

ORDINANCE NO. 2026-1

AN ORDINANCE OF THE CITY OF LEWISVILLE, IDAHO, AUTHORIZING JEFFERSON COUNTY TO ADMINISTER BUILDING, MECHANICAL (HVAC), PLUMBING, AND ELECTRICAL PERMITTING AND INSPECTION SERVICES WITHIN THE CITY LIMITS; ADOPTING AND IDENTIFYING THE APPLICABLE CODES TO BE ENFORCED WITHIN THE CITY; PROVIDING FOR APPEALS; PROVIDING FOR IMPLEMENTATION AND EFFECTIVE DATES; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Idaho Code section 50-302(1) authorizes cities to “make all such ordinances ... not inconsistent with the laws of the state of Idaho ... to maintain the peace, good government and welfare” of the city;

WHEREAS, Idaho Code section 67-2328(a) authorizes public agencies to exercise powers jointly and provides that such joint action may occur “but never beyond the limitation of such powers”;

WHEREAS, Idaho Code section 39-4116(1) provides that local governments may institute a building code enforcement program “by passing an ordinance evidencing the intent to do so” and further provides that local governments “may contract with a public or private entity to administer” such program;

WHEREAS, Idaho Code section 54-5001 provides that a local government is not required to adopt or implement a mechanical inspection program unless it “chooses to do so by an ordinance duly adopted”;

WHEREAS, Idaho Code section 54-2601(7) provides that a city receiving plumbing code enforcement inspections from another city or county must provide the Division of Occupational and Professional Licenses written notice at least thirty (30) days prior to implementation;

WHEREAS, Jefferson County maintains a building department with qualified personnel and administrative capacity to provide plan review (as applicable), permitting administration, inspections, and related compliance documentation for building, mechanical (HVAC), plumbing, and electrical work; and

WHEREAS, the City Council finds that authorizing Jefferson County to administer certain permitting and inspection services on behalf of the City will promote efficiency, consistency, predictable service levels, and effective use of public resources, while preserving the City’s authority over zoning, land use, and municipal policy decisions; and

WHEREAS, the City and Jefferson County have prepared a joint powers agreement entitled “Jefferson County and City of Lewisville Joint Powers Agreement for Building, Mechanical (HVAC), Plumbing, and Electrical Inspection Services” (the “Agreement”), which provides that each City retains responsibility for municipal permitting functions, including zoning compliance determinations and land use approvals, except to the extent expressly

delegated, and which incorporates an Exhibit A identifying the inspection events to be performed;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LEWISVILLE, IDAHO, AS FOLLOWS:

SECTION 1. TITLE; PURPOSE; INTERPRETATION.

1.1 Title. This ordinance shall be known as the “Building, Mechanical (HVAC), Plumbing, and Electrical Permitting and Inspection Administration Ordinance.”

1.2 Purpose. The purpose of this ordinance is to evidence the City’s intent to operate building, mechanical (HVAC), plumbing, and electrical code enforcement programs as authorized by Idaho law, and to authorize Jefferson County to administer specified permitting and inspection services on behalf of the City pursuant to a joint powers agreement, with the scope of inspections expressly including building/structural, mechanical (HVAC), plumbing, and electrical inspection events.

1.3 Interpretation. This ordinance is intended to be construed consistently with applicable Idaho law, including Idaho Code sections 39-4116, 54-5001, 54-2601, and 67-2328. If any provision of this ordinance could be construed to exceed the City’s lawful authority, it shall be construed narrowly to remain within lawful bounds.

SECTION 2. DEFINITIONS.

2.1 “Agreement” means the joint powers agreement described in the recitals, including all exhibits and amendments approved as provided herein.

2.2 “County” means Jefferson County, Idaho, acting through its Building Department and designated officials or employees.

2.3 “City” means the City of Lewisville, Idaho.

2.4 “Administer” and “Administration” mean the performance of administrative functions on behalf of the City relating to permits, plan review (as applicable), inspections, documentation of compliance, correction notices, and related services, as specifically authorized by this ordinance and the Agreement.

SECTION 3. AUTHORITY AND PROGRAM CONFIRMATION.

3.1 Building Code Enforcement Program. The City confirms and evidences its intent to operate a building code enforcement program within the City limits consistent with Idaho Code section 39-4116, and further confirms its intent to administer the program through contracting for administrative services as permitted by Idaho law.

