

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 545

BY REVENUE AND TAXATION COMMITTEE

AN ACT

1
2 RELATING TO BUILDING CODES; AMENDING SECTION 39-4109, IDAHO CODE, TO REVISE
3 PROVISIONS RELATING TO THE INTERNATIONAL RESIDENTIAL CODE AND THE IN-
4 TERNATIONAL ENERGY CONSERVATION CODE, TO PROVIDE PROCEDURES AND TO MAKE
5 TECHNICAL CORRECTIONS; AND AMENDING SECTION 39-4116, IDAHO CODE, TO
6 PROVIDE CORRECT BUILDING CODE REFERENCES AND TO MAKE TECHNICAL CORREC-
7 TIONS.

8 Be It Enacted by the Legislature of the State of Idaho:

9 SECTION 1. That Section 39-4109, Idaho Code, be, and the same is hereby
10 amended to read as follows:

11 39-4109. APPLICATION OF CODES. (1) The following codes are hereby
12 adopted for the state of Idaho division of building safety and shall only be
13 applied by local governments as prescribed by section 39-4116, Idaho Code:

14 (a) The 2006 International Building Code shall be in effect, until
15 such time as a subsequent version is adopted by the Idaho building
16 code board, at which time the subsequent versions of the International
17 Building Code as adopted and amended by the Idaho building code board
18 through the negotiated rulemaking process as established in section
19 67-5221, Idaho Code, and as further provided in subsection (5) of this
20 section and in accordance with subsections (2) and (3) ~~herein~~ of this
21 section shall be in effect:

22 (i) Including appendices thereto pertaining to building accessi-
23 bility;

24 (ii) Excluding the incorporated electrical codes, mechanical
25 code, fuel gas code, plumbing codes, fire codes or property main-
26 tenance codes other than specifically referenced subjects or
27 sections of the International Fire Code; and

28 (iii) Including the incorporated ~~International Idaho~~
29 ~~Residential Code~~, parts I, II, III, IV and IX; ~~International~~
30 ~~Idaho Energy Conservation Code~~; and rules promulgated by the
31 board to provide equivalency with the provisions of the Americans
32 with disabilities act accessibility guidelines and the fair
33 housing act accessibility guidelines shall be included.

34 (b) ~~The 2006 International Residential Code as published by the In-~~
35 ~~ternational Code Council, except for parts V, VI, VII and VIII as they~~
36 ~~pertain to mechanical, fuel gas, plumbing and electrical requirements~~
37 ~~shall be in effect, until such time as a subsequent version is adopted by~~
38 ~~the Idaho building code board, at which time the subsequent versions of~~
39 ~~the International Residential Code as adopted and amended by the Idaho~~
40 ~~building code board through the negotiated rulemaking process provided~~
41 ~~in this section shall be in effect~~ The version of the International
42 Residential Code adopted by the Idaho building code board, together

1 with the amendments, revisions or modifications adopted by the Idaho
2 building code board through the negotiated rulemaking process, except
3 for parts V, VI, VII and VIII, as they pertain to mechanical, fuel gas,
4 plumbing and electrical requirements, shall collectively constitute
5 and be named the Idaho residential code. The Idaho residential code
6 shall be in effect until such time as a subsequent version is adopted by
7 the Idaho building code board, at which time the subsequent version of
8 the Idaho residential code, as adopted and amended by the Idaho building
9 code board through the negotiated rulemaking process provided in this
10 section, shall be in effect. Any amendments, revisions or modifica-
11 tions made to the Idaho residential code by the board shall be made by
12 administrative rules promulgated by the board;

13 (c) ~~The 2006 International Energy Conservation Code as published by~~
14 ~~the International Code Council shall be in effect, until such time as a~~
15 ~~subsequent version is adopted by the Idaho building code board, at which~~
16 ~~time the subsequent versions of the International Energy Conservation~~
17 ~~Code as adopted and amended by the Idaho building code board through~~
18 ~~the negotiated rulemaking process provided in this section shall be~~
19 ~~in effect~~ The version of the International Energy Conservation Code
20 adopted by the Idaho building code board, together with the amendments,
21 deletions or additions adopted by the Idaho building code board through
22 the negotiated rulemaking process provided in this chapter, shall be in
23 effect. The International Energy Conservation Code, together with any
24 amendments, revisions or modifications made by the board, shall col-
25 lectively constitute and be named the Idaho energy conservation code.
26 The Idaho energy conservation code shall be in effect until such time
27 as a subsequent version is adopted by the Idaho building code board,
28 at which time the subsequent versions of the Idaho energy conservation
29 code, as adopted and amended by the Idaho building code board through
30 the negotiated rulemaking process provided in this section, shall be in
31 effect. Any amendments, revisions or modifications made to the Idaho
32 energy conservation code by the board shall be made by administrative
33 rules promulgated by the board; and

34 (d) ~~The 2006 International Existing Building Code as published by the~~
35 ~~International Code Council shall be in effect,~~ until such time as a sub-
36 sequent version is adopted by the Idaho building code board, at which
37 time the subsequent versions of the International Existing Building
38 Code, as adopted and amended by the Idaho building code board through
39 the negotiated rulemaking process provided in this section, shall be in
40 effect.

41 (2) No amendments to the accessibility guidelines shall be made by the
42 Idaho building code board that provide for lower standards of accessibility
43 than those published by the International Code Council.

44 (3) No amendments to the ~~International~~ Idaho Residential Building
45 Code shall be made by the Idaho building code board that provide for stan-
46 dards that are more restrictive than those published by the International
47 Code Council.

