

CHAPTER 1
BUILDING CODES

SECTION:

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7-1-1: CODES ADOPTED:

- A. Codes Adopted: The international building code, 2012 edition; the international residential code, 2009 edition, parts I through VI and IX; the American national standard accessible and usable buildings and facilities, ICC/ANSI A117.1, 2003 edition; the international mechanical code, 2009 edition; the international fuel gas code, 2009 edition; the international energy conservation code, 2009 edition; the international existing building code, 2012 edition; the international property maintenance code, 2009 edition; IDAPA 07.03.01; excluding all appendices thereto except as herein enumerated, are hereby adopted by the city of Potlatch for the regulation of the erection, construction, enlargement, alteration, repair, moving, conversion, occupancy, use, height, area and maintenance of all buildings and structures in the city of Potlatch, including installation of manufactured homes in accordance with the provisions of title 44, chapter 22, Idaho Code. These codes and regulations are hereby adopted by reference, as amended in the body of this chapter and by the state of Idaho, and shall be the city of Potlatch building code.
- B. Appendices Adopted:
 - 1. International Building Code: The following appendices to the international building code, 2012 edition, are specifically adopted: appendix C, agricultural buildings; appendix E, supplementary

accessibility requirements; appendix F, rodent proofing; appendix G, flood resistant construction; appendix H, signs; appendix I, patio covers; and appendix J, grading.

2. International Residential Code: The following appendices to the international residential code, 2009 edition, are specifically adopted: appendix A, sizing and capacities of fuel gas piping; appendix B, sizing of venting systems serving appliances with draft hoods, category I appliances, and appliances listed for use and type B vents; appendix C, exit terminals of mechanical draft and direct-vent venting systems; appendix G, swimming pools, spas and hot tubs; appendix H, patio covers; appendix J, existing buildings and structures; appendix M, home day care - R-3 occupancy.

3. International Existing Building Code: The following appendices to the international existing building code, 2012 edition, are specifically adopted: appendix A-1, seismic strengthening provisions for unreinforced masonry bearing wall buildings; appendix A-2, earthquake hazard reduction in existing reinforced concrete and reinforced masonry wall buildings with flexible diaphragms; appendix B, supplementary accessibility requirements for existing buildings and facilities; and resource A, guideline on fire ratings of archaic materials and assemblies.

- C. Copies On File: The codes adopted in this section as amended in section 7-1-2 of this chapter shall be designated as the city of Potlatch building code, one copy of each code shall be recorded in the office of the clerk of the city of Potlatch and be available for inspection at the Potlatch City Hall, Potlatch, Idaho. (Ord. 2013-12-09(B), 12-9-2013, eff. 1-1-2014)

7-1-2: **AMENDMENTS:**

- A. International Building Code, International Residential Code, And International Existing Building Code:

Section 105.3 of the international building code, 2012 edition, and section R105.3 of the international residential code, 2009 edition, are hereby amended as follows:

105.3 [R105.3] Application For Permit. To obtain a permit, the applicant shall first file an application therefor in writing on a form furnished by the department of building for that purpose. Such application shall:

6. Be signed by the applicant/owner. When allowed by office policy, the applicant's authorized agent or contractor may sign the application with permission of the property owner.

Section 105.5 of the international building code, 2012 edition, and section R105.5 of the international residential code, 2009 edition, are hereby amended as follows:

105.5 [R105.5] Expiration. Every permit issued shall become invalid unless the work authorized by such permit is commenced within 180 days after its issuance, or if the work authorized by such permit is suspended or abandoned for a period of 180 days after the time the work is commenced. The building official is authorized to grant, in writing, not more than four extensions of time, for periods not more than 180 days each. The extension shall be requested in writing and justifiable cause demonstrated. Each subsequent extension after the first shall not be issued until the fee as shown in appendix A of this ordinance has been paid.

Renewal. When a permit has expired or is going to expire, a renewal permit must be obtained. No work can be recommenced on an expired project until a renewal permit has been issued. The fees for such renewal permits are specified in appendix A of this ordinance. At the discretion of the building official, and only when deemed appropriate, in lieu of the fees specifically outlined, the applicant may be charged the fees set out for remodels or may, if the project is substantially close to being finished with approximately 90% or more of the project completed, be charged for individual items or inspections needed to complete a permit. A certificate of occupancy may be issued without all permitted elements completed provided that these elements are not essential to the completion of construction of the structure (i.e. garage, carport, cover over a deck) and so long as construction of the elements has not begun. If these will be built at a future date, a new permit for these will be required at the time of construction. All subsequent work, which was not previously approved, shall adhere to the most current adopted code. Each permit shall be eligible for only one renewal; thereafter a new permit shall be issued.

