

May, 2017

To: City and County Jurisdictions  
Fr: Idaho Association of Building Officials  
Re: Code Adoption Information and Options

**CODE ADOPTIONS:**

The 2017 legislative session is over and we are reporting that the state has adopted the following code versions (the effective date for state implementation is in parenthesis following the code)

2015 International Building Code (January 1, 2018)  
2015 International Existing Building Code (January 1, 2018)  
2015 Idaho (Uniform) Plumbing Code (July 1, 2017)  
2015 IECC with 2012 amendments for Residential portion (January 1, 2018)  
2015 Idaho Fire Code (March 29, 2017)  
2017 National Electrical Code (January 1, 2018)

Codes that were not updated are  
2012 Idaho Residential Code  
2012 Fuel and Gas Code  
2012 Mechanical Code

See [https://adminrules.idaho.gov/legislative\\_books/2017/pending/17H\\_Business.pdf](https://adminrules.idaho.gov/legislative_books/2017/pending/17H_Business.pdf) for a copy of the adopted rules.

**PROCESS:**

While these codes go into effect for all state inspections on the dates noted above jurisdictions have until January 1, 2018 to adopt these new versions and implement their enforcement (see copy of Idaho Code 39-4116 attached for details). It is a long process so you should begin as soon as possible.

Remember that if you have previously passed an ordinance that states your jurisdiction automatically adopts the most current versions adopted by the state, you do not have to go through an adoption process unless you decide to make amendments. Please check out the language of your last adoption ordinance to verify this.

If your city would like to make amendments to the Building Codes that were adopted then you must provide notice and follow the procedures set forth in in Idaho Code 39-4109 (5) including sending notification to the list of organizations provided in the code. This procedure is:

- Conduct a public hearing with at least a 30 day notice to be published in your designated newspaper
- Send a notification of the change to every organization on the list below (email is allowed):
  - American Institute of Architects Idaho Chapter ([aiaidaho@qwestoffice.net](mailto:aiaidaho@qwestoffice.net))
  - Association General Contractors of America ([whammond@idahoagc.org](mailto:whammond@idahoagc.org));
  - Associated Builders & Contractors ([katemccaslin@ipcabc.org](mailto:katemccaslin@ipcabc.org))

- Association of Idaho Cities ([sgrigg@idahocities.org](mailto:sgrigg@idahocities.org));
- Idaho Association of Counties ([dchadwick@idcounties.org](mailto:dchadwick@idcounties.org));
- Idaho Association of Building Officials ([tottens@amsidaho.com](mailto:tottens@amsidaho.com));
- Idaho Association of Realtors ([jeaton@idahorealtors.com](mailto:jeaton@idahorealtors.com));
- Idaho Building Contractors Association ([fhickman@heritage.com](mailto:fhickman@heritage.com));
- Idaho Fire Chiefs Association ([patty@idahofirechiefs.org](mailto:patty@idahofirechiefs.org));
- Idaho Society of Professional Engineers ([ispe@idahospe.org](mailto:ispe@idahospe.org));
- Idaho State Independent Living Council ([mel.leviton@silc.idaho.gov](mailto:mel.leviton@silc.idaho.gov));
- Idaho/Southwest Building Trades ([facilities@uidaho.edu](mailto:facilities@uidaho.edu));

#### **ADOPTION OPTIONS:**

The state law below allows for jurisdictions to amend the codes “provided such amendments establish at least an equivalent level of protection to that of the adopted building code” (39-4116 (4)). In addition jurisdictions can adopt provisions of the codes not adopted by the state “after a finding by the local jurisdiction that good cause exists for such an amendment to such codes and that such amendment is reasonably necessary, a local jurisdiction may adopt such provision by ordinance in accordance with the provisions of [chapter 9, title 50.](#)”

Many jurisdictions have interpreted that this language allows for them to “upgrade” the codes as long as they meet these two requirements. We suggest that if you want to take advantage of some of the options listed below you run it past your attorney (we have several attorney opinions we can share with your attorney if they want them).

