

ORDINANCE NO. 988

AN ORDINANCE OF VALLEY COUNTY, IDAHO, AMENDING TITLE 2 CHAPTER 1 CLARIFYING APPLICABILITY THROUGHOUT THE McCALL AREA, CLARIFYING THE APPLICABILITY AND EXEMPTIONS TO BUILDINGS AND CONSTRUCTION, DEFINING AGRICULTURAL STRUCTURES, BUILDING OFFICIAL, AND STRUCTURE, SIMPLIFYING ADOPTED CODES, ADDITIONS TO SNOW REQUIREMENTS, ELECTRICAL WIRING REQUIREMENTS, AND LIQUEFIED PETROLEUM GAS (LPG) SYSTEM REQUIREMENTS, ESTABLISHING MAINTENANCE STANDARDS; AMENDING TITLE 2 CHAPTER 2 RELATED DUTIES OF THE BUILDING OFFICIAL AND COORDINATION WITH OTHER PERMITS, REMOVING EXPIRATION OF SEWER SERVICE AND WATER CONNECTION PERMITS, SETTING REGULATIONS FOR DRAINAGE, FLOOD CONTROL, UTILITIES AND STREET IMPROVEMENTS, ESTABLISHING WHEN A CERTIFICATE OF OCCUPANCY SHALL BE ISSUED, ADDRESSING PERMITS ISSUED BY THE REVIEW AND APPROVAL PROCESS CONTAINED IN McCALL AREA COUNTY CODE TITLE 3, PROVIDING PURPOSE, RESPONSIBILITY, CONTENTS AND PROCEDURES OF THE PLANNING REPORT; AMENDING TITLE 2 CHAPTER 3 ADMINISTRATION, DESIGNATING BUILDING OFFICIAL, ESTABLISHING PROGRESS INSPECTIONS, INCLUDING VALLEY COUNTY LIMITATIONS OF RESPONSIBILITY, ESTABLISHING MEMBER TERMS AND DUTIES, DIRECTING THE CITY CLERK, AND PROVIDING AN EFFECTIVE DATE.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF VALLEY COUNTY, IDAHO:

SECTION 1: That Title 2 Chapter 1 of the McCall Area Code is hereby AMENDED as follows:

Chapter 1 APPLICABLE CODES

2.1.010: PURPOSE:

2.1.020: AUTHORITY:

2.1.030: SHORT TITLE:

2.1.040: PERMITS REQUIRED:

2.1.050: APPLICABILITY AND EXEMPTIONS:

2.1.060: DEFINITIONS:

2.1.070: ADOPTION OF CODES:

2.1.080: AMENDMENTS AND ADDITIONS TO CODES:

2.1.090: PERMIT FEES:

2.1.010: PURPOSE:

The purpose of this Title is to promote the public health, safety and welfare, to provide city officials with an adequate means of monitoring development, and to provide certain minimum standards and requirements to safeguard life, limb, health, property and public welfare by regulating and

controlling the design, construction, erection, alteration, moving, demolition, quality of materials, use, occupancy and maintenance of all buildings and construction within the McCall Area including the City jurisdiction and the McCall Area of City Impact, except as specifically exempted by this Title.

2.1.020: AUTHORITY:

This Title is enacted pursuant to the authority in chapter 41 IDAHO BUILDING CODE ACT of Title 39 HEALTH AND SAFETY, chapter 13 PLATS AND VACATIONS of Title 50 MUNICIPAL CORPORATIONS, and chapter 65 LOCAL LAND USE PLANNING_of Title 67 STATE GOVERNMENT AND STATE AFFAIRS, Idaho Code.

2.1.030: SHORT TITLE:

This Title shall be known as the *MCCALL AREA BUILDING REGULATIONS*

2.1.040: PERMITS REQUIRED:

It shall be unlawful for any person to do, or cause or permit to be done, after April 5, 1976, whether acting as principal, agent or employee, any construction, improvement, extension, alteration or demolition of any building, residence or structure, coming under the purview of this Title, within the McCall Area without first procuring a permit authorizing such work to be done.

