

Instrument # 215826

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CLEARWATER COUNTY, OROFINO, IDAHO

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CARRIE BIRD

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Ex-Officio Recorder Deputy

Blake Dupler

Index to: ORDINANCE

**CLEARWATER COUNTY
ORDINANCE NO. 43**

**AN ORDINANCE OF THE COUNTY OF CLEARWATER, A POLITICAL
SUBDIVISION OF THE STATE OF IDAHO, ADOPTING THE 2009 VERSION OF
THE INTERNATIONAL BUILDING CODE, THE INTERNATIONAL RESIDENTIAL
CODE PARTS I-IV AND IX, THE INTERNATIONAL ENERGY CONSERVATION
CODE, PROVIDING EXCEPTIONS, INSERTIONS, AND AMENDMENTS
THERETO; PROVIDING FOR FEES, PROVIDING THAT A PERMIT IS REQUIRED
FOR INSTALLATION OF A MOBILE/MANUFACTURED HOME, PROVIDING FOR
EXEMPTIONS; PROVIDING FOR SEVERABILITY; REPEALING CONFLICTING
ORDINANCES AND PROVIDING AN EFFECTIVE DATE.**

BE IT ORDAINED by the Board of County Commissioners of Clearwater
County, Idaho:

Article 1 BUILDING CODES

101. Title. These regulations shall be known and cited as the "Clearwater County Building Code Ordinance", hereafter "Building Code Ordinance", and herein referred to as "this Ordinance".

102. Authority. Idaho Code Title 39 Chapter 41 states the requirements for those localities adopting and enforcing building codes.

103. Filing of Code. That the codes adopted in Section 104 of this ordinance shall be designated as the Clearwater County Building Codes, one copy of each Code shall be recorded in the office of the Clerk of the Board of County Commissioners of Clearwater County, and be available for inspection at the Clearwater County Building and Planning Department.

104. Code Adoption. That the editions of the following recognized codes as currently adopted by the state of Idaho or the Idaho Building Code Board as the official building codes of the County of Clearwater, except as provided in Section 105 of this ordinance:

1. The adopted versions of the following codes shall be effective January 1, 2011. The following codes shall be deemed superseded by successive versions of such codes as they are adopted or approved by the state of Idaho effective on the 1st day of January the year following the date any such codes are made effective for the state, unless a different date is required by state statute.
 - a. The 2009 International Building Code, including all rules promulgated by the Idaho Building Code Board to provide equivalency with the provisions of the Americans with disabilities act accessibility guidelines and the federal fair housing act accessibility guidelines;
 - i. Local governments are not required by 39-4116 I.C. to adopt the other referenced codes in the International Building Code.
 - b. The 2009 International Residential Code, Part I-Administration, Part II-Definitions, Part III-Building Planning and Construction, Part IV-Energy Conservation, and Part IX-Referenced Standards.
 - c. The 2009 International Energy Conservation Code.

105. Insertions and Amendments to Adopted Codes. (*NOTE: Amendments to the codes must establish at least an equivalent level of protection to that of the adopted building code.*) Insertions and Amendments to adopted codes: That the following insertions or amendments shall be applicable to the adopted building codes:

1. To the International Building Code:
 - a. *Section 101.1 Title.* insert Clearwater County as name of jurisdiction.
 - b. *Section 1612.3 Establishment of flood hazard.* insert Clearwater County as name of jurisdiction and insert November 1979 as date of issuance.

c. *Section 2303.1.1 Sawn Lumber.* shall be amended to add:

2303.1.1.1 Non-grade Marked Sawn Lumber. Lumber that has not been grade marked or lacks a certificate issued by an approved agency may be used in buildings other than for structural applications in Occupancy Groups A, B, E, H, I, and M. Clearwater County assumes no responsibility for this type of construction.

d. *Section 3412.2 Applicability.* insert December 11, 1978, as date to be inserted by the jurisdiction. (*Note: This is the date that the county first adopted building codes-Ordinance #12 adopting the 1976 edition of the Uniform Building Codes*).

2. To the International Residential Code:

a. *Section R101.1 Title.* insert Clearwater County as the name of the jurisdiction.

b. *Section R105.3 Application for permit.* shall be amended to add:

8. No building permit shall be issued for the construction of any structure or manufactured/mobile home that will be producing wastewater in Clearwater County unless first an approved permit for an onsite wastewater disposal system has been issued by Public Health-Idaho North Central District, and such permit number is recorded on the building permit application.

