

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 this Code shall be recorded in the office of the Clerk of the Board of County Commissioners of Clearwater County, and all codes are 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 and amended 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, 2014. The following codes shall be deemed superseded by successive versions of such codes as they are adopted or approved by the state of Idaho effective on the 1st day of January the year following the date any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 2012 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 2012 International Existing Building Code.
 - c. 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.
 - d. The 2009 International Energy Conservation Code.
2. Where any provisions of the codes that are adopted in this section make reference to other construction and safety-related model codes or standards which have not been adopted by the involved authority having jurisdiction, to the extent possible, such reference should be construed as pertaining to the equivalent code or standard that has been duly adopted by such jurisdiction.

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 2902 Minimum Plumbing Facilities.* amend Table 2902.1 footnote (f) to: Drinking fountains are not required for an occupant load of thirty (30) or fewer.
- e. *Section 2902 Minimum Plumbing Facilities.* amend Table 2902.1 footnote (g) to: For business and mercantile occupancies with an occupant load of thirty (30) or fewer, service sinks shall not be required.
- f. *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 R101.2 Scope.* delete the Exception: ~~Live/work units complying with the requirements of Section 419 of the International Building Code shall be permitted to be built as one- and two-family dwellings or townhouses. Fire suppression required by Section 419.5 of the International Building Code when constructed under the International Residential Code for One- and Two-family Dwellings shall conform to Section 903.3.1.3 of the International Building Code.~~
- c. *Section R105.2 Work exempt from permit. Building #2.* shall be amended to: Fences not over six (6) feet (one thousand, eight hundred twenty-nine (1,829) mm) high may be exempted from the requirement for a building permit in the absence of any other applicable land use regulations governing the installation, height, type or other aspect.
- d. *Section R105.2 Work exempt from permit. Building #7.* shall be amended to: Prefabricated swimming pools that are not greater than four (4) feet (one thousand, two hundred nineteen (1219) mm) deep.

e. *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.

f. *Section R109.1.3 Floodplain inspections.* shall be amended to: For construction in areas prone to flooding as established by Table R301.2(1), upon placement of the lowest floor, including basement, the building official is authorized to require submission of documentation of the elevation of the lowest floor, including basement, required in section R322.

g. *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 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 ^j
6	Yes	January 21, 1980 November 1979 #160046 0001-1125 May 15, 1980	2000	45

h. *Table R302.1 Exterior Walls.* replace with the following table:

Minimum Fire Separation Distance	
Walls (fire-resistance rated):	< (less than) Three (3) Feet
Walls (not fire-resistance rated):	≥ (greater than or equal to) Three (3) Feet
Projections (fire-resistance rated):	< (less than) Three (3) Feet
Projections (not fire-resistance rated):	≥ (greater than or equal to) Three (3) Feet

- i. *Section R302.2 Townhouses.* Exception shall be amended to: 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.
- j. *Section R313.1 Townhouse automatic fire sprinkler systems.* Exception shall be amended to: 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.
- k. *Section R313.2 One- and two-family dwelling automatic fire systems.* delete entire section: ~~Effective January 1, 2011, an automatic residential fire sprinkler system shall be installed in one- and two-family dwellings. Exception: An automatic residential fire sprinkler system shall not be required for additions or alterations to existing buildings that are not already provided with an automatic residential sprinkler system. R313.2.1 Design and installation. Automatic residential fire sprinkler systems shall be designed and installed in accordance with Section P2904 or NFPA 13D.~~
- l. *Section R315.2 Where required in existing dwellings.* Where work requiring a permit occurs in existing dwellings that have attached garages or in existing dwellings within which fuel-fired appliances exist, carbon monoxide alarms shall be provided in accordance with Section R315.1. Exceptions shall be added:

Exceptions:

 - 1. Work involving the exterior surfaces of dwellings, such as, but not limited to, replacement of roofing or siding, or the addition or replacement of windows or doors, or the addition of a porch or deck or electrical permits, are exempt from the requirements of this section; and
 - 2. Installation, alteration or repairs of noncombustion plumbing or mechanical systems are exempt from the requirements of this section.
- m. *Section R322.1.10 As-built elevation documentation.* delete section: ~~A registered design professional shall prepare and seal documentation of the elevations specified in Section R322.2 or R322.3.~~
- n. *Section R322.2.2 Enclosed area below design flood elevation.* paragraph 2.2. shall be amended to: The total net area of all openings shall be at least one (1) square inch (645 mm²) for each square foot (0.093 m²) of enclosed area, or the opening shall be designed and the construction documents shall include a statement that the design and installation of the openings will provide for equalization of hydrostatic flood forces on exterior walls by allowing the automatic entry and exit of floodwaters.

