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BUTTE COUNTY

ORDINANCE NO. 2011-02

AN ORDINANCE OF BUTTE COUNTY ADOPTING THE *2009 EDITION OF THE INTERNATIONAL BUILDING CODE*; REGULATING THE ERECTION, CONSTRUCTION, ENLARGEMENT, ALTERATION, REPAIR, MOVING, REMOVAL, DEMOLITION, CONVERSION, OCCUPANCY, EQUIPMENT, USE, HEIGHT, AREA AND MAINTENANCE OF ALL BUILDINGS OR STRUCTURES IN THE UNINCORPORATED AREA OF BUTTE COUNTY; ADOPTING THE *2009 INTERNATIONAL RESIDENTIAL CODE* AS IT APPLIES TO DETACHED ONE AND TWO FAMILY DWELLINGS AND TOWNHOUSES; ADOPTING *THE INTERNATIONAL MECHANICAL AND FUEL GAS CODES 2009 EDITIONS*; ADOPTING *THE INTERNATION ENERGY CONSERVATION CODE, 2009 EDITION;* PROVIDING FOR MANUFACTURED HOMES TO BE INSTALLED UNDER TITLE 44 CHAPTER 22 OF IDAHO CODE; PROVIDING FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES THEREFORE; PROVIDING FOR PENALTIES FOR THE VIOLATION THEREOF; REPEALING BINGHAM COUNTY ORDINANCE NO. 2001-13; ALONG WITH ANY AND ALL OTHER ORDINANCES AND PARTS OF THE ORDINANCES IN CONFLICT THEREWITH.

THE BOARD OF COMMISSIONERS OF BUTTE COUNTY DO ORDAIN AS FOLLOWS:

Section 1. ADOPTION OF THE 2009 INTERNATIONAL BUILDING CODES:

That certain documents, three(3) copies of which are on file and are open for inspection to the public, one (1) in the Office of the Clerk of Butte County and two (2) in the Office of the Butte County Building Official, being marked and designated as the following:

The 2009 edition of the International Building Code (IBC), promulgated by the International Code Council, and amendments adopted under these rules together with standards incorporated into the IBC by reference, including but not limited to, the 2009 edition of the International Residential Code (IRC) and the 2009 edition of the International Entergy Conservation Code (IECC) and the 2009 edition of the International Mechanical Code (IMC) and the 2009 edition of the International Fuel Gas

Code (IFGC) as promulgated by the International Code Council; save and except such portions of the above-mentioned codes as are deleted, modified, or amended by provisions of this ordinance.

Shall be and the same are hereby adopted as the code of Butte County for regulating the erection, construction, enlargement, alteration, repair, moving, removal, demolition, conversion, occupancy, equipment, use, height, are and maintenance of all buildings or structures in Butte County providing for issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, conditions and terms of such International Building Code, 2009 edition published by the International Code Council, and the secondary publications references above, all of which are on file in the office of the Butte County Clerk or Building Official are hereby referred to, adopted and made a part hereof as if fully set out in this ordinance.

Section 2. DELETIONS, MODIFICATIONS OR AMENDMENTS:

All 2009 ICC Codes;

A. Insert Butte County wherever [NAME OF JURISDICTION] is present.

B. All fees shall be established by the applicable governing authority under separate Ordinance or Resolution, with not more than 80% of paid fees to be refunded, if authorized by the Building Official as allowed by code.

2009 International Building Code;

A. Any reference to Sections 101.4 concerning Electrical and 101.4.3 Plumbing shall be deleted, thus solely regulated under the State of Idaho IC 54-1001 and IC 54-2601.

B. Amend Section 903.2.8 by adding the following exception:
Exception: Automatic sprinkler systems are not required in 4-unit or less Group R buildings

C. Delete Section 1608.2 and replace with the following:

1608.2 Ground Snow Loads. The ground snow loads to be used in determining the design snow loads for roofs shall use the following equation; elevation in feet above mean sea level divided by 100, minus 5 equals the ground snow load. $(\frac{Elev.'}{100} - 5 = Pg)$

D. Amend Section 1612.3 inserting June 3, 1986 in place of [DATE OF ISSUANCE]

E. Amend Section 3412.2 inserting January 1, 1997 in place of [DATE TO BE INSERTED BY THE JURISDICTION]

F. All Appendices of the International Building Code, 2009 Edition, are hereby deleted.

2009 International Residential Code;

A. Table R301.2(1) shall be amended to read as follows:

Ground Snow Load = 42+ (see IBC Section 1608.2), Wind Speed = 90, Seismic Design Category = D1, Weathering = Severe, Frost Depth = 30", Termite = Slight/Moderate, Decay = None/Slight, Winter Design Temp = -4° (7277 HDD), Ice Shield = Yes, Flood Hazards = FIRM 160018 10/17/79, Air Freezing Index = 2000, Mean Annual Temp = 45° F.

