

**ORDINANCE NO. 360**

**AN ORDINANCE OF THE CITY OF IDAHO CITY, BOISE COUNTY, IDAHO, AMENDING TITLE 8 AND TITLE 10 TO PROVIDE THAT BUILDING PERMITS BE ISSUED BY THE ZONING ADMINISTRATOR; AND PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, The City Council finds in order to promote the welfare of the citizens of Idaho City that building permits be issued by the Zoning Administrator,

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF IDAHO CITY, IDAHO:

SECTION 1. That Title 8, Chapter 1 Idaho City Code be amended to read as follows:

**8-1-1: TITLE:**

This chapter shall be known and entitled as the IDAHO CITY BUILDING CODE ORDINANCE.

**8-1-2: CODES ADOPTED:**

Pursuant to Idaho Code section 39-4116(1), the following codes are adopted as published by the International Code Council together with any amendments or revisions set forth in section 39-4109, Idaho Code, including subsequent versions of the International Building Code as adopted and amended by the Idaho Building Code Board:

A. 2015 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;

B. 2017 Idaho Residential Code, parts I-IV and IX; and

C. 2017 Idaho Energy Conservation Code.

The adopted versions of the foregoing codes shall be deemed superseded by successive versions of such codes as they are adopted or approved by the Idaho Building Code Board effective on the date such codes are made effective by the Idaho Building Code Board.

**8-1-3: MOBILE HOME, TRAILER OR MANUFACTURED HOME:**

Any mobile home, trailer or manufactured home which is proposed to be placed upon property inside the corporate limits of the City shall meet the standards set forth by the Idaho State Industrial Commission. This requirement shall also apply to moving an existing mobile home, trailer or manufactured home from one lot inside the City limits to another lot inside the City limits. Any such mobile home or trailer shall not be older than the year 1976.

**8-1-4: BUILDING PERMIT REQUIRED:**

No building or other structure shall be erected, moved, added to or structurally altered, nor shall any building, structure or land be established or changed in use without a permit therefor issued by the City. Building permits shall be issued by the City Zoning Administrator appointed pursuant to Idaho City Code 10-3-1.

#### **8-1-5: APPLICATION FOR PERMIT:**

The application for a building permit shall be signed by the owner or applicant attesting to the truth and exactness of all information supplied on the application. Each application shall clearly state that the permit shall expire and be considered revoked if work has not begun within one hundred twenty (120) days from the date the permit was issued. At a minimum, applications shall contain the following information:

- A. Name, address and telephone number of the applicant;
- B. Legal description of the property;
- C. Existing use;
- D. Proposed use;
- E. Plan, drawn to scale, showing the exact dimensions and the shape of the lot to be built upon; the exact size and location of existing buildings on the lot, if any; and the location and dimensions of the proposed buildings or alteration;
- F. Building heights;
- G. Number of off-street parking spaces;
- H. Number of dwelling units;
- I. Proposed sewer and water facilities;
- J. Such other matters as may be necessary to determine conformance with, and provide for, the enforcement of this chapter, and other applicable City and County ordinances;
- K. Floodplain permit if applicable;
- L. Estimated value of new construction, remodel, addition or placement.

#### **8-1-6: BUILDING PERMIT FEE:**

A fee shall be charged for the building permit as well as for the inspections required under this chapter. The City Council shall set the fees for the permit and inspections by resolution. The permit fee must be submitted with the application in order for the application to be considered by the City. Payment of all fees is required prior to a certificate of occupancy being issued.

#### **8-1-7: ACTION ON APPLICATION:**

- A. Approval/Disapproval: Within thirty (30) days after the receipt of an application, the City shall either approve or disapprove the application in conformance with the provisions of this chapter.
- B. Commencement Of Work: All building permits shall, however, be conditional upon the commencement of work within one hundred twenty (120) days.
- C. Copies Of Plan:
  1. Applicant: One copy of the plan shall be returned to the applicant by the City after the City shall have marked such copy either as approved or disapproved and attested to same by the signature of the Zoning Administrator or his/her designee on said copy.
  2. City: One copy of plans similarly marked shall be retained by the City.
- D. Placard: The City shall issue a placard, to be posted in a conspicuous place on the property in question attesting to the fact that the use or alteration is in conformance with the provisions of this chapter.

#### **8-1-8: EXPIRATION OF PERMIT:**

If the work described in any building permit has not begun within one hundred

twenty (120) days from the date of issuance thereof, such permit shall expire and be considered revoked. No written notice of expiration or revocation need be given to the persons affected.

**8-1-9: CERTIFICATE OF OCCUPANCY:**

It shall be unlawful to use or occupy or permit the use or occupancy of any building or premises, or both, or part thereof thereafter created, erected, changed, converted or wholly or partly altered or enlarged in its use or structure until a certificate of occupancy shall have been issued therefor by the City stating that the proposed use of the building or land conforms to the requirements of this chapter and with all conditional provisions that may have been imposed. This provision shall not apply to structures already occupied or used prior to the commencement of addition or remodel work.

**8-1-10: FAILURE TO OBTAIN PERMIT; WORK CONTRARY TO PERMIT:**

Failure to obtain a building permit or a certificate of occupancy shall be a violation of this chapter. Use, arrangement or construction contrary to that authorized through the building permit shall also be deemed a violation of this chapter.

**8-1-11: PROJECTION OVER PUBLIC WAY:**

It shall be unlawful for any person owning any dwelling, storeroom, warehouse, or other building or any shed or porch attached to such building within the incorporated limits of the City to suffer or permit such building or any part thereof or any porch or shed attached thereto to lean or project over or upon any part of any sidewalk, street, highway, or alley within the incorporated limits of the City; provided, that such building or the projection or leaning of such building or the porch or shed attached to such building shall appear to be unsafe or dangerous to the public or to any person passing by such building.

**8-1-12: VIOLATION; PENALTY:**

The City shall have the authority to take whatever steps are necessary to civilly enjoin any violation of this chapter. Further, violation of any of the provisions of this chapter shall constitute a misdemeanor, punishable as provided in section 1-4-1 of this Code. Each day such violation continues shall be considered a separate offense. The landowner, tenant, subdivider, builder, public official or any other person who commits, participates in, assists in or maintains any such violation may be found guilty of a separate offense.

**SECTION 2.** That 10-3-2-D Idaho City Code be amended as follows:

Administer and issue land use and development permits, notifications and similar administrative duties, including building permit applications addressed in Title 8, Chapter 1, Idaho City Code.

**SECTION 3.** That this ordinance shall be in full force and effect upon passage, approval and publication according to law.

PASSED BY THE COUNCIL of the City of Idaho City this 12<sup>th</sup> day of

August, 2020.

APPROVED BY THE MAYOR of the City of Idaho City this 12<sup>th</sup> day of August, 2020.

Phillip J. Gandy  
Mayor

ATTEST:  
[Signature] City Clerk

