

Dear Senators ANDREASON, McKague, Stennett, and  
Representatives BLACK, Henderson, Smith:

The Legislative Services Office, Research and Legislation, has received the enclosed rules of the  
Division of Building Safety:

IDAPA 07.02.03 - Rules Pertaining To The Rules Governing Permit Fee Schedule (Docket No.  
07-0203-1201);

IDAPA 07.02.04 - Rules Pertaining To The Rules Governing Plumbing Safety Inspections (Docket  
No. 07-0204-1201);

IDAPA 07.02.06 - Rules Pertaining To The Rules Concerning Uniform Plumbing Code (Docket  
No. 07-0206-1201);

IDAPA 07.03.01 - Rules Pertaining To The Rules of Building Safety (amends Rule 004.02 & 300.03)  
(Docket No. 07-0301-1201);

IDAPA 07.03.01 - Rules Pertaining To The Rules of Building Safety (carbon monoxide alarms)  
(Docket No. 07-0301-1202);

IDAPA 07.03.12 - Rules Pertaining To The Fee Rule - Rules Governing Manufactured or Mobile  
Home Installations (Docket No. 07-0312-1201);

IDAPA 07.07.01 - Rules Pertaining To The Rules Governing Installation of Heating, Ventilation &  
Air Conditioning Systems (Plastic Pipe Testing) (Docket No. 07-0701-1201);

IDAPA 07.07.01 - Rules Pertaining To The Rules Governing Installation of Heating, Ventilation &  
AC Systems (Code Adopted by HVAC Bd. Procedure to Approve Unlisted Appliances)  
(Docket No. 07-0701-1202).

Pursuant to Section 67-454, Idaho Code, a meeting on the enclosed rules may be called by the  
cochairmen or by two (2) or more members of the subcommittee giving oral or written notice to Research  
and Legislation no later than fourteen (14) days after receipt of the rules analysis from Legislative  
Services. The final date to call a meeting on the enclosed rules is no later than 11/08/2012. If a meeting is  
called, the subcommittee must hold the meeting within forty-two (42) days of receipt of the rules analysis  
from Legislative Services. The final date to hold a meeting on the enclosed rules is 12/07/2012.

The germane joint subcommittee may request a statement of economic impact with respect to a  
proposed rule by notifying Research and Legislation. There is no time limit on requesting this statement,  
and it may be requested whether or not a meeting on the proposed rule is called or after a meeting has  
been held.

To notify Research and Legislation, call 334-4845, or send a written request to the address on the memorandum attached below.



Jeff Youtz  
Director

# Legislative Services Office Idaho State Legislature

*Serving Idaho's Citizen Legislature*

## MEMORANDUM

**TO:** Rules Review Subcommittee of the Senate Commerce & Human Resources Committee and the House Business Committee  
**FROM:** Principal Legislative Research Analyst - Eric Milstead  
**DATE:** October 22, 2012  
**SUBJECT:** Division of Building Safety

IDAPA 07.02.03 - Rules Pertaining To The Rules Governing Permit Fee Schedule (Docket No. 07-0203-1201)

IDAPA 07.02.04 - Rules Pertaining To The Rules Governing Plumbing Safety Inspections (Docket No. 07-0204-1201)

IDAPA 07.02.06 - Rules Pertaining To The Rules Concerning Uniform Plumbing Code (Docket No. 07-0206-1201)

IDAPA 07.03.01 - Rules Pertaining To The Rules of Building Safety (amends Rule 004.02 & 300.03) (Docket No. 07-0301-1201)

IDAPA 07.03.01 - Rules Pertaining To The Rules of Building Safety (carbon monoxide alarms) (Docket No. 07-0301-1202)

IDAPA 07.03.12 - Rules Pertaining To The Fee Rule - Rules Governing Manufactured or Mobile Home Installations (Docket No. 07-0312-1201)

IDAPA 07.07.01 - Rules Pertaining To The Rules Governing Installation of Heating, Ventilation & Air Conditioning Systems (Plastic Pipe Testing) (Docket No. 07-0701-1201)

IDAPA 07.07.01 - Rules Pertaining To The Rules Governing Installation of Heating, Ventilation & AC Systems (Code Adopted by HVAC Bd. Procedure to Approve Unlisted Appliances) (Docket No. 07-0701-1202)

1. The division of building safety has submitted proposed rulemaking at IDAPA 07.02.03 - Rules Governing Permit Fee Schedule (Docket No. 07-0203-1201). The proposed rule includes one change to the current rule: it eliminates the requirement that an additional fee be imposed for each trip necessary to remove a red tag (or correction notice) from a job (Rule 011.06.c). The agency notes that other provisions of the rule already provide for the ability to impose a "re-inspection" fee for repeat trips when there has been an improper response to a "correction notice."

The division states that negotiated rulemaking was not conducted in this docket because the rulemaking was addressed by the Board at meetings during the past year and that the proposed change did not receive any opposition at the meetings.

It appears the proposed rule is authorized pursuant to section 54-2605, Idaho Code.

Mike Nugent, Manager  
Research & Legislation

Cathy Holland-Smith, Manager  
Budget & Policy Analysis

April Renfro, Manager  
Legislative Audits

Glenn Harris, Manager  
Information Technology

2. The division of building safety has submitted proposed rulemaking at IDAPA 07.02.04 - Rules Governing Plumbing Safety Inspections (Docket No. 07-0204-1201). The proposed rule includes revisions to only one Rule Section (011.04). The change deletes a reference to a "red" inspection tag and replaces it with a reference to a "correction notice." The revision also provides that a reinspection and reinspection fee shall be required in accordance with the agency's rule governing its fee schedule.

The Division states that it no longer uses differently colored inspection tags but identifies unacceptable plumbing installations through the use of "Notice of Correction." Consequently, unacceptable plumbing installations result in the issuance of "notice of correction" rather than a red tag.

Similar to the docket noted above, negotiated rulemaking was not conducted in this docket. The Division notes, however, that the proposed rulemaking was addressed by the Board at four meetings over the past year and the proposal did not receive any opposition at those meetings.

It appears the proposed rule is authorized pursuant to section 54-2605, Idaho Code.

3. The division of building safety has submitted proposed rulemaking at IDAPA 07.02.06 - Rules Concerning Uniform Plumbing Code (Docket No. 07-0206-1201). The proposed rule reflects the adoption of the Idaho State Plumbing code (ISPC) in lieu of the Uniform Plumbing Code (UPC). The Division notes that this change reflects a collaborative effort between the Plumbing Board and plumbing industry stakeholders. Also, the change reflects the provisions of House Bill 466 which was passed during the 2012 legislative session and which stated specifically that the "uniform plumbing code together with any amendments, revisions or modification made by the board shall collectively constitute and be named the Idaho state plumbing code."

The proposed rule reflects various amendments to the UPC that the Board has adopted over the past several years. The Division notes that while the ISPC is modeled after the UPC, the proposed rule reflects additional amendments sought by the Board and industry stakeholders.

The Division states that negotiated rulemaking was conducted pursuant to requirements of section 54-2601, Idaho Code. It appears the proposed rule is authorized pursuant to section 54-2601, Idaho Code.

4. The division of building safety has submitted proposed rulemaking at IDAPA 07.03.01 - Rules of Building Safety (amends Rule 004.02 & 300.03) (Docket No. 07-0301-1201). The proposed rule in this docket reflects the adoption of the 2012 editions of the International Building Code and the International Existing Building Code. The Division notes that this adoption was the result of negotiated rulemaking involving the building industry, local building official and other stakeholders. The proposed rule also includes an amendment to the International Building Code. That amendment requires drinking fountains and service sinks in businesses with an occupancy load of more than 30 persons, except for certain establishments such as restaurants. (Rule 004.01). The existing provisions of the International Building Code require drinking fountains and service sinks in businesses with an occupancy load of 15 persons.

It appears the proposed rule is authorized pursuant to section 39-4107, Idaho Code.

5. The division of building safety has submitted proposed rulemaking at IDAPA 07.03.01 - Rules of Building Safety (carbon monoxide alarms) (Docket No. 07-0301-1202). The proposed rule includes revisions that reflect negotiated rulemaking. The Division states that the revisions reflect suggestions submitted by the public and local building officials and are changes that, according to the Division, "could save property owners significant expense without an adverse effect on health and safety." In short, the proposed rule includes the following revisions: provides that the requirement to install a carbon monoxide detector is exempted when work is being performed on the exterior of a dwelling or where work is being performed on other unrelated systems, such as electrical work or the alteration or repair of certain plumbing or mechanical systems (Rule 004.02.i). Finally, the proposed rule also requires that new wood burning fireplaces have tight-fitting flue dampers. (Rules 004.02.1 and 004.04.b).

It appears that the proposed rule is authorized pursuant to section 39-4107, Idaho Code.

6. The division of building safety has submitted proposed rulemaking at IDAPA 07.03.12 - Rules Pertaining To The Fee Rule - Rules Governing Manufactured or Mobile Home Installations (Docket No. 07-0312-1201). The proposed rule (a fee rule) provides for a number of new provisions to align the rule with statutory directives established in House Bill 468 which was passed during the 2012 legislative session. That bill included new provisions governing installation permits and permit fees.

The proposed rule establishes installation permit fees (Rule 014); requires that the owner or installer of a manufactured or mobile home shall obtain an installation permit (Rule 013); requires that installation tags be purchased prior to commencing the installation of a manufactured home; (Rule 015); establishes provisions providing for the approval (and withdrawal of such approval) of local manufactured home installation inspection programs (Rules 016 and 107); establishes provisions governing minimum training requirements for certain inspectors, quality assurance and the minimum scope of installation inspections (Rules 018, 019, and 020).

The Division states the fiscal impact of the fees established in this docket are designed to cover the costs of the inspection service. Also, the Division notes that negotiated rulemaking was conducted.

It appears that the proposed rule is authorized pursuant to section 44-2104, Idaho Code.

7. The division of building safety has submitted temporary and proposed rulemaking at IDAPA 07.07.01 - Rules Governing Installation of Heating, Ventilation & Air Conditioning Systems (Plastic Pipe Testing) (Docket No. 07-0701-1201). The temporary and proposed rule includes new language providing that all plastic pipe within a dwelling used for venting flue gases shall be tested at 5 psi for 15 minutes. (Rules 005.01.i and 006.01.h). The Divisions states that this change is necessary because both the Division and local jurisdictions have found installation where plastic pipe was improperly connected with the potential to allow the release of carbon monoxide into a building. The change to the rule will require testing of plastic piping and related joints and connections.

The Division states that negotiated rulemaking was conducted. The effective date of the temporary rule was September 1, 2012.

It appears that the temporary and proposed rule is authorized pursuant to section 54-5005, Idaho Code.

8. The division of building safety has submitted proposed rulemaking at IDAPA 07.07.01 - Rules Pertaining To The Rules Governing Installation of Heating, Ventilation & AC Systems (Code Adopted by HVAC Board Procedure to Approve Unlisted Appliances) (Docket No. 07-0701-1202). The proposed rule provides amendments to the International Residential Code for One- and Two-Family Dwellings (Rule 006.01). The revisions include procedures for the approval of unlisted appliances which, according to the Division, will be particularly helpful concerning restored antique stoves. The amendments will require carbon monoxide detectors in dwelling units which should assure that such detectors are installed in areas where there exists no local building code enforcement program.

The Division states that negotiated rulemaking was conducted.

It appears that the proposed rule is authorized pursuant to section 54-5005, Idaho Code.

cc: Division of Building Safety  
Steve Keys

**IDAPA 07 - DIVISION OF BUILDING SAFETY**  
**07.02.03 - RULES GOVERNING PERMIT FEE SCHEDULE**  
**DOCKET NO. 07-0203-1201**

**NOTICE OF RULEMAKING - PROPOSED RULE**

**AUTHORITY:** In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Sections 54-2605, 54-2606 and 54-2626, Idaho Code.

**PUBLIC HEARING SCHEDULE:** Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 17, 2012.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

**DESCRIPTIVE SUMMARY:** The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

Current rule requires the DBS to assess a re-inspection fee for any trips to a job site necessary to remove a “red tag” from a plumbing installation. However, some trips to re-inspect an initially unacceptable plumbing installation should be included in the price of the original permit. A re-inspection fee should only be assessed by the DBS for the other instances enumerated in this subsection of the rule, which already includes the ability to impose a re-inspection fee for repeat trips necessary as a result of the submitter improperly responding to a correction notice. The amendments to this rule would eliminate the mandatory requirement that the Division impose a re-inspection fee for each trip to remove a correction notice (“red tag”) from a plumbing installation.

**FEE SUMMARY:** The following is a specific description of the fee or charge imposed or increased: None.

**FISCAL IMPACT:** The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year resulting from this rulemaking:

There will be minimal negative fiscal impact on the Division of Building Safety, and a minimal positive affect on contractors and home owners as the Division will no longer be automatically required to charge a re-inspection fee to remove a “red tag” from a jobsite.