3.2 Mechanical (HVAC) Program. The City confirms its intent to operate a mechanical (HVAC) permitting and inspection program within the City limits by ordinance and to administer that program through contracted administration as permitted by Idaho law.

3.3 Plumbing Program. The City confirms its intent to operate a plumbing code enforcement program within the City limits by ordinance and to administer that program through contracted administration as permitted by Idaho law, subject to the notice and implementation requirements stated in Section 9 of this ordinance.

3.4 Electrical Program. The City confirms its intent to operate an electrical permitting and electrical code enforcement inspection program within the City limits as authorized by Idaho law and to administer that program through contracted administration as provided in this ordinance and the Agreement, subject to the notice and implementation requirements stated in Section 9 of this ordinance.

SECTION 4. ADOPTED AND APPLICABLE CODES; LOCAL AMENDMENTS.

4.1 Applicable Codes. For all building, mechanical (HVAC), plumbing, and electrical permitting, inspections, and code enforcement activities administered under this ordinance, the City hereby adopts and applies the building, mechanical, plumbing, and electrical codes, together with all amendments, as adopted and enforced by Jefferson County, Idaho, including Jefferson County Code Chapter 104, as the same now exists or may be amended from time to time, except where such codes conflict with Idaho statutes.

4.2 Administration Consistent with County Standards. Jefferson County shall administer permitting, inspections, and enforcement within the City limits using the same code standards, interpretations, procedures, and inspection requirements that Jefferson County applies in the unincorporated areas of the County.

4.3 Reservation of City Land Use Authority. Nothing in this Section shall be construed to limit or transfer the City's authority over zoning, land use approvals, subdivision review, development standards, or other planning and zoning matters not expressly governed by the building, mechanical, plumbing, or electrical codes adopted in this Section.

4.4 Conflicts with State Law.

In the event of a conflict between any County-adopted code provision and Idaho law, Idaho law shall control.

SECTION 5. AUTHORIZATION; ADMINISTRATION ON BEHALF OF CITY; LIMITATIONS; RESERVATIONS.

5.1 Authorization. The City hereby authorizes the County, through its Building Department, to administer on behalf of the City the permitting and inspection services

described in this ordinance and the Agreement for building code activity within the incorporated limits of the City.

5.2 Reservation of City Legislative and Land Use Authority. This ordinance does not delegate, and the County is not authorized to exercise, the City's legislative discretion or land use decision-making authority, including zoning determinations, land use approvals, variances, conditional use permits, subdivision approvals, development agreements, or other municipal approvals that are conditions to issuance of permits or certificates of occupancy, except to the extent the City expressly delegates specific administrative tasks in the Agreement or by subsequent written delegation approved by the City Council.

5.3 Certificates of Occupancy. The County will prepare the "Certificate of Occupancy" or the "Certificate of Completion" as part of administration under the agreement; However, the issuance will be the responsibility of the City. The County will send the prepared document to the City for the City to issue. The City retains issuance authority and shall issue such certificate only after confirming completion of any City planning, zoning, and other municipal requirements that are conditions precedent to issuance.

SECTION 6. APPROVAL AND EXECUTION OF JOINT POWERS AGREEMENT; INCORPORATION OF SCOPE OF INSPECTIONS.

6.1 Approval in Substantially Presented Form. The City Council approves execution of the Agreement in substantially the form presented to the City Council in connection with this ordinance, including its exhibits, provided that any non-substantive clerical revisions may be made by the Mayor and City Clerk in consultation with the City Attorney.

6.2 Authorized Signatories. The Mayor and City Clerk are authorized to execute the Agreement on behalf of the City.

6.3 Inspection events: The City hereby adopts and incorporates by reference Exhibit A to the Agreement, entitled "Scope of Inspections (Exact Inspection Events)," as the operative description of the inspection events Jefferson County is authorized to perform under this ordinance and the Agreement. The inspection events include building/structural inspections and, when applicable to the permitted scope of work, mechanical (HVAC), plumbing, and electrical inspections, as set forth in Exhibit A.

SECTION 7. FEES; COLLECTION; DISBURSEMENT; ACCOUNTING.

7.1 Fees. Permit and inspection fees shall be those established by the City or incorporated through the Agreement's fee schedule and disbursement provisions, as the same may be amended with City Council approval.

7.2 Collection and Disbursement. The County is authorized to collect permit and inspection fees for services administered under the Agreement and to disburse and allocate such fees consistent with the Agreement's fee provisions, including timing, adjustments, and credits, subject to City Council approval of the applicable fee schedule and allocation methodology.

