

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 104

BY LOCAL GOVERNMENT COMMITTEE

AN ACT

RELATING TO BUILDING CODES; AMENDING SECTION 39-4116, IDAHO CODE, TO DEFINE  
A TERM; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 39-4116, Idaho Code, be, and the same is hereby  
amended to read as follows:

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

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

(a) 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) Idaho residential code, parts I-III and IX; and

(c) 2018 Idaho energy conservation code, pursuant to chapter 97, title  
39, Idaho Code.

Local governments are not required by this chapter to adopt the other refer-  
enced codes in the International Building Code. Local jurisdictions shall  
not adopt provisions, chapters, sections or parts of subsequent versions  
of the International Residential Code or residential provisions of the  
International Energy Conservation Code, or subsequent versions in their  
entirety, that have not been adopted by the Idaho building code board except  
as provided in subsection (4) of this section.

(3) 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 Idaho residential code that  
require such dwellings to have automatic fire sprinkler systems installed.  
Nothing in this section shall prevent any person from voluntarily installing  
an automatic fire sprinkler system in any residential dwelling.

1 (4) Except as provided in this subsection, local governments may amend  
 2 by ordinance the adopted codes or provisions of referenced codes to reflect  
 3 local concerns, provided such amendments establish at least an equivalent  
 4 level of protection to that of the adopted building code. A local jurisdic-  
 5 tion shall not have the authority to amend any accessibility provision pur-  
 6 suant to section 39-4109, Idaho Code, except as provided in 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, chapter, sec-  
 10 tion or part of the International Residential Code or residential pro-  
 11 visions of the International Energy Conservation Code, or subsequent  
 12 versions in their entirety, that have not been adopted or that have been  
 13 expressly rejected or exempted from the adopted version of those codes  
 14 by the Idaho building code board through the negotiated rulemaking  
 15 process as provided in section 39-4109, Idaho Code.

16 (c) Local jurisdictions may amend by ordinance the following provi-  
 17 sions of the Idaho residential code to reflect local concerns:

18 (i) Part I, Administrative;

19 (ii) Part II, Definitions;

20 (iii) Part III, Building Planning and Construction, Section R 301,  
 21 Design Criteria; and

22 (iv) Part IX, Appendices.

23 (d) Local jurisdictions may amend the remainder of Part III of the  
 24 Idaho residential code if they find that good cause for building or life  
 25 safety exists for such an amendment to such codes and that such amend-  
 26 ment is reasonably necessary. Amendments shall be adopted by ordinance  
 27 in accordance with the provisions of chapter 9, title 50, Idaho Code, or  
 28 chapter 7, title 31, Idaho Code, and provided further that such local  
 29 jurisdiction shall conduct a public hearing and, provided further, that  
 30 notice of the time and place of the public hearing shall be published  
 31 in the official newspaper or paper of general circulation within the  
 32 jurisdiction and written notice of each of such public hearing and the  
 33 proposed language shall be given by the local jurisdiction to the lo-  
 34 cal chapters of the entities identified in section 39-4109(5), Idaho  
 35 Code, not less than thirty (30) days prior to such hearing. In the event  
 36 that there are no local chapters of such entities identified in sec-  
 37 tion 39-4109(5), Idaho Code, within the local jurisdiction holding the  
 38 hearings, the notice shall be provided to the state associations of the  
 39 respective entities.

40 (5) Local governments shall exempt agricultural buildings from the re-  
 41 quirements of the codes enumerated in this chapter and the rules promulgated  
 42 by the board. A county may issue permits for ~~farm~~ agricultural buildings to  
 43 assure compliance with road setbacks and utility easements, provided that  
 44 the cost for such permits shall not exceed the actual cost to the county of  
 45 issuing the permits.

46 (a) For the purposes of this subsection, "agricultural buildings"  
 47 means:

48 (i) Livestock shelters or buildings, including shade structures  
 49 and milking barns;

50 (ii) Poultry buildings or shelters;

1           (iii) Barns;

2           (iv) Storage and maintenance structures for equipment and machin-  
3           ery used exclusively in agricultural operations;

4           (v) Horticultural structures, including detached production  
5           greenhouses and crop protection shelters;

6           (vi) Sheds used as part of an agricultural operation;

7           (vii) Grain silos;

8           (viii) Stables; and

9           (ix) Any other structure designed, constructed, and intended to  
10           house, accommodate, or store farm implements, hay, grain, poul-  
11           try, livestock, or other horticultural products.

12       (b) For the purposes of this subsection, "agricultural buildings" does  
13       not include:

14           (i) A place of human habitation, which means a space in a build-  
15           ing for living, sleeping, or cooking. Structures with bathrooms,  
16           shower rooms, break rooms, locker rooms, storage or utility space,  
17           or other similar areas are not considered places of human habita-  
18           tion;

19           (ii) A place of employment where agricultural products are pro-  
20           cessed, treated, or packaged; or

21           (iii) A place used by the public.

22       (c) Counties shall not alter, amend, deny, limit, or narrow the exemp-  
23       tion provided pursuant to this subsection by, including but not limited  
24       to, requiring size limitations of agricultural buildings, requiring  
25       maximum travel distances to exits within agricultural buildings, or  
26       requiring installation of automatic sprinkler systems in agricultural  
27       buildings.

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

30       (7) The division shall retain jurisdiction for in-plant inspections  
31       and installation standards for manufactured or mobile homes and for in-plant  
32       inspections and enforcement of construction standards for modular buildings  
33       and commercial coaches.

34       SECTION 2. An emergency existing therefor, which emergency is hereby  
35       declared to exist, this act shall be in full force and effect on and after  
36       July 1, 2025.