B. Table R302.1 Exterior Walls delete the figures contained in the last column of the table under the heading Minimum Fire Separation Distance, and replace with the following: **Minimum Fire Separation Distance:** (fire-resistance rated) < Three (3) Feet; Walls (not fire-resistance rated) ≥ Three (3) Feet; Projections (fire-resistance rated) < Three (3) Feet; Projections (not fire-resistance rated) ≥ Three (3) Feet.

C. The exception to Section R302.2 is deleted and replace with the following:

Exception: A common one-hour or two-hour fire resistance rated wall assembly tested in accordance with ASTM E 119 or UL 263 is permitted for townhouses if such walls do not contain plumbing or mechanical equipment, ducts or vents in the cavity of the common wall. The wall shall be rated for fire exposure from both sides and shall extend to and be tight against the exterior walls and the underside of the roof sheathing. Penetrations of electrical outlet boxes shall be in accordance with section R302.4.

D. The exception to Section R313.1 is deleted and replaced with the following:

Exception: Automatic residential fire sprinkler systems shall not be required in townhouses where a two-hour fire-resistance rated wall is installed between dwelling units or when additions or alterations are made to existing townhouses that do not have an automatic residential fire sprinkler system installed.

E. Delete Section R313.2

F. Delete IRC Section R322.1.10

G. All Electrical and plumbing requirements of Chapters 25 through 42 shall be deleted, thus solely regulated under the State of Idaho IC 54-1001 and IC 54-2601.

H. All Appendices of the International Residential Code, 2009 Edition, are hereby deleted.

Section 3. INSTALLATION OF MANUFACTURED HOMES. Manufactured Homes as defined by Idaho State Law and inspected by The Department of Housing and Urban Development (HUD), shall not be subject to the enforcement provisions of the aforesaid Building Codes, but shall be regulated and inspected as prescribed in Title 44, Chapter 22 of the Idaho Code. The owner, or an agent of the owner, must apply for and receive, an Installation Permit prior to placing any Manufactured Home on their property. No structural modifications may be made to any Manufactured Home or Manufacturers Installation Instructions unless a written site-specific structural analysis from a State of Idaho Certified Engineer or Architect has been approved, verifying the modifications compatibility with the Manufactured Home. All additions or alterations to any Manufactured Home must comply with all Building Code requirements. Multiple sections of Manufactured or Mobile Homes as well as Modular Buildings shall not be combined together or used for any other purpose except as approved by HUD at the time of manufacture. The Building Official or appointed representative is hereby authorized to permit, inspect and collect fees, as established by the governing body, for Manufactured Home placed in Butte County. Mobile or Manufactured Homes not bearing a HUD certification label shall not be allowed except as provided for by Title 44 Chapter 25 of Idaho Code.

Section 5. PENALTIES: Violation of the provisions of this ordinance shall constitute a misdemeanor, punishable by fine of not more than $1,000.00, or by imprisonment not to exceed six months, or by both fine and imprisonment. Each day such violation continues it shall be considered a separate offense.

Section 6. REPEAL OF OTHER ORDINANCES/SAVINGS CLAUSE: All other ordinances or parts of ordinances in conflict herewith, are hereby repealed. All sections of the aforementioned Ordinances repealed by this Ordinance shall remain in force as to the authorization and enforcement of said Ordinances prior to the effective date of this Ordinance.

Section 7. SEVERABILITY: That if any section, sentence, clause or phrase of this ordinance is, for any reason, held to be invalid or unconstitutional such decision shall not affect the validity or constitutionality of the remaining portions of this ordinance. The Butte County Board of Commissioners hereby declared that it would have passed this ordinance, and each section clause or phrase hereof, irrespective of the fact than any one or more sections, sentences, clauses or phrases be declared unconstitutional.

Section 8. REFERENCE: Whenever "the governing body" or "local jurisdiction" is referred to in this Ordinance, or adopted codes, it shall be deemed to be referring to Butte County, a political subdivision of the State of Idaho.

Section 9. BUILDING OFFICIAL: Whenever the term "authorized building official" or "building official" is referred to in the codes adopted by this Ordinance, such reference and designation shall be deemed to refer to and describe the "building official" of Butte County, a political subdivision of the State of Idaho.

Section 10. EFFECTIVE DATE: That this ordinance and the rules, regulations, provisions, requirements, order and matters established and adopted hereby shall take effect and be in full force and effect upon its due publication as provided by law, an emergency existing therefore.

PASSED AND APPROVED BY THE BOARD OF COUNTY COMMISSIONERS OF BUTTE COUNTY this 11 day of June, 2012.

BOARD OF COUNTY COMMISSIONERS, BUTTE COUNTY, IDAHO:

Seth E. Beal, Chairman

Kent Cummins, Commissioner

Brian Harrell, Commissioner

Attested:

Trilby McAffee, Clerk

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