2.1.050: APPLICABILITY AND EXEMPTIONS:

The provisions of this Title shall apply to all buildings and construction within the McCall Area except as follows:

- (A) Equipment used primarily for industrial chemical process purposes and for mineral extraction and mineral processing purposes. This exemption shall not include the erection and fabrication of new boilers, pressure vessels and other equipment as required to condition the building for personnel comfort and safety. Equipment in this regard shall mean and shall be limited to facilities or installations for heating, ventilating, air conditioning, refrigerating equipment, elevators, dumbwaiters, escalators, and boilers and pressure vessels associated with building heating systems.
- (B) Modular buildings that are constructed in the state of Idaho for installation on building sites outside the state; provided however, that no modular building shall be installed on a building site in the state of Idaho until it has been approved and bears the insignia of approval of the Idaho State division of Building Safety as being in compliance with the requirements set forth in chapter 43, Title 39, Idaho Code.
- (C) Temporary facilities except modular buildings, mobile/manufactured homes and commercial coaches.
- (D) Agricultural structures, except modular buildings, mobile/manufactured homes and commercial coaches, and buildings intended for human habitation.

2.1.060: DEFINITIONS:

Definitions set out in Idaho Code section 39-4105 shall apply to the same words used in this Title, except as otherwise expressly defined in this Title. As used in this Title, the terms defined in this section shall have the following meanings, unless the context clearly indicates another meaning:

AGRICULTURAL STRUCTURE: Any structure (see definition of Structure) that is related to or used in the science, business or art of cultivating soil, producing crops, and/or raising livestock.

BUILDING: Any structure used or intended for supporting or sheltering any use or occupancy. "Building" does not include a commercial coach, recreational vehicle, camping trailer, motor home, travel trailer, fifth wheel camper or truck camper. Nothing in this definition shall be taken to imply authorization of a use other than of the temporary nature intended for a unit of that kind, of a commercial coach, recreational vehicle, camping trailer, motor home, travel trailer, fifth wheel camper or truck camper.

BUILDING ENVELOPE: the footings, foundations, exterior walls, roof and any other part of the building, such as, but not limited to, eaves and decks, projecting beyond any of the foregoing.

BUILDING OFFICIAL: The person designated with authority to administer the *MCCALL AREA BUILDING REGULATIONS* and as the person identified as "Building Inspector" in Idaho Code.

BUILDING SITE: Any lot, tract, parcel or subdivision of land, either public or private, upon which a building is placed or is to be placed.

EQUIPMENT: Facilities or installations, including, but not limited to, heating, ventilating, air conditioning and refrigeration facilities or installations, and elevators, dumbwaiters, escalators, boilers and pressure vessels and ski lifts, but not including telecommunications facilities.

HUMAN HABITATION: When used in respect to temporary facilities, means a space in a structure for living, sleeping, eating or cooking. Bathrooms, toilet compartments, storage or utility space and similar areas are not considered space for human habitation.

STRUCTURE: Anything constructed or erected, the use of which requires location on the ground or attachment to something having a fixed location on the ground. Among other things, structures include buildings, mobile homes with a permanent foundation, manufactured homes, modular building, walls, fences, decks, patios, satellite dishes, billboards, fuel tanks, refuse enclosures, and piers or any other construction erected to connect docks to the shore; "structure" does not, for purposes of setbacks from the lot lines, include:

- (A) Paths, steps, and sidewalks of less than forty-nine inch (49") width; and driveways from access streets to automotive vehicle storage areas;
- (B) In-ground patios;

(C) Detached planter boxes, walls not more than thirty inches (30") in height, or other landscaping features, which landscaping features are not more than thirty inches (30") above the natural terrain, or lot line fences except as otherwise provided in section 3.7.023 of this Title; and

(D) Docks and retaining walls otherwise permitted by Title 3 PLANNING AND ZONING.

STRUCTURE SIZE: The square footage of all floors, conditioned and unconditioned, and habitable attics, and including covered porches, decks, and other useable areas under roofs as measured to the outside of the exterior walls; excluding eaves unless intended to cover useable space.

TEMPORARY FACILITY: A structure designed and constructed to service actual construction projects and which is completely removed upon completion of the project. A temporary facility does not include a residential occupancy or temporary structures used for the protection of the public around and in conjunction with construction work.

2.1.070: ADOPTION OF CODES:

As adopted, amended and excluded by the State of Idaho Division of Building Safety, the following codes shall apply to the McCall Area. These codes may be superseded by successive versions as they are adopted or approved by the State of Idaho and shall become effective the first of January following the effective date of the state adoption, unless another date is specified in state statute.