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because this rulemaking reflects an administrative change whereby the Division will eliminate any mandatory requirement to charge a re-inspection fee solely to remove a notice of unacceptable plumbing (“red tag”). The rulemaking was addressed by the Board at four separate meetings over the past year, several conducted prior to the passage of 2012 SB 1366 related to negotiated rulemaking. This proposal did not receive any opposition at any such meetings.

**INCORPORATION BY REFERENCE:** Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule: N/A

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the proposed rule, contact Steve Keys, Deputy Administrator - Operations at (208) 332-8986.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 24, 2012.

DATED this 24th day of August, 2012.

Steve Keys  
Deputy Administrator - Operations  
Division of Building Safety  
1090 E. Watertower St.  
P. O. Box 83720  
Meridian, ID 83642  
Phone: (208) 332-8986  
Fax: (208) 1-877-810-2840

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**THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 07-0203-1201**

**011. FEE SCHEDULE.**

**01. New Residential - Single Family Dwelling.** Includes all buildings with plumbing systems being constructed on each property.

<b>New Residential - Single-Family Dwelling</b>	
Up to 1,500 Square feet of living space	- \$130
1,501 to 2,500 Square feet of living space	- \$195
2,501 to 3,500 Square feet of living space	- \$260
3,501 to 4,500 Square feet of living space	- \$325
Over 4,500 Square feet of living space	- \$325 plus \$65 for each additional 1,000 square feet or portion thereof

(4-9-09)

**02. New Residential - Multi-Family Dwellings.**

<b>New Residential - Multi-Family Dwellings</b>	
Duplex Apartment	- \$260
Three (3) or more Multi-family Units	- \$130 per Building plus \$65 per Unit

(3-26-08)

**03. Existing Residential.** Sixty-five dollars (\$65) plus ten dollars (\$10) for each additional plumbing fixture being installed up to a maximum of the corresponding square footage of the residential building. (3-26-08)

**04. Other Installations Including Industrial and Commercial.** The inspection fees listed in this Section shall apply to any and all plumbing installations not specifically mentioned elsewhere in this schedule. The plumbing cost shall be the cost to the owner of all labor charges and all other costs that are incurred in order to complete the installation of any and all plumbing equipment and materials installed as part of the plumbing system. (3-26-08)

**a.** Plumbing system cost not exceeding ten thousand dollars (\$10,000): sixty dollars (\$60) plus two

percent (2%) of the total plumbing system cost. (3-26-08)

**b.** Plumbing system cost over ten thousand dollars (\$10,000), but not exceeding one hundred thousand dollars (\$100,000): two hundred sixty dollars (\$260) plus one percent (1%) of the plumbing system cost exceeding ten thousand dollars (\$10,000). (3-26-08)

**c.** Plumbing system cost over one hundred thousand dollars (\$100,000): one thousand one hundred sixty dollars (\$1,160) plus one half of one percent (.5%) of the plumbing system cost exceeding one hundred thousand dollars (\$100,000). (3-26-08)

**d.** All fees calculated under this schedule must be calculated on the total plumbing cost of the job and this figure must be shown on the permit. (3-26-08)

**05. Requested Inspections.** A fee of sixty-five dollars (\$65) per hour or portion of an hour shall apply, with the requesting party responsible for all costs incurred in out-of-state travel. (3-26-08)

**06. Additional Fees and Re-Inspection Fees.** A fee of sixty-five dollars (\$65) per hour or portion of an hour shall apply to: (3-26-08)

**a.** Trips to inspect when: (3-26-08)

i. The submitter of the permit has given notice to the Division of Building Safety that the work is ready for inspection and it is not; or (3-26-08)

ii. If the submitter has not accurately identified the work location; or (3-26-08)

iii. If the inspector cannot gain access to make the inspection. (3-26-08)

**b.** Trips to inspect corrections required by the inspector as a result of the submitter improperly responding to a corrective notice. (3-26-08)

~~e.~~ *Each trip necessary to remove a red tag from the jobsite.* (~~3-26-08~~)

~~d.c.~~ When corrections have not been made in the prescribed time, unless an extension has been requested and granted. (3-26-08)

~~ed.~~ No permit - failure to post or send permit and required fee in the prescribed time will, at the discretion of the Division, result in the assessment of a double fee. (3-26-08)

**07. Plan Checking Fee.** Sixty-five dollars (\$65) per hour or portion thereof. (3-26-08)

**08. Mobile Homes.** Each connection or re-connection to existing sewer and water stubs shall be sixty-five dollars (\$65). (3-26-08)

**09. Mobile Home Parks and/or RV Parks.** Sewer and water service lines in mobile home parks and RV parks shall be classed as commercial. NOTE: This does not include or permit the connection of the mobile home. See Subsection 011.04, of these rules. (7-11-89)

**10. Residential.** Lawn sprinklers shall be sixty-five dollars (\$65). (3-26-08)

**11. Water Conditioners.** Water conditioners shall be sixty-five dollars (\$65). (3-26-08)

**12. Sewer and Water Permit Fees.** Residential sewer and water service line fees shall apply to all new construction, installations, and replacements. (3-30-06)

**a.** Sewer and water permit fees for excavators or property owners shall be assessed at the same rate as residential or nonresidential based on the classification of the construction project. (3-30-06)



**b.** Residential sewer and water service lines installation permit fees will be assessed at the rate of thirty-eight dollars (\$38) each or sixty-five dollars (\$65) for a combination of both if only one (1) inspection is required and the work is done by the same individual. (3-26-08)

**13. Non-Residential.** Lawn sprinkler permit fees shall be calculated at the same rate as industrial and commercial plumbing installations. (3-26-08)

**14. Nonresidential Sewer and Water Service Lines Permit Fees.** If installed by someone other than the plumbing contractor of the building, fees shall be calculated at the same rate as industrial and commercial plumbing installations. (3-26-08)

**15. Technical Service Fee.** Sixty-five dollars (\$65) per hour for each hour or portion thereof. (3-26-08)

**16. Multipurpose Residential Fire Sprinkler and Domestic Water Supply System Fee.** The inspection fee for the installation of the fire sprinkler portion of a multipurpose residential fire sprinkler and domestic water supply system in a one (1)-family or two (2)-family residence shall be a minimum of sixty-five dollars (\$65) or four dollars (\$4) per fire sprinkler head, whichever is greater. (3-26-08)

**17. Gray Water Systems.** Gray water systems in residential occupancies shall be permitted at one hundred thirty dollars (\$130). (4-9-09)

**18. Reclaimed Water Systems.** Reclaimed water systems shall be calculated at the same rate as industrial and commercial installations in the same manner provided for in Subsection 011.04 of these rules. (4-9-09)

**IDAPA 07 - DIVISION OF BUILDING SAFETY**  
**07.02.04 - RULES GOVERNING PLUMBING SAFETY INSPECTIONS**

**DOCKET NO. 07-0204-1201**

**NOTICE OF RULEMAKING - PROPOSED RULE**

**AUTHORITY:** In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Sections 54-2605 and 54-2625, Idaho Code.

**PUBLIC HEARING SCHEDULE:** Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 17, 2012.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

**DESCRIPTIVE SUMMARY:** The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

DBS is required to notify the permit holder when a plumbing installation fails to comply with the applicable standards by attaching an appropriate inspection tag on each plumbing installation that is unacceptable. However, the Division no longer utilizes differently colored inspection tags and identifies unacceptable plumbing installations by issuing and attaching a "Notice of Correction." Additionally, this amendment reflects that a re-inspection fee may not necessarily be appropriate when a Correction Notice is issued. The rulemaking would eliminate the reference to a red inspection tag, and clarify that unacceptable plumbing installations will result in the issuance of a "Notice of Correction." It also clarifies that re-inspection fees will only be assessed in accordance with IDAPA 07.02.03, "Rules Governing Permit Fee Schedule" which specifically address such re-inspection fees.

**FEE SUMMARY:** The following is a specific description of the fee or charge imposed or increased: None.

**FISCAL IMPACT:** The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year resulting from this rulemaking:

The fiscal impact to the Division will be positive because of the reduction in the number of differently colored tags purchased and the ability to use the same tags across multiple trades. There will be a small negative fiscal impact on the Division of Building Safety as it will not be able or required to charge a re-inspection fee merely to remove a red tag (correction notice). However, that is mitigated by the fact that DBS frequently does not charge it anyway. It will have a positive fiscal impact on contractors and home owners performing their own installations as they will no longer be required to pay a re-inspection fee merely for the DBS to remove a red tag. Such re-inspection fees are specifically addressed in another chapter of IDAPA rules.

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because this rulemaking reflects an administrative change whereby the Division will eliminate any reference to an inspection tag color and simply identify unacceptable plumbing by issuing a "Notice of Correction." The rulemaking was addressed by the Board at four separate meetings over the past year, several conducted prior to the passage of 2012 SB 1366 related to negotiated rulemaking. This proposal did not receive any opposition at any such meetings.

**INCORPORATION BY REFERENCE:** Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule: N/A

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the proposed rule, contact Steve Keys, Deputy Administrator - Operations at (208) 332-8986.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 24, 2012.

DATED this 24th day of August, 2012.

Steve Keys  
Deputy Administrator - Operations  
Division of Building Safety  
1090 E. Watertower St.  
P. O. Box 83720  
Meridian, ID 83642  
Phone: (208) 332-8986  
Fax: (208) 1-877-810-2840

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**THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 07-0204-1201**

**011. REQUIRED INSPECTIONS.**

**01. Ground Work Inspection Tags.** For ground work to be covered, with acceptance by the inspector. A tag will be attached in a prominent location, preferably to a vertical riser. (5-8-09)

**02. Rough-In Inspection Tags.** For rough-in, prior to covering or concealing with acceptance by the inspector. A tag will be placed in a prominent location. (5-8-09)

**03. Final Inspection Tags.** For final, attached when the plumbing as specified on the permit is complete and conforms to the requirements of the code. (5-8-09)

**04. Inspection Tags for Unacceptable Plumbing.** ~~Red: Not acceptable, and~~ **Correction Notice** - when attached to the plumbing system means that the plumbing is not acceptable and that corrections will be required. Also, a reinspection and reinspection fee for such installations shall be required in accordance with IDAPA 07.02.03, "Rules Governing Permit Fee Schedule," Subsection 011.06. ~~(6-4-76)()~~

**IDAPA 07 - DIVISION OF BUILDING SAFETY**  
**07.02.06 - RULES CONCERNING UNIFORM PLUMBING CODE**

**DOCKET NO. 07-0206-1201**

**NOTICE OF RULEMAKING - PROPOSED RULE**

**AUTHORITY:** In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Sections 54-2601 and 54-2605, Idaho Code.

**PUBLIC HEARING SCHEDULE:** Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 17, 2012.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

**DESCRIPTIVE SUMMARY:** The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

Previously, the Idaho Plumbing Board, in collaboration with plumbing industry stakeholders, adopted the Idaho State Plumbing Code (ISPC) in lieu of the Uniform Plumbing Code (UPC) as the legal standard by which all plumbing installations performed in the state must be installed. The current rules provide specific amendments to various provisions of the 2003 UPC that the Plumbing Board has adopted over the years. The amendments in this rulemaking update several of those code amendments. Furthermore, the ISPC is modeled after the 2009 UPC and additional amendment to it is desired by the Board and stakeholders. The Board is statutorily required to make amendments to the ISPC utilizing the negotiated rulemaking process. Since the ISPC is modeled after the UPC, many of the existing amendments in the rule will remain in effect; however, additional amendments by the Board are desired and included, as well as amendments generated through the negotiated rulemaking process.

**FEE SUMMARY:** The following is a specific description of the fee or charge imposed or increased: None.

**FISCAL IMPACT:** The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year resulting from this rulemaking:

The proposed amendments will have a positive impact on both plumbing and general contractors due to the fact that, in most cases, the changes allow for fewer fixtures on commercial jobs, resulting in a cost reduction to the contractors and owners. The negative impact is minimal and would only apply to certain conditions in which the plumbing contractor would need to install one extra fitting. The proposed changes have no fiscal impact on the Division of Building Safety dedicated fund or the state of Idaho general fund.

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(1), Idaho Code, negotiated rulemaking was conducted. The Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in the May 2, 2012 Idaho Administrative Bulletin, [Vol. 12-5, page 51](#).

**INCORPORATION BY REFERENCE:** Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule:

The Idaho State Plumbing Code, Appendices and Amendments are being incorporated by reference into this rule because, previously, the Idaho Plumbing Board, in collaboration with plumbing industry stakeholders, adopted the Idaho State Plumbing Code (ISPC) in lieu of the Uniform Plumbing Code (UPC) as the legal standard by which all plumbing installations performed in the state must be installed.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the proposed rule, contact Steve Keys, Deputy Administrator - Operations at (208) 332-8986.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 24, 2012.

