

**ORDINANCE # 2024-1**  
**CITY OF BOVILL BUILDING CODE ORDINANCE**

**AN ORDINANCE OF THE CITY OF BOVILL, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO; REPEALING PRIOR ORDINANCES AND AMENDMENTS PERTAINING TO BUILDING CODES; PROVIDING FOR FILING OF THE ADOPTED CODES; ADOPTING THE 2018 INTERNATIONAL BUILDING CODE, THE 2018 INTERNATIONAL RESIDENTIAL CODE, THE 2018 INTERNATIONAL MECHANICAL CODE, THE 2018 INTERNATIONAL FUEL GAS CODE, THE 2018 INTERNATIONAL ENERGY CONSERVATION CODE, THE 2018 INTERNATIONAL EXISTING BUILDING CODE, THE 2018 INTERNATIONAL PROPERTY MAINTENANCE CODE, AND RELATED APPENDICES, ALL AS THE CITY OF BOVILL BUILDING CODE; PROVIDING FOR AMENDMENT OF CERTAIN SECTIONS OF SAID CODES; PROVIDING A SECTION ON MANUFACTURED, MODULAR AND MOBILE HOMES; PROVIDING A SECTION ON PERMANENT LIVING QUARTERS; PROVIDING A SECTION ON PERMITS CONTRARY TO LAW; PROVIDING A SECTION ON ENFORCEMENT AND PENALTIES; PROVIDING FOR FEES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City finds that the application of the adopted building standards and regulations within the City of Bovill is in the best interest of and will further the health, safety, and welfare of the public and the citizens of the City of Bovill; and

**WHEREAS**, per Idaho Code § 39-4116(4)(e), the City finds that the sections of Part III of the “Idaho Residential Code” amended by this Ordinance need amended, that good cause for building and life safety exists for such amendments, and that such amendments are reasonably necessary; and

**WHEREAS**, this Ordinance is adopted under authority of Idaho Code Title 39 Chapter 41, Idaho Code 31-714 and applicable provisions of the Constitution of Idaho and statutes of the State of Idaho; and

**WHEREAS**, the notification and hearing requirements, as set forth in Idaho Code, have been fully complied with;

**NOW THEREFORE, BE IT ORDAINED** by the City Council of the City of Bovill, Idaho:

**SECTION 1. REPEAL OF PRIOR CODES.** That City of Bovill Ordinance # **2018-1** and all subsequent amendments passed by the City Council are hereby repealed; except with respect to those portions repealing prior ordinances.

**SECTION 2. FILING OF CODE.** That the codes as adopted in this Ordinance shall be designated as the City of Bovill Building Code, one copy of each Code shall be available for inspection at the County Building Department, at the Latah County Courthouse, Moscow, Idaho or at the City of Bovill, City Hall, Bovill, Idaho.

## **SECTION 3. CODES ADOPTED.**

# **Chapter 1**

## **BUILDING CODES AND REGULATIONS**

### **4-1-1: COMPOSITION OF CITY OF BOVILL BUILDING CODE:**

### **4-1-2: CODES ADOPTED:**

### **4-1-3: AMENDMENTS TO CERTAIN ADOPTED CODES:**

### **4-1-4: AMENDMENTS TO MECHANICAL CODE AND FUEL GAS CODE:**

### **4-1-5: MANUFACTURED, MODULAR, AND MOBILE HOMES:**

### **4-1-6: PERMANENT LIVING QUARTERS:**

### **4-1-7: PERMITS CONTRARY TO LAW:**

### **4-1-8: ENFORCEMENT AND PENALTIES:**

### **4-1-9: FEES:**

### **4-1-1: COMPOSITION OF CITY OF BOVILL BUILDING CODE:**

The codes as adopted in this chapter shall be designated as the City of Bovill Building Code. These regulations apply to all structures and property in the City of Bovill.