Section 109 of the international building code, 2012 edition, and section R108 of the international residential code, 2009 edition, are hereby amended as follows:

The plan review fees specified in this section are separate fees from the permit fees specified in section 109 [R108] and are in addition to the permit fees. Any balance after deducting the plan review fee from the deposit shall be credited to the amount due for the permit fee, or any amount owing after the deduction of the deposit from the full plan review fee shall be added to the amount due for the permit fee. Regardless of circumstance, plan review fees shall not be reduced or waived.

109.3 [R108.3] Building Permit Valuations. Valuations are set in appendix A of this ordinance. When valuation data for certain projects is not available in appendix A of this ordinance, the building official shall determine a valuation in accordance with the policy established in appendix A of this ordinance. The corresponding fee shall be paid.

109.4 [R108.6] Work Commencing Before Permit Issuance. Any person who commences work requiring a permit on a building, structure, gas or mechanical system before obtaining the necessary permits, where any enforcement action has begun, shall be subject to a fee, as set forth in appendix A of this ordinance, that shall be in addition to the required permit fees.

109.6 [R108.5] Refunds. Prior to plan review and permit issuance, eighty percent [80%] of any fees paid shall be refunded if the application is withdrawn prior to commencement of the project. Plan review fees are not refundable after the plan review has been performed, however, eighty percent [80%] of any permit fees paid shall be refunded if the application is withdrawn prior to commencement of the project. No refunds shall be made after commencement of any work on the project.

109.6.1 [R108.5.1] Plan Review Fees. When submittal documents are required by section 107 [R106], a plan review fee shall be paid. Said plan review fee shall be as shown in appendix A of this ordinance. A non-refundable fee deposit, in an amount set forth in appendix A of this ordinance, for commencement of the plan review shall be paid for projects exceeding \$30,000 in valuation.

Section 113 of the international building code, 2012 edition, and section R112 of the international residential code, 2009 edition, and

section 112 of the international existing building code, 2012 edition, are hereby amended as follows:

113.1 [R112.1] [112.1] General. In order to hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretation of this code, there shall be and is hereby created a board of appeals. The building official shall be an ex-officio member of said board but shall have no vote on any matter before the board. This board shall have three members, not including the building official. The board of appeals shall be appointed by the city council of the city of Potlatch and shall hold office at its pleasure. A member of the board of appeals shall act as secretary and shall take minutes of the proceedings. The board of appeals shall conform to the city of Potlatch hearing procedures ordinance, and shall render all decisions and findings in writing to the appellant with a duplicate copy to the building official.

113.2 [R112.2] [112.2] Limitations On Authority. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or an equally good or better form of construction is proposed.

Any affected person may file an appeal from any notice or action of the building official. A fee, as specified in appendix A of this ordinance, and written appeal describing the specific issues being appealed must be submitted to the city of Potlatch clerk, within fifteen (15) days of the date of the notice or action of the building official. After receiving the written appeal, the board of appeals shall be appointed within thirty (30) days and shall fix a date, time and place for hearing the appeal. The board of appeals shall hear the appeal within forty-five (45) days after the appointment by the city council of the city of Potlatch. Written notice of the time and place of the hearing shall be given at least fifteen (15) days prior to the date of the hearing to each appellant and to the building official. The board of appeals must render a decision within thirty (30) days of the hearing of such appeal. Every decision of the board of appeals must be based upon findings of fact and every finding must be supported in the record of the proceedings of the board of appeals.

The board of appeals shall have no authority to waive requirement of this code.

R112.2.1 Determination Of Substantial Improvement In Areas Prone To Flooding. Deleted.

R112.2.2 Criteria For Issuance Of A Variance For Areas Prone To Flooding. Deleted.

Section R202 Definitions, of the international residential code, 2009 edition, shall be amended as follows:

Structure. That which is built or constructed, including roll-off containers, shipping containers or similar items.