7.3 City Finance Coordination. The City Clerk and City Treasurer (or equivalent finance officer) are authorized to coordinate with the County regarding reconciliation, returned payments, credits, and accounting reports contemplated by the Agreement.

SECTION 8. RECORDS; PUBLIC RECORDS; REPORTING.

8.1 Records. Records created or maintained as part of administration under this ordinance and the Agreement for permits and projects located within the City limits are City records. The County may house and maintain such records as custodian for administrative efficiency, consistent with the Agreement.

8.2 Public Records Requests. Public records requests relating to City records shall be handled under the direction and control of the City. The City may request the County to assist in gathering responsive records maintained by the County as custodian.

8.3 Reporting. The County shall provide reports, statements of work, and other documentation requested by the City to the extent contemplated by the Agreement and reasonably necessary for City administration and oversight.

SECTION 9. PLUMBING/ELECTRICAL PROGRAM NOTICE; IMPLEMENTATION CONDITION.

9.1 Notice to Division. Prior to implementation of plumbing code enforcement inspections to be provided by the County under the Agreement, the City shall provide the Division of Occupational and Professional Licenses written notice of the City's decision to receive such inspections from the County at least thirty (30) days prior to implementation, as required by Idaho Code section 54-2601(7) for plumbing and 54-1001B (4) for electrical.

9.2 Implementation Trigger. The County shall not commence plumbing/electrical code enforcement inspections under the Agreement until the notice described in Section 9.1 has been provided and the implementation date has been reached.

9.3 Authorized Officials; Administrative Assistance. The Mayor and City Clerk are authorized and directed to execute and transmit the notices described in Section 9.1. At the City's request, Jefferson County may provide reasonable administrative assistance in preparing or transmitting such notices; however, the City remains responsible for timely compliance with the statutory notice requirement.

SECTION 10. APPEALS;.

10.1 Appeals:

The City hereby adopts, for purposes of all appeals arising from permitting, inspection determinations, correction notices, enforcement actions, or other administrative decisions made by Jefferson County while acting pursuant to this ordinance and the Joint Powers Agreement, the appeal procedures established by Jefferson County in its Building Code Ordinance, Chapter 104 of the Jefferson County Code, as the same now exists or may be amended from time to time.

10.2 Hearing Authority.

All such appeals shall be heard and decided by the Jefferson County Building Board of Appeals, acting in accordance with Jefferson County Code Chapter 104. The City expressly designates the Jefferson County Building Board of Appeals as the hearing authority for these matters.

10.3 Effect of Decision.

The decision of the Jefferson County Building Board of Appeals shall constitute the final administrative decision for purposes of City permitting and inspection administration under this ordinance, subject only to such judicial review as may be available under Idaho law.

10.4 Limitation.

Nothing in this Section delegates or authorizes the Jefferson County Building Board of Appeals to decide zoning, land use entitlement, variance, conditional use, subdivision, or other legislative or quasi-legislative matters reserved to the City under this ordinance or other City code provisions.

SECTION 11. SEVERABILITY.

If any provision of this ordinance is held invalid or unenforceable, such determination shall not affect the validity of the remaining provisions, which shall remain in full force and effect.

SECTION 12. REPEALER; CONFLICTS.

All ordinances or parts of ordinances in conflict with this ordinance are repealed to the extent of such conflict.

(a) When any ordinance, resolution or motion repealing a former ordinance, resolution, motion, clause or provision shall be itself repealed, such repeal shall not be construed to revive such former ordinance, resolution, motion, clause or provision unless it shall be therein so expressly provided.

(b) The repeal of an ordinance, resolution or motion shall not affect any punishment or penalty incurred before the repeal took effect, nor any suit, prosecution or proceeding pending at the time

of the repeal, for an offense committed or cause of action arising under the ordinance, resolution or motion repealed.

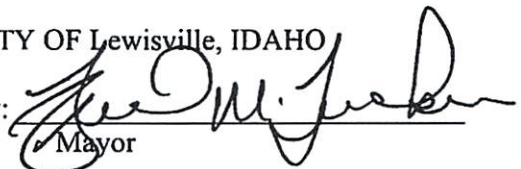
SECTION 13. EFFECTIVE DATE.

This ordinance shall take effect upon passage and publication according to law. Implementation of plumbing/ electrical inspections is additionally subject to Section 9 of this ordinance.