(A) International Building Code.

(B) International Residential Code, including **Appendix R *Tiny Homes***.

(C) International Energy Conservation Code.

(D) Uniform Code for Abatement of Dangerous Buildings.

(E) International Mechanical Code.

(F) National Electrical Code

(G) Idaho Manufactured Home Installation Standards

(H) Idaho State Plumbing Code

(I) International Fuel Gas Code

(J) International Fire Code

2.1.080: AMENDMENTS AND ADDITIONS TO CODES:

The following amendments are additional regulations for building and construction in the McCall Area:

(A) Snow Load: The designed roof snow load shall be no less than one hundred fifty (150) pounds per square foot; or with an engineer's stamp and calculation, the design roof or snow load shall be no less than one hundred twenty (120) pounds per square foot, as determined by sections 1607 and 1608 of the International Building Code.

(B) Snow Country Requirements:

1. Ice Barrier: Self-adhering polymer modified bitumen sheet underlayment shall be installed as an underlayment on the entire roof unless prohibited by the roofing manufacturer's installation instructions.
2. Roof/ceiling Insulation: Roof/ceiling insulation shall be not less than R-49, or greater as required by the International Energy Efficiency Code.
 - a. Full height uncompressed R-49 insulation shall extend over the wall top plate at the eaves. (Trusses may require "energy heels" to accomplish this.)
 - b. Exception: Manufactured homes.
3. HVAC Equipment: Equipment located in attics shall be within the thermal envelope of the building.

(C) Electrical Wiring Requirements:

1. Commercial Buildings: All electrical wiring in new buildings which classify as commercial or building of public assembly in commercial, general commercial or central business districts according to the official zoning map shall be required to be in metal raceways, or other UL approved raceways.
2. Public Assembly Areas: All electrical wiring in places of public assembly, including, but not limited to, schools, churches, fraternal orders, hospitals, rest homes, sanatoriums, exhibition or entertainment buildings, whether publicly or privately owned or operated, shall be in metal raceways, or other UL approved raceways.
3. Exception to the Foregoing Provisions: Conductor operating at thirty (30) volts or less may be installed by any method.
4. Electrical Wiring in Metal Raceways in Residential Buildings:
 - a. Electric wiring in metal raceways are not required in residential buildings when the building is (1) in a non-residential zoning district, (2) used exclusively for residential occupancy; and (3) has not more than six (6) single-family residences per structure.

- b. Electric wiring in metal or other UL approved raceways are required for residential buildings in non-residential zoning districts when either (1) the occupancy of the structure has more than six (6) residential units; or (2) the residential structure includes common areas such as: meeting rooms, game rooms, washrooms, laundry rooms, or other rooms designed or designated as places of assembly for use by the tenants, residents, or the general public.

(D) Liquefied Petroleum Gas (LPG) System Requirements: These requirements shall apply to all new liquefied petroleum gas (LPG) installations, including residential and commercial systems, and to existing installations when LPG service is reconnected after service is interrupted. LPG providers shall install systems following NFPA 54 & 58, including;

1. Two-stage regulator systems, or twin packing regulators underneath the tank lid, shall be installed on all LPG installations, with twin packing preferred.
2. The first stage regulator shall be installed under the hinged gauge cover supplied with the tank. The atmospheric pressure aperture of the regulator shall point downward. The first stage regulator shall be plumbed to the riser of the yard piping with a flexible riser to allow flexibility should tank shifting occur. The riser from the yard piping shall be located not more than 12 inches from the walls of the tank.
3. The second stage regulator and riser pipe shall be installed on the gable end of the building, in an approved location (flat roofs, bonnet roofs, etc.). The penetrating building nipple shall be schedule 80. The outside hookup to the nipple shall also be schedule 80. This riser shall be a flexible riser pipe and shall be securely supported/braced to the wall approximately ten (10) inches below the regulator to prevent bending of the pipe by lateral snow/ice loads.
4. A protective cover, approved by the gas supplier and the fire district, shall be installed over all second stage regulators/ or meters and riser piping, and securely supported to the ground or diagonally to the building wall.
5. The riser pipes for the yard piping shall not be embedded in concrete. Concrete placed around such riser shall be held back at least one inch (1") from all sides of the pipe.
6. Location of the centerline of LPG tanks shall be permanently marked using a snow stake. Such stake shall be of sufficient height to be visible through anticipated maximum snow depth at the respective location. Installation and maintenance of the snow stake is the responsibility of the LPG user.
7. Propane appliances shall not be permitted in any new installation in an attic or crawl space, effective May 1, 2020. Installation in an attic or crawl space will be allowed if combustible gas detection is built into a system that shuts down the supply of propane in the event of a leak.