Table R301.2(1), Climatic And Geographic Design Criteria, of the international residential code, 2009 edition, shall be completed as follows:

Ground snow load: 60 psf, **roof snow load:** 40 psf

Wind speed: 90 mph

Seismic design category: B

Subject to damage from weathering: Severe

Subject to damage from frost line depth: Frost depth 30 inches

Subject to damage from termite: Slight to moderate

Subject to damage from decay: None to slight

Winter design temp: 10 degrees F

Ice shield underlayment required: Yes

Flood hazards: Date of current flood insurance rate map index:

Panel #1600860135B, 08/15/1980

Air freezing index: 1500 or less

Mean annual temperature: 47.3 degrees F

Section R302 of the international residential code, 2009 edition, shall be amended as follows:

R302.5.1 Opening Protection. Openings from a private garage directly into a room used for sleeping purposes shall not be permitted. Other openings between the garage and residence shall be equipped with self-closing tight-fitting solid wood doors not less than $1\frac{3}{8}$ inch (35 mm) in thickness, solid or honeycomb core steel doors not less than $1\frac{3}{8}$ inch (35 mm) thick, or 20-minute fire-rated doors.

R302.6 Separation Required. The garage shall be separated from the residence and its attic area by not less than $\frac{5}{8}$ -inch (15.9 mm) type X gypsum board applied to the garage side. Where the separation is a floor-ceiling assembly, the structure supporting the separation shall also be protected by not less than $\frac{5}{8}$ -inch (15.9 mm) type X gypsum board or equivalent. Garages located less than 3 feet (914 mm) from a dwelling unit shall be protected with not less than $\frac{5}{8}$ -inch (15.9 mm) type X gypsum board applied to the interior side of exterior walls and ceilings. Openings in these walls shall be regulated by section R302.5.1.

R302.7 Under-Stair Protection. Enclosed accessible space under stairs shall have walls, under-stair surface and any soffits protected on the enclosed side with $\frac{5}{8}$ -inch type X gypsum board.

Section R303.3 of the international residential code, 2009 edition, shall be amended as follows:

R303.3 Bathrooms And Kitchens. Bathrooms and kitchens shall be provided with mechanical exhaust and shall be designed to exhaust the minimum air flow rate as set forth in table M1507.3

Section R403 of the international residential code, 2009 edition, shall be amended as follows:

R403.1.1 Minimum Size. Minimum sizes for concrete and masonry footings shall be as set forth in table 403.1 and figure R403.1(1). The footing width, W , for light frame construction shall be 16" for 1- and 2-story with soil bearing

value of 1500 psf, and 23" for 3-story with soil bearing value of 1500 psf. Spread footings shall be a minimum of 8 inches (200 mm) in thickness, or thicker where required by design loads. Footing projections, P , shall be at least 2 inches (51 mm), and shall not exceed the thickness of the footing. The size of footings supporting piers and columns shall be based on the tributary load and allowable soil pressure in accordance with table R401.4.1. Footings for wood foundations shall be in accordance with the details set forth in section R403.2, and figures R403.1(2) and 403.1(3).

All footings shall have a minimum of two (2) no. 4 ($1/2$ inch) or larger reinforcement rods laid continuously in the footing. Lap splices shall be a minimum of 40 bar diameters.

Section R404.1.1 of the international residential code, 2009 edition, shall be amended as follows:

R404.1.1 Masonry Foundation Walls. Minimum width shall be 8 inches. Masonry basement walls shall be grouted solid below grade and at rebar above grade. Masonry foundation walls shall be constructed as follows: Walls up to 48 inches in height from the top of the footing, shall have a horizontal bond beam of #4 rebar placed at the top course of block. A vertical #4 rebar shall be required at each corner and a maximum of 4 foot intervals. Walls over 48 inches in height shall have one (1) horizontal #4 rebar placed at a maximum of 4 foot intervals and one (1) horizontal #4 rebar placed at top course. A vertical #4 rebar shall be required at each corner and a maximum of 32 inch intervals. A horizontal #4 rebar shall also be required at any course securing anchor bolts which fasten rim joists or beams to wall. Masonry over openings shall be supported in accordance with the details set forth in section R606.10. Foundation walls in excess of 10 feet in height or retaining walls in excess of 8 feet of unbalanced backfill shall be engineered.