DATED this 28th day of August, 2012.

Steve Keys  
Deputy Administrator - Operations  
Division of Building Safety  
1090 E. Watertower St.  
P. O. Box 83720  
Meridian, ID 83642  
Phone: (208) 332-8986  
Fax: (208) 1-877-810-2840

**THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 07-0206-1201**

**IDAPA 07  
TITLE 02  
CHAPTER 06**

**07.02.06 - RULES CONCERNING ~~UNIFORM~~ IDAHO STATE PLUMBING CODE**

**001. TITLE AND SCOPE.**

**01. Title.** These rules shall be cited as IDAPA 07.02.06, "Rules Concerning ~~Uniform~~ Idaho State Plumbing Code," Division of Building Safety. ( )

**02. Scope.** These rules prescribe the use of the Idaho State Uniform Plumbing Code. (~~2-26-93~~)( )

**(BREAK IN CONTINUITY OF SECTIONS)**

**011. ADOPTION AND INCORPORATION BY REFERENCE OF THE ~~2003-UNIFORM~~ IDAHO STATE PLUMBING CODE.**

The ~~2003-Uniform~~ Idaho State Plumbing Code, including Appendices "A, B, D, E, ~~G, H, I, J,~~ and L," (herein ~~U.P.C.~~ ISPC) is adopted and incorporated by reference with ~~the following~~ amendments as prescribed by the Idaho Plumbing Board and contained herein this section. The Idaho State Plumbing Code is modeled after the 2009 Uniform Plumbing Code (UPC). The ~~2003-Uniform~~ Idaho State Plumbing Code is available at the Division of Building Safety, offices located at 1090 E. Watertower St., Suite 150, Meridian, Idaho 83642; ~~and at the Division of Building Safety, 1250 Ironwood Dr., Ste. 220, Coeur d'Alene, Idaho 83814; and 2055 Garrett Way, Building 1, Suite 4, Pocatello, Idaho 83201. It may also be accessed electronically online at http://dbs.idaho.gov/.~~ (~~4-6-05~~)( )

**01. Section 218.** Delete definition of "Plumbing System." Incorporate definition of "Plumbing System" as set forth in Section 54-2604, Idaho Code. (3-15-02)

**02. Section 315.4.** Add: Where unsuitable or soft material is encountered, excavate to a depth not less than two (2) pipe diameters below the pipe and replace with select backfill. Such backfill shall be sand, fine gravel, or stone and shall provide lateral support for the pipe. Where rock is encountered, the trench shall be excavated to a minimum depth of six (6) inches (152 mm) below the bottom of the pipe. Sand shall be added to provide uniform bedding and support for the pipe. The pipe shall not rest on any rock at any point, including joints. ( )

**023.** Section 316.1.6 Solvent Cement Plastic Pipe Joints. PVC DWV may be joined by the use of one-step solvent cement listed or labeled per U.P.C. Section 301.1.1. (4-6-05)( )

~~**03.** Section 402.3.1. Nonwater Urinals. Where nonwater urinals are installed they shall be listed and comply with the applicable standards referenced in Table 14-1. Nonwater urinals shall have a barrier liquid sealant to maintain a trap seal. Nonwater urinals shall permit the unimpeded flow of waste through the urinal to the sanitary drainage system. Nonwater urinals shall be cleaned and maintained in accordance with the manufacturer's instructions. Where nonwater urinals are installed they shall have a water distribution line rough-in to the urinal location to allow for the installation of an approved backflow prevention device in the event of a retrofit. (5-8-09)~~

**04.** Section 402.4 Metered Faucets. Self-closing or self-closing metering faucets may be installed on lavatories intended to serve the transient public, such as those in, but not limited to, service stations, train stations, airports, restaurants, convention halls, and rest stops. Installed metered faucets shall deliver a maximum of zero point two six (0.26) gallons (one point zero (1.0) liter) of water per use. ( )

**05.** Section 412.0 Minimum Number of Required Fixtures. Delete Section 412.0 and all subsections contained thereunder and replace with the following: ( )

**a.** 412.1 Fixture Count. Plumbing fixtures shall be provided for the type of building occupancy and in the minimum number shown in Table 412.1. The total occupant load and occupancy classification shall be determined in accordance with the building code. Occupancy classification not shown in Table 412.1 shall be considered separately by the Authority Having Jurisdiction. The minimum number of fixtures shall be calculated at fifty percent (50%) male and fifty percent (50%) female based on the total occupant load. Where information submitted indicates a difference in distribution of the sexes such information shall be used in order to determine the number of fixtures for each sex. Once the occupancy load and occupancy are determined, Table 412.1 shall be applied to determine the minimum number of plumbing fixtures required. Where applying the fixture ratios in Table 412.1 results in fractional numbers, such numbers shall be rounded to the next whole number. For multiple occupancies, fractional numbers shall be first summed and then rounded to the next whole number. ( )

**b.** 412.1.1 Family or Assisted-Use Toilet and Bathing Facilities. Where family or assisted-use toilet and bathing rooms are required, in applicable building regulations, the facilities shall be installed in accordance with those regulations. ( )

**c.** 412.2 Separate Facilities. Separate toilet facilities shall be provided for each sex, with the following exceptions: ( )

**i.** Residential installations. ( )

**ii.** In occupancies with a total occupant load of ten (10) or less, including customers and employees, one (1) toilet facility, designed for use by no more than one (1) person at a time, shall be permitted for use by both sexes. ( )

**iii.** In business and mercantile occupancies with a total occupant load of fifty (50) or less including customers and employees, one (1) toilet facility, designed for use by no more than one (1) person at a time, shall be permitted for use by both sexes. ( )

**d.** 412.3 Fixture Requirements for Special Occupancies. Additional fixtures shall be permitted to be required where unusual environmental conditions or referenced activities are encountered. In food preparation areas, fixture requirements shall be permitted to be dictated by health codes. ( )

**e.** 412.4 Toilet Facilities Serving Employees and Customers. Each building or structure shall be provided with toilet facilities for employees and customers. Requirements for customers and employees shall be permitted to be met with a single set of restrooms accessible to both groups. Required toilet facilities for employees and customers located in shopping malls or centers shall be permitted to be met by providing a centrally located toilet facility accessible to several stores. The maximum travel distance from entry to any store to the toilet facility shall not exceed three hundred (300) feet (91.4 m). Required toilet facilities for employees and customers in other than

shopping malls or centers shall have a maximum travel distance not to exceed five hundred (500) feet (152.4 m). ( )

**f.** 412.4.1 Access to Toilet Facilities. In multi-story buildings, accessibility to the required toilet facilities shall not exceed one (1) vertical story. Access to the required toilet facilities for customers shall not pass through areas designated as for employee use only such as kitchens, food preparation areas, storage rooms, closets, or similar spaces. Toilet facilities accessible only to private offices shall not be counted to determine compliance with this section. ( )

**g.** 412.5 Toilet Facilities for Workers. Toilet facilities shall be provided and maintained in a sanitary condition for the use of workers during construction. ( )

**06.** Table 4-1 Minimum Plumbing Facilities. Delete Table 4-1 and replace with the following Table 412.1:

**TABLE 412.1**  
**MINIMUM PLUMBING FACILITIES<sup>1</sup>**

Each building shall be provided with sanitary facilities, including provisions for persons with disabilities as prescribed by the Department Having Jurisdiction. Table 412.1 applies to new buildings, additions to a building, and changes of occupancy or type in an existing building resulting in increased occupant load.

TYPE OF OCCUPANCY <sup>2</sup>	WATER CLOSETS (FIXTURES PER PERSON) <sup>3</sup>		URINALS (FIXTURES PER PERSON)	LAVATORIES (FIXTURES PER PERSON)		BATHTUBS OR SHOWERS (FIXTURES PER PERSON)	DRINKING FOUNTAINS/ FACILITIES (FIXTURES PER PERSON)	OTHER
	Male	Female	Male	Male	Female			
<u>A-1 Assembly occupancy (fixed or permanent seating)- theatres, concert halls and auditoriums</u>	1: 1-100 2: 101-200 3: 201-400	1: 1-25 2: 26-50 3: 51-100 4: 101-200 6: 201-300 8: 301-400	1: 1-200 2: 201-300 3: 301-400 4: 401-600	1: 1-200 2: 201-400 3: 401-600 4: 601-750	1: 1-100 2: 101-200 4: 201-300 5: 301-500 6: 501-750		1: 1-250 2: 251-500 3: 501-750	1 service sink or laundry tray
	Over 400, add 1 fixture for each additional 500 males and 1 fixture for each additional 125 females.		Over 600, add 1 fixture for each additional 300 males.	Over 750, add 1 fixture for each additional 250 males and 1 fixture for each additional 200 females.		Over 750, add 1 fixture for each additional 500 persons.		
<u>A-2 Assembly occupancy- restaurants, pubs, lounges, night clubs and banquet halls</u>	1: 1-50 2: 51-150 3: 151-300 4: 301-400	1: 1-25 2: 26-50 3: 51-100 4: 101-200 6: 201-300 8: 301-400	1: 1-200 2: 201-300 3: 301-400 4: 401-600	1: 1-150 2: 151-200 3: 201-400	1: 1-150 2: 151-200 4: 201-400		1: 1-250 2: 251-500 3: 501-750	1 service sink or laundry tray
	Over 400, add 1 fixture for each additional 250 males and 1 fixture for each 125 females.		Over 600, add 1 fixture for each additional 300 males.	Over 400 add 1 fixture for each additional 250 males and 1 fixture for each additional 200 females.		Over 750, add 1 fixture for each additional 500 persons.		

<u>TYPE OF OCCUPANCY<sup>2</sup></u>	<u>WATER CLOSETS (FIXTURES PER PERSON)<sup>3</sup></u>		<u>URINALS (FIXTURES PER PERSON)</u>	<u>LAVATORIES (FIXTURES PER PERSON)</u>		<u>BATHTUBS OR SHOWERS (FIXTURES PER PERSON)</u>	<u>DRINKING FOUNTAINS/ FACILITIES (FIXTURES PER PERSON)</u>	<u>OTHER</u>
	Male	Female	Male	Male	Female			
<u>A-3 Assembly occupancy (typical without fixed or permanent seating)- arcades, places of worship, museums, libraries, lecture halls, gymnasiums (without spectator seating), indoor pools (without spectator seating)</u>	1: 1-100 2: 101-200 3: 201-400	1: 1-25 2: 26-50 3: 51-100 4: 101-200 6: 201-300 8: 301-400	1: 1-100 2: 101-200 3: 201-400 4: 401-600	1: 1-200 2: 201-400 3: 401-600 4: 601-750	1: 1-100 2: 101-200 4: 201-300 5: 301-500 6: 501-750		1: 1-250 2: 251-500 3: 501-750	1 service sink or laundry tray
	Over 400 add 1 fixture for each additional 500 males and 1 fixture for each additional 125 females.		Over 600, add 1 fixture for each additional 300 males.	Over 750, add 1 fixture for each additional 250 males and 1 fixture for each additional 200 females.		Over 750, add 1 fixture for each additional 500 persons.		
<u>A-4 Assembly occupancy (indoor activities or sporting events with spectator seating)- swimming pools, skating rinks, arenas and gymnasiums</u>	1: 1-100 2: 101-200 3: 201-400	1: 1-25 2: 26-50 3: 51-100 4: 101-200 6: 201-300 8: 301-400	1: 1-100 2: 101-200 3: 201-400 4: 401-600	1: 1-200 2: 201-400 3: 401-750	1: 1-100 2: 101-200 4: 201-300 5: 301-500 6: 501-750		1: 1-250 2: 251-500 3: 501-750	1 service sink or laundry tray
	Over 400, add 1 fixture for each additional 500 males and 1 fixture for each additional 125 females.		Over 600, add 1 fixture for each additional 300 males.	Over 750, add 1 fixture for each additional 250 males and 1 fixture for each additional 200 females.		Over 750, add 1 fixture for each additional 500 persons.		
<u>A-5 Assembly occupancy (outdoor activities or sporting events)- amusement parks, grandstands and stadiums</u>	1: 1-100 2: 101-200 3: 201-400	1: 1-25 2: 26-50 3: 51-100 4: 101-200 6: 201-300 8: 301-400	1: 1-100 2: 101-200 3: 201-400 4: 401-600	1: 1-200 2: 201-400 3: 401-750	1: 1-100 2: 101-200 4: 201-300 5: 301-500 6: 501-750		1: 1-250 2: 251-500 3: 501-750	1 service sink or laundry tray
	Over 400, add 1 fixture for each additional 500 males and 1 fixture for each additional 125 females.		Over 600, add 1 fixture for each additional 300 males.	Over 750, add 1 fixture for each additional 250 males and 1 fixture for each additional 200 females.		Over 750, add 1 fixture for each additional 500 persons.		