48 (4) Any edition of the building codes adopted by the board will take ef-
49 fect on January 1 of the year following its adoption.

1 (5) In addition to the negotiated rulemaking process set forth in sec-
 2 tion 67-5221, Idaho Code, the board shall conduct a minimum of two (2) public
 3 hearings, not less than sixty (60) days apart. Express written notice of
 4 such public hearings shall be given by the board to each of the following en-
 5 tities not less than five (5) days prior to such hearing: associated general
 6 contractors of America, associated builders and contractors, association
 7 of Idaho cities, Idaho association of building officials, Idaho association
 8 of counties, Idaho association of REALTORS®, Idaho building contractors
 9 association, American institute of architects Idaho chapter, Idaho fire
 10 chiefs association, Idaho society of professional engineers, Idaho state
 11 independent living council, southwest Idaho building trades, Idaho building
 12 trades, and any other entity that, through electronic or written communica-
 13 tion received by the administrator not less than twenty (20) days prior to
 14 such scheduled meeting, requests written notification of such public hear-
 15 ings.

16 SECTION 2. That Section 39-4116, Idaho Code, be, and the same is hereby
 17 amended to read as follows:

18 39-4116. LOCAL GOVERNMENT ADOPTION AND ENFORCEMENT OF BUILDING
 19 CODES. (1) Local governments enforcing building codes shall do so only in
 20 compliance with the provisions of this section. Local governments that have
 21 not previously instituted and implemented a code enforcement program prior
 22 to the effective date of this act may elect to implement a building code
 23 enforcement program by passing an ordinance evidencing the intent to do so.
 24 Local governments may contract with a public or private entity to administer
 25 their building code enforcement program.

26 (2) Local governments that issue building permits and perform build-
 27 ing code enforcement activities shall, by ordinance effective January 1 of
 28 the year following the adoption by the Idaho building code board, adopt the
 29 following codes as published by the International Code Council together with
 30 any amendments or revisions set forth in section 39-4109, Idaho Code, in-
 31 cluding subsequent versions of the International Building Code as adopted
 32 and amended by the Idaho building code board through the negotiated rulemak-
 33 ing process provided in this chapter:

34 (a) International Building Code, including all rules promulgated by
 35 the board to provide equivalency with the provisions of the Americans
 36 with disabilities act accessibility guidelines and the federal fair
 37 housing act accessibility guidelines;

38 (b) ~~International~~ Idaho rResidential Code, parts I-IV and IX; and

39 (c) ~~International~~ Idaho eEnergy Conservation Code.

40 Local governments are not required by this chapter to adopt the other refer-
 41 enced codes in the International Building Code.

42 (3) All single family homes and multiple family dwellings up to two
 43 (2) units are hereby exempted from the provisions of the International
 44 Fire Code, the International Building Code and the ~~International~~ Idaho
 45 rResidential Code that require such dwellings to have automatic fire sprin-
 46 kler systems installed. Nothing in this section shall prevent any person
 47 from voluntarily installing an automatic fire sprinkler system in any resi-
 48 dential dwelling.

1 (4) Local governments may amend by ordinance the adopted codes or pro-
2 visions of referenced codes to reflect local concerns, provided such amend-
3 ments establish at least an equivalent level of protection to that of the
4 adopted building code. A local jurisdiction shall not have the authority to
5 amend any accessibility provision pursuant to section 39-4109, Idaho Code,
6 except as provided in paragraphs (a) and (b) of this subsection.

7 (a) A local jurisdiction shall not have the authority to amend any ac-
8 cessibility provision pursuant to section 39-4109, Idaho Code.

9 (b) A local jurisdiction shall not adopt any provision of the Inter-
10 national Building Code or ~~International~~ Idaho ~~r~~Residential ~~C~~code or
11 appendices thereto, that has not been adopted or that has been expressly
12 rejected or exempted from the adopted version of those codes by the
13 Idaho building code board through the negotiated rulemaking process as
14 provided in section 39-4109, Idaho Code. Provided however, that, af-
15 ter a finding by the local jurisdiction that good cause exists for such
16 an amendment to such codes and that such amendment is reasonably nec-
17 essary, a local jurisdiction may adopt such provision by ordinance in
18 accordance with the provisions of chapter 9, title 50, Idaho Code, and
19 provided further that such local jurisdiction shall conduct a public
20 hearing and, provided further, that notice of the time and place of the
21 public hearing shall be published in the official newspaper or paper of
22 general circulation within the jurisdiction and written notice of each
23 of such public hearing and the proposed language shall be given by the
24 local jurisdiction to the local chapters of the entities identified in
25 section 39-4109(5), Idaho Code, not less than thirty (30) days prior
26 to such hearing. In the event that there are no local chapters of such
27 entities identified in section 39-4109(5), Idaho Code, within the local
28 jurisdiction holding the hearings, the notice shall be provided to the
29 state associations of the respective entities.

30 (5) Local governments shall exempt agricultural buildings from the re-
31 quirements of the codes enumerated in this chapter and the rules promulgated
32 by the board. A county may issue permits for farm buildings to assure com-
33 pliance with road setbacks and utility easements, provided that the cost for
34 such permits shall not exceed the actual cost, to the county, of issuing the
35 permits.

36 (6) Permits shall be governed by the laws in effect at the time the per-
37 mit application is received.

38 (7) The division shall retain jurisdiction for in-plant inspections
39 and installation standards for manufactured or mobile homes and for in-plant
40 inspections and enforcement of construction standards for modular buildings
41 and commercial coaches.