Section R404.1.2 of the international residential code, 2009 edition, shall be amended as follows:

R404.1.2 Concrete Foundation Walls. Concrete foundation walls shall be constructed as follows: For walls less than 48 inches in height from the top of the footing, horizontal rebar, #4, shall be spaced at intervals of a maximum of 18 inches and vertical rebar, #4, shall be spaced at intervals of a maxi-

imum of 48 inches. For walls more than 48 inches in height from the top of the footing, horizontal and vertical rebar, #4, shall be spaced at intervals of a maximum of 18 inches. The horizontal rebar shall be placed not greater than 9 inches from the top of the wall. Openings up to 6 feet in concrete walls shall have a lintel above with two #5 rebar or equivalent on the top and bottom, extending 2 feet past the opening on either side and within 1.5 to 3 inches of the opening. Openings greater than 6 feet shall be engineered. The minimum thickness shall be 8 inches for walls which support 2 or 3 stories above grade and all basement walls. Foundation walls in excess of 10 feet in height or retaining walls in excess of 8 feet of unbalanced backfill shall be engineered.

Section R405.1 of the international residential code, 2009 edition, shall be amended as follows:

R405.1 Concrete Or Masonry Foundations. Drains shall be provided around all concrete or masonry foundations that retain earth and enclose habitable or accessible spaces located below grade.

Section 2402 (201) of the international residential code, 2009 edition, is hereby amended as follows:

2402 (201.4) Alternate Allowable Installation. Property owners shall be allowed to install gas piping provided the gas piping design and sizing is provided by a licensed plumbing or electrical contractor or a licensed plumbing or mechanical journeyman prior to permit issuance.

Section G2427.4.1 of the international residential code, 2009 edition, shall be amended as follows:

G2427.4.1.1(1). All plastic pipe located within a structure used for venting flue gases shall be tested at five (5) psi for fifteen (15) minutes duration.

B. International Mechanical Code And International Fuel Gas Code:

Section 106.5.2 of the international mechanical code, 2009 edition, and 106.6.2 of the international fuel gas code, 2009 edition, are hereby amended as follows:

106.5.2 [106.6.2 IFGC] Permit Fees. The fees for each permit shall be as set forth in appendix A of this ordinance. Mechanical fees for new residences shall be considered to be included in the building permit fee for the new residence, and no separate mechanical permit shall be issued. All other mechanical installations shall require a separate permit with attendant fees to be issued.

106.5.3 [106.6.3 IFGC] Fee Refunds.

2. Not more than eighty percent [80%] of the permit fee paid shall be refunded when no work has been done under a permit issued in accordance with this code.

3. Not more than eighty percent [80%] of the plan review fee paid shall be refunded when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any plan review effort has been expended.

Section 108 of the international mechanical code, 2009 edition, and the international fuel gas code, 2009 edition, are hereby amended as follows:

108.4 Violation Penalties. Any person who willfully violates any provision of this chapter or who willfully violates any provisions of the codes enumerated in this chapter or rules promulgated by the administrator or the board pursuant to this chapter or erect, install, alter or repair work in violation of the approved construction documents or directive of the code official, or of a permit or certificate issued under the provision of this code, is guilty of a misdemeanor, and upon conviction, shall be fined not more than three hundred dollars (\$300), or imprisoned for not more than ninety (90) days or by both fine and imprisonment. Violations of this chapter shall be tried in any court of competent jurisdiction within the state of Idaho. A separate violation is deemed to have occurred with respect to each item not in compliance with this chapter. Each day such violation continues constitutes a separate offense.

Section 109 of the international mechanical code, 2009 edition, and the international fuel gas code, 2009 edition, are hereby amended as follows:

109.1 Application For Appeal. An application for appeal shall be based on a claim that the true intent of this code or

the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or an equally good or better form of construction is proposed.

Any affected person may file an appeal from any notice or action of the building official. A fee as specified in appendix A of this ordinance and written appeal describing the specific issues being appealed must be submitted to the city of Potlatch clerk within fifteen (15) days of the date of the notice or action of the building official. After receiving the written appeal, the board of appeals shall be appointed within thirty (30) days and shall fix a date, time and place for hearing the appeal. The board of appeals shall hear the appeal within forty-five (45) days after the appointment by the city council of the city of Potlatch. Written notice of the time and place of the hearing shall be given at least fifteen (15) days prior to the date of the hearing to each appellant and to the building official. The board of appeals must render a decision within thirty (30) days of the hearing of such appeal. Every decision of the board of appeals must be based upon findings of fact and every finding must be supported in the record of the proceedings of the board of appeals.