<u>TYPE OF OCCUPANCY</u> <sup>2</sup>	<u>WATER CLOSETS</u> <u>(FIXTURES PER PERSON)</u> <sup>3</sup>		<u>URINALS</u> <u>(FIXTURES PER PERSON)</u>	<u>LAVATORIES</u> <u>(FIXTURES PER PERSON)</u>		<u>BATHTUBS OR SHOWERS</u> <u>(FIXTURES PER PERSON)</u>	<u>DRINKING FOUNTAINS/FACILITIES</u> <u>(FIXTURES PER PERSON)</u>	<u>OTHER</u>
	Male	Female	Male	Male	Female			
<u>B Business occupancy</u> <u>(office, professional or service type transactions)-</u> <u>banks, vet clinics, hospitals,</u> <u>car wash, banks, beauty salons,</u> <u>ambulatory health care facilities,</u> <u>laundries and dry cleaning,</u> <u>educational institutions (above high school),</u> <u>or training facilities not located within school,</u> <u>post offices and printing shops</u>	Male 1: 1-50 2: 51-100 3: 101-200 4: 201-400	Female 1: 1-15 2: 16-30 3: 31-50 4: 51-100 8: 101-200 11: 201-400	Male 1: 1-100 2: 101-200 3: 201-400 4: 401-600	Male 1: 1-75 2: 76-150 3: 151-200 4: 201-300 5: 301-400	Female 1: 1-50 2: 51-100 3: 101-150 4: 151-200 5: 201-300 6: 301-400		1 per 150	1 service sink or laundry tray
	Over 400, add 1 fixture for each additional 500 males and 1 fixture for each additional 150 females.		Over 600, add 1 fixture for each additional 300 males.	Over 400, add 1 fixture for each additional 250 males and 1 fixture for each additional 200 females.				
<u>E Educational occupancy-</u> <u>private or public schools</u>	Male 1 per 50	Female 1 per 30	Male 1 per 100	Male 1 per 40	Female 1 per 40		1 per 150	1 service sink or laundry tray
<u>F1, F2 Factory or Industrial</u> <u>occupancy-fabricating or assembly work</u>	Male 1: 1-50 2: 51-75 3: 76-100	Female 1: 1-50 2: 51-75 3: 76-100		Male 1: 1-50 2: 51-75 3: 76-100	Female 1: 1-50 2: 51-75 3: 76-100	1 shower for each 15 persons exposed to excessive heat or to skin contamination with poisonous, infectious or irritating material.	1: 1-250 2: 251-500 3: 501-750  Over 750 add 1 fixture for each additional 500 persons.	1 service sink or laundry tray
	Over 100 add 1 fixture for each additional 40 persons.			Over 100 add 1 fixture for each additional 40 persons.				
<u>I-1 Institutional occupancy</u> <u>(houses more than 16 persons on a 24-hour basis)-</u> <u>substance abuse centers, assisted living,</u> <u>group homes, or residential facilities</u>	Male 1 per 15	Female 1 per 15		Male 1 per 15	Female 1 per 15	1 per 8	1 per 150	1 service sink or laundry tray

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<u>I-2 Institutional occupancy- medical, psychiatric, surgical or nursing homes</u>	<u>Hospitals and nursing homes- individual rooms and ward room</u>	1 per room			1 per room		1 per room	1 per 150	1 service sink or laundry tray
		1 per 8 patients			1 per 10 patients		1 per 20 patients		
	<u>Hospital Waiting or Visitor Rooms</u>	1 per room			1 per room			1 per room	
	<u>Employee Use</u>	Male 1: 1-15 2: 16-35 3: 36-55	Female 1: 1-15 3: 16-35 4: 36-55		Male 1 per 40	Female 1 per 40			
	Over 55, add 1 fixture for each additional 40 persons.								
<u>I-3 Institutional occupancy (houses more than 5 people)</u>	<u>Prisons</u>	1 per cell			1 per cell		1 per 20	1 per cell block/floor	
	<u>Correctional facilities or juvenile center</u>	1 per 8			1 per 10		1 per 8	1 per floor	1 service sink or laundry tray
	<u>Employee Use</u>	Male 1: 1-15 2: 16-35 3: 36-55	Female 1: 1-15 3: 16-35 4: 36-55		Male 1 per 40	Female 1 per 40		1 per 150	
		Over 55, add 1 fixture for each additional 40 persons.							
<u>I-4 Institutional occupancy (any age that receives care for less than 24 hours)</u>	Male 1: 1-15 2: 16-35 3: 36-55	Female 1: 1-15 3: 16-35 4: 36-55		Male 1 per 40	Female 1 per 40			1 per 150	1 service sink or laundry tray
	Over 55, add 1 fixture for each additional 40 persons.								

<u>TYPE OF OCCUPANCY<sup>2</sup></u>	<u>WATER CLOSETS (FIXTURES PER PERSON)<sup>3</sup></u>		<u>URINALS (FIXTURES PER PERSON)</u>	<u>LAVATORIES (FIXTURES PER PERSON)</u>		<u>BATHTUBS OR SHOWERS (FIXTURES PER PERSON)</u>	<u>DRINKING FOUNTAINS/FACILITIES (FIXTURES PER PERSON)</u>	<u>OTHER</u>
	<u>Male</u>	<u>Female</u>	<u>Male</u>	<u>Male</u>	<u>Female</u>			
<u>M Mercantile occupancy (the sale of merchandise and accessible to the public)</u>	<u>1: 1-100</u> <u>2: 101-200</u> <u>3: 201-400</u>	<u>1: 1-100</u> <u>2: 101-200</u> <u>4: 201-300</u> <u>6: 301-400</u>	<u>0: 1-200</u> <u>1: 201-400</u>	<u>1: 1-200</u> <u>2: 201-400</u>	<u>1: 1-200</u> <u>2: 201-300</u> <u>3: 301-400</u>		<u>1: 1-250</u> <u>2: 251-500</u> <u>3: 501-750</u>	<u>1 service sink or laundry tray</u>
	<u>Over 400 add 1 fixture for each additional 500 males and 1 fixture for each 200 females.</u>		<u>Over 400 add 1 fixture for each additional 500 males.</u>	<u>Over 400 add 1 fixture for each additional 500 males and 1 fixture for each 400 females.</u>			<u>Over 750 add 1 fixture for each additional 500 persons.</u>	
<u>R-1 Residential occupancy (minimal stay)- hotels, motels, bed and breakfast homes</u>	<u>1 per sleeping room</u>			<u>1 per sleeping room</u>		<u>1 per sleeping room</u>		<u>1 service sink or laundry tray</u>

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		<u>Male</u>	<u>Female</u>		<u>Male</u>	<u>Female</u>			
<u>R-2 Residential occupancy (long-term or permanent)</u>	<u>Dormitories</u>	<u>Male 1 per 10</u>	<u>Female 1 per 8</u>	<u>1 per 25</u>	<u>Male 1 per 12</u>	<u>Female 1 per 12</u>	<u>1 per 8</u>	<u>1 per 150</u>	<u>1 service sink or laundry tray</u>
		<u>Add 1 fixture for each additional 25 males and 1 fixture for each additional 20 females.</u>		<u>Over 150, add 1 fixture for each additional 50 males.</u>	<u>Add 1 fixture for each additional 20 males and 1 fixture for each additional 15 females.</u>				
	<u>Employee Use</u>	<u>Male 1: 1-15 2: 16-35 3: 36-55</u>	<u>Female 1: 1-15 3: 16-35 4: 36-55</u>		<u>Male 1 per 40</u>	<u>Female 1 per 40</u>			
		<u>Over 55, add 1 fixture for each additional 40 persons</u>							
	<u>Apartment house/unit</u>	<u>1 per apartment</u>			<u>1 per apartment</u>		<u>1 per apartment</u>		<u>1 kitchen sink per apartment, 1 laundry tray or 1 automatic clothes washer connection per unit or 1 laundry tray or 1 automatic clothes washer connection for each 12 units</u>
<u>R-3 Residential occupancy (long-term or permanent in nature) for more than 5 but does not exceed 16 occupants)</u>		<u>Male 1 per 10</u>	<u>Female 1 per 8</u>		<u>Male 1 per 12</u>	<u>Female 1 per 12</u>	<u>1 per 8</u>	<u>1 per 150</u>	<u>1 service sink or laundry tray</u>
		<u>Add 1 fixture for each additional 25 males and 1 fixture for each additional 20 females.</u>			<u>Add 1 fixture for each additional 20 males and 1 fixture for each additional 15 females.</u>				

TYPE OF OCCUPANCY <sup>2</sup>	WATER CLOSETS (FIXTURES PER PERSON) <sup>3</sup>		URINALS (FIXTURES PER PERSON)	LAVATORIES (FIXTURES PER PERSON)		BATHTUBS OR SHOWERS (FIXTURES PER PERSON)	DRINKING FOUNTAINS/FACILITIES (FIXTURES PER PERSON)	OTHER
	Male	Female		Male	Female			
<u>R-3 Residential occupancy (one and two family dwellings)</u>	1 per one and two family dwelling			1 per one and two family dwelling		1 per one and two family dwelling		1 kitchen sink and 1 automatic clothes washer connection per one and two family dwelling
<u>R-4 Residential occupancy (residential care or assisted living)</u>	Male 1 per 10	Female 1 per 8		Male 1 per 12	Female 1 per 12	1 per 8	1 per 150	1 service sink or laundry tray
<u>S-1, S-2 Storage occupancy-storage of goods, warehouse, aircraft hanger, food products, appliances</u>	Male 1: 1-100 2: 101-200 3: 201-400	Female 1: 1-100 2: 101-200 3: 201-400		Male 1: 1-200 2: 201-400 3: 401-750	Female 1: 1-200 2: 201-400 3: 401-750		1: 1-250 2: 251-500 3: 501-750	1 service sink or laundry tray
	Over 400, add 1 fixture for each additional 500 males and 1 fixture for each additional 150 females.			Over 750, add 1 fixture for each additional 500 persons.			Over 750, add 1 fixture for each additional 500 persons.	

**Notes:**

- <sup>1</sup> The figures shown are based upon one fixture being the minimum required for the number of persons indicated or any fraction thereof.
- <sup>2</sup> A restaurant is defined as a business that sells food to be consumed on the premises.
  - a. The number of occupants for a drive-in restaurant shall be considered as equal to the number of parking stalls.
  - b. Hand-washing facilities shall be available in the kitchen for employees.
- <sup>3</sup> The total number of required water closets for females shall be not less than the total number of required water closets and urinals for males.

~~047.~~ Section ~~420~~**18.0**. Pressure balance or thermostatic mixing valves are not required for high flow (over eight (8) g.p.m.) tub filler valves with hand shower sets attached. ( )

~~05.~~ Section ~~421.0~~. Delete. (4-6-05)

**08.** Section **504.1 Inspection of Chimneys or Vents**. Add the following to the end of section 504.1: Water heating appliances using Category 3 or 4 exhaust venting shall be tested in its entirety with five (5) pounds of air for fifteen (15) minutes. Plastic vents shall be constructed using manufacturer's instructions. ( )

**09.** Section **505.1 Location**. Add the following paragraph at the end of section 505.1: (3) Water heaters shall not be located in a crawl space. ( )

**10. Section 508.14 Installation in Residential Garages.** Replace 508.14 (1) with the following: Any plumbing appliance or appurtenance in residential garages and in adjacent spaces that open to the garage and are not part of the living space of a dwelling unit shall be installed so that burners, burner-ignition devices or other sources of ignition are located not less than eighteen (18) inches (450 mm) above the floor unless listed as flammable vapor ignition resistant. ( )

**11. Section 603.4.16.5 Residential Sprinkler System.** Add the following to the end of section 603.4.16.5: and the requirements of the Authority Having Jurisdiction (AHJ). ( )

~~06~~**12. Section 604.1. Materials.** Crosslinked Polyethylene (PEX) Tubing manufactured to ASTM – F876/F877 and tested, approved, and listed to ANSI/NSF 14 and 61, for potable water along with all applicable installation standards may be used for hot and cold water distribution systems within a building or cold water distribution systems outside of a building. Listed PE (polyethylene) water service and yard piping may be installed within a building (above ground and below ground) with one (1) joint, provided that only listed and approved metallic transition fittings shall be used. (4-6-05)

**13. Section 609.1 Installation.** Delete the following sentence: Water service yard piping shall be not less than twelve (12) inches (305 mm) below the average local frost depth; and replace it with the following: The cover shall be not less than forty-two (42) inches (1068mm) below grade. ( )

~~07~~**14. Section 609.4 Testing.** Testing. Deleting the phrase “Except for plastic piping,” at the beginning of the third sentence and add the following sentence at the end of the section: Plastic piping is to be tested in accordance with manufacturer’s installation standards. (4-6-05)( )