### **4-1-2: CODES ADOPTED:**

- A. In accordance with Idaho Code Title 39 Chapter 41, Idaho Code Title 44 Chapters 21 and 22, and the Idaho Administrative Procedures Act Section 24.39 (7.03), the codes adopted for the City of Bovill as amended herein and by the State of Idaho, include:
  - 1. The International Building Code, 2018 edition
  - 2. The International Residential Code, 2018 edition, parts I through VI
  - 3. The International Mechanical Code, 2018 edition
  - 4. The International Fuel Gas Code, 2018 edition
  - 5. The International Energy Conservation Code, 2018 edition
  - 6. The International Existing Building Code, 2018 edition
  - 7. The International Property Maintenance Code, 2018 edition
- B. The following appendices to the International Building Code, 2018 edition, are specifically adopted:
  - 1. Appendix C, Group U Agricultural Buildings
  - 2. Appendix E, Supplementary Accessibility Requirements
  - 3. Appendix F, Rodent Proofing
  - 4. Appendix H, Signs
  - 5. Appendix I, Patio Covers
  - 6. Appendix J, Grading
- C. The following appendices to the International Residential Code, 2018 edition, are specifically adopted:
  - 1. Appendix A, Sizing and Capacities of Gas Piping



2. Appendix B, Sizing of Venting Systems Serving Appliances with Draft Hoods, Category I, Appliances, and Appliances Listed for Use and Type B Vents
3. Appendix C, Exit Terminals of Mechanical Draft and Direct-Vent Venting Systems
4. Appendix D, Recommended Procedure for Safety Inspection of an Existing Appliance Installation
5. Appendix H, Patio Covers
6. Appendix J, Existing Buildings and Structures
7. Appendix M, Home Day Care-R-3 Occupancy
8. Appendix Q, Tiny Houses
9. Appendix R, Light Straw-Clay Construction
10. Appendix S, Strawbale Construction

D. The following appendices to the International Existing Building Code, 2018 edition, are specifically adopted:

1. Appendix A-1, Seismic Strengthening Provisions for Unreinforced Masonry Bearing Wall Buildings
2. Appendix A-2, Earthquake Hazard Reduction in Existing Reinforced Concrete and Reinforced Masonry Wall Buildings with Flexible Diaphragms
3. Appendix B, Supplementary Accessibility Requirements for Existing Buildings and Facilities
4. Resource A, Guideline on Fire Ratings of Archaic Materials and Assemblies.

#### **4-1-3: AMENDMENTS TO CERTAIN ADOPTED CODES:**

The following language is hereby added to or amends the adopted codes as follows:

- A. Section [A]105.2 of the International Building Code, 2018 edition, Section R105.2 of the International Residential Code, 2018 edition, and Section 105.2 of the International Existing Building Code, 2018 edition, are hereby amended as follows:

##### **105.2 Work exempt from permit [A]105.2 [R105.2] [105.2]**

Work exempt from permit. Exemption from permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction or the State of Idaho. All exemptions from permits requirements of this code are subject to the following:

1. All exempt items that include electrical, plumbing, mechanical or fuel gas are required to obtain a valid permit and final approval for such and provide a copy of that to the City.
2. No exempt structure shall be used as a cabin, residence, tiny home, office, studio, or other similar item.

With respect to the above, building permits shall not be required for the following:

##### **105.2 Work exempt from permit [A]105.2 [R105.2] [105.2]**

15. [12.] [8.] Freestanding solar collectors not greater than 200 square feet and no higher than 10 feet above grade.

16. [13.] [9.] Commercially available membrane structures erected according to the

manufacturers' instructions intended to provide weather protection for automobiles and recreational vehicles.

18. [15.] [11.] Unlit signs less than 12 square feet on poles less than 7' high or attached to the side of a structure.

- B. Section [A]105.3 of the International Building Code, 2018 edition, and Section R105.3 of the International Residential Code, 2018 edition, Section [A]105.3 of the International Existing Building Code are hereby amended as follows:

**105.3 [R105.3] Application for permit.**

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.

10. For structures that have electrical, the electrical permit number. For structures that have plumbing, the plumbing permit number. If not available at the time of application, these numbers shall be provided to the City of Bovill as soon as they are acquired.

- C. Section [A]105.5 of the International Building Code, 2018 edition, Section R105.5 of the International Residential Code, 2018 edition, and Section [A]105.5 of the International Existing Building Code are hereby amended as follows:

**[A]105.5 [R105.5] [A]105.5 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 three extensions of time, for periods not more than 180 days each. The party must request an extension and pay the fee as shown in Section 4-1-9.