The board of appeals shall have no authority to waive requirements of this code.

109.2 Membership Of Board. Deleted.

109.2.1 Qualifications. In order to hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretation of this code, there shall be and is hereby created a board of appeals. The building official shall be an ex-officio member of said board but shall have no vote on any matter before the board. This board shall have three members, not including the building official. The board of appeals shall be appointed by the city council of the city of Potlatch and shall hold office at its pleasure. A member of the board of appeals shall act as secretary and shall take minutes of the proceedings. The board of appeals shall conform to the city of Potlatch hearing procedures ordinance, and shall render all decisions and findings in writing to the appellant with a duplicate copy to the building official. The board of appeals shall consist of members who are qualified by experience and training to pass on matters pertaining to building construction and are not employees of the jurisdiction.

109.2.2 Alternate Members. Deleted.

109.2.3 Chairman. Deleted.

109.2.5 Secretary. Deleted.

109.3 Notice Of Meeting. Deleted.

109.4.1 Procedure. Deleted.

109.5 Postponed Hearing. Deleted.

109.6 Board Decision. Deleted.

109.6.1 Resolution. Deleted.

Section 503.4.1 of the international fuel gas code, 2009 edition, is hereby amended as follows:

503.4.1.1.2. All plastic pipe located within a structure used for venting flue gases shall be tested at five (5) psi for fifteen (15) minutes duration.

Section 504 of the international mechanical code, 2009 edition, and section M1502 of the international residential code, 2009 edition, is hereby amended as follows:

504.6.4.2 [M1502.4.4.2 IRC] Manufacturer's Instructions. Deleted.

Section 621 of the international fuel gas code, 2009 edition, is hereby amended as follows:

621.2 Prohibited Use. Unvented room heaters shall not be used as a source of comfort heating in a dwelling unit. (Ord. 2013-12-09(B), 12-9-2013, eff. 1-1-2014)

7-1-3: **MANUFACTURED HOUSING AND BUILDINGS:**

A. Installation Permits:

1. In order for any manufactured building as defined by Idaho Code to be installed (including manufactured housing, as regulated by this

chapter), within the incorporated areas of the city of Potlatch, a valid installation permit must be issued by the department of planning and building for the specific building and site. All applications for installation permits shall be issued by the building official upon compliance by the applicant with the provisions of this chapter and any regulation adopted pursuant thereto, any other state or local regulation pursuant thereto, and any other applicable legal requirements.

2. To qualify for an installation permit, all manufactured buildings must comply with the requirements of Idaho Code, title 39, chapters 40 and 41, title 44, chapters 21, 22 and 25 and any rules and regulations promulgated thereunder.

3. Permits for manufactured buildings not in compliance with Idaho Code, title 39, chapters 40 and 41, title 44, chapters 21, 22, and 25, and any rules and regulations promulgated thereunder shall not be valid.

B. Site And Unit Requirements: When applying for a manufactured housing installation permit, the following conditions must be met before an installation permit will be issued:

1. A building site which meets all applicable requirements of this chapter and the criteria set forth in all city of Potlatch ordinances shall be designated.

2. All setback, height, and lot size requirements of the zone and all criteria set forth in all city of Potlatch ordinances shall be met. If the building site is an approved space within a manufactured housing development, the manufactured home park development plans for setbacks shall prevail along with the setback and separation distances for structures contained in the building codes referenced in this chapter.

3. Permits shall be issued only for those manufactured housing units meeting all of the specifications and minimum health and safety standards for plumbing, heating, electrical, and frame and body design established pursuant to title 39, chapters 40 and 41 of the Idaho Code. Furthermore, all manufactured housing units shall meet state installation standards in title 44, chapter 22 of the Idaho Code. All manufactured housing units shall bear an insignia of approval of the state in which the manufactured home was built.