8. A combustible gas detector shall be installed in the lowest livable level of any building with an LPG appliance at the time of installation. Maintenance of the combustible gas detector shall be the responsibility of the LPG user.
9. Propane tanks shall be kept clear of snow so that quick access can be made to turn off the propane in emergencies. Keeping snow clear of the tank shall be the responsibility of the LPG user.
10. The propane company, after installation of a propane system, shall submit an LPG permit application to the appropriate fire district. The permit application shall include an LPG system plot plan. The LPG plot plan shall include, but not limited to, the tank location, tank capacity in U.S. gallons, route of yard piping, location of the riser pipe at the building, property boundaries, an outline of all existing/proposed building on the lot and a depiction of the ridgeline of any building to be supplied with LPG. If service is interrupted and a new tank is being set, the LPG system plot plan shall be submitted to the local fire district, along with an LPG permit application.

(E) Materials For Roof Covering:

1. Class B or higher fire-retardant roofing is required for:
 - a. the entire roof covering of every new structure or addition;
 - b. any roof covering applied in the alteration, repair, or replacement of the roof of an existing structure; and
 - c. the entire roof covering of an existing structure where more than fifty percent (50%) of the total roof area is replaced within any one-year period.
 - d. An exception is where wood shakes/shingles are used, a Class A roofing assembly is required.
2. Roof and attic vents shall be located and designed to resist the intrusion of flame and embers into the attic.

(F) Maintenance During Construction: A written construction plan shall be prepared and submitted for approval by the city for all construction projects within the city or the area of city impact. A more detailed plan may be required for larger projects as specified by the action of the commission. A developer and all contractors working at the site shall take care to maintain the construction site and access roads in a manner protective of the public and surrounding property owners or residents. The plan shall address the following elements:

1. Traffic Control Signing: The plan shall describe the traffic control signing required, if any.
2. Construction Sign: A four by four foot (4 x 4') sign shall be constructed at the main entrance or on the major frontage street of the development advising the public of the name of the development, the name and phone number of both the general contractor and developer, and a twenty four (24) hour emergency number. See Chapter 9, SIGNS of this Title.

3. Notification of Damage To Infrastructure: Within twenty four (24) hours of notification by the city, repair and protect damaged service lines to prevent inflow, sedimentation, or other damage to the city's infrastructure. Service shall not be left in a damaged condition until service is restored to the property under construction.
4. Repair of Streets: Within forty-eight (48) hours of notification by the city, potholes in asphalt or gravel streets shall be filled and compacted with like material.
5. Final Repairs and Cleaning: Within seventy-two (72) hours of notification by the city:
 - a. Cuts in asphalt shall be permanently patched and rolled. Temporary patches may be approved if requested in writing with a permanent patch date given.
 - b. Paved areas shall be cleaned to remove dirt, mud, gravel, concrete and all other debris.
 - c. Sediment and debris shall be removed from any temporary B.M.P., catch basin, valley drain, gutter, or sand and grease trap to prevent further flow into any receiving stream.
6. Erosion and Sedimentation Control Plan: As determined to be needed by the Building Official, submit an erosion and sedimentation control plan to the city for review two (2) weeks prior to the beginning of construction. The plan shall have addressed periodic maintenance and response to precipitation events. If precipitation events create a situation requiring mud or snow removal, the city shall review the project site to define appropriate measures and timelines for maintenance activities.
7. Hours of Operation: Building construction or site work shall be limited to the hours of six o'clock (6:00) A.M. to ten o'clock (10:00) P.M. If construction is within one thousand feet (1,000') of a residential area, equipment operation shall be limited to the hours of seven thirty o'clock (7:30) A.M. to ten o'clock (10:00) P.M., and auxiliary construction lighting shall be limited to one hour before sunrise and one hour after sunset, unless otherwise approved by the administrator. On Sunday, the hours of operation are limited to nine o'clock (9:00) A.M. to six o'clock (6:00) P.M. Hours of operation may be extended with the approval of the city depending on natural events or other concerns which may require continuous operation.
8. Use of the Public-right-of ways:
 - a. Public Works Permit Required: Pursuant to section 8-2-9 of the MCC, all use of the public right of way shall require a Public Works permit.
 - b. Parking: Construction vehicle parking may be restricted at construction sites so as to not block reasonable public and safety vehicle access along the street and sidewalks.
 - c. Storage On Public Streets: No equipment or materials shall be left, parked or stored in public rights of way without traffic control devices in place, including signage and flashing lights, in accordance with the manual on uniform traffic control devices, as amended. Equipment or materials which may impede traffic flow on a public right of way shall be removed or relocated within four (4) hours.
 - d. From November 1 through April 30, no vehicles shall park within the public right of way, except in designated on-street parking areas.