**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 Section 4-1-9. 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 or carport with a home, 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. No refund shall be given for partial permit approval.



- D. Section [A] 111.3 of the International Building Code, 2018 edition, Section R110.4 of the International Residential Code, 2018 edition, and [A]110.3 of the International Existing Building Code are hereby amended as follows:

**[A]111.3 [R110.4] [A]110.3 Temporary Occupancy.** The Building Official is authorized to issue a Temporary Certificate of Occupancy before the completion of the entire work covered by the permit, provided that such portion or portions shall be occupied safely and the corresponding fee for a Temporary Certificate of Occupancy has been paid. To occupy a structure safely, the Building Official shall determine what items must be complete and pass inspection prior to issuance.

The Temporary Certificate of Occupancy, when issued, shall contain a list of all items remaining for final approval and be signed by the applicant. It shall be valid for a period of 180 days. An applicant can request and receive, at the discretion of the Building Official, two (2) one-time 180 extensions of their Temporary Certificate of Occupancy. The fees, as indicated in Section 4-1-9, for a Temporary Certificate of Occupancy and Temporary Certificate of Occupancy extension shall be paid prior to issuance or extension. This Temporary Certificate of Occupancy may be recorded by the Building Official and may be revoked at any time if a safety hazard is deemed to exist that was not readily apparent at the time of the issuance.

If a structure is not completed at the time of the expiration of the Temporary Certificate of Occupancy, a renewal permit shall be required and a Certificate of Non-Compliance shall be recorded against the structure and shall not be removed until a valid Certificate of Occupancy has been issued. Enforcement actions may be taken against the owners of any property when occupying a structure that has no valid Certificate of Occupancy or Temporary Certificate of Occupancy.

- E. Section 107.1 of the International Building Code is hereby amended as follows:

**[A] 107.1.1 Design.** An Engineer or Architect, licensed in the State of Idaho, is required to submit all drawings for structures under this code. Submittals shall include the structural and interior design for the appropriate occupancy.

- F. Section 109 of the International Building Code, 2018 edition, Section R108 of the International Residential Code, 2018 edition, and Section 108 of the International Existing Building Code are hereby amended as follows:

**[A] 109.3 [R108.3] [[A]108.3] Building permit valuations.** Valuations are set in Section 4-1-9. When valuation data for certain projects is not available in Section 4-1-9, the Building Official shall determine a valuation in accordance with the policy established in Section 4-1-9. The corresponding fee shall be paid.

**[A] 109.5.1 [R108.4.1] [[A]108.5.1] 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 Section 4-1-9. A non-refundable fee deposit, in an amount set forth in Section 4-1-9, for commencement of the plan review shall be paid for projects exceeding \$30,000 in valuation.

The plan review fees specified in this Section are separate fees from the permit fees 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.

**[A] 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. No refunds shall be made any time after a permit has expired, whether issued or not issued.

- G. Section 113 of the International Building Code, 2018 edition, and Section R112 of the International Residential Code, 2018 edition, and Section 112 of the International Existing Building Code, 2018 edition, and Section C109 of the International Energy Conservation Code, 2018 edition, are hereby amended as follows; and that all of the Subsections of Section 111 - Means of Appeal in the International Property Maintenance Code, 2018 edition are hereby deleted and replaced as follows:

**[A] 113.1 [R112.1] [112.1] [111.1] [C109.1] 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 Bovill 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 Bovill Hearing Procedures Ordinance and shall render all decisions and findings in writing to the appellant with a duplicate copy to the Building Official.

**[A] 113.2 [R112.2] [112.2] [111.2] [C109.2] 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 Section 4-1-9, and written appeal describing the specific issues being appealed, must be submitted to the City of Bovill 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 by the City Council of Bovill within thirty (30) days and the Board of Appeals, once appointed, shall first 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 Bovill. 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 any requirement of this code.

**111.3 [C109.3] Qualifications.** The Board of Appeals shall consist of members who are qualified by experience and training to pass on matters pertaining to building construction and property maintenance and are not employees of the jurisdiction.