4. Exterior electrical and plumbing connections shall be approved by the agency having jurisdiction.
- C. Applications: Applications for installation permits shall be in writing, signed by the applicant, and shall contain the following:
1. The name and address of the applicant, and the name, address, license number and signature of the contractor and licensed installer;
 2. The signature of the owner, when the applicant is not the landowner, and the location of the proposed installation site by lot, block, tract, street address, or similar description that will readily identify and specifically locate the proposed installation;
 3. The proposed use of the building;
 4. A site plan or plot plan showing:
 - a. The area and dimensions of the building site and proposed location of the building;
 - b. The number, location and size of any and all existing buildings and structures; and the distance from those buildings;
 - c. Two (2) sets of plans and specifications of all buildings, and other improvements, if required by the building official;
 5. The zoning designation;
 6. Additional information as may be requested by the building official to determine whether the proposed installation will comply with legal requirements.
- D. Permanent Living Quarters: Nothing within this chapter shall be construed to allow a camping trailer, licensed vehicle or trailer, tent, recreational vehicle (including park models), or any other vehicle, accessory structure, or item as a permanent dwelling.
- E. Fee: The installation permit application shall be accompanied by such fee as indicated in appendix A attached to the ordinance codified herein.

F. General Installation Provisions:

1. Building Inspection Requirements: Prior to the occupancy of any manufactured housing unit in the city of Potlatch, the city of Potlatch building official shall inspect such manufactured housing unit and certify that its occupancy for permanent living quarters will not violate any laws, provisions, ordinances or regulations of the city of Potlatch or the state of Idaho, and a certificate of occupancy must be issued by the city of Potlatch building department. Each manufactured housing unit shall be installed in such a manner as to provide a safe, secure, well drained, and substantially level building, that complies with the requirements for personal or real property for the support of the maximum anticipated load during all seasons. Provision shall be made for proper connection of utilities, including sewer drains. In addition, all installations shall meet the minimum requirements as set forth in the state approved installation instruction for the specific unit or model, or in the current Idaho manufactured home installation standard.

2. Validity Of Permit: An installation permit shall be valid for one hundred eighty (180) days. The certificate of occupancy shall be valid until removal of such manufactured building from said property. (See subsection F4, "Replacement", of this section.)

3. Transfer Of Permit: An installation permit shall not be transferable from one location to another. The certificate of occupancy shall be transferable from one person to another so long as the manufactured building is not moved or structurally altered without a permit.

4. Replacement: When any manufactured housing unit for which an installation permit or a certificate of occupancy has or has not been issued is replaced at the same site, a new installation permit and certificate of occupancy must be obtained.

G. After Installation Of Manufactured Building: Following installation of a manufactured building, building permits shall be required for all further building improvements. In addition, any further improvements shall meet the requirements set forth in this chapter.

H. Remodels Or Changes To Interior Of Manufactured Buildings: A building permit is required and must be obtained for any remodel or change to the interior of a manufactured building before any changes can be made. (Ord. 2013-12-09(B), 12-9-2013, eff. 1-1-2014)

7-1-4: **PERMITS CONTRARY TO LAW:** Any permit issued under authority of this chapter for construction or any use contrary to law or any other ordinance of the city of Potlatch shall be void. (Ord. 2013-12-09(B), 12-9-2013, eff. 1-1-2014)

7-1-5: **CONTRACTOR'S REGISTRATION NUMBER:** No building permit will be issued without the contractor's registration number being presented by the contractor, except when the permit applicant provides evidence to the satisfaction of the building official that the applicant is exempt from the registration requirements pursuant to Idaho Code title 54, chapter 52. (Ord. 2006-02/27, 2-27-2006)

7-1-6: **ENFORCEMENT AND PENALTIES:** The following are available to enforce compliance with the provisions of this chapter. Nothing herein shall prevent the city council of the city of Potlatch or any other public official or private citizen from taking such other lawful action as is necessary to prevent or correct any violation of this chapter or of the Idaho Code.

- A. Injunction: The city of Potlatch may obtain, from a district court having jurisdiction, an injunction enjoining the construction or installation of buildings or structures on any building site upon affidavit of the city that such building or structure does not conform to the requirements of this chapter. The affidavit must set forth such violations in detail. The injunction may be made permanent, at the discretion of the court.
- B. Criminal Action: Any person who wilfully violates or fails to comply with any provisions of this chapter or any provisions of the codes enumerated in this chapter or rules promulgated by the administrator of this chapter or the board pursuant to this chapter or the codes enumerated in this chapter, or who, having obtained a permit hereunder, shall wilfully fail to continue to comply with the conditions as set forth herein, is guilty of a misdemeanor, and upon conviction, shall be fined not more than three hundred dollars (\$300.00), or imprisoned for not more than ninety (90) days, or by both fine and imprisonment. A separate violation is deemed to have occurred with respect to each building or structure not in compliance with this chapter. Further, each day such violation continues constitutes a separate offense.