PASSED AND ADOPTED by the City Council of the City of Lewisville, Idaho, this 8 day of July, 2026.

CITY OF Lewisville, IDAHO

By:


Mayor

ATTEST:


City Clerk

Exhibit A
SCOPE OF INSPECTIONS (EXACT INSPECTION EVENTS)

This Exhibit A is incorporated into the Agreement by reference. The County will perform the following inspection events when applicable to the permitted scope of work for the project. The Parties acknowledge that the inspection events required for a given project vary depending on the nature of construction, the systems installed, and the applicable code provisions. This Exhibit A lists the inspection “events” that will be scheduled and performed when applicable.

A. Building / Structural Inspection Events.

- A.1 Site plan/layout inspection (layout).
- A.2 Footing inspection.
- A.3 Foundation inspection.
- A.5 Framing/sheathing inspection.
- A.6 Wall insulation inspection.
- A.7 Drywall (gypsum board) inspection.
- A.9 Final building inspection.

B. Mechanical (HVAC) Inspection Events.

- B.1 Underground inspection (including trench/bedding as visible; piping placement; and required test verification prior to concealment).
- B.1 Mechanical rough-in inspection (ductwork; equipment setting; combustion air; venting; condensate routing; dryer exhaust routing; bath/kitchen exhaust routing; required clearances).
- B.2 Gas piping rough-in inspection and pressure test verification when gas piping is installed as part of the mechanical work.
- B.3 Mechanical equipment set/connection inspection (as applicable when equipment is installed but not yet placed into service).
- B.4 Final mechanical/HVAC inspection (including basic operational verification to the extent required by code and to confirm required safety components are present and properly installed).

C. Plumbing Inspection Events.

- C.1 Underground plumbing inspection (including trench/bedding as visible; piping placement; and required test verification prior to concealment).
- C.2 Rough plumbing inspection (water distribution; drain/waste/vent; fixture supports; nail plates/penetration protection as applicable; required test verification prior to concealment).
- C.3 Water heater and temperature/pressure relief valve discharge installation inspection (as applicable).

C.4 Final plumbing inspection.

D. Electrical Inspection Events.

D.1 Electrical service and grounding/bonding inspection (service equipment, grounding electrode system, bonding, and related components as applicable).

D.2 Rough electrical inspection (boxes; wiring methods; conductor sizing; protection/support; panel rough-in as applicable; and required pre-cover verifications).

D.3 Electrical final inspection (devices/fixtures; panel terminations; labeling; required safety devices; and other final-stage verifications as applicable).

E. Re-Inspections; Correction Verification.

E.1 Re-inspection(s) or correction verification inspection(s) when corrections are required to confirm compliance prior to approval to proceed or prior to final approval.

**Exhibit B
Adopting Building code Ordinance**

Sec. 104-2. Building permit prerequisite to electrical power connection.

(a) It shall be unlawful for any individual, person, corporation, or other entity to request or demand from any utility, private, or public, the connection of power to any structure, house, building, installation, including mobile homes, for which a building permit is required by the ordinances of the county, without first displaying to said utility or other company a valid building permit issued by the county.

(b) Any utility whether public or private shall be required to notify the county zoning office responsible for the issuance of said building permits when any individual, person, corporation, or other entity fails to display such permit or is not in compliance with the terms of this chapter.

(c) It shall be a misdemeanor to violate this section. It shall be a misdemeanor to mislead the utility or other company by showing a permit which is not duly and regularly issued, or which does not cover the structure or installation for which power is sought, or to represent falsely that no such permit is required by the ordinances of the city.

ARTICLE II. BUILDING CODES

Chapter 104 Building and Building Regulations Sec. 104-23. Adoption of the 2018 International Building Codes. That certain documents, two copies of which are on file and are open for inspection to the public, one in the office of the city clerk of and one in the office of the county building official, being marked and designated as the following: The 2018 edition of the International Building Code, promulgated by the International Code Council, and amendments adopted herewith together with standards incorporated into the International Building Code by reference, including but not limited to the 2018 edition of the International Residential Code, the 2018 1 edition of International Mechanical Code, and the 2018 edition International Fuel Gas Code promulgated by the International Code Council save and except such portions of the above mentioned codes as a deleted, modified, or amended by provisions of this article; shall be and the same are hereby adopted as the Code of Jefferson County for regulating the erection, construction, enlargement, alteration, repair, moving, removal, demolition, conversion, occupancy, equipment, use, height, area, and maintenance of all buildings or structures in Jefferson County; for issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, conditions, and terms of such International Building Code, 2018 edition published by the International Code Council, and the secondary publications referenced above, all of which are on file in the office of the county clerk or building official are hereby referred to, adopted and made a part hereof as if fully set out in this article.

