

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 472

BY BUSINESS COMMITTEE

AN ACT

RELATING TO THE IDAHO BUILDING CODE; AMENDING SECTION 39-4116, IDAHO CODE,
TO REVISE A CERTAIN EXEMPTION REGARDING FIRE SPRINKLER SYSTEMS AND TO
MAKE TECHNICAL CORRECTIONS.

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

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

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

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

- (a) International Building Code, including all rules promulgated by
the board to provide equivalency with the provisions of the Americans
with disabilities act accessibility guidelines and the federal fair
housing act accessibility guidelines;
- (b) Idaho residential code, parts I-III and IX; and
- (c) Idaho energy conservation code.

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

(3) All single family homes and multiple family dwellings up to ~~two~~ four
(24) units are hereby exempted from the provisions of the International Fire
Code, the International Building Code, and the Idaho residential code that
require such dwellings to have automatic fire sprinkler systems installed.
Nothing in this section shall prevent any person from voluntarily installing
an automatic fire sprinkler system in any residential dwelling.

1 (4) Except as provided in this subsection, local governments may amend
2 by ordinance the adopted codes or provisions of referenced codes to reflect
3 local concerns, provided such amendments establish at least an equivalent
4 level of protection to that of the adopted building code. A local jurisdic-
5 tion shall not have the authority to amend any accessibility provision pur-
6 suant to section 39-4109, Idaho Code, except as provided in this subsection.

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

9 (b) A local jurisdiction shall not adopt any provision, chapter, sec-
10 tion, or part of the International Residential Code or residential
11 provisions of the International Energy Conservation Code, or subse-
12 quent versions in their entirety, that have not been adopted or that
13 have been expressly rejected or exempted from the adopted version of
14 those codes by the Idaho building code board through the negotiated
15 rulemaking process as provided in section 39-4109, Idaho Code.

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

18 (i) Part I, Administrative;

19 (ii) Part II, Definitions;

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

22 (iv) Part IX, Appendices.

23 (d) Local jurisdictions may amend by ordinance the following provi-
24 sions of the Idaho energy conservation code to reflect local concerns:

25 (i) Chapter 1, Scope and Application; and

26 (ii) Chapter 2, Definitions.

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

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

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

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