C. Civil Action: Notwithstanding any other remedies available, any person damaged as a result of a violation of this chapter or the codes enumerated herein or promulgated pursuant to this chapter has a cause of action in any court of competent jurisdiction against the person who committed the violation, and if such damaged person prevails, he shall be entitled to a reasonable attorney fee to be determined by the court, together with court costs.

D. Notice Of Noncompliant Building Or Structure:

1. Definition: A "noncompliant building or structure" is any building or structure that does not comply with the provisions of this chapter and the codes adopted in this chapter.

2. Commencement Of Proceedings: When the building official has inspected or caused to be inspected any building or structure and has found that such building or structure is noncompliant, or the building official is unable to verify compliance because the required inspections have not been requested and performed, the building official shall commence proceedings to cause the repair or inspection of the building or structure.

3. Notice And Order, And Appeal Process: The building official shall issue a notice and order directed to the record owner of the building or structure. The notice and order shall contain:

a. The street address, if issued, and a legal description or assessor's parcel number sufficient for identification of the premises upon which the building or structure is located.

b. A statement that the building official has found the building or structure to be noncompliant with a brief and concise description of the conditions found to render the building or structure noncompliant under the applicable provisions of the applicable code.

c. A statement of the action required to be taken as determined by the building official.

(1) When the building official has determined that the building or structure must be repaired or inspected to comply with adopted codes, the order shall require that all required permits be secured if a permit is no longer valid and the work or inspection physically commenced within such time (not to exceed 60 days from the date of the order) and completed

within such time as the building official shall determine is reasonable under the circumstances.

(2) A statement advising that if any required repair work or inspection is not completed within the time specified, the building official will file a certificate of a noncompliant building or structure in the office of the county recorder.

d. Statements advising: 1) that any person having any record title or legal interest in the building or structure may appeal from the notice and order or any action of the building official to the board of appeals, in accordance with section 113 of the international building code, 2012 edition, and section R112 of the international residential code, 2009 edition; and 2) that failure to appeal will constitute a waiver of all right to an administrative hearing and determination of the matter.

- E. Service Of Notice And Order: The notice and order, and any amended or supplemental notice and order, shall be served upon the record owner. One copy thereof shall be served on each of the following if known to the building official or disclosed from official public records; the holder of any mortgage or deed of trust or other lien or encumbrance of record; the owner or holder of any lease or record; and the holder of any other estate or legal interest of record in or to the building or structure or land on which it is located. The failure of the building official to serve any person required herein to be served shall not invalidate any proceedings hereunder as to any other person duly served or relieve any such person from any duty or obligation imposed by the provisions of this section.
- F. Method Of Service: Service of the notice and order shall be made upon all persons entitled thereto either personally or by mailing a copy of such notice and order by certified mail, postage prepaid, return receipt requested, to each such person at their address as it appears on the last equalized assessment roll of the county or as known to the building official. If no address of any such person so appears or is known to the building official, then a copy of the notice and order shall be so mailed, addressed to such person, at the address of the building involved in the proceedings. The failure of any such person to receive such notice shall not affect the validity of any proceedings taken under this section. Service by certified mail in the manner herein provided shall be effective on the date of mailing.
- G. Proof Of Service: Proof of service of the notice and order shall be certified to at the time of service by a written declaration under

penalty of perjury executed by the persons effecting service, declaring the date and manner in which service was made. The declaration, or any receipt card returned in acknowledgment of receipt by certified mail shall be affixed to the copy of the notice and order retained by the building official.

- H. Recordation Of Noncompliance: If compliance is not had with the order within the time specified therein, and no appeal has been properly and timely filed, the building official shall file in the office of the county recorder a certificate describing the property and certifying: 1) that the building or structure is noncompliant and 2) that the owner has been so notified. Whenever the corrections ordered shall thereafter have been completed or the building demolished so that it no longer exists on the property described in the certificate, the building official shall file a new certificate with the county recorder certifying that the building has been demolished or all required corrections have been made so that the building is no longer non-compliant, whichever is appropriate.
- I. Referral For Further Action: The building official shall notify the city attorney's office of completion of this proceeding and refer the matter to the city attorney's office for a determination of any further action. (Ord. 2013-12-09(B), 12-9-2013, eff. 1-1-2014)