1. If sewer is provided by a water and/or sewer entity, proof of such available service being approved with the name of the entity, name of person/authority that approved the service, and the date of approval shall be recorded on the building permit application.

c. *Table R301.2(1) Climatic and Geographic Design Criteria.* insert the following information:

GROUND SNOW LOAD	WIND DESIGN		SEISMIC DESIGN CATEGORY ^f	SUBJECT TO DAMAGE FROM		
	Speed ^d (mph)	Topographic Effects ^k		Weathering ^a	Frost line depth ^b	Termite ^c
See Section 106*	90	Yes	B	Severe	32 inches+	Slight to Moderate

*Of the Clearwater County Ordinance #43 Building Code Ordinance
+32 inches is the standard-site specific variation based on location & elevation

WINTER DESIGN TEMP ^e	ICE BARRIER UNDERLAYMENT REQUIRED ^h	FLOOD HAZARDS ^g	AIR FREEZING INDEX ⁱ	MEAN ANNUAL TEMP ^l
6	Yes	January 21, 1980 November 1979 #160046 0001-1125 May 15, 1980	2000	45

- d. *Section R404.2.1 Identification.* shall be amended to add:

R404.2.1.1 In lieu of compliance with section R404.2.1, dimension lumber which is neither identified by a grade mark nor issued a certificate of inspection by a lumber grading or inspection agency may be used for load bearing purposes only when the producing mill shall certify in writing to the consumer or contract builder on a form to be provided by the Clearwater County Building Official that the quality and safe working stresses of such lumber are equal to or exceed No. 2 grade of the species (2&BTR) in accordance with the conditions set forth in American Softwood Lumber Standard (PS 20-99, et al) published by the United States Department of Commerce. Such certification shall be filed as part of the Building Permit application.

- e. *Section R502.1 Identification.* shall be amended to add:

R502.1.8 In lieu of compliance with section R502.1, dimension lumber which is neither identified by a grade mark nor issued a certificate of inspection by a lumber grading or inspection agency may be used for load bearing purposes only when the producing mill shall certify in writing to the consumer or contract builder on a form to be provided by the Clearwater County Building Official that the quality and safe working stresses of such lumber are equal to or exceed No. 2 grade of the species (2&BTR) in accordance with the conditions set forth in American Softwood Lumber Standard (PS 20-99, et al) published by the United States Department of Commerce. Such certification shall be filed as part of the Building Permit application.

- f. *Section R602.1 Identification.* shall be amended to add:

R602.1.4 In lieu of compliance with section R602.1, dimension lumber which is neither identified by a grade mark nor issued a certificate of inspection by a lumber grading or inspection agency may be used for load bearing purposes only when the producing mill shall certify in writing to the consumer or contract builder on a form to be provided by the Clearwater County Building Official that the quality and safe working stresses of such lumber are equal to or exceed No. 2 grade of the species (2&BTR) in accordance with the conditions set forth in American Softwood Lumber Standard (PS 20-99, et al) published by the United States Department of Commerce. Such certification shall be filed as part of the Building Permit application.

- g. *Section R802.1 Identification.* shall be amended to add:

R802.1.6 In lieu of compliance with section R802.1, dimension lumber which is neither identified by a grade mark nor issued a certificate of inspection by a lumber grading or inspection agency may be used for load bearing purposes only when the producing mill shall certify in writing to the consumer or contract builder on a form to be provided by the Clearwater County Building Official that the quality and safe working stresses of such lumber are equal to or exceed No. 2 grade of the

species (2&BTR) in accordance with the conditions set forth in American Softwood Lumber Standard (PS 20-99, et al) published by the United States Department of Commerce. Such certification shall be filed as part of the Building Permit application.

3. To the International Energy Conservation Code:
 - a. *Section 101.1 Title.* insert Clearwater County as name of jurisdiction.
 - b. *Section 108.4 Failure to comply.* Insert zero dollars (\$0.00) for not less than and three hundred dollars (\$300.00) for not more than.

106. Minimum Ground and Roof Snow Loads. All structures or portions thereof that are subject to snow loading shall be designed to resist identified snow loads for Clearwater County. Snow loads shall be determined by the Building Official, in accordance with the information included in the University of Idaho study entitled *Ground and Roof Snow Loads for Idaho* ISBN 0-89301-114-2, which shall be hereby adopted by reference.

