

ORDINANCE NO. 91

AN ORDINANCE ADOPTING INTERNATIONAL BUILDING CODES AS REQUIRED
BY IDAHO CODE SECTION 39-4116

AN ORDINANCE OF GOODING COUNTY, STATE OF IDAHO ADOPTING THE VERSION OF THE INTERNATIONAL BUILDING CODES AS CURRENTLY REQUIRED BY IDAHO CODE SECTIONS 39-4116 AND 39-4109; PROVIDING THAT THE ADOPTED VERSIONS OF THESE CODES SHALL BE SUPERSEDED BY SUCCESSIVE VERSIONS OF THESE CODES AS THEY ARE ADOPTED BY THE IDAHO BUILDING CODE BOARD PURSUANT TO THE STATUTES SET FORTH ABOVE AND MAKING THESE CODES EFFECTIVE UPON THE EFFECTIVE DATE AS ADOPTED BY THE IDAHO BUILDING CODE BOARD; PROVIDING FOR AMENDMENTS AND EXCEPTIONS THERETO; DESIGNATING A BUILDING OFFICIAL; PROVIDING FOR THE SETTING OF FEES BY RESOLUTION; PROVIDING FOR AGRICULTURAL EXEMPTION; PROVIDING FOR SEVERABILITY; REPEALING CONFLICTING ORDINANCES; AND PROVIDING AN EFFECTIVE DATE.

PURPOSE: The purpose of this ordinance is to provide minimum standards and requirements for regulating and controlling grading, quality, and installation of materials, use occupancy, and maintenance of all buildings, mobile homes, manufactured homes, and structures in Gooding County, Idaho. FURTHER, to bring Gooding County ordinances into compliance with the requirements of the laws of the State of Idaho.

SECTION ONE: ADOPTION OF APPLICABLE CODES

The approved editions of the following codes, as adopted by the State of Idaho and as required by Idaho Code 39-4116 and 39-4109, are adopted as the official building codes of Gooding County, State of Idaho, except as provided in this ordinance:

- A. the 2003 version of the International Building Code; including all rules promulgated by the Board to provide equivalency with the provisions of the Americans with Disabilities Act accessibility guidelines and the federal Fair Housing Act accessibility guidelines, but not including the other referenced codes in the International Building Code.
- B. the International Residential Code, parts I-IV and IX;
- C. the International Energy Conservation Code;

Provided, that the adopted versions of these codes shall be superseded by successive versions of these codes as they are adopted by the Idaho Building Code Board pursuant to the statutes set forth above, and further that these codes shall be effective upon the effective date as adopted by the Idaho Building Code Board.

SECTION TWO: AMENDMENTS

The following amendments shall be applicable to the adopted building codes:

A. International Building Code: Definitions: Agricultural Building shall mean:

Any building or structure qualifying under Group U occupancy (agricultural buildings) as defined by the adopted edition of the International Building Code with the following exceptions:

1. that the building or structure is not a place of human habitation, nor to perform work therein, nor used by the public.
2. that the building or structure is not a place of employment where agricultural products are processed, treated, or packaged; including but not limited to, milking barns, free stall barns, or other like structures.
3. Any building or structure qualifying under Group A occupancy (assembly) Section 303 or Group B occupancy (business) Section 304 as defined by the International Building Code as adopted.

B. International Residential Code: Manufactured Homes

1. The most current version of the Idaho Manufactured Home Installation Standard "IMHIS" and appendix E of the International Residential Code shall apply.

SECTION THREE: EXEMPTIONS

Agricultural buildings are exempt from the building codes adopted herein, but shall remain subject to placement requirements established by zoning regulations, and Gooding County shall issue permits for farm buildings to assure compliance with road setbacks and utility easements. The cost of these permits shall not exceed the actual cost to the County of issuing the permits.

SECTION FOUR: ADMINISTRATION

The following requirement must be met, if applicable, prior to the issuance of a building permit:

- A. Applicants shall provide plans and specifications of sufficient detail to reflect compliance with code requirements.
- B. Applicants shall submit a completed building permit application with the required supporting documentation.
- C. Whenever any work for which a permit is required by this ordinance and/or the building code has been commenced without first obtaining the required permit, a fee in addition to the regular permit fee shall be imposed; with the additional fee to be set by Gooding County in compliance with this ordinance .

The Gooding County Planning and Zoning and Building Department is hereby designated as

the department of inspection for Gooding County, with the building inspector and /or the planning and zoning administrator serving as the building or code official for purposes of the enforcement of the International codes as adopted by this ordinance, and for the enforcement of this ordinance.

SECTION FIVE: FEES

The Gooding County Board of Commissioners shall establish fees for the issuance of all required permits, including but not limited to building permits, plan reviews, reinspection, and additional fees for commencing work prior to acquiring a required permit. These fees shall be set by resolution of the Board of Commissioners in such amounts and at such times as they may deem appropriate.

SECTION SIX: VIOLATIONS

Violations of any provision of this ordinance and/or any failure to comply with any of its requirements shall be a misdemeanor offense as defined by Idaho Code, and each day such violation continues shall be considered a separate offense. Each violation may be punished by imprisonment of up to six (6) months and/or a fine of three hundred dollars (\$300.00). The County may also seek civil remedies to the maximum extent allowed by law. In addition, any violation deemed by Gooding County to threaten the public health, safety, and/or general welfare of the County, the Board of Commissioners may take any lawful action they deem necessary to abate such violation.

SECTION SEVEN: SEVERABILITY

This ordinance is hereby declared to be severable. Should a Court of competent jurisdiction declare any portion of this ordinance invalid, the remaining provisions shall remain 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 EIGHT: REPEAL OF CONFLICTING PROVISIONS

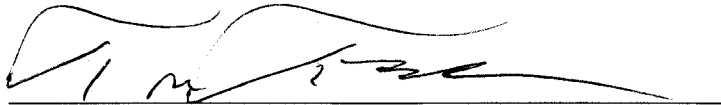
All provisions of existing Gooding County ordinances which conflict with the provisions of this ordinance are hereby repealed, but only to the extent of any conflict.

SECTION NINE: EFFECTIVE DATE


This ordinance shall be effective upon its passage and publication as provided by law.

APPROVAL

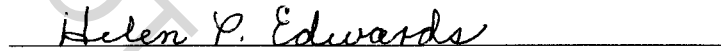
APPROVED BY THE Board of Commissioners of Gooding County, State of Idaho, on the 22nd day of October, 2007.



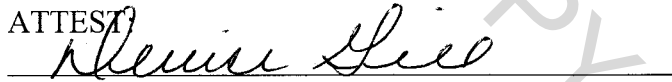
Commissioner Tom Faulkner



Commissioner Terrell Williams



Commissioner Helen Edwards

ATTEST


Denise Gill
Gooding County Clerk

Instrument # 223923
GOODING, GOODING, IDAHO
2007-10-23 03:20:24 No. of Pages: 4
Recorded for : GOODING COUNTY COMMISSIONERS
DENISE M. GILL Fee: 12.00
Ex-Officio Recorder Deputy 