9. Deliveries:

- a. Deliveries of construction materials and supplies, including concrete, may be regulated as to time (hours of operation, but not to exceed the hours of subsection 7. of this section), and routing.
- b. Deliveries shall not obstruct public streets or unreasonably interfere with the flow of traffic.

10. Public Protection:

- a. The public shall be protected from construction hazards within and adjacent to the public right of way.
- b. Orange safety fencing or other fencing materials shall be installed and maintained to prevent inappropriate pedestrian traffic from access to adjacent construction activity and to prevent damage to adjacent vegetation.

11. Access:

- a. Access to private property shall be maintained. In the event that access must be cut off, notification shall be given to affected property owners forty-eight (48) hours in advance explaining the construction and the time access will be restored. Access shall be restored no later than four thirty o'clock (4:30) P.M. each night and shall remain open until eight thirty o'clock (8:30) A.M. each morning.
- b. For dead end streets, one (1) lane of access shall be continuously provided for emergency vehicles.

12. Grading and Excavation: Because of the truck hauling involved in grading and excavation, restrictions on trucking routes as well as the hours of operation may be necessary to mitigate the adverse impacts from such operations.

13. Control of Dust And Mud: Sediment control structures, basins, silt fences, catch basin filters and other items contained in EPA pollution prevention plans or in any sediment control plan shall be maintained at all times. A program for the control of dust or other airborne debris shall be required. Provisions must be made to prevent the tracking of mud onto streets, and it will be required to remove any such mud daily. Placing gravel on egress and ingress areas of sites is a method to control mud and dust problems.

14. Stockpiling and Staging: In order to reduce the number of delivery trips to construction sites, the stockpiling of materials is required, with consideration of the space available on the property for stockpiling.

15. Sanitary Facility: Approved and regularly serviced temporary sanitary facility(ies) adequate for the number of workers shall be in place for use by contractor personnel. The location shall be appropriate to the site and not on the public right of way.

16. **Trash Management:** Construction sites shall provide adequate storage and a program for regular trash removal. Construction bins are encouraged on sites with adequate room for separation of materials. Burning of scrap wood or other materials or burying construction debris on site is not permitted, except in an approved container and with a current burning permit, if required.
17. **Temporary Lighting:** An approved lighting plan must be obtained from the administrator if any exterior, temporary lighting is necessary for construction.
18. **Dogs:** Dogs are prohibited at active construction sites unless under the Owner's voice or leash control at all times.
19. **Area Restoration:** In the event that the developer, builder or their contractors fail to protect and clean streets or public ways, including adjacent private property as is necessary to provide safe, unimpeded access to the public, the city may directly provide equipment, staff, or hire an outside contractor to restore the area. The direct cost for all associated work, along with the costs for staff time, consultants, contractors and attorney fees, if any, shall be paid for by the developer.
20. **Protection and Restoration:** Obtain all required permits and provide protection to all intermittent watercourses or streams and wetlands and return any disturbed areas to their original state.

2.1.090: PERMIT FEES:

A schedule of permit fees, including plan review fees, shall be set from time to time by resolution of the city council. The Building Official may require that a plan review fee be paid at the time of submitting plans and specifications for review. Where plans are incomplete or changed so as to require additional plan review, an additional plan review fee shall be charged, according to the schedule of permit fees.