1. Manufactured homes to be located in Clearwater County having designed roof loads which do not meet the snow load requirements for Clearwater County shall:
 - a. Construct a protective roof cover which complies with snow load requirements
 - b. Have the new home constructed to comply with snow load requirements
 - c. Complete an affidavit acknowledging that the designed load of the roof does not meet the minimum snow load requirements, and holding the county harmless from any and all proceedings arising from the destruction or damage of such structure due to structural failure resultant from snow loading.

107. Permit Fees. Providing for the requirement of payment of fees, the fee schedule, and fee refunds.

1. Permits issued under this Ordinance which require fees shall have fees paid at the time of issuance, unless otherwise specified herein.
 - a. Permit fees for projects begun without the required permits could be subject to a special investigative fee, to be assessed at the minimum rate of twenty-five percent (25%) of the of the permit fee that shall be in addition to the required permit fee.
2. Permit fees shall be set by resolution of the Board of County Commissioners of Clearwater County, and determined by the Building Official according to the current fee schedule.
3. Fees paid for the permits associated with the construction or improvement to any building regulated under this Ordinance shall not be refundable.

4. In cases of destruction of the primary dwelling of any individual, due to accidental causes or act of nature, such person may petition the Board, in writing or by appearance before the full Board, for exemption from provisions contained herein requiring payment of permit fees. A waiver of permit fees may be granted at the sole discretion of the Board, and shall not exempt petitioner from compliance with any other provision of any Ordinance regulating building construction in Clearwater County.
 - a. Permit fees shall not be waived if destruction of a dwelling is due to the commission of any criminal act, as provided by Idaho Statute, on the premises.

108. Manufactured Homes Installation Permits. Placement of mobile/manufactured homes shall require an installation/setting permit. The permit applicant shall supply to the Building Official the same site information required from an applicant seeking a building permit for a single family dwelling and shall pay a permit fee as set by resolution of the Board of County Commissioners of Clearwater County.

109. Exemptions. Under Idaho Code 39-4116:

1. All single family homes and multiple family dwellings up to two (2) units are hereby exempted from the provisions of the International Fire Code, the International Building Code, and the International Residential Code that require such dwellings to have automatic fire sprinkler systems installed.
2. Agricultural buildings are exempt from the requirements of the codes enumerated in Section 104 of this ordinance. The county may issue permits for agricultural buildings to assure compliance with road setbacks and utility easements, provided that the cost for such permits shall not exceed the actual cost, to the county, of issuing the permits.
 - a. Classification as an agricultural building shall require that the structure be exclusively used for storage of farm equipment, crops, or animals that are part of a bona fide revenue-producing agricultural enterprise. Such classification shall require that the structure be built on a parcel designated as category 3 and 5 by the Clearwater County Assessor, or verification of registration of the building owner as a farm owner or operator with a farm services agency, or documentation of reported farm income on appropriate federal income tax forms. A Location Permit, including a statement of use, shall be secured prior to construction of building-permit-exempt agricultural buildings.

110. Penalty and Violation. Providing for the disposition of violations of this ordinance.

1. Unless otherwise prescribed, any person who willfully violates this ordinance or any subsection of any uniform or model code adopted in this ordinance under Section 104 Code Adoption, is guilty of a misdemeanor, and upon conviction shall be fined not more than three hundred dollars (\$300), or imprisoned for not more than ninety (90) days, or by both fine and imprisonment (*I.C. 39-4126*).

- 2. Failure to comply with the direction and/or instruction of the Building Official to correct, change, or modify any defect in the construction which is being inspected of for which a permit has been issued will be considered a violation of this ordinance.

111. 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.

112. Repeal of Conflicting Provisions. All provisions of Ordinance #42 or Resolutions adopted by the Board of County Commissioners of Clearwater County adopting building codes, in whole or part, which conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

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

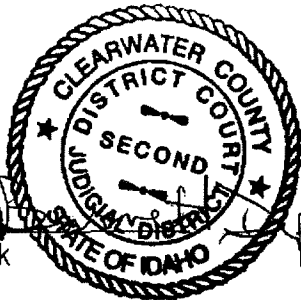
Enacted by the Board of County Commissioners of Clearwater County as an ordinance of the County of Clearwater on the 20th day of December, 2010.

Approved by the Board of County Commissioners of Clearwater County on the 20th day of December, 2010.

COUNTY OF CLEARWATER

ATTEST:

Carrie Bird
Carrie Bird, Clerk



Absent
Don Ebert, Commissioner Chairman

Stan Leach
Stan Leach, Commissioner

John Allen
John Allen, Commissioner