Sec. 104-24. Deletions, modifications or amendments.

(a) 2018 International Building Code.

(1) Deletions. Section 101.4.3 plumbing shall be deleted, thus solely regulated under the state division of building safety.

b. Section 109.3 shall be deleted.

c. Appendices A,F,K,L,M, and N of the 2018 IBC edition, are hereby deleted.

(2) Modifications or amendments. a. Section 1403.2 water-resistive barriers shall be amended as to leave installation at the sole discretion of the builder and such installation will not be enforced by the city building department.

(b) 2018 International Residential Code.

(1) General

a. Appendixes "A, B, C, and D," are adopted.

b. All references to the International Plumbing Code (IPC) are construed as referring to the Idaho State Plumbing Code (ISPC) as adopted and amended by the Idaho State Plumbing Board.

c. All references to the International Code Council Electrical Code (ICC EC) are construed as referring to the National Electrical Code (NEC) as adopted and amended by the Idaho State Electrical Board.

b. All electrical and plumbing requirements of chapters 26 through 41 shall be deleted, thus solely regulated under the state division of building safety.

e. Appendixes A,B,C,D,F,G,IH,IK,N,O, and P of the 2018 IRC edition, are hereby deleted.

2 d. Section R313 is hereby deleted as per state revisions.

(2) Modifications or amendments.

a. Table 301.2(1) shall be amended to read as follows: Live Snow Load =35 PSF, ground snow load =45 PSF, wind speed - 90 MPH, seismic design category - D-1, weathering - severe, frost line depth - 30", termite - slight/moderate, winter design temp - -4 degrees, flood hazards - FIRM

b. Add the following as section M1201.3 and section G2402.4 (201.4): Alternative materials, design and methods of construction design or method of construction must 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 will also be permitted as an alternate.

c. 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 has the authority to require tests as evidence of compliance to be made at no expense to the jurisdiction. Test methods are as specified in this code or by other recognized test standards. In the absence of recognized and accepted test methods, the authority having jurisdiction approves the testing procedures. Tests must be performed by an approved agency. Reports of such tests must be retained by the authority having jurisdiction for the period required for retention of public records.

d. Add the following as section M1203.1: Carbon monoxide alarms. For new construction, an approved carbon monoxide alarm must 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.

e. 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 must be provided

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

g. Section M1401.3 shall be amended to add "in new, one- and two-family dwellings" between "appliances" and "shall".

h. Section M1502.4.2 shall be amended to read as follows: Exhaust ducts must be supported at four (4) foot (1,219 mm) intervals and secured in place. The insert end of the duct must extend into the adjoining duct or fitting in the direction of airflow. Ducts must not be joined with screws or similar fasteners that protrude into the inside of the duct.

i. Section M1601.1 shall be amended to add "in new, one- and two-family dwellings" between 3 "appliances" and "shall".

j. The last sentence of Section G2417.4 shall be amended to read as follow: Mechanical gauges used to measure test pressure must 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.

k. Section G2417.4.1 shall be amended to read as follows: Test Pressure. Not less than twenty (20) psig (one hundred forty (140) kPa gauge) test pressure is 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 is required. For systems over ten (10) psig (seventy (70) kPa gauge) working pressure, minimum test pressure may be no less than six (6) times working pressure.

1. Section G2427.4.2 shall be amended to read as follows: The test duration may not be less than Twenty (20) minutes.

m. Add the following as Section G2427.4.1.2: Testing. All plastic pipe within a dwelling used for venting flue gases must be tested at five (5) psi for fifteen (15) minutes.

(c) 2018 International Mechanical Code.

(1) General a. Appendix "A" is adopted.

b. All references to the International Plumbing Code (IPC) are construed as referring to the Idaho State Plumbing Code (ISPC) as adopted and amended by the Idaho State Plumbing Board.

c. All references to the International Code Council Electrical Code (ICC EC) are construed as referring to the National Electrical Code (NEC) as adopted and amended by the Idaho State Electrical Board.

(2) Deletions.

a. Section 109 shall be deleted.

