

**DIVISION OF BUILDING SAFETY
APPLICATION FOR REVIEW OF A PROPOSED STATEWIDE AMENDMENT
TO STATE ADOPTED CODES
2012 Code Adoption Cycle**

Log# _____
(Office Use Only)

PLEASE FOLLOW INSTRUCTIONS ON PAGE FIVE

1. State Building Code to be Amended:

<input type="checkbox"/> International Building Code	<input type="checkbox"/> International Energy Conservation Code
<input checked="" type="checkbox"/> International Residential Code	<input type="checkbox"/> International Mechanical Code
<input type="checkbox"/> International Fuel Gas Code	<input type="checkbox"/> National Electrical Code
<input type="checkbox"/> International Existing Building Code	<input checked="" type="checkbox"/> IDAPA 07.03.01, 004, 02, c.
<input type="checkbox"/> Idaho State Plumbing Code	<input type="checkbox"/>

Section: R105.2 Item #2 **Page:** 3

2. Applicant Name (Specific local government, organization or individual):

Jason Blais, City of Boise

3. Signed:

 Proponent	City of Boise Building Official	6-25-14
	Title	Date

4. Designated Contact Person:

Jason Blais	City of Boise Building Official
Name	Title

Address: City of Boise – Planning & Development Services
P.O. Box 500
Boise, ID 83701

384-3807

Office Phone	Cell	Fax
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E-mail address: jblais@cityofboise.org

5. Proposed Code Amendment. Use 'legislative format' including both old and new language. See instructions on page five for specific details. Please attach a separate sheet for each separate proposal.

2012 IRC	R105.2 Item #2	3
Code	Section	Page

Please note number of additional pages: 3

Delete IDAPA 07.03.01, 004, 02, c. that amends IRC R105.2 Item #2 with no replacement:

~~e. 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.~~

Supporting Data for Statewide Amendment Proposals. This information is required for all statewide amendment proposals. Attach supporting documentation, as necessary; incomplete proposals will not be accepted.

The governing boards require supporting data on any amendment proposal to show:

1. That it meets basic criteria – See Part I to specify how this proposal meets the criteria for code amendment.
2. The intended effect – See Part II to describe the purpose of the proposed amendment, including the benefits and the problems addressed.
3. The potential impacts or benefits to business – See Part III/Types of Construction, to explain how methods in construction businesses, industries and services would be affected.
4. The potential impacts on enforcement procedures, See Part III/Types of Services Required, to provide some analysis of the impacts on code enforcement in local jurisdictions.
5. Economic costs and benefits – Use the Table in Part IV of this form to estimate the costs and benefits of the proposal on construction practices, users and/or the public, the enforcement community, and operation and maintenance.

Part I ♦ Background information on amendment.

Code references: R105.2

Title: Work exempt from permit

Related Codes: None

(Does this amendment change other related codes?)

Proponent: Jason Blais

Phone: 384-3807

Date: 5/13/14

NOTE: Amendments to the state building code must be based on one of the following criteria; please indicate the pertinent rationale for the proposed amendment by selecting from the list below:

- (1) The amendment is needed to address a critical life/safety need.
- (2) The amendment is needed to address a specific state policy or statute.
- (3) The amendment is needed for consistency with state or federal regulations.
- (4) The amendment is needed to address a unique character of the state.
- (5) The amendment corrects errors and omissions.

Part II ♦ Amendment Benefit:

PROBLEM(S) ADDRESSED (Describe the intended effect of the proposed code amendment):

The 2012 International Residential Code has made a change now stating fences not over 7 feet high are exempt from permit. A current IDAPA rule amendment on this section states fences not over 6 feet high are exempt from permit. The Code Collaborative concluded this IDAPA rule amendment needs to just be deleted and current 2012 IRC language (without amendment) adhered to. Any zoning issues on this subject should be appropriately addressed through a jurisdiction's zoning ordinance not the building code.

PRIMARY REASON FOR AMENDMENT: (Describe how the amendment meets one of the criteria listed above)

This amendment will align with Idaho Statute, Title 39, Chapter 41, Section 39-4109 (3) which states "No amendments to the International Residential Building Code shall be made by the Idaho building code board that provide for standards that are more restrictive than those published by the International Code Council." The current IDAPA rule amendment on this subject is currently more restrictive than in the nationally published code therefore should be deleted.

TYPE OF BENEFITS PROJECTED:

Part III ♦ Amendment Impacts or Benefits:

TYPES OF CONSTRUCTION: New Construction Alteration/Tenant Improvement/Repair
 Residential-Single Family Residential-Multi Family Commercial Industrial

List businesses/industries affected by amendment:

Manufacturers: _____
 Specific Construction Contractors & Trades: Fence contractors
 Construction Supply Industry: _____
 Specialty Trades: _____
 Types of Buildings: _____
 Fire Protection Industry: _____

Types of Services Required:

Reporting: Brief Description _____
 Record Keeping: Brief Description _____
 Other: Brief Description _____
 Indirect Cost to Industry: Indicate whether there are multiple sources to obtain the equipment, material or service required by this proposal. If not, provide a justification of the benefit versus small business impact.

Part IV ♦ Amendment Costs and Benefits

Building Type	Construction ¹			Enforcement ²			Operations & Maintenance ³		
	Co sts	% impact ⁴	Benefits ⁵	Costs	% impact	Benefits	Costs	% impact	Benefits
Residential	∅	/	yes	∅	/	yes	∅	/	yes
Single family	∅	/	yes	∅	/	yes	∅	/	yes
Multi-family									
Commercial/ Retail									
Industrial									
Institutional									

1 \$ / square foot of floor area or other cost. Attach data. **Construction** costs are costs prior to occupancy, and include both design and direct construction costs that impact the total cost of the construction to the owner/consumer.