~~08~~**15. Section 609.10- Water #Hammer.** Does not apply to residential construction. (7-1-98)( )

~~09~~**16. Table 6-45 and Appendix Table A-2.** Change fixture unit loading value for both public and private for bathtub or combination bath/shower, and clothes washers to two (2) fixture units. (3-15-02)( )

~~10~~**7. Section 610.2. Add the following:** All new one (1) and two (2) family residences built slab on grade or that will have a finished basement at the time of final inspection must have a pre-plumbed water softener loop. The kitchen sink must have one (1) hot soft line and one (1) cold soft line and one (1) cold hard line. Exterior cold hose bibbs intended for irrigation purposes must be piped with hard water. (3-30-07)( )

~~11~~**8. Section 611.4- Table 6-8 Sizing of Residential Softeners.** Amend Footnote 3 to read: Over four (4) bathroom groups, softeners shall be sized according to the manufacturer’s standards. (4-6-05)( )

~~12~~**9. Table 7-3 Drainage Fixture Unit Valves (DFU).** Maximum unit loading and maximum length of drainage and vent piping. (EXCEPTION) The building drain and building sewer is not less than four (4) inches extending from its connection with the city or private sewer system and shall run full size to inside the foundation or building lines (ref: Section 717.0). Change fixture unit loading value for clothes washers, domestic for private to two (2) fixture units. (3-15-02)( )

~~13~~**20. Section 703.1—Underground Drainage and Vent Piping.** Add the following at the end of section 703.1: No portion of the drainage or vent system installed underground, underground under concrete or below a basement or cellar shall be less than two (2) inches in diameter. (3-15-02)( )

~~14~~**21. Section 703.2 and 710.5. Add Exception.** In single family dwellings, one (1) fixture unit may be allowed for each gallon per minute of flow from a pump or a sump ejector. (3-15-02)

~~15~~**22. Section 704.2.** Two inch (2”) and smaller double sanitary tees may be used for back to back or side by side fixture trap arms without increasing the barrel size. (4-6-05)

~~16~~**23. Section 704.3.** Delete. (5-3-03)

~~17~~**24. Table 7-5.** Change fixture unit loading value for one and a half (1 1/2) inch horizontal drainage to two (2) fixture units. (7-1-98)

**25. Section 707.0 Cleanouts.** Add the following: A clean out shall be installed for double sanitary tees two (2) inches (50 mm) or less in diameter that receive the discharge from fixture connections. Exception in Section 707.4 shall not apply. ( )

**26. Section 707.4 Cleanouts.** A full-sized accessible cleanout shall be installed in the vertical immediately above the floor or at the base of each waste or soil stack. A full-size cleanout extending to or above finished grade line shall be installed at the junction of the building drain and the building sewer (ref.: Section 719.1). Cleanouts shall be installed at fifty (50) foot intervals in horizontal drain lines two (2) inches or smaller. (3-15-02)

**27. Section 710.9.** Add: Exception: One (1) pump shall be permitted for "public use" occupancies provided that such tank receives the discharge of not more than one (1) water closet and ten (10) fixture units. ( )

**28. Section 712.1 Media.** In the first sentence, delete the phrase "except that plastic pipe shall not be tested with air." (4-6-05)( )

**29. Section 717.0 Size of Building Sewers.** Add the following to the end of section 717.0: Exception: The building drain and building sewer is not less than four (4) inches extending from its connection with the city or private sewer system and shall run full size to inside the foundation or building lines. ( )

**30. Section 801.2.3.** Add: Food preparation sinks, pot sinks, scullery sinks, dishwashing sinks, silverware sinks, commercial dishwashing machines, silverware-washing machines, steam kettles, potato peelers, ice cream dipper wells, and other similar equipment and fixtures must be indirectly connected to the drainage system by means of an air gap. The piping from the equipment to the receptor must not be smaller than the drain on the unit, but it must not be smaller than one (1) inch (twenty-five and four tenths (25.4) mm). (5-3-03)

**31. Section 801.4. Drains Connections from Water Distribution System.** Provisions must be made for the discharge of the water softener to terminate in an approved location. The drain line for a water softener must be three-fourths (3/4) inch minimum. A washer box with a dual outlet is an approved location as long as it is on the same floor or one (1) floor below the softener unit and the water softener drain line is a minimum three-fourths (3/4) inch. (3-30-07)( )

**32. Section 807.4.** A domestic dishwashing machine may be installed without the use of an airgap if the drain hose is looped to the bottom side of the counter top and secured properly. (3-15-02)

**33. Section 906.1.** Delete the existing provision and replace with the following: (4-2-08)

**a.** Roof venting. When conventional roof venting is utilized, each vent pipe or stack shall extend through its flashing and shall terminate vertically not less than six (6) inches (one hundred fifty-two (152) mm) above the roof nor less than one (1) foot (three hundred five (305) mm) from any vertical surface. (4-2-08)

**b.** Sidewall venting. When sidewall venting is utilized, the vent shall extend flush with the eaves/gable end, shall turn down using a ninety (90) degree ell, and shall terminate as close to the roof peak as possible. The vent end must be properly screened. Sidewall venting is acceptable on new or remodel construction on cabins, log homes, and residential or commercial buildings. (4-2-08)

**c.** Sidewall venting must meet the intent of Section 906.2 of the ~~UP~~ISPC. (4-2-08)( )

**34. Section 908. Exception - Vertical Wet Venting.** A horizontal wet vent may be created provided it is created in a vertical position and all other requirements of Section 908 of the ~~UP~~ISPC are met. (7-1-98)( )

**35. Section 909.0.** Add: Parameters for the limited use of Air Admittance Valves (A.A.V.). (4-2-08)

**a.** An A.A.V. may be used only in residential buildings. (4-2-08)

**b.** In remodels, an A.A.V. may be used with island fixtures or remotely located sinks such as in bar, kitchen, or laundry tray locations. An A.A.V. shall not be used in bathroom groups. (4-2-08)

- c. In new construction, an A.A.V. may be used on island fixture sinks. (4-2-08)
  - d. Each A.A.V. may be used to vent only one (1) floor. (4-2-08)
  - e. Each A.A.V. must be readily accessible. (4-2-08)
  - f. The cross-sectional area of venting must remain the same and must meet the largest required building drain. (4-2-08)
  - g. An A.A.V. shall only be installed in accordance with the manufacturer's installation standards as per ASSE 1051. (4-2-08)
  - h. An A.A.V. may not be used in an attic, crawl space, outside installation, or in connection with chemical or acid waste systems. (4-2-08)
- 236.** Section 1002.3. Trap arms may not exceed one hundred eighty (180) degrees of horizontal turn without the use of a cleanout. (3-15-02)

**37. Section 1007.0 Trap Seal Protection.** Delete section 1007.0 and replace with the following: Floor drains or similar traps directly connected to the drainage system and subject to infrequent use shall be protected with a trap seal primer or other approved trap seal protection device, except where not deemed necessary for safety or sanitation by the Authority Having Jurisdiction. Trap seal primers shall be accessible for maintenance. ( )

**38. Section 1016.1 Where Required.** Add the following to the end of section 1016.1: Floor drains installed in residential garages shall be permitted to use the interceptor as the fixture trap. ( )

**39. 1601.0 Gray Water Systems - General.** Add to this section the following paragraph: (G) Plumbing for a gray water system from any fixture up to, but not to include the exterior irrigation system tank shall be inspected by the Authority Having Jurisdiction. The Idaho Department of Environmental Quality (IDEQ) shall have jurisdiction to inspect and approve the installation of the exterior irrigation system tank and all piping therefrom to the point of disposal in accordance with IDAPA 58.01.03, "Individual/Subsurface Sewage Disposal Rules." Gray water system location and design criteria requirements related to irrigation and leaching shall be determined in accordance with the requirements as established by the IDEQ. ( )



## **IDAPA 07 - DIVISION OF BUILDING SAFETY**

### **07.03.01 - RULES OF BUILDING SAFETY**

#### **DOCKET NO. 07-0301-1201**

#### **NOTICE OF RULEMAKING - PROPOSED RULE**

**AUTHORITY:** In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Sections 39-4107 and 39-4109 Code.

**PUBLIC HEARING SCHEDULE:** Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 17, 2012.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

**DESCRIPTIVE SUMMARY:** The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

Adoption of the 2012 editions of the International Building Code and International Existing Building Code was the result of negotiated rulemaking involving the building industry, local building officials, and other interested stakeholders. Amendment proposals submitted by local building officials through this process resulted in the Board's recognition that amending several provisions could save property owners significant expense without an adverse effect on health and safety. Specifically, that drinking fountains and service sinks should only be required in certain business occupancies with an occupancy load of 30 persons or more, as opposed to the existing provision of 15 persons. Additionally, adoption of the 2012 building code captures the most up to date building code provisions consistent with recent amendments to accessibility standards in commercial facilities and places of public accommodation in accordance with the ADA. This rulemaking would result in the adoption of the 2012 International Building Code (IBC) and 2012 International Existing Building Code (IEBC) as the law in Idaho. Further amendments to the 2012 IBC would require drinking fountains and service sinks only in business occupancies with an occupancy load of more than 30 persons except for restaurants and mercantile establishments.

**FEE SUMMARY:** The following is a specific description of the fee or charge imposed or increased: None.

**FISCAL IMPACT:** The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year resulting from this rulemaking:

No impact to the general fund; increased short-term cost to code jurisdictions for code materials and training of inspectors. Amendments to the new code result in decreases in cost that offset minor cost increases associated with new provisions contained in the code. No significant additional costs of conformance with the new versions of the codes were brought forward in discussions before the Board.

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(1), Idaho Code, negotiated rulemaking was conducted. The Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in the March 7, 2012 Idaho Administrative Bulletin, [Vol. 12-3, page 23](#), and in the June 6, 2012 Idaho Administrative Bulletin, [Vol. 12-6, pages 15 and 16](#).

**INCORPORATION BY REFERENCE:** Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule:

Adoption of the International Building Code, 2012 Edition, with amendments; and adoption of the International Existing Building Code 2012 Edition.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the proposed rule, contact Steve Keys, Deputy Administrator - Operations at (208) 332-8986.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 24, 2012.

DATED this 28th day of August, 2012.

Steve Keys  
Deputy Administrator - Operations  
Division of Building Safety  
1090 E. Watertower St.  
P. O. Box 83720  
Meridian, ID 83642  
Phone: (208) 332-8986  
Fax: (208) 1-877-810-2840

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**THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 07-0301-1201**

**004. ADOPTION AND INCORPORATION BY REFERENCE.**

Under the provisions of Section 39-4109, Idaho Code, the codes enumerated in this Section are hereby adopted and incorporated by reference into IDAPA 07.03.01, "Rules of Building Safety," Division of Building Safety. The effective date of a 2009 edition of any of the codes adopted in this Section with any amendments identified thereto shall be January 1, 2011. Until such time, the 2006 edition of any such code enumerated in this Section without amendment will remain effective pursuant to Section 39-4109, Idaho Code. Copies of these documents may be reviewed at the office of the Division of Building Safety. The referenced codes may be obtained from International Code Council, 5360 Workman Mill Road, Whittier, California 90601-2298 or the [International Code Council](http://www.iccsafe.org) at <http://www.iccsafe.org>. (3-29-10)

**01. International Building Code. 2009~~12~~ Edition- with the following amendments: ~~(3-29-10)~~( )**

**a.** Delete footnote (f) contained under Table 2902.1 Minimum Number of Required Plumbing Fixtures, and replace with the following: Drinking fountains are not required for an occupant load of thirty (30) or fewer. ( )

**b.** Add the following footnote to Table 2902.1 Minimum Number of Required Plumbing Fixtures: (g) For business occupancies, excluding restaurants, and mercantile occupancies with an occupant load of thirty (30) or fewer, service sinks shall not be required. ( )

**02. International Residential Code. 2009 Edition. (3-29-10)**

**a.** Delete the exception contained under IRC section R101.2 - Scope. (4-7-11)

**b.** Delete item No. 2 contained under the "Building" subsection of IRC section R105.2 - Work exempt from permit, and replace with the following: 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. (4-7-11)

**c.** Delete item No. 7 contained under the "Building" subsection of IRC section R105.2 - Work exempt from permit, and replace with the following: Prefabricated swimming pools that are not greater than four (4) feet (one thousand, two hundred nineteen (1219) mm) deep. (4-7-11)

**d.** Delete IRC section R109.1.3 and replace with the following: Floodplain inspections. 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. (3-29-10)

e. IRC Table R302.1 Exterior Walls -- delete the figures contained in the last column of the table under the heading Minimum Fire Separation Distance, and replace with the following:

Minimum Fire Separation Distance	
Walls (fire-resistance rated):	< Three (3) Feet
Walls (not fire-resistance rated):	≥ Three (3) Feet
Projections (fire-resistance rated):	< Three (3) Feet
Projections (not fire-resistance rated):	≥ Three (3) Feet