SECTION 2: That Title 2 Chapter 2 of the McCall City Code is hereby AMENDED as follows:

Chapter 2

RELATED DUTIES OF THE BUILDING OFFICIAL AND COORDINATION WITH OTHER PERMITS

2.2.010: ACTIONS AND PERMITS REQUIRED PRIOR TO THE ISSUANCE OF A BUILDING PERMIT:

2.2.020: REGULATIONS RESPECTING DRAINAGE, FLOOD CONTROL, UTILITIES AND STREET IMPROVEMENTS:

2.2.030: ZONING AND SITE DEVELOPMENT:

2.2.040: PLANNING REPORT:

2.2.010: ACTIONS AND PERMITS REQUIRED PRIOR TO THE ISSUANCE OF A BUILDING PERMIT:

- (A) Prior to the issuance of a building permit, the Building Official shall require the installation of a driveway approach to the City streets, County roads or State highway that provides continuity of drainage along the right of way and that, where applicable, avoids damage to paving as required by the Public Works Director and any other Public Works permit, if required.
- (B) Prior to issuance of a building permit, the Building Official shall require evidence of approval by other government agencies and utilities for installation of: 1) electric service, 2) water system (City, or Department of Water Resources), 3) sewer system (Central District Health or Payette Lakes Water and Sewer District), and 4) approach to State highway or County road or City street, if applicable.
- (C) No building permit shall be issued under this Chapter unless issued simultaneously with the issuance of sewer and water connection permits and payment of water connection charges, if any, for the same premises.
- (D) It shall be unlawful for any person to connect or energize any electrical installation or any other utility service to any building or structure coming under the provisions of this Title unless the necessary permit covering such installation has been issued.
- (E) Prior to the issuance of a building permit, no tree removal, clearing, grubbing, excavation, or other construction (including removal of any existing structures or improvements) shall be permitted beyond what is permitted in MCC 3.8.03.

2.2.020: REGULATIONS RESPECTING DRAINAGE, FLOOD CONTROL, UTILITIES AND STREET IMPROVEMENTS:

- (A) All development shall comply with all design and development requirements for drainage, flood control, utility installation, and street improvements set forth in this Title and in the provisions established in Title 8 PUBLIC WAYS AND PROPERTY and Title 9 SUBDIVISION AND DESIGN STANDARDS. The Building Official may require review by the City Engineer when deemed necessary to ensure compliance with these regulations.
- (B) A Certificate of Occupancy shall not be issued until the project has satisfied the requirements for building codes, McCall City Code or Valley County Code, and stormwater drainage to the administrator's satisfaction.

2.2.030: ZONING AND SITE DEVELOPMENT:

(A) Compliance with Regulations: No building permit shall be issued or authorized unless the work or project is in compliance with zoning and subdivision ordinances of the city as determined by the review and approval process contained in MCC Title 3 or Title 9.

(B) Surveys and Site Plans;

1. If deemed necessary by the Building Official, a building permit application shall submit a stamped survey of the property showing the existing conditions and proposed improvement(s).
2. The surveyor shall certify that the corners of the property have been recovered and marked so as to permit their ready view by the Building Official. Such marking shall be maintained in good order by the owner until final completion of the building envelope.
3. The Building Official may waive the requirement that the site plan be prepared by a surveyor when in the Building Official's discretion, the Building Official determines there is no possibility of encroachment into a setback.
4. The Building Official may require the owner to employ the surveyor to stake the location of the setback lines on the property in the vicinity of the proposed construction, and all such setback stakes shall be preserved until the building envelope is complete.
5. When in the Building Official's judgment, it is desirable, the Building Official may require an as built survey of the foundation and its location on the lot to be submitted demonstrating compliance with setback requirements prior to the erection of any other part of the building envelope.
6. The administrator as identified under MCC Title 3 shall advise the surveyor or building designer what the applicable setbacks are for the building shown on the plans.
7. If a survey is required, digital data shall be provided according to the digital data submittal standards policy.

2.2.040: PLANNING REPORT

(A) Purpose: To ensure the effective administration and enforcement of MCC Title 3 planning report is required prior to the issuance of a building permit. No building permit shall be issued until the project is shown to comply with the provisions of MCC Title 3 PLANNING AND ZONING.

(B) Responsibility: The planning report shall be completed by the administrator's designee. The applicant is responsible for furnishing all necessary information to the administrator.