#### **Idaho Residential Code**

*(Note - Whatever you choose to do with the IRC Residential you need to match with the same changes in the IECC)*

IDABO encourages jurisdictions to look at the adoption or use of the 2015 IRC, in part or in whole to meet the needs of your local designers and builders, many of whom are already utilizing this code. We recommend this because the 2015 Codes have cost saving features for your builder and designers that will save them both time and money (you can request NAHB report from IDABO detailing these savings).

Your jurisdiction currently has the following options:

1. Stay with the version that state has adopted
2. Without amending your ordinance, you are allowed under the International Residential Code to accept alternate materials, designs or methods of construction (R104.11 Alternative materials, design and methods of construction and equipment). This section allows the building official to approve the proposed design if it “is satisfactory and complies with the intent and provisions” of the adopted code. Remember to set up a system that allows for the approval of the 2015 IRC provisions under each permit application which required a request form and a determination of the building official. This will at least allow you to accept designs and construction methods already allowed in the 2015 (but not necessarily in the 2012)
3. You can amend the 2012 IRC with those amendments you would like to see from the 2015 IRC. Remember though, if you pick and choose, make sure that any references in these amendments to other 2015 codes are included as well or your code will not be complete. If

you take this step you will need to follow the process listed under the Process section.

A model ordinance is attached for your use. This ordinance is general and includes ALL significant changes so you need to review carefully. Not all of these will be appropriate for your jurisdiction or area. Remember if you take advantage of the last two, you need to establish and document that good cause exists for your jurisdiction to do so.

### **IECC Residential provision from 2012 to 2015**

*(Note - Whatever you choose to do with the IRC Residential you need to match with the same changes in the IECC)*

Under the language of the rule adopting the IECC the 2015 version was adopted. It then was amended to the 2012 language for residential application. IDABO encourages jurisdictions to look at the adoption or use of the 2015 IECC residential portions to meet the needs of your local designers and builders, many of whom are already utilizing this code. We recommend this because the 2015 Codes have cost saving features for your builder and designers that will save them both time and money (you can request NAHB report from IDABO)

Your jurisdiction currently has the following options:

1. Stay with the version that state has adopted
2. Without amending your ordinance, you are allowed to accept alternate materials, designs or methods of construction (R104.11 Alternative materials, design and methods of construction and equipment). This section allows the building official to approve the proposed design if it "is satisfactory and complies with the intent and provisions" of the adopted code. Remember to set up a system that allows for the approval of the provisions under each permit application which required a request form and a determination of the building official. This will at least allow you to accept designs and construction methods already allowed in the 2015 (but not necessarily in the 2012)
3. You can amend the code with those amendments you would like to see from the 2015 IECC residential portion, in whole or in part. Remember though, if you pick and choose, make sure that any references in these amendments to other 2015 codes are included as well or your code will not be complete. If you take this step you will need to follow the process listed above.

A model ordinance is attached for your use. This ordinance is general and includes ALL significant changes so you need to review carefully. Not all of these will be appropriate for your jurisdiction or area. Remember you need to establish and document that good cause exists for your jurisdiction to do so.

Early Adopter Program – IDABO has teamed up with the Northwest Energy Efficiency Alliance (NEEA) to offer an incentive program for the upgrading of your energy ordinance to 2015 provisions. This incentive program can help to pay or subsidize expenses in education of your elected officials and builders and adoption of the IECC 2015 residential energy provisions.

The funds can be applied for by individual jurisdictions who want to adopt the new provision of the Energy Code in Idaho. The grant program funds can be used for (but are not limited to):

- Informational meetings (IDABO chapters and/or jurisdictions)
- Cost for a facilitator to conduct information meetings

- Cost to publish code adoption notices and hold hearings
- Cost for demonstrations/speakers (use of information gathered through Sharon Grant and QA project)
- Travel to other jurisdictions
- Builder incentives – signs, purchase of programs that help meet Energy Code requirements, etc.
- Other suggestions for assistance or incentives will be accepted.