(3-29-10)

f. Delete the exception contained under IRC section R302.2 -- Townhouses, and replace with the following: Exception: 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. (3-29-10)

g. Delete the exception contained under IRC section R313.1 -- Townhouse automatic fire sprinkler systems, and replace with the following: Exception: 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. (3-29-10)

h. Delete IRC section R313.2. (3-29-10)

i. Delete IRC section R322.1.10. (3-29-10)

j. Delete IRC section R322.2.2 paragraph 2.2, and replace with the following: The total net area of all openings shall be at least one (1) square inch (645 mm<sup>2</sup>) for each square foot (0.093 m<sup>2</sup>) 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. (3-29-10)

**03. International Existing Building Code.** 2009~~12~~ Edition. ~~(3-29-10)~~( )

**04. International Energy Conservation Code.** 2009 Edition with the following amendments. (4-7-11)

a. Add the following footnote to the title of Table 402.1.1 - Insulation and Fenestration Requirements by Component: <sup>k</sup>. For residential log home building thermal envelope construction requirements see section 402.6. (4-7-11)

b. Add the following section: 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: (4-7-11)

i. Sections 402.2 through 402.3, 403.2.1, 404.1 and Table 402.6; (4-7-11)

ii. Section 405 Simulated Performance Alternative (Performance); or (4-7-11)

iii. REScheck (U.S. Department of Energy Building Codes Program). (4-7-11)

c. Add Table 402.6 Log Home Prescriptive Thermal Envelope Requirements By Component 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 <sup>a</sup>	SKYLIGHT U-FACTOR	GLAZED FENESTRATION SHGC	CEILING R-VALUE	Min. Average LOG Size in inches	FLOOR R-VALUE	BASEMENT WALL R-VALUE <sup>d</sup>	SLAB R-VALUE & DEPTH <sup>b</sup>	CRAWL SPACE WALL R-VALUE <sup>d</sup>
5, 6 - High efficiency equipment path <sup>c</sup>	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.

(4-7-11)

**05. References to Other Codes.** 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. (3-29-10)

## **IDAPA 07 - DIVISION OF BUILDING SAFETY**

### **07.03.01 - RULES OF BUILDING SAFETY**

**DOCKET NO. 07-0301-1202**

#### **NOTICE OF RULEMAKING - PROPOSED RULE**

**AUTHORITY:** In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Sections 39-4107 and 39-4109 Code.

**PUBLIC HEARING SCHEDULE:** Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 17, 2012.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

**DESCRIPTIVE SUMMARY:** The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

Amendment proposals submitted by the public and local building officials through the negotiated rulemaking process resulted in the Board's recognition that amending several provisions could save property owners significant expense without an adverse effect on health and safety. Although this rulemaking amends several provisions of these codes for this purpose, it maintains the 2009 Residential Code and 2009 Energy Code as the law in Idaho. Specifically, this amendment prevents the requirement of carbon monoxide alarms within an existing residential dwelling merely because work is being performed on the exterior of the dwelling, or to other unrelated systems. It also provides energy cost savings in the area of fireplaces. Amendments prevent carbon monoxide alarms from being necessarily required in an existing dwelling unit merely upon the purchase of a permit for work involving the exterior of the dwelling, electrical work, or alteration or repairs of non-combustion plumbing or mechanical work. Additionally, amendment will require new wood-burning fireplaces to have tight-fitting flue dampers as opposed to gasketed doors; a much more workable solution recognized in the 2012 edition of the code.

**FEE SUMMARY:** The following is a specific description of the fee or charge imposed or increased: None.

**FISCAL IMPACT:** The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year resulting from this rulemaking:

Approval of the amendments will result in negligible decreases in permit fees due to reductions in the cost of construction, but the changes will significantly reduce the cost of construction which benefits the facility owner. No impact to the general fund.

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(1), Idaho Code, negotiated rulemaking was conducted. The Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in the March 7, 2012 Idaho Administrative Bulletin, [Vol. 12-3, page 23](#), and in the June 6, 2012 Idaho Administrative Bulletin, [Vol. 12-6, pages 15 and 16](#).

**INCORPORATION BY REFERENCE:** Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule:

Amendments to the International Residential Code, 2009 Edition; and amendments to the International Energy Conservation Code, 2009 Edition.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the proposed rule, contact Steve Keys, Deputy Administrator - Operations at (208) 332-8986.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 24, 2012.

DATED this 29th day of August, 2012.

Steve Keys  
Deputy Administrator - Operations  
Division of Building Safety  
1090 E. Watertower St.  
P. O. Box 83720  
Meridian, ID 83642  
Phone: (208) 332-8986  
Fax: (208) 1-877-810-2840

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**THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 07-0301-1202**

**004. ADOPTION AND INCORPORATION BY REFERENCE.**

Under the provisions of Section 39-4109, Idaho Code, the codes enumerated in this Section are hereby adopted and incorporated by reference into IDAPA 07.03.01, "Rules of Building Safety," Division of Building Safety. The effective date of a 2009 edition of any of the codes adopted in this Section with any amendments identified thereto shall be January 1, 2011. Until such time, the 2006 edition of any such code enumerated in this Section without amendment will remain effective pursuant to Section 39-4109, Idaho Code. Copies of these documents may be reviewed at the office of the Division of Building Safety. The referenced codes may be obtained from International Code Council, 5360 Workman Mill Road, Whittier, California 90601-2298 or the [International Code Council](http://www.iccsafe.org) at <http://www.iccsafe.org>. (3-29-10)

**01. International Building Code.** 2009 Edition. (3-29-10)

**02. International Residential Code.** 2009 Edition- with the following amendments: ~~(3-29-10)~~( )

**a.** Delete the exception contained under IRC section R101.2 - Scope. (4-7-11)

**b.** Delete item No. 2 contained under the "Building" subsection of IRC section R105.2 - Work exempt from permit, and replace with the following: 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. (4-7-11)

**c.** Delete item No. 7 contained under the "Building" subsection of IRC section R105.2 - Work exempt from permit, and replace with the following: Prefabricated swimming pools that are not greater than four (4) feet (one thousand, two hundred nineteen (1219) mm) deep. (4-7-11)

**d.** Delete IRC section R109.1.3 and replace with the following: Floodplain inspections. 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. (3-29-10)

**e.** IRC Table R302.1 Exterior Walls -- delete the figures contained in the last column of the table under the heading Minimum Fire Separation Distance, and replace with the following:

Minimum Fire Separation Distance	
Walls (fire-resistance rated):	< Three (3) Feet
Walls (not fire-resistance rated):	≥ Three (3) Feet
Projections (fire-resistance rated):	< Three (3) Feet
Projections (not fire-resistance rated):	≥ Three (3) Feet

(3-29-10)

**f.** Delete the exception contained under IRC section R302.2 -- Townhouses, and replace with the following: Exception: 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. (3-29-10)

**g.** Delete the exception contained under IRC section R313.1 -- Townhouse automatic fire sprinkler systems, and replace with the following: Exception: 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. (3-29-10)

**h.** Delete IRC section R313.2. (3-29-10)

**i.** Add the following to IRC section R315.2 - Where required in existing dwellings: 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. ( )

**ij.** Delete IRC section R322.1.10. (3-29-10)

**jk.** Delete IRC section R322.2.2 paragraph 2.2, and replace with the following: The total net area of all openings shall be at least one (1) square inch (645 mm<sup>2</sup>) for each square foot (0.093 m<sup>2</sup>) 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. (3-29-10)

**l.** Delete section N1102.4.3 and replace with the following: Fireplaces. New wood-burning fireplaces shall have tight-fitting flue dampers and outdoor combustion air. ( )

**03.** **International Existing Building Code.** 2009 Edition. (3-29-10)

**04.** **International Energy Conservation Code.** 2009 Edition with the following amendments. (4-7-11)

**a.** Add the following footnote to the title of Table 402.1.1 - Insulation and Fenestration Requirements by Component: <sup>k</sup> For residential log home building thermal envelope construction requirements see section 402.6. (4-7-11)

**b.** Delete section 402.4.3 and replace with the following: Fireplaces. New wood-burning fireplaces shall have tight-fitting flue dampers and outdoor combustion air. ( )

**bc.** Add the following section: 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: (4-7-11)

i. Sections 402.2 through 402.3, 403.2.1, 404.1 and Table 402.6; (4-7-11)

ii. Section 405 Simulated Performance Alternative (Performance); or (4-7-11)

iii. REScheck (U.S. Department of Energy Building Codes Program). (4-7-11)



**ed.** Add Table 402.6 Log Home Prescriptive Thermal Envelope Requirements By Component 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 <sup>a</sup>	SKYLIGHT U-FACTOR	GLAZED FENESTRATION SHGC	CEILING R-VALUE	Min. Average LOG Size in inches	FLOOR R-VALUE	BASEMENT WALL R-VALUE <sup>d</sup>	SLAB R-VALUE & DEPTH <sup>b</sup>	CRAWL SPACE WALL R-VALUE <sup>d</sup>
5, 6 - High efficiency equipment path <sup>c</sup>	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.

(4-7-11)

**05. References to Other Codes.** 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. (3-29-10)



## **IDAPA 07 - DIVISION OF BUILDING SAFETY**

### **07.03.12 - RULES GOVERNING MANUFACTURED OR MOBILE HOME INSTALLATIONS**

#### **DOCKET NO. 07-0312-1201 (FEE RULE)**

#### **NOTICE OF RULEMAKING - PROPOSED RULE**

**AUTHORITY:** In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Sections 44-2104, 44-2201 and 44-2202, Idaho Code.

**PUBLIC HEARING SCHEDULE:** Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 17, 2012.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

**DESCRIPTIVE SUMMARY:** The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

Amendment to the rules is necessary to align them with statutory changes that were approved last year. Those statutory amendments were made to ensure compliance with mandatory federal HUD requirements regarding inspections of installations and tracking of manufactured homes. The Division of Building Safety serves as the State Administrative Agency (SAA) responsible for enforcing the federal installation standards in Idaho and has obligated itself by agreement with HUD to ensure that all installations in the state will be inspected. Amendments will require an inspection of the installation of all new and used manufactured and mobile homes by either the Division of Building Safety or the local city or county having jurisdiction. In compliance with statute, criteria is also set forth for approval by the Division of an installation inspection program by local jurisdictions, as well as training criteria for all inspectors. A fee schedule applicable to the Division for various types of homes is established. Amendment will also require an installation tag for all new manufactured homes in order that their location and ownership may be tracked. Finally, amendment establishes the minimum requirements of each installation inspection that is performed.

**FEE SUMMARY:** The following is a specific description of the fee or charge imposed or increased:

Pursuant to the authority in Section 44-2202, Idaho Code, this rulemaking establishes fees for the installation of manufactured or mobile homes as follows:

The permit fee for installation of single section units will be one hundred fifty dollars (\$150); the permit fee for installation of a double section unit will be two hundred dollars (\$200); and the permit fee for installation of homes consisting of more than two (2) sections will be two hundred fifty dollars (\$250).

**FISCAL IMPACT:** The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year resulting from this rulemaking:

No impact on the general fund. The fees imposed for installation permits are designed to cover the costs of the inspection service, and as such are intended to provide revenue in line with incurred costs. The fees and costs incurred will be reviewed on an ongoing basis to assure they are appropriate. Should Idaho not provide the installation inspections, the federal government will provide the service at what would be anticipated to be a higher cost to the consumer.

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(1), Idaho Code, negotiated rulemaking was conducted. The Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in the April 4, 2012 Idaho Administrative Bulletin, [Vol. 12-4, page 14](#).

**INCORPORATION BY REFERENCE:** Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule: N/A

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the proposed rule, contact Steve Keys, Deputy Administrator - Operations at (208)

332-8986.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 24, 2012.

DATED this 10th day of August, 2012.