- H. Section 112.4, Failure to Comply, of the International Property Maintenance Code, 2018 edition, shall be amended as follows:

**112.4 Failure to comply.** Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine of not less than \$300 for each day the work continues.

- I. Section R202, Definitions, of the International Residential Code, 2018 edition, shall be amended as follows:

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

- J. Table R301.2(1), Climatic and Geographic Design Criteria, of the International Residential Code, 2018 edition, shall be completed as follows:

**Ground Snow Load:** 115 PSF, **Roof Snow Load:** 80 PSF

**Wind Speed:** 115 mph IRC; IBC 115 mph or design using 1609 IBC or Chapter 26-30 ASCE 7

**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

**Winter Design Temp:** 10 Degrees F

**Ice Shield Underlayment Required:** Yes

**Flood Hazards:** Date of entry into the National Flood Insurance Program, 12-1979; Date of current Flood Insurance Rate Map Index: 12-18-1979 Panel #1602020001A

**Air Freezing Index:** 1500 or less

**Mean Annual Temperature:** 47.3 Degrees F

- K. Section R304 of the International Residential Code, 2018 edition, shall be amended as follows:

**R304.5 Minimum area of a dwelling unit.** A dwelling unit shall have at least 255 square feet, with a separate bathroom containing a water closet, lavatory and bathtub or shower with a minimum floor area of 35 square feet, an additional 100 square feet for each occupant in excess of two and must be on a permanent foundation. Dwelling units that do not meet these requirements are considered temporary and are subject to Subsection 4-1-6 of this code.

- L. Section 302.1 of the International Building Code, 2018 edition, shall be amended as follows:

**11. Office and Studio Accessory to Residential (see section 313): Group OSA**

- M. Section 312 of the International Building Code 2018 edition, shall be amended as follows:

**Section 312.1.2 Utility Occupancy and Pole Structures with Utility Occupancy.** Utility occupancy or pole structures with utility occupancy that are not exempt from building permits may contain a bathroom but cannot contain a kitchen or a bar. Any bathroom shall be considered a utility occupancy (not pole) and shall be charged as such. Kitchens and bars shall be considered R-3 and shall be charged as such and shall also be subject to required zoning permits for primary or secondary residential structure.

- N. Chapter 3, Occupancy and Use, of the International Building Code, 2018 edition, shall be amended as follows:

**SECTION 313**

**OFFICE AND STUDIO ACCESSORY TO RESIDENTIAL GROUP OSA**

**313.1 General.** Buildings and structures that are accessory to a built residential use not classified in a different occupancy shall be constructed, equipped and maintained to conform to the requirements of this code commensurate with the fire and life hazard incidental to the Utility occupancy (Group U) and must meet the following requirements: a permanent foundation regardless of size, windows/doors that meet egress requirements, insulation and u-factor windows when a heating or cooling source is implemented, and smoke detector (when applicable a carbon monoxide detector). Group OSA structures, when plumbed, shall be permitted as a Group R-3. Group OSA shall include the following:

- Home pool cabana
- Home office
- Home artist studio
- Home recording studio
- People sheds
- Similar structures at the discretion of the Building Official

- O. Section R403 of the International Residential Code, 2018 edition, shall be amended as follows:

**R403.1.1 Minimum size.** The footing width for light frame construction shall be 16" for 1- and 2-story with soil bearing value of 1500 p.s.f., 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 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.

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

- P. Section R404.1.3 of the International Residential Code, 2018 edition, shall be amended as follows:

**R404.1.3 Concrete foundation walls.** Concrete foundation walls shall be constructed as follows or using the appropriate tables associated with Chapter 4 of this Code: 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 maximum 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, all basement walls, and all supported and unsupported walls over 6 feet with unbalanced backfill of 4 feet or more. Foundation walls in excess of 10 feet in height or retaining walls in excess of 8 feet of unbalanced backfill shall be engineered.

#### **4-1-4: AMENDMENTS TO MECHANICAL CODE AND FUEL GAS CODE:**

- A. Section 106.5.2 and 106.5.3 of the International Mechanical Code, 2018 edition, and Section 106.6.2 and 106.6.3 of the International Fuel Gas Code, 2018 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 Section 4-1-9. 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.