Funds will be applied for through an application process through IDABO. Please submit a letter to IDABO stating the jurisdiction's name, contact person and information, a brief description of what you would like to accomplish and a dollar amount (total funds available are \$6500 for the whole state so be frugal!!) . Funds will be distributed depending upon need and funds available. Applications will be accepted immediately and until all funds are gone.

***Whether you plan to apply for funds or not the IDABO office is available to provide guidance during your code adoption process so please do not hesitate to contact us at 208-321-9182 or [info@idabo.org](mailto:info@idabo.org).***

**ATTACHMENTS:**

State Code Title 39, Chapter 4116

Model Ordinance

TITLE 39  
HEALTH AND SAFETY  
CHAPTER 41

IDAHO BUILDING CODE ACT

39-4116. LOCAL GOVERNMENT ADOPTION AND ENFORCEMENT OF BUILDING CODES. (1) Local governments enforcing building codes shall do so only in compliance with the provisions of this section. Local governments that have not previously instituted and implemented a code enforcement program prior to the effective date of this act may elect to implement a building code enforcement program by passing an ordinance evidencing the intent to do so. Local governments may contract with a public or private entity to administer their building code enforcement program.

(2) Local governments that issue building permits and perform building code enforcement activities shall, by ordinance effective January 1 of the year following the adoption by the Idaho building code board, adopt the following codes as published by the International Code Council together with any amendments or revisions set forth in section [39-4109](#), Idaho Code, including subsequent versions of the International Building Code as adopted and amended by the Idaho building code board through the negotiated rulemaking process provided in this chapter:

(a) International Building Code, including all rules promulgated by the board to provide equivalency with the provisions of the Americans with disabilities act accessibility guidelines and the federal fair housing act accessibility guidelines;

(b) Idaho residential code, parts I-IV and IX; and

(c) Idaho energy conservation code.

Local governments are not required by this chapter to adopt the other referenced codes in the International Building Code.

(3) All single family homes and multiple family dwellings up to two (2) units are hereby exempted from the provisions of the International Fire Code, the International Building Code and the Idaho residential code that require such dwellings to have automatic fire sprinkler systems installed. Nothing in this section shall prevent any person from voluntarily installing an automatic fire sprinkler system in any residential dwelling.

(4) Local governments may amend by ordinance the adopted codes or provisions of referenced codes to reflect local concerns, provided such amendments establish at least an equivalent level of protection to that of the adopted building code. A local jurisdiction shall not have the authority to amend any accessibility provision pursuant to section [39-4109](#), Idaho Code, except as provided in paragraphs (a) and (b) of this subsection.

(a) A local jurisdiction shall not have the authority to amend any accessibility provision pursuant to section [39-4109](#), Idaho Code.

(b) A local jurisdiction shall not adopt any provision of the International Building Code or Idaho residential code or appendices thereto that has not been adopted or that has been expressly rejected or exempted from the adopted version of those codes by the Idaho building code board through the negotiated rulemaking process as provided in section [39-4109](#), Idaho Code. Provided however, that, after a finding by the local jurisdiction that good cause exists for such an amendment to such codes and that such amendment is reasonably necessary, a local jurisdiction may adopt such provision by ordinance in accordance with the provisions of [chapter 9, title 50](#), Idaho Code, and provided further that such local jurisdiction shall conduct a public hearing and, provided further, that notice of the time and place of the public hearing shall be published in the official newspaper or paper of general circulation within the jurisdiction and written notice of each of such public hearing and the proposed language shall be given by the local jurisdiction to the local chapters of the entities identified in section [39-4109](#)(5), Idaho Code, not less than thirty (30) days prior to such hearing. In the event that there are no local chapters of such entities identified in section [39-4109](#)(5), Idaho Code, within the local jurisdiction holding the hearings, the notice shall be provided to the state associations of the respective entities.