- o. *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.

- p. *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.

- q. *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.

- r. *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.

- s. *Section N1102.4.3 Fireplaces.* shall be amended to: New wood-burning fireplaces shall have tight-fitting flue dampers and outdoor combustion air.

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.
- c. *Table 402.1.1 Insulation and Fenestration Requirements by Component.* shall be amended to add footnote k.:

k. For residential log home building thermal envelope construction requirements see section 402.6.

- d. *Section 402.4.3 Fireplaces.* shall be amended to: New wood-burning fireplaces shall have tight-fitting flue dampers and outdoor combustion air.
- e. *Section 402 Building Thermal Envelope.* shall be amended to add Section 402.6:

402.6 Residential Log Home Thermal Envelope. Residential log home construction shall comply with sections 401 (General), 402.4 (Air Leakage), 402.5 (Maximum Fenestration U-Factor and SHGC), 403.1 (Controls), 403.2.2 (Sealing), 403.2.3 (Building Cavities), sections 403.3 through 403.9 (referred to as the mandatory provisions), Section 404 (Electrical Power and Lighting Systems), and either Subparagraph 004.04.b.i., ii., or iii. as follows:

- i. Sections 402.2 through 402.3, 403.2.1, 404.1 and Table 402.6;
 - ii. Section 405 Simulated Performance Alternative (Performance); or
 - iii. REScheck (U.S. Department of Energy Building Codes Program).
- f. *Section 402.6 Residential Log Home Thermal Envelope.* shall add Table 402.6 to be used only in accordance with Subparagraph 004.04.b.i. above to appear as follows:

**TABLE 402.6
LOG HOME PRESCRIPTIVE THERMAL ENVELOPE REQUIREMENTS BY COMPONENT**

For SI: 1 foot = 304.8 mm.

CLIMATE ZONE	FENESTRATION U-FACTOR ^a	SKYLIGHT U-FACTOR	GLAZED FENESTRATION SHGC	CEILING R-VALUE	Min. Average LOG Size in inches	FLOOR R-VALUE	BASEMENT WALL R-VALUE ^d	SLAB R-VALUE & DEPTH ^b	CRAWL SPACE WALL R-VALUE ^d
5,6-High efficiency equipment path ^c	0.32	0.60	NR	49	5	30	15/19	10.4 ft.	10/13
5	0.32	0.60	NR	49	8	30	10/13	10.2 ft.	10/13
6	0.30	0.60	NR	49	8	30	15/19	10.4 ft.	10/13

- a. The fenestration U-factor column excludes skylights. The SHGC column applies to all glazed fenestration.
- b. R-5 shall be added to the required slab edge R-values for heated slabs.
- c. 90% AFUE natural gas or propane, 84% AFUE oil, or 15 SEER heat pump heating equipment (zonal electric resistance heating equipment such as electric base board electric resistance heating equipment as the sole source for heating is considered compliant with the high efficiency equipment path).
- d. "15/19" means R-15 continuous insulated sheathing on the interior or exterior of the home or R-19 cavity insulation at the interior of the basement wall. "15/19" shall be permitted to be met with R-13 cavity insulation on the interior of the basement wall plus R-5 continuous insulated sheathing on the interior or exterior of the home. "10/13" means R-10 continuous insulated sheathing on the interior or exterior of the home or R-13 cavity insulation at the interior of the basement wall.

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 #43 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 _____ day of _____, 20_____.

Approved by the Board of County Commissioners of Clearwater County on the _____ day of _____, 20_____.

COUNTY OF CLEARWATER

ATTEST:

Don Ebert, Commissioner Chairman

John Allen, Commissioner

Carrie Bird, Clerk

John Smith, Commissioner