- B. Section 109 of the International Mechanical Code, 2018 edition, and International Fuel Gas Code, 2018 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 Section 4-1-9 and written appeal describing the specific issues being appealed must be submitted to the City of Bovill within fifteen (15) days of the date of the notice or action of the Building Official. After receiving the appeal, the Board of Appeals shall be appointed by the City Council of Bovill within thirty (30) days and the Board of Appeals, once appointed, shall first 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 Bovill. 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 any requirement 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 Bovill 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 Bovill 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**

#### **4-1-5: MANUFACTURED, MODULAR, AND MOBILE HOMES:**

All H.U.D. approved manufactured or modular homes (not including mobile homes manufactured before June 15, 1976), that are in compliance with the requirements of Idaho Code and any rules and regulations promulgated thereunder, and that bear an insignia of approval by the state where they were constructed, are considered to be single family dwellings and shall be treated as such in this code.

In order for any of these manufactured buildings to be installed and occupied within the City of Bovill a valid installation permit (and foundation or other permits when applicable) must be issued by the City of Bovill, zoning approval must be gained, inspections must be passed, and a certificate of occupancy must be obtained under the same requirements as any other single family dwelling, (including but not limited to sewer, water and approach approvals and 180 day limitations), with the following additional requirements and modifications:

- A. Applications for installation permits shall also contain the license number and name of the contractor and licensed installer;
- B. 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, whichever is stricter.
- C. Every installation requires a permit, including but not limited to moving from one space to another in a legally approved manufactured home park or placing a different home in a space that had a previous home in a legally approved manufactured home park.
- D. A building permit is required and must be obtained for any remodel or change to the interior or exterior of a manufactured building before any work may be performed. No structural changes or additions can be constructed on a manufactured building without submittal of plans stamped by an engineer licensed in the State of Idaho. Manufactured buildings cannot change occupancy.

#### **4-1-6: PERMANENT LIVING QUARTERS:**

Nothing within this chapter shall be construed to allow a licensed vehicle, tent, yurt, or any other vehicle, accessory structure, or item as a permanent dwelling. No parcel can be used for temporary living quarters except as authorized by other sections of City of Bovill code or for use in a campground or recreational vehicle park. If a conflict exists between this section of code and any other City of Bovill ordinance, the City shall decide which shall prevail.

#### **4-1-7: PERMITS CONTRARY TO LAW:**

Any permit issued contrary to law under authority of this chapter for construction or any use contrary to law or any other ordinance of the City of Bovill shall be void.

#### **4-1-8: ENFORCEMENT AND PENALTIES:**

The following are available to enforce compliance with the provisions of this chapter. Nothing herein shall prevent the City Council of Bovill 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 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. **Stop work order:** Upon notice from the City that work is being performed contrary to the provisions of this code or in a dangerous or unsafe manner, such work shall immediately cease. Such notice can be in the form of a letter or placed upon any structure or property where the violation is occurring. Any person who shall continue any work on the item after having been served with a stop work order, except such work as that person is directed to perform by the City to remove a violation or unsafe condition, shall be liable for a fine of not less than \$300 for each day the work continues.
- C. **Violation Penalties:** Any person who willfully 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 City pursuant to this chapter or the codes enumerated in this chapter, or who, having obtained a permit hereunder, shall willfully fail to continue to comply with the conditions as set forth herein, is guilty of an infraction, and upon conviction, shall be fined not more than three hundred dollars (\$300.00). A separate violation is deemed to have occurred with respect to each building or structure not in compliance with this chapter. Further, each day if such violation continues constitutes a separate offense.
- D. **Work commencing before permit issuance:** In addition to any penalties assessed under Section 4-1-8 of this ordinance, any work which is started or proceeded prior to obtaining a permit or approval to include plan or system approval, which is required by these rules and/or the codes enumerated in Title 39, Chapter 41, Idaho Code, where any enforcement action has begun, shall be subject to a fee, as set forth in Section 4-1-9. Such fee shall be in addition to the required permit and/or approval fees. The fee for work commenced prior to obtaining any required permit or approvals shall be double the permit fee for any second or additional offenses by any person, company, contractor, individual, property owner or the like and is not dependent on any enforcement action. The payment of such fees shall not relieve any persons from fully complying with the requirements of Title 39, Chapters 40 or 41, or both, Idaho Code, or these rules in the execution of the work, nor from any other penalties as prescribed by law.