2 Cost per project plan. Attach data. **Enforcement** costs include governmental review of plans, field inspection, and mediated litigation required for enforcement.

3 Cost to building owner/tenants over the life of the project.

4 Cost differential over a specific size project or range of projects as determined by the proponent. Provide sufficient cost and benefit detail to clarify the impact to the Council. All data should be created and referenced to third party reputable sources for verification.

5 Note sectors with measurable benefit from Part II, including benefits to a) the user, b) the public, c) the industry, and/or d) the economy; use e) for all of the above.

- v. Congregate living facilities (nontransient) with sixteen (16) or fewer occupants; (3-20-14)
- vi. Congregate living facilities (transient) with ten (10) or fewer occupants; or (3-20-14)
- vii. Dwelling units providing day care for twelve (12) or fewer children. (3-20-14)
- d. Delete section 310.5.1 and replace with the following: Care facilities within a dwelling. Care facilities for twelve (12) or fewer children receiving day care or for five (5) or fewer persons receiving care that are within a single-family dwelling are permitted to comply with the International Residential Code. (3-20-14)
- e. 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. (4-4-13)
- f. Delete footnote (g) contained under Table 2902.1 Minimum Number of Required Plumbing Fixtures and replace with the following: For business occupancies, excluding restaurants, and mercantile occupancies with an occupant load of thirty (30) or fewer, service sinks shall not be required. (3-20-14)
- 02. International Residential Code.** 2012 Edition with the following amendments: (3-20-14)
 - a. Delete exception No. 1 contained under IRC section R101.2 - Scope. (3-20-14)
 - b. Delete exception No. 2 contained under IRC section R101.2 - Scope, and replace with the following: Owner-occupied lodging houses with three (3) or fewer guestrooms shall be permitted to be constructed in accordance with the International Residential Code for One- and Two-family Dwellings. Such occupancies shall be required to install smoke alarms and carbon monoxide alarms in accordance with sections R314 and R315 respectively of the International Residential Code for One- and Two-family Dwellings. (3-20-14)
 - c. 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)
 - d. 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)
 - e. Add the following item No. 11 at the end of the "Building" subsection of IRC section R105.2 - Work exempt from permit: Flag poles. (3-20-14)
 - f. 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)
 - g. IRC Table R302.1 Exterior Walls -- delete the figures contained in the last column of the table under the heading Minimum Fire Separation Distance for the "Walls" and "Projections" elements, 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



Idaho Statutes

TITLE 39 HEALTH AND SAFETY

CHAPTER 41 IDAHO BUILDING CODE ACT

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

(a) The 2006 International Building Code shall be in effect, until such time as a subsequent version is adopted by the Idaho building code board, at which time the subsequent versions of the International Building Code as adopted and amended by the Idaho building code board through the negotiated rulemaking process as established in section [67-5221](#), Idaho Code, and as further provided in subsection (5) of this section and in accordance with subsections (2) and (3) herein shall be in effect:

(i) Including appendices thereto pertaining to building accessibility;

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

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

(b) The 2006 International Residential Code as published by the International Code Council, except for parts V, VI, VII and VIII as they pertain to mechanical, fuel gas, plumbing and electrical requirements shall be in effect, until such time as a subsequent version is adopted by the Idaho building code board, at which time the subsequent versions of the International Residential Code as adopted and amended by the Idaho building code board through the negotiated rulemaking process provided in this section shall be in effect;

(c) The 2006 International Energy Conservation Code as published by the International Code Council shall be in effect, until such time as a subsequent version is adopted by the Idaho building code board, at which time the subsequent versions of the International Energy Conservation Code as adopted and amended by the Idaho building code board through the negotiated rulemaking process provided in this section shall be in effect; and

(d) The 2006 International Existing Building Code as published by the International Code Council shall be in effect, until such time as a subsequent version is adopted by the Idaho building code board, at which time the subsequent versions of the International Existing Building Code as adopted and amended by the Idaho building code board

through the negotiated rulemaking process provided in this section shall be in effect.

(2) No amendments to the accessibility guidelines shall be made by the Idaho building code board that provide for lower standards of accessibility than those published by the International Code Council.

(3) No amendments to the International Residential Building Code shall be made by the Idaho building code board that provide for standards that are more restrictive than those published by the International Code Council.

(4) Any edition of the building codes adopted by the board will take effect on January 1 of the year following its adoption.

(5) In addition to the negotiated rulemaking process set forth in section [67-5221](#), Idaho Code, the board shall conduct a minimum of two (2) public hearings, not less than sixty (60) days apart. Express written notice of such public hearings shall be given by the board to each of the following entities not less than five (5) days prior to such hearing: associated general contractors of America, associated builders and contractors, association of Idaho cities, Idaho association of building officials, Idaho association of counties, Idaho association of REALTORS®, Idaho building contractors association, American institute of architects Idaho chapter, Idaho fire chiefs association, Idaho society of professional engineers, Idaho state independent living council, southwest Idaho building trades, Idaho building trades, and any other entity that, through electronic or written communication received by the administrator not less than twenty (20) days prior to such scheduled meeting, requests written notification of such public hearings.

History:

[39-4109, added 2002, ch. 345, sec. 13, p. 971; am. 2004, ch. 272, sec. 3, p. 759; am. 2004, ch. 359, sec. 2, p. 1074; am. 2007, ch. 184, sec. 1, p. 532; am. 2009, ch. 173, sec. 2, p. 552; am. 2009, ch. 279, sec. 1, p. 841; am. 2010, ch. 79, sec. 14, p. 143.]

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