(3) Modifications or amendments.

a. Section 202 shall be amended as follows: Add "conveyorized pizza" between the terms "standard" and "bake" in the definition of Light duty appliances. Remove the following from the definition of "Medium-duty Cooking Appliance": electric and gas conveyor pizza ovens.

(d) 2018 International Fuel Gas Code.

(1) General a. Appendixes "A, B, C, and D" are adopted.

b. All references to the International Plumbing Code (IPC) are construed as referring to the Idaho 4 State Plumbing Code (ISPC) as adopted and amended by the Idaho State Plumbing Board.

c. All references to the International Code Council Electrical Code (ICC EC) are construed as referring to the National Electrical Code (NEC) as adopted and amended by the Idaho State Electrical Board.

(2) Deletions.

a. Section 109 shall be deleted.

(3) Modifications or amendments.

a. The last sentence of Section 406.1 shall be amended to read as follows: Mechanical gauges used to measure test pressure must 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.

b. Section 406.1 shall be amended to read as follows: Not less than twenty (20) psig (140kPa gauge) test pressure is 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 is required. For systems over ten (10) psig (70kPa gauge) working pressure, minimum test pressure may be no less than six (6) times working pressure

c. Section 406.4.2 shall be amended to read as follows: The test duration may not be less than Twenty (20) minutes.

d. Add the following as Section 503.4.1.2: Testing. All plastic pipe within a dwelling used for venting flue gases must be tested at five (5) psi for fifteen (15) minutes. e. Section 505 shall be amended to include: An interlock between the cooking appliance and the exhaust hood system is not required for appliances that are of the manually operated type and are factory equipped with standing pilot burner ignition systems.

Sec. 104-25. Installation of manufactured homes.

Manufactured homes as defined by Idaho state law and inspected by the department of housing and urban development, shall not be subject to the enforcement provisions of the aforesaid Uniform Building Code, but shall be regulated and inspected as prescribed in Idaho Code, title 44, chapter 22. The owner, or an agent of the owner, must apply for and receive, a Jefferson County building permit prior to placing any manufactured home on their property. No structural modifications may be made to any manufactured home unless a written site-specific structural analysis from a State of Idaho certified engineer or architect has been approved, verifying the modifications compatibility with the manufactured home. All additions or alterations to any manufactured home must comply with all building code requirements. The building official or appointed representative is hereby authorized to permit, inspect and collect fees as established by the governing body, for manufactured homes placed in the city of Rigby. Mobile or manufactured homes not bearing a HUD certificate label shall not be allowed except as provided for by Idaho Code, title 44 chapter 25.

Sec. 104-27. General.

Fees shall be assessed in accordance with the provisions of this section.

(1) *Permit fees.* The determination of value or valuation under any of the provisions of this Code shall be made by the building official. The value(s) to be used in calculating the valuation of the building permit is listed in the section 104-30 Valuation Table. The valuation will be applied to the county building permit fee schedule.

(2) *Plan review fees.* Building plans are required by the building official. A plan review fee shall be paid at the time the building permit application is submitted.

The plan review fees specified in this section are separate fees from the permit fees and are in addition to the permit fees.

When submittal documents are incomplete or changed, requiring additional plan review, or when the project involves deferred submittal items, an additional plan review fee shall be charged at the rate shown in the county building permit fee schedule.

(3) *Expiration of plan review.* Applications for which no permit is issued within 180 days following the date of the application shall expire by limitation, and plans and other data submitted for review may thereafter be destroyed by the building official. The building official may extend the time for action by the applicant for a period not exceeding 180 days upon application by the applicant showing that circumstances beyond the control of the applicant have prevented action from being taken. In order to renew action on an application after expiration, the applicant shall resubmit plans and pay a new plan review fee.

(4) *GIS/addressing review fee.* A GIS/addressing review fee is required by the building permit fee schedule. The GIS/addressing review fee shall be paid at the time the building permit application is submitted.

(5) *Investigation fees.* Work without a permit.

(6) Whenever any work for which a permit is required by this Code has been commenced without first obtaining said permit, a special investigation shall be made before a permit may be issued for such work.

(7) An investigation fee, in addition to the permit fee, shall be collected whether or not a permit is then or subsequently issued. The investigation fee is contained in the building permit official fee schedule. The payment of such investigation fee shall not exempt any person from compliance with all other provisions of this Code nor from any penalty prescribed by law.