(C) Contents of a Planning Report: A planning report shall address the following items:

1. Current zoning of the land;
2. The proposed use of the land;
3. Development standards addressed in the applicable zone, including density, setbacks, parking requirements, driveway access and landscaping;
4. Supplementary regulations and general development standards set forth elsewhere in MCC Title 3; and
5. Any other development standards relevant to the application as determined necessary by the administrator.

(D) Procedures:

1. The process and procedures for undertaking a planning report shall include standardized application forms and instructions.
2. The process shall include notification to agencies with jurisdiction over the project.
3. Notification will be provided to the applicant and Building Official if the planning report determines that the project is not in compliance with any provision of MCC Title 3 PLANNING AND ZONING.
4. No building permit shall be issued until the Administrator has certified that the project is in compliance with MCC Title 3 PLANNING AND ZONING, including satisfying all land use conditions of approval and development agreement obligations.

SECTION 3: That Title 2 Chapter 2 of the McCall City Code is hereby AMENDED as follows:

**Chapter 3
ADMINISTRATION**

2.3.010: ADMINISTRATION:

2.3.020: INSPECTIONS:

2.3.030: EXPIRATION, SUSPENSION AND REVOCATION OF PERMITS:

2.3.040: LIMITATION OF RESPONSIBILITY:

2.3.050: BUILDING BOARD OF EXAMINERS AND APPEALS:

2.3.060: INJUNCTION, AFFIDAVIT SETTING OUT NONCONFORMITY:

2.3.070: VIOLATIONS; MISDEMEANORS:

2.3.080: CIVIL ACTION:

2.3.010: ADMINISTRATION:

The City of McCall shall establish a Building Department and appoint a Building Official and such other persons as are necessary to administer and implement the application and inspection functions required by this Title. The Building Department shall collect building permit fees and issue permits upon approval of the application for the McCall Area.

2.3.020: INSPECTIONS:

- (A) It shall be the duty of the Building Official to inspect the construction of all buildings and structures covered by this Title for compliance with this Title.
- (B) It shall be the duty of a permit holder to notify the Building Official at least twenty-four (24) hours prior to the time of inspection, exclusive of Sundays and holidays, that the project will be ready for inspection at a stipulated time. The permit holder will request the Building Official to perform the inspection within forty-eight (48) hours of the stipulated time for the inspection and shall, if forty-eight (48) hours then pass without an inspection being made be allowed to proceed with work as if the inspection had been made and the work found to be satisfactory.
- (C) The Building Official may in writing waive any inspection of the work of a permit holder. Inspections need not be made of any work which is subject to inspection by the United States Government Veterans Administration, Federal Housing Administration or Department of Agriculture Farmers Home Administration; provided, the permit holder shall submit to the Building Official a copy of the Federal agencies' inspection report within seventy-two (72) hours of receipt of such inspection report.

2.3.030: EXPIRATION, SUSPENSION AND REVOCATION OF PERMITS:

- (A) Expiration: Each permit issued under this Title shall expire if the work or building authorized by the permit is not commenced within one hundred eighty (180) days from the permit date, or if the work or building authorized by the permit once commenced is thereafter suspended or abandoned for a period of one hundred eighty (180) days. Progress inspections or regular

inspections shall be scheduled at least every one hundred eighty (180) days to keep the permit active and show that the work is continuing.

- (B) Suspension: Suspended or abandoned work for which the original permit has expired, shall be recommenced only after the issuance of a new permit.
- (C) Revocation: A building permit, issued by mistake, issued on the basis of incorrect information supplied, or issued in violation of any statute, regulation, or provision of the McCall Area Code, if not already void under the terms of the International Building Code, may be suspended or revoked by written notice to the permittee.

2.3.040: LIMITATION OF RESPONSIBILITY:

Neither an approval nor a permit granted shall constitute a waiver of any violation of any statute, ordinance or regulation. Neither the City of McCall or Valley County nor their respective officers or employees assume liability for structural or construction defects through the administration or enforcement of this Title.

