Butte which conflict with the provisions of this ordinance are hereby repealed to

the extent of such conflict.

Section 7. Effective Date: This ordinance shall be effective upon its passage and publication as provided by law.

Enacted by the Board of County Commissioners as an ordinance of the County of Butte on the ___ day of _____, 200__.

_____

Chairman

Board of Butte County Commissioners

ATTEST:

Tully L McAffee

County Clerk