(8) *Technology fee.* A technology fee is required by the building permit fee schedule. The technology fee shall be paid at the time the building permit application is submitted.

Sec. 104-28. Building board of appeals.

The board of county commissioners hereby establishes the building board of appeals, to hear and decide appeals of orders, decisions or determinations made by the county building official.

Members of the building board of appeals shall serve without salary or wage.

(1) Membership.

a. The building board of appeals shall consist of five members appointed by the board of county commissioners for a term of four years.

b. The board of county commissioners shall appoint two alternate members who shall be called upon by the building board of appeals chairperson to hear appeals during the absence of or disqualification of a member. Alternate members shall possess

the qualifications required for building board of appeals membership and shall be appointed for a term of four years.

c. The qualifications of members shall be as follows:

1. Three of the members shall be registered design professionals with civil engineering, structural engineering, mechanical engineering, geotechnical engineering or architectural experience; provided, however, that no more than two members will be chosen from the same profession.

2. One member shall be a general contractor with at least five years' experience, three years of which shall have been in responsible charge of work.

3. One member of the building board of appeals shall have one of the following qualifications: studying for a degree in construction management plus two years practical construction experience; passed the fundamentals of engineering (FE) examination in civil or mechanical engineering plus two years practical civil, structural, geotechnical, or mechanical engineering experience; or possess an architectural associate (AA) degree plus two years practical architectural experience.

4. All subsequent vacancies will be filled by appointments for the remainder of the terms.

5. A member must reside in Jefferson County during the entire term.

6. Members shall relinquish all voting rights upon the expiration of their terms unless reappointed by the board.

7. The building official shall be a nonvoting, ex officio member and act as secretary of the building board of appeals.

(2) *Continuation of existing membership.* The membership of the building board of appeals shall continue to be those members in office immediately preceding the enactment of this chapter. The terms of such members shall continue until their previously designated time. The enactment of this chapter shall have no effect on the business or membership of the building board of appeals.

(3) *Disqualification.* Members may be recommended for removal to the board of county commissioners by a majority vote of the building board of appeals. Cause may include, but is not limited to:

a. Excessive conflicts of interest or continued conflicts of interest which interfere with the member's ability to perform his duties as interpreted by the board of county commissioners.

b. False or misrepresenting statements by a member at the time of application and appointment.

c. In the event that a member of the building board of appeals does not attend three consecutive meetings, that person must submit an explanation of the absences to both the building board of appeals and the board of county commissioners. The building board of appeals or the board of county commissioners, upon examination

of the explanation, may require the immediate resignation of that member for a high or inexcusable absentee rate.

(4) Procedures.

a. *Application for appeal.* Appeals of an order, decision or determination made by the county building official shall be filed with the building official of the planning and zoning and building department within 15 days after the date of the order, decision or determination of the county building official, or it shall not be accepted. An application and fees, shall be submitted to the building official on forms provided by the county planning, zoning and building department.

b. *Hearings.* Hearings before the building board of appeals shall be public and shall be conducted in accordance with the requirements set forth in chapter 112-28 of this Code.

c. *Findings.* The building board of appeals shall make findings of fact and conclusions of law in writing, stating the decision and the reasons for the decision. The building board of appeals shall sign and render all decisions and findings in writing to the appropriate enforcement official and agency, the appellant, and the building official within 15 days of the hearing.

d. *Rules of order.* The building board of appeals shall adopt rules of order that are consistent with the laws of the State of Idaho and this Code. The building board of appeals shall file its rules with the county clerk and the board of county commissioners.

e. *Minutes.* The building board of appeals shall keep minutes of its proceedings and keep a record of its examinations, findings, decisions and all other official actions.

f. *Quorum.* A simple majority of the voting members shall be necessary to constitute a quorum. The concurring vote of a majority of a quorum present shall be necessary in order to make a decision on any issue before the building board of appeals.

Sec. 104-29. Penalties.

Any permit applicant or contractor who is not in compliance with the county building regulations, flood plain regulations, and other ordinances enforced by the county planning, zoning and building department shall not be issued any permits or certificates until the violations are corrected.

Violation of the provisions of this article shall constitute a misdemeanor as defined by Idaho Code, § 18-113, as amended from time to time by the state legislature. Each day such violation continues shall be considered a separate offense.

Any permit holder or contractor who occupies or allows occupancy of the permitted structure before the final inspection has passed and certificate of occupancy issued, shall be subject to a fine in accordance with the fee schedule.