(5) Local governments shall exempt agricultural buildings from the requirements of the codes enumerated in this chapter and the rules promulgated by the board. A county may issue permits for farm buildings to assure compliance with road setbacks and utility easements, provided that the cost for such permits shall not exceed the actual cost to the county of issuing the permits.

(6) Permits shall be governed by the laws in effect at the time the permit application is received.

(7) The division shall retain jurisdiction for in-plant inspections and installation standards for manufactured or mobile homes and for in-plant inspections and enforcement of construction standards for modular buildings and commercial coaches.

MODEL ORDINANCE NO. \_\_\_\_

*(all italicized language below is advisory only and not part of the model ordinance language)*

AN ORDINANCE OF THE (CITY OF \_\_\_\_\_ OR COUNTY OF \_\_\_\_\_), A POLITICAL SUBDIVISION OF THE STATE OF IDAHO, AMENDING THE 2012 VERSION OF THE INTERNATIONAL ENERGY CONSERVATION CODE AND THE IDAHO RESIDENTIAL CODE; PROVIDING FOR SEVERABILITY; REPEALING CONFLICTING ORDINANCES AND PROVIDING AN EFFECTIVE DATE. BE IT ORDAINED BY THE (MAYOR AND COUNCIL or BOARD OF COUNTY COMMISSIONERS) OF THE (CITY or COUNTY OF \_\_\_\_\_,) IDAHO:

Section 1. Code Adoption: That the editions of the following recognized codes as currently adopted by the state of Idaho as the official building codes of the (City of \_\_\_\_\_ or County of \_\_\_\_\_) , except provided below in Section 2:

The adopted versions of the foregoing codes shall be effective January 1, 2018. The foregoing codes shall be deemed superseded by successive versions of such codes as they are adopted or approved by the state of Idaho effective on the 1st day of January the year following the date any such codes are made effective for the state, unless a different date is required by state statute.

2015 International Building Code  
2015 Existing Building Code  
2015 Idaho (Uniform) Plumbing Code  
2015 IECC with 2012 amendments for Residential portion  
2015 Idaho Fire Code  
2015 Electrical Code

Section 2. Amendments To Adopted Codes: (OPTIONAL)

*NOTE: Amendments to the codes must “establish at least an equivalent level of protection to that of the adopted building code” or a finding that “that good cause exists for such an amendment to such codes and that such amendment is reasonably necessary”*

That the following amendments shall be applicable to the adopted building codes: *Below are significant changes between 2012 and 2015 IRC. You can adopt the ones you want or reference the entire code, depending upon need and your attorney’s advice – review carefully and only choose the ones that apply to your jurisdiction.*

