

RESOLUTION REGARDING WAIVER OF
DIVISION OF BUILDING SAFETY PERMIT FEES

December 3, 2020

WHEREAS, impacted areas of Clearwater County, Idaho experienced destructive wildfires during 2020 destroying numerous structures and disrupting the economic and communal well-being and health and safety of the citizens in the affected areas of the County;

WHEREAS, the expeditious reconstruction and repair of commercial and residential buildings and structures damaged by the wildfires and their re-occupation is essential to public health and safety and to the economic well-being of the affected areas;

WHEREAS, the expeditious repair and reconstruction of buildings and structures damaged by the wildfires will be encouraged and incentivized by waiving certain rules imposing fees that would otherwise be payable to the Division of Buildings Safety (DBS) for permits and inspections required by law for such work and would alleviate potentially unsafe conditions;

WHEREAS, the Idaho Legislature with the passage of SB1282 has provided the authority for Idaho citizens to petition for a waiver or variance from an Administrative Rule due to considerations including that the rule would impose an undue burden on the petitioner, or that the petitioner proposes an alternative that will afford substantially equal protection of health, safety and welfare intended by the rule for which the waiver or variance is requested;

WHEREAS, the Division of Building Safety and Electrical Board received a petition on behalf of the affected citizens for the waiver or variance from the rules imposing electrical permit fees for the rebuilding of structures in Clearwater County destroyed by wildfires, as well as heard amplifying information from the petitioners at an Electrical Board meeting dated October 29, 2020;

WHEREAS, the petition stated the rules would impose an undue burden on the affected citizens and proposed an alternative that, in the opinion of DBS and the Electrical Board, will afford substantially equal protection of health, safety and welfare intended by the rules;

WHEREAS, the DBS Administrator respectfully requested that provisions of the following rules related to the imposition of a fee for any applicable electrical permit or inspection of any installation related thereto by DBS be temporarily waived or a variance be granted thereto; and

WHEREAS, the Idaho Electrical Board as per Idaho Code section 67-5230 and chapter 10, title 54, Idaho Code, has authority to approve the waiver or variance from the Rules of the Idaho Electrical Board at IDAPA 24.39.10;

NOW THEREFORE BE IT RESOLVED that to the extent authorized by all other applicable law, the Idaho Electrical Board grants the petition to waive provisions of the rules set forth in IDAPA 24.39.10.011.02; IDAPA 24.39.10.012; and IDAPA 24.39.10.012.01 as it relates to the imposition of fees for electrical permits with the following conditions:

- That the approval is limited only to those electrical installations that are made to repair or replace structures that were damaged by the wildfires;
- That such waiver of the electrical permit fees set forth in IDAPA rules shall extend only to Clearwater County, and only to permits obtained until December 31, 2021;

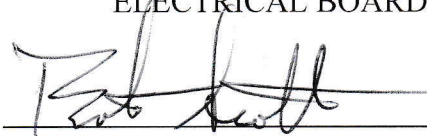
The Board grants this waiver to the rules imposing electrical permit fees in order to enhance public safety and assist in the expeditious repair and reconstruction of residences and related structures damaged by the wildfires. With the exception of the waiver of the rules requiring payment of the required fee as described above, no other provisions of the electrical rules are waived. All other laws and rules applicable to the permitting and inspection of electrical installations in the affected areas shall still apply.

This Resolution shall take effect immediately until the date identified above, and DBS is directed to execute the issuance of electrical permits to those from the affected area who may apply for such consistent with this resolution.

DATED this 3RD day of December 2020.

STATE OF IDAHO,
DIVISION OF BUILDING SAFETY,
ELECTRICAL BOARD

By: _____



Bob Scott, Chairman