2.3.050: BUILDING BOARD OF EXAMINERS AND APPEALS:

- (A) There shall be a Building Board of Examiners and Appeals, to be the "board of appeals" specified in section 113 of the International Building Code.
 - 1. The Building Board of Examiners and Appeals shall be composed of (3) three to (5) five members from the design and construction professions.
 - 2. Members of the Building Board of Examiners and Appeals shall be appointed by the City Council.
 - 3. The terms of the members shall be four staggered years.
- (B) The duties and responsibilities of the Building Board of Examiners and Appeals shall be to hear appeals from decisions of the Building Official.
- (C) Appeals of orders, decisions, or determinations made by the Building Official relative to the application and interpretation of this Title and the International Building Code shall be presented and determined by the Building Board of Examiners and Appeals following these procedures:
 - 1. The notice of appeal shall be in writing, shall fully state the decision of the Building Official being appealed and fully state the grounds of the appeal, and shall be signed and verified by the appellant.
 - 2. The notice of appeal shall be served on the City Clerk within ten (10) days after the Building Official's order, decision or written interpretation.

3. The appeal shall be scheduled by the Clerk for hearing as soon as practicable, and in any event within forty-five (45) days after receipt of a notice of appeal complying with the standards of this Section.
4. Written notice of hearing shall be given to the Building Official and to the appellant not less than fifteen (15) days before the hearing. Should the appellant desire to file written arguments, appellant shall do so no later than five (5) days prior to the hearing.
5. Hearings before the Board shall be public and shall be conducted in a quasi-judicial manner. Attorneys may represent petitioner but are not required. All proceedings shall be recorded and said recordings shall be kept and made permanent.

(D) The decision of the Building Board of Examiners and Appeals shall be based on the International Building Code and the McCall Area codes. Following the hearing, the Building Board of Examiners and Appeals shall enter written findings of fact, conclusions of law, and its decision.

1. Findings shall be explicit and shall state the ruling and the reasons for said decision by delineating the findings of fact and conclusions of law.
2. Signed copies of the findings should be sent to all parties to the action.

The Board of Examiners and Appeals shall render all decisions and findings in writing to the Building Official and the appellant within ten (10) days of close of hearing.

(D) Appeals from the Board of Examiners and Appeals shall be filed within ten (10) days after mailing of notice of decision by the Board of Examiners and Appeals. The appeal will be filed and heard as provided by Idaho Code section 39-4120 (State Board of Appeals). Appeals of Board of Examiners and Appeals decisions shall be in such form and manner as provided by the Idaho rules of civil procedure.

2.3.060: INJUNCTION, AFFIDAVIT SETTING OUT NONCONFORMITY:

The City may obtain from a district court having jurisdiction, a temporary restraining order and a preliminary injunction enjoining the construction of a building or installation of manufactured homes or modular buildings on any building site upon affidavit of the Building Official that such activity does not conform to the requirements of this Title or to the rules and regulations adopted pursuant to this Title or any act of the State of Idaho relating to building construction. The affidavit must set forth such violations in detail. The injunction may be made permanent, in the discretion of the court.

2.3.070: VIOLATIONS; MISDEMEANORS:

(A) Any person who willfully violates any provision of this Title or who willfully violates any provision of the Codes enumerated herein, is guilty of a misdemeanor, upon conviction, shall be fined not more than three hundred dollars (\$300.00), or imprisoned for not more than ninety (90) days or by both such fine and imprisonment.

(B) A separate violation is deemed to have occurred with respect to each building not in compliance with this Act. Each day such violation continues constitutes a separate offense.

2.3.080: CIVIL ACTION:

Notwithstanding any other remedies available, any person in an individual capacity, damaged as a result of a violation of this Title or the Codes enumerated herein or promulgated pursuant to this Title, has a cause of action in any court of competent jurisdiction against the person who committed the violation, and if such damaged person prevails, shall be entitled to a reasonable attorney's fee to be determined by the court together with court cost.

SECTION 4: Directing the City Clerk

The County Clerk is directed to file, this Ordinance in the official records of the County and to provide the same to the City's codifier for inclusion and publication in the McCall County Code.

SECTION 5: Effective Date

This Ordinance shall take effect and be in force from and after its passage, approval, and publication as required by law and at the discretion of the County Clerk and in lieu of publication of the entire ordinance, a summary thereof in compliance with Section 50-901A, Idaho Code, may be published with an effective date of May 1, 2020.

PASSED AND APPROVED BY THE BOARD OF COUNTY COMMISSIONERS, VALLEY COUNTY, IDAHO, THIS 23 DAY OF APRIL 2020.

Approved:

By _____
Elting Hasbrouck, Chairman

Attest:

By _____
Doug Miller, County Clerk