

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 218

BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO BUILDING CODES; AMENDING SECTION 39-4109, IDAHO CODE, TO DELETE PROVISIONS RELATING TO CERTAIN INTERNATIONAL BUILDING CODE SECTIONS; AMENDING SECTION 39-4116, IDAHO CODE, TO EXEMPT CERTAIN BUILDINGS FROM CERTAIN PROVISIONS OF THE INTERNATIONAL FIRE CODE, THE INTERNATIONAL BUILDING CODE AND THE INTERNATIONAL RESIDENTIAL CODE.

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

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

39-4109. APPLICATION OF CODES. The following codes are hereby adopted effective January 1, 2008, for the state of Idaho division of building safety and shall only be applied by local governments as prescribed by section 39-4116, Idaho Code:

(1) The 2003 International Building Code:

(a) Including appendices thereto pertaining to building accessibility;

(b) Excluding the incorporated electrical codes, mechanical code, fuel gas code, plumbing codes, fire codes or property maintenance codes other than specifically referenced subjects or sections of the International Fire Code; and

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

~~(d) Replacing section 903.2.7 of the 2003 International Building Code with sections 903.2.7, 903.2.8 and 903.2.9 of the 2000 International Building Code, which pertain to fire sprinklers in group R occupancies.~~

(2) The 2003 International Residential Code as published by the International Code Council, except for parts V, VI, VII and VIII as they pertain to mechanical, fuel gas, plumbing and electrical requirements;

(3) The 2006 International Energy Conservation Code as published by the International Code Council; and

(4) The existing 2003 International Building Code as published by the International Code Council.

SECTION 2. 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

1 instituted and implemented a code enforcement program prior to the effective date of this  
 2 act may elect to implement a building code enforcement program by passing an ordinance  
 3 evidencing the intent to do so. Local governments may contract with a public or private entity  
 4 to administer their building code enforcement program.

5 (2) By January 1, 2005, local governments that issue building permits and perform  
 6 building code enforcement activities shall, by ordinance, adopt the following codes as published  
 7 by the International Code Council together with any amendments or revisions set forth in  
 8 section 39-4109, Idaho Code:

- 9 (a) International Building Code, including all rules promulgated by the board to provide
- 10 equivalency with the provisions of the Americans with disabilities act accessibility
- 11 guidelines and the federal fair housing act accessibility guidelines;
- 12 (b) International Residential Code, parts I-IV and IX; and
- 13 (c) International Energy Conservation Code.

14 Local governments are not required by this chapter to adopt the other referenced codes in the  
 15 International Building Code.

16 (3) Notwithstanding the other provisions of this section, all single family homes, multiple  
 17 family dwellings up to four (4) units and other buildings designated "R-3" by the International  
 18 Fire Code, are hereby exempted from the provisions of the International Fire Code, the  
 19 International Building Code and the International Residential Code that require such dwellings  
 20 to have automatic fire sprinkler systems installed. Nothing in this section shall prevent any  
 21 person from voluntarily installing an automatic fire sprinkler system in any residential dwelling.

22 (4) Local governments may amend by ordinance the adopted codes or provisions of  
 23 referenced codes to reflect local concerns, provided such amendments establish at least an  
 24 equivalent level of protection to that of the adopted building code. A local jurisdiction shall  
 25 not have the authority to amend any accessibility provision pursuant to section 39-4109, Idaho  
 26 Code.

27 (4~~5~~) Local governments shall exempt agricultural buildings from the requirements of  
 28 the codes enumerated in this chapter and the rules promulgated by the board. A county may  
 29 issue permits for farm buildings to assure compliance with road setbacks and utility easements,  
 30 provided that the cost for such permits shall not exceed the actual cost to the county of issuing  
 31 the permits.

32 (5~~6~~) Permits shall be governed by the laws in effect at the time the permit application is  
 33 received.

34 (6~~7~~) The division shall retain jurisdiction for in-plant inspections and installation  
 35 standards for manufactured or mobile homes and for in-plant inspections and enforcement of  
 36 construction standards for modular buildings and commercial coaches.