Steve Keys  
Deputy Administrator - Operations  
Division of Building Safety  
1090 E. Watertower St.  
P. O. Box 83720  
Meridian, ID 83642  
Phone: (208) 332-8986  
Fax: (208) 1-877-810-2840

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**THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 07-0312-1201**

**013. INSTALLATION PERMITS AND INSPECTIONS REQUIRED.**

**01. Installation Permit.** The owner or the installer of a manufactured or mobile home ~~must~~ shall obtain an installation permit ~~as required by~~ in accordance with the requirements of Section 44-2202, Idaho Code. Installation permits shall be obtained from the Division of Building Safety for installations in areas where there is no approved local program, or from a city or county that has by ordinance before installing a adopted building codes pursuant to Section 39-4116, Idaho Code, and whose installation program has been approved by the Division. Installation permits shall only be issued to the owner of the manufactured or mobile home that will be used as a residence on a building site or in a park or to a licensed installer. The installer must have a current and valid license in effect at the time of the application for the installation permit. All installations shall be inspected and approved by the authority having jurisdiction before the manufactured home is occupied. (5-3-03)( )

**02. City or County Jurisdiction.** ~~Cities and counties, which have by ordinance adopted a building code, shall establish a permit process for the installation of all manufactured or mobile homes within their respective jurisdictions and shall provide for inspection of all work required by the installation provisions of the Idaho Manufactured Home Installation, pursuant to the provisions of Section 44-2202, Idaho Code. Fees for installation permits and inspections shall be as established by the city or county having jurisdiction.~~ (5-3-03)

**014. INSTALLATION PERMIT FEES.**

A city or county whose installation inspection program has been approved by the Division shall establish their own fee schedule for installation permits within their jurisdiction. Permits obtained from the Division shall be accompanied by a fee in accordance with the following schedule: ( )

**01. Single Section Unit.** The permit fee for a single section unit shall be one hundred fifty dollars (\$150). ( )

**02. Double Section Unit.** The permit fee for a double section unit shall be two hundred dollars (\$200). ( )

**03. More Than Two Sections.** The permit fee for a home consisting of more than two (2) sections shall be two hundred fifty dollars (\$250). ( )

**04. Electrical and Plumbing Permits.** Electrical and plumbing permits are administered separately

from installation permits, and fees for such are separate from the fees identified in Section 014. Such fees shall be paid to the Division or other jurisdiction in accordance with the rules promulgated by the governing boards or local ordinance. ( )

**015. INSTALLATION TAGS REQUIRED.**

The owner or installer of a new manufactured home must purchase an installation tag from the Division of Building Safety prior to commencing the installation of a manufactured home in Idaho. Such tag is required regardless of which jurisdiction has authority to perform the installation inspection. The fee for the installation tag shall be fifty dollars (\$50). ( )

**016. APPROVAL OF LOCAL MANUFACTURED HOME INSTALLATION INSPECTION PROGRAMS.**

**01. Division Approval.** A city or county that has by ordinance adopted a building code pursuant to Section 39-4116, Idaho Code, is eligible to participate in the inspection of manufactured and mobile homes. Such local installation inspection program shall be approved by the Division to provide inspection services if the following minimum criteria is met: ( )

**a.** Inspections are conducted by the city or county employing inspectors holding a valid certification as residential building inspector from the International Code Council; ( )

**b.** Inspectors have attended annual training sessions provided or approved by the Division of Building Safety and received a certificate evidencing successful completion thereof; and ( )

**c.** Approval of a city or county's inspection program has not been withdrawn by the Administrator of the Division of Building Safety. ( )

**02. Voluntary Withdrawal.** A city or county may voluntarily withdraw from participation in the program to inspect manufactured homes upon providing to the Administrator of the Division of Building Safety ninety (90) days written notice of its intention to do so. ( )

**017. WITHDRAWAL OF APPROVAL OF PROGRAMS.**

**01. Division Withdrawal.** Approval of city or county manufactured home installation program may be withdrawn by the Division of Building Safety if it determines that the city or county's program has failed, upon notification of the program deficiencies, to adequately remedy such deficiencies within a period of time specified by the Administrator. ( )

**02. Administrative Proceedings.** Proceedings which may result in the denial or withdrawal of approval shall be conducted in accordance with Title 67, Chapter 52, Idaho Code, and IDAPA 04.11.01, "Idaho Rules of Administrative Procedure of the Attorney General." ( )

**03. Re-Approval.** Re-approval of a program may be made by the Division when it determines that the reasons for the withdrawal have been remedied. ( )

**018. MINIMUM TRAINING REQUIREMENTS FOR INSPECTORS.**

**01. Annual Training or Instruction.** All installation inspectors employed by the Division of Building Safety or a city or county shall complete four (4) hours of annual training or instruction dedicated to the installation and inspection of manufactured and mobile homes. ( )

**02. Division Approval.** All training and instruction shall be approved by the Division in order to qualify and satisfy the requirements in Subsection 018.01 of these rules. ( )

**03. Revocation of Approval.** Training or instruction approval is subject to revocation by the Division if in its discretion it determines that for any reason the training or instruction fails to meet the intent of furthering the education of manufactured home installation inspectors including, but not limited to, inadequacies in course content

or methods of delivery. ( )

**019. QUALITY ASSURANCE.**

**01. Inspected Installations.** Any inspected installation shall be subject to quality assurance reviews by Division of Building Safety at its discretion. Findings made by the Division pursuant to such reviews shall be forwarded to the inspection authority having jurisdiction. ( )

**02. Inspectors and Programs.** All inspectors and approved programs including Division of Building Safety shall be subject to review. ( )

**03. Reviews by Division Personnel.** Quality assurance reviews shall be performed by Division of Building Safety supervisory personnel who are experienced in and knowledgeable about the installation requirements for manufactured homes. ( )

**04. Division Personnel Training and Certification.** Supervisory personnel as identified in Section 019 of these rules, shall meet minimum training and certification requirements for inspectors of manufactured home installations ( )

**020. MINIMUM SCOPE OF INSTALLATION INSPECTION.**

**01. Scope.** At a minimum, the inspection of the installation of a manufactured home shall include the following by an installer: ( )

**a.** Completion of an inspection record document as required by Section 44-2202(5), Idaho Code. The inspection record document shall verify that the installer has visually inspected the installation and shall certify that the exterior and interior close-up processes, including the marriage line and other covered-up components, have been completed; ( )

**b.** Delivery of a copy of the completed inspection record document to the homeowner and the authority having jurisdiction; ( )

**c.** Verification that all installed ductwork, plumbing, electrical and fuel supply systems are operating properly; and ( )

**d.** If applicable, verification that skirting has been installed correctly. ( )

**02. Inspection Minimum Requirements.** At a minimum, the inspection of the installation of a manufactured home shall include the following by an inspector: ( )

**a.** Verification that site location is suitable for home design and construction, and inspection of site-specific conditions, including preparation and grading for drainage; ( )

**b.** Inspection of the foundation construction; ( )

**c.** Verification that installed anchorage meets minimum requirements; and ( )

**d.** Verification of receipt of a completed inspection record document from the installer. ( )

**~~014~~21. SUPERVISION BY RESPONSIBLE MANAGING EMPLOYEE.**

A responsible managing employee, as the term is defined in IDAPA 07.03.11, "Rules Governing Manufactured/Mobile Home Licensing," Subsection 004.18, shall personally supervise any installation of a manufactured or mobile home at its place of occupancy unless the installer licensee personally supervises such installation. (5-3-03)

**~~015~~22. LICENSE SUSPENSION OR REVOCATION.**

The administrator may suspend or revoke or not renew any license for any willful or repeated violation of these rules or Title 44, Chapters 21 or 22, Idaho Code. Any such proceeding shall be handled as a contested case and according

to the procedures set forth in IDAPA 07.03.11, "Rules Governing Manufactured/Mobile Home Licensing," Title 67, Chapter 52, Idaho Code, and IDAPA 04.11.01, "Idaho Rules of Administrative Procedure of the Attorney General."  
(5-3-03)

~~01623~~. -- 999. (RESERVED)

## PROPOSED RULE COST/BENEFIT ANALYSIS

Section 67-5223(3), Idaho Code, requires the preparation of an economic impact statement for all proposed rules imposing or increasing fees or charges. This cost/benefit analysis, which must be filed with the proposed rule, must include the reasonably estimated costs to the agency to implement the rule and the reasonably estimated costs to be borne by citizens, or the private sector, or both.

**Department or Agency:** Division of Building Safety

**Agency Contact:** Steve Keys, Deputy Administrator - Operations **Phone:** (208) 332-8986

**Date:** August 13, 2012

**IDAPA, Chapter and Title Number and Chapter Name:** IDAPA 07.03.12 – Rules Governing Manufactured or Mobile Home Installations

**Fee Rule Status:**      **Proposed**            \_\_\_ **Temporary**

**Rulemaking Docket Number:** 07-0312-1201

### STATEMENT OF ECONOMIC IMPACT:

There will be no fiscal impact to the general fund. The fees imposed for installation permits are designed to cover the costs of the inspection service, and as such are intended to provide revenue in line with incurred costs. The fees and costs incurred will be reviewed on an ongoing basis to assure they are appropriate. Should Idaho not provide the installation inspections, the federal government will provide the service at what would be anticipated to be a higher cost to the consumer.

## IDAPA 07 - DIVISION OF BUILDING SAFETY

### 07.07.01 - RULES GOVERNING INSTALLATION OF HEATING, VENTILATION, AND AIR CONDITIONING SYSTEMS

DOCKET NO. 07-0701-1201

#### NOTICE OF RULEMAKING - TEMPORARY AND PROPOSED RULE

**EFFECTIVE DATE:** The effective date of the temporary rule is September 1, 2012.

**AUTHORITY:** In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed rulemaking procedures have been initiated. The action is authorized pursuant to Sections 54-5001 and 54-5005(2), Idaho Code.

**PUBLIC HEARING SCHEDULE:** Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 17, 2012.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

**DESCRIPTIVE SUMMARY:** The following is the required finding and concise statement of its supporting reasons for adopting a temporary rule and a nontechnical explanation of the substance and purpose of the proposed rulemaking:

Both DBS and local jurisdictions have encountered installations where the plastic pipe used to vent gas appliances was improperly connected, potentially allowing the release of carbon monoxide into a building. This change requires the contractor to test the piping, assuring that joints and connections are properly made. This rulemaking requires all plastic pipe within a dwelling used for venting flue gases to be tested at five (5) psi for fifteen (15) minutes.

**TEMPORARY RULE JUSTIFICATION:** Pursuant to Section(s) 67-5226(1)(a), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons:

A significant health and safety concern can potentially result where the plastic pipe used to vent gas appliances is improperly connected, potentially allowing the release of carbon monoxide into a building. HVAC enforcement jurisdictions have encountered such installations with sufficient frequency to be of concern.

**FEE SUMMARY:** The following is a specific description of the fee or charge imposed or increased: None.

**FISCAL IMPACT:** The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year:

No impact on the general or dedicated funds is expected. Some additional costs to installers will result.

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(1), Idaho Code, negotiated rulemaking was conducted. The Notice of Intent to Promulgate Rules – Negotiated Rulemaking was published in the May 2, 2012 Idaho Administrative Bulletin, [Vol. 12-5, page 52](#).

**INCORPORATION BY REFERENCE:** Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule:

Amendment to the International Fuel Gas Code, 2009 Edition; and Amendment to Part V (Mechanical) and Part VI (Fuel Gas) of the International Residential Code for One- and Two-Family Dwellings, 2009 Edition is necessary to prevent the potential release of carbon monoxide into a building.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the temporary and proposed rule, contact Steve Keys, Deputy Administrator - Operations at (208) 332-8986.

Anyone may submit written comments regarding the proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 24, 2012.

DATED this 21st day of August, 2012.

Steve Keys  
Deputy Administrator - Operations  
Division of Building Safety  
1090 E. Watertower St.  
P. O. Box 83720  
Meridian, ID 83642  
Phone: (208) 332-8986  
Fax: (208) 1-877-810-2840

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**THE FOLLOWING IS THE TEMPORARY RULE AND PROPOSED TEXT  
OF DOCKET NO. 07-0701-1201**

**005. ADOPTION AND INCORPORATION BY REFERENCE OF THE INTERNATIONAL FUEL GAS CODE, 2009 EDITION.**

**01. International Fuel Gas Code.** The 2009 Edition, including appendixes “A, B, C, and D,” (herein IFGC) is adopted and incorporated by reference with the following amendments: (4-7-11)

**a.** Where differences occur between the IFGC and Title 54, Chapter 50, Idaho Code and IDAPA 07, Title 07, the provisions in Idaho Code and IDAPA rules shall apply. (4-11-06)

**b.** All references to the International Plumbing Code (IPC) shall be construed as referring to the Uniform Plumbing Code (UPC) as adopted and amended by the Idaho State Plumbing Board. (4-11-06)

**c.** All references to the International Code Council Electrical Code (ICC EC) shall be construed as referring to the National Electrical Code (NEC) as adopted and amended by the Idaho State Electrical Board. (4-11-06)

**d.** Section 109. Delete. (7-1-10)

**e.** Section 406.4. Change the last sentence to: Mechanical gauges used to measure test pressure shall have a range such that the highest end of the scale is not greater than two (2) times the test pressure nor lower than one and one-half (1.5) times the test pressure. (4-11-06)

**f.** Section 406.4.1. Test Pressure. Not less than twenty (20) psig (140kPa gauge) test pressure shall be required for systems with a maximum working pressure up to ten (10) inches water column. For systems with a maximum working pressure between ten (10) inches water column and ten (10) psig (70kPa gauge); not less than sixty (60) psig (420kPa gauge) test pressure shall be required. For systems over ten (10) psig (70kPa gauge) working pressure, minimum test pressure shall be no less than six (6) times working pressure. (4-11-06)