- E. **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, they shall be entitled to a reasonable attorney's fees to be determined by the court, together with court costs. Further, each day such violation continues constitutes a separate offense.
- F. **Withholding Of Permits:** The City may withhold permits, including building permits and certificates of occupancy, on lots or parcels of land where a violation of any provision of this Code or the City of Bovill Zoning Ordinance exists, unless the permit being requested is to resolve the violation(s). The City may also suspend issuance of permits, including building permits and certificates of occupancy to applicants who have demonstrated a record of unresolved noncompliance with provisions of this Code. If a permit is withheld, the City shall refer to the notice and order that details the violations or any letter sent regarding the City of Bovill Zoning Ordinance. If a notice and order or letter of violation has not been issued, the City, within thirty (30) days of the denial of a permit, shall issue a notice and order in accordance with Subsection F of this Section; or in the case of a violation of the City of Bovill Zoning Ordinance, the City of Bovill shall issue a letter detailing the violations in accordance with the procedures set out in City of Bovill Zoning Ordinance.
- G. **Recordation Of Noncompliance:** Notwithstanding any other remedies available, the City may, to ensure that future owners of properties are put on notice of noncompliance, record with the Latah County Auditor any letter, document, or item that describes the matter of noncompliance on a property. This may be done any time after the issue of noncompliance is discovered.
- H. **Notice of Noncompliant Building or Structure or Other Code Violation:**
1. **Commencement of Proceedings:** When the City has inspected or caused to be inspected any building or structure or property and has found that such building or structure or property is noncompliant, or the City is unable to verify compliance because the required inspections have not been requested and performed, the City shall commence proceedings to cause the repair or inspection of the building or structure.
  2. **Notice and Order, and Appeal Process:** The City 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/or 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 City 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 City and 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 City to the Board of Appeals, in accordance with the appeal procedures outlined in this code; and that failure to appeal will constitute a waiver of all right to an administrative hearing and determination of the matter.
  3. **Service of Notice and Order:** The notice and order shall be mailed by regular mail, or by any other method of service or delivery at the discretion of the City, to the owner of the

property as shown on the tax record of the property. The failure of the City to serve any person having an interest in the property that is not shown on the tax records of the County 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. The failure of any person to receive notice as set out in this Subsection F3 shall not affect the validity of any proceedings taken under this Section.

4. Proof of Service: The City shall keep a copy of the notice and order sent with the records of the noncompliance for the property.
5. 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 City shall file in the Office of the County Recorder a certificate describing the property and certifying: a) that the building or structure is noncompliant and b) that the owner has been so notified. Whenever the corrections ordered shall thereafter have been completed or the building or structure demolished so that it no longer exists on the property described in the certificate, the City shall file a new certificate with the County Recorder certifying that the building or structure has been demolished or all required corrections have been made so that the building or structure is no longer noncompliant, whichever is appropriate.

- I. **Referral for Further Action:** The City shall notify their attorney of completion of any of the above and may refer the matter to their attorney for further action.

#### 4-1-9: FEES

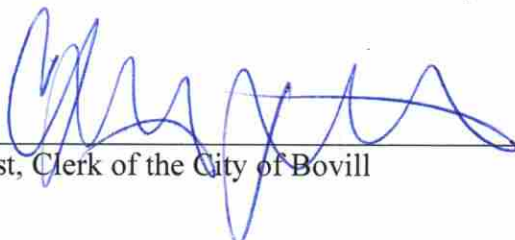
As set by City of Bovill Resolution

**SECTION 9. SEVERABILITY.** If any section, subsection, paragraph, sentence, clause, or phrase of this Ordinance should be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this Ordinance which shall remain in full force and effect; and to this end the provisions of this Ordinance are hereby declared to be severable.

**SECTION 10. EFFECTIVE DATE.** This Ordinance shall be in full force and effect from and after its passage, approval, and publication according to law.

PASSED by the City of Bovill, this 4th Day of March 2024.

  
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Mayor

  
\_\_\_\_\_  
Attest, Clerk of the City of Bovill