**g.** Section 406.4.2. The test duration shall not be less than twenty (20) minutes. (4-11-06)

**h.** Section 408.4. Sediment Trap. Delete the last sentence and replace it with the following: Illuminating appliances, ranges, clothes dryers, outdoor grills, decorative vented appliances for installation in vented fireplaces, and gas fireplaces need not be so equipped. (4-7-11)



**i.** Add a new section 503.4.1.2 as follows: Testing. All plastic pipe within a dwelling used for venting flue gases shall be tested at five (5) psi for fifteen (15) minutes. (9-1-12)T

**ij.** Section 505.1.1. Addition. An interlock between the cooking appliance and the exhaust hood system shall not be required for appliances that are of the manually operated type and are factory equipped with standing pilot burner ignition systems. (4-11-06)

**02.** **Availability of the International Fuel Gas Code.** The 2009 Edition is available at the Division of Building Safety offices located at 1090 E. Watertower St., Suite 150 Meridian, Idaho 83642, 1250 Ironwood Dr., Ste. 220, Coeur d'Alene, Idaho 83814, and 2055 Garrett Way, Building 1, Suite 4, Pocatello, Idaho 83201. (4-7-11)

**006. ADOPTION AND INCORPORATION BY REFERENCE OF PART V (MECHANICAL) AND PART VI (FUEL GAS) OF THE INTERNATIONAL RESIDENTIAL CODE FOR ONE (1)- AND TWO (2)-FAMILY DWELLINGS, 2009 EDITION.**

**01. Part V (Mechanical) and Part VI (Fuel Gas) of the International Residential Code for One (1)- and Two (2)-Family Dwellings.** The 2009 Edition, including appendixes "A, B, C, and D," (herein IRC) is adopted and incorporated by reference with the following amendments: (4-7-11)

**a.** Where differences occur between the IRC and Title 54, Chapter 50, Idaho Code, and IDAPA 07, Title 07, Chapter 01, the provisions in Idaho Code and IDAPA rules shall apply. (4-7-11)

**b.** All references to the International Plumbing Code (IPC) shall be construed as referring to the Uniform Plumbing Code (UPC) as adopted and amended by the Idaho State Plumbing Board. (4-7-11)

**c.** All references to the International Code Council Electrical Code (ICC EC) shall be construed as referring to the National Electrical Code (NEC) as adopted and amended by the Idaho State Electrical Board. (4-7-11)

**d.** Section M1401.3. Sizing requirements shall be as established by the authority having jurisdiction. (4-7-11)

**e.** Section G2417.4 (406.4). Change the last sentence to: Mechanical gauges used to measure test pressure shall have a range such that the highest end of the scale is not greater than two (2) times the test pressure nor lower than one and one-half (1.5) times the test pressure. (4-7-11)

**f.** Section G2417.4.1 (406.4.1). Test Pressure. Not less than twenty (20) psig (one hundred forty (140) kPa gauge) test pressure shall be required for systems with a maximum working pressure up to ten (10) inches water column. For systems with a maximum working pressure between ten (10) inches water column and ten (10) psig (seventy (70) kPa gauge), not less than sixty (60) psig (four hundred twenty (420) kPa gauge) test pressure shall be required. For systems over ten (10) psig (seventy (70) kPa gauge) working pressure, minimum test pressure shall be no less than six (6) times working pressure. (4-7-11)

**g.** Section G2417.4.2 (406.4.2). The test duration shall not be less than twenty (20) minutes. (4-7-11)

**h.** Add a new section G2427.4.1.2 as follows: Testing. All plastic pipe within a dwelling used for venting flue gases shall be tested at five (5) psi for fifteen (15) minutes. (9-1-12)T

**02. Availability of the International Residential Code for One (1)- and Two (2)-Family Dwellings.** The 2009 Edition is available at the Division of Building Safety offices located at 1090 E. Watertower St., Suite 150 Meridian, Idaho 83642, 1250 Ironwood Dr., Ste. 220, Coeur d'Alene, Idaho 83814, and 2055 Garrett Way, Building 1, Suite 4, Pocatello, Idaho 83201. (4-7-11)

## IDAPA 07 - DIVISION OF BUILDING SAFETY

### 07.07.01 - RULES GOVERNING INSTALLATION OF HEATING, VENTILATION, AND AIR CONDITIONING SYSTEMS

DOCKET NO. 07-0701-1202

#### NOTICE OF RULEMAKING - PROPOSED RULE

**AUTHORITY:** In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Sections 54-5001, 54-5004 and 54-5005(2), Idaho Code.

**PUBLIC HEARING SCHEDULE:** Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 17, 2012.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

**DESCRIPTIVE SUMMARY:** The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

Currently the provisions of the International Residential Code adopted by the HVAC Board require appliances to be listed. This change provides a procedure for approval of unlisted appliances and is especially useful when dealing with restored antique stoves. The change requiring carbon monoxide detectors will assure that detectors are installed in areas where there is no local building code enforcement program. This rulemaking incorporates important sections of the IRC into the authority of the DBS and HVAC Board. It allows the DBS to accept the use of alternative materials, designs, or methods of construction if it complies with the intent of the code and is at least equivalent to the requirements prescribed by the code. It also allows the DBS to require tests of installation to ensure compliance with the code whenever there is insufficient evidence of such or to substantiate requests for alternative methods or materials. Finally, it requires the installation of carbon monoxide alarms in dwelling units.

**FEE SUMMARY:** The following is a specific description of the fee or charge imposed or increased: None.

**FISCAL IMPACT:** The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year resulting from this rulemaking:

No impact on the general fund or the dedicated HVAC Board fund is expected. Positive impact on stakeholders is expected by allowing the agency to consider and potentially approve appliances that are not listed; this is particularly applicable to antique stoves. Carbon monoxide detectors are currently required by the portion of the International Residential Code (IRC) enforced by building inspectors; consequently, a negligible fiscal impact on property owners is expected.

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(1), Idaho Code, negotiated rulemaking was conducted. The Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in the May 2, 2012 Idaho Administrative Bulletin, [Vol. 12-5, page 52](#).

**INCORPORATION BY REFERENCE:** Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule:

Amendment to Part V (Mechanical) and Part VI (Fuel Gas) of the International Residential Code for One- and Two-Family Dwellings, 2009 Edition, is necessary to provide a procedure for approval of unlisted appliances which is especially useful when dealing with restored antique stoves. The change requiring carbon monoxide detectors will assure that detectors are installed in areas where there is no local building code enforcement program.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the proposed rule, contact Steve Keys, Deputy Administrator - Operations at (208) 332-8986.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 24, 2012.

DATED this 28th day of August, 2012.

Steve Keys  
Deputy Administrator - Operations  
Division of Building Safety  
1090 E. Watertower St.  
P. O. Box 83720  
Meridian, ID 83642  
Phone: (208) 332-8986  
Fax: (208) 1-877-810-2840

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**THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 07-0701-1202**

**006. ADOPTION AND INCORPORATION BY REFERENCE OF PART V (MECHANICAL) AND PART VI (FUEL GAS) OF THE INTERNATIONAL RESIDENTIAL CODE FOR ONE (1)- AND TWO (2)- FAMILY DWELLINGS, 2009 EDITION.**

**01. Part V (Mechanical) and Part VI (Fuel Gas) of the International Residential Code for One (1)- and Two (2)-Family Dwellings.** The 2009 Edition, including appendixes “A, B, C, and D,” (herein IRC) is adopted and incorporated by reference with the following amendments: (4-7-11)

**a.** Where differences occur between the IRC and Title 54, Chapter 50, Idaho Code, and IDAPA 07, Title 07, Chapter 01, the provisions in Idaho Code and IDAPA rules shall apply. (4-7-11)

**b.** All references to the International Plumbing Code (IPC) shall be construed as referring to the Uniform Plumbing Code (UPC) as adopted and amended by the Idaho State Plumbing Board. (4-7-11)

**c.** All references to the International Code Council Electrical Code (ICC EC) shall be construed as referring to the National Electrical Code (NEC) as adopted and amended by the Idaho State Electrical Board. (4-7-11)

**d.** Add the following as section M1201.3 and section G2402.4 (201.4): Alternative materials, design and methods of construction equipment. The provisions of this part of the code are not intended to prevent the installation of any material or to prohibit any design or method of construction not specifically prescribed by this code, provided that any such alternative has been approved. An alternative material, design or method of construction shall be approved where the authority having jurisdiction finds that the proposed design is satisfactory and complies with the intent of the provisions of this code, and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in this code. Compliance with the specific performance-based provisions of this part of the code in lieu of specific requirements of this code shall also be permitted as an alternate. ( )

**e.** Add the following as section M1201.3.1 and section G2402.4.1 (201.4.1): Tests. Whenever there is insufficient evidence of compliance with the provisions of this part of the code, or evidence that a material or method does not conform to the requirements of this part of the code, or in order to substantiate claims for alternative materials or methods, the authority having jurisdiction shall have the authority to require tests as evidence of compliance to be made at no expense to the jurisdiction. Test methods shall be as specified in this code or by other recognized test standards. In the absence of recognized and accepted test methods, the authority having jurisdiction shall approve the testing procedures. Tests shall be performed by an approved agency. Reports of such tests shall be

retained by the authority having jurisdiction for the period required for retention of public records. ( )

f. Add the following as section M1203.1: Carbon monoxide alarms. For new construction, an approved carbon monoxide alarm shall be installed outside of each separate sleeping area in the immediate vicinity of the bedrooms in dwelling units within which fuel-fired appliances are installed and in dwelling units that have attached garages. ( )

g. Add the following as section M1203.2: 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 Subsection 006.01.f. of these rules. ( )

h. Add the following as section M1203.3: Alarm requirements. Single station carbon monoxide alarms shall be listed as complying with UL 2034 and shall be installed in accordance with this code and the manufacturer's installation instructions. ( )

di. Section M1401.3. Sizing requirements shall be as established by the authority having jurisdiction. (4-7-11)

ej. Section G2417.4 (406.4). Change the last sentence to: Mechanical gauges used to measure test pressure shall have a range such that the highest end of the scale is not greater than two (2) times the test pressure nor lower than one and one-half (1.5) times the test pressure. (4-7-11)

fk. Section G2417.4.1 (406.4.1). Test Pressure. Not less than twenty (20) psig (one hundred forty (140) kPa gauge) test pressure shall be required for systems with a maximum working pressure up to ten (10) inches water column. For systems with a maximum working pressure between ten (10) inches water column and ten (10) psig (seventy (70) kPa gauge), not less than sixty (60) psig (four hundred twenty (420) kPa gauge) test pressure shall be required. For systems over ten (10) psig (seventy (70) kPa gauge) working pressure, minimum test pressure shall be no less than six (6) times working pressure. (4-7-11)

gl. Section G2417.4.2 (406.4.2). The test duration shall not be less than twenty (20) minutes. (4-7-11)

**02. Availability of the International Residential Code for One (1)- and Two (2)-Family Dwellings.** The 2009 Edition is available at the Division of Building Safety offices located at 1090 E. Watertower St., Suite 150 Meridian, Idaho 83642; 1250 Ironwood Dr., Ste. 220, Coeur d'Alene, Idaho 83814; and 2055 Garrett Way, Building 1, Suite 4, Pocatello, Idaho 83201. (4-7-11)

**007. OFFICE -- OFFICE HOURS -- MAILING ADDRESS AND STREET ADDRESS.**

The principal place of business of the Division of Building Safety, HVAC ~~Bureau~~ Program is located at 1090 E. Watertower Street, Suite 150, Meridian, Idaho. The office is open from 8 a.m. to 5 p.m., except Saturday, Sunday, and legal holidays. The mailing address is: Division of Building Safety, HVAC ~~Bureau~~ Program, 1090 E. Watertower Street, Suite 150, Meridian, Idaho 83642. The office telephone number is (208) 334-6180 and the facsimile number is (208) 855-0768. (~~4-11-06~~)( )

**(BREAK IN CONTINUITY OF SECTIONS)**

**012. DEFINITIONS.**

**01. Administrator.** The administrator of the Idaho Division of Building Safety. (3-16-04)

**02. Board.** The Idaho Heating, Ventilation, and Air Conditioning (HVAC) Board. (3-16-04)

~~03. Bureau.~~ ~~The Idaho Division of Building Safety, Heating, Ventilation, and Air Conditioning Bureau.~~ (~~3-16-04~~)

- 043.**     **Division.** The Idaho Division of Building Safety. (3-16-04)
- 054.**     **Additional Definitions.** Terms defined in Section 54-5003, Idaho Code, will have the same meaning when utilized in these rules. (3-16-04)
- 065.**     **Rules.** IDAPA 07.07.01, “Rules Governing Installation of Heating, Ventilation, and Air Conditioning Systems, Division of Building Safety.” (3-16-04)