A. To the Idaho Residential Code:

1. Section R101.2 Scope, Accessory Structures

*(Insert the wording of the section with the amendments)*

2. Section R202 Scope accessory Structures

*(Insert the wording of the section with the amendments)*

3. R104.11 Alternative materials, design and methods of construction and equipment

*(Insert the wording of the section with the amendments)*

4. R105.3.1.1 Existing buildings in flood hazard areas

*(Insert the wording of the section with the amendments)*

5. R106.1.4 Information for Construction in Flood Hazard Areas

*(Insert the wording of the section with the amendments)*

6. Table R301.2(1) Climatic and Geographic Design Criteria

*(Insert the wording of the section with the amendments)*

7. R301.2 Wind Design Criteria  
(Insert the wording of the section with the amendments)
8. R202 Wind Design Criteria  
(Insert the wording of the section with the amendments)
9. R301.2 Wind Speed Maps  
(Insert the wording of the section with the amendments)
10. R301.2.1.1.1 Sunrooms  
(Insert the wording of the section with the amendments)
11. R302.1 Exterior Walls  
(Insert the wording of the section with the amendments)
12. R302.2 Townhouse Separation  
(Insert the wording of the section with the amendments)
13. R302.13 Fire Protection of Floors  
(Insert the wording of the section with the amendments)
14. R304.1 Minimum Habitable Room Area  
(Insert the wording of the section with the amendments)
15. R305 Ceiling Height  
(Insert the wording of the section with the amendments)
16. R308.4.2 Glazing adjacent to doors  
(Insert the wording of the section with the amendments)
17. R310 Emergency Escape and Rescue Openings  
(Insert the wording of the section with the amendments)
18. R311.1 Means of Egress  
(Insert the wording of the section with the amendments)
19. R311.8 Ramps  
(Insert the wording of the section with the amendments)
20. R314 Smoke Alarms  
(Insert the wording of the section with the amendments)
21. R315 Carbon Monoxide Alarms  
(Insert the wording of the section with the amendments)
22. R322.1 Flood Hazards  
(Insert the wording of the section with the amendments)
23. R322.2 Flood Hazards  
(Insert the wording of the section with the amendments)
24. R403.1.1 Minimum Footing Size  
(Insert the wording of the section with the amendments)
25. R403.1.6 Foundation Anchorage  
(Insert the wording of the section with the amendments)
26. Tables R502.3.1(1), R502.3.1(2) Floor Joist Spans for Common Lumber Species  
(Insert the wording of the section with the amendments)
27. R507.1 Decking  
(Insert the wording of the section with the amendments)
28. R507.4 Decking  
(Insert the wording of the section with the amendments)
29. R507.2.4 Alternative Deck Lateral Load Connection  
(Insert the wording of the section with the amendments)
30. R507.5, R507.6, R507.7 Deck Joists and Beams  
(Insert the wording of the section with the amendments)



31. R508 Deck Posts  
(Insert the wording of the section with the amendments)
32. Table R602.3(1) Table R602.3(1) Fastening Schedule  
(Insert the wording of the section with the amendments)
33. R602.3.1 Stud Size, Height and Spacing  
(Insert the wording of the section with the amendments)
34. R602.7 Headers  
(Insert the wording of the section with the amendments)
35. Table R602.10.5 Contributing Length of Method CS-PF
36. R602.12 Simplified Wall Bracing  
(Insert the wording of the section with the amendments)
37. R703.9 Exterior insulation and finish systems (EIFS)  
(Insert the wording of the section with the amendments)
38. R703.11.1 Vinyl Siding Attachment  
(Insert the wording of the section with the amendments)
39. R703.13, R703.14 Insulated Vinyl Siding and Polypropylene Siding  
(Insert the wording of the section with the amendments)
40. R703.15, R703.16, R703.17 Cladding attachment over foam sheathing  
(Insert the wording of the section with the amendments)
41. Tables R802.4 , R802.5 Ceiling Joists and Rafters  
(Insert the wording of the section with the amendments)
42. R905.7.5, R905.8.6 Wood Shingle Application, Wood Shake Application  
(Insert the wording of the section with the amendments)
43. R905.16 Photovoltaic Shingles  
(Insert the wording of the section with the amendments)
44. R907 Rooftop-Mounted Photovoltaic Systems  
(Insert the wording of the section with the amendments)
45. R401.2 Added Energy Rating System (ERS)  
(Insert the wording of the section with the amendments)
46. R401.3 Permanent Energy Certificate  
(Insert the wording of the section with the amendments)
47. 402.1.3 Insulated Siding  
(Insert the wording of the section with the amendments)
48. 402.2.4 Vertical Doors that Access Unconditioned Space  
(Insert the wording of the section with the amendments)
49. 402.2.8 Floor Framing Cavity Insulation  
(Insert the wording of the section with the amendments)
50. 402.4.1.1 Insulation at Wall Corner and Headers  
(Insert the wording of the section with the amendments)
51. 402.3 Duct Sealing and Testing  
(Insert the wording of the section with the amendments)
52. 402.3. Hot Water Circulation/Temperature Maintenance Systems  
(Insert the wording of the section with the amendments)

B. To the International Energy Conservation Code shall be amended to read as follows:

*Below are significant changes between 2012 and 2015 residential portion of the IECC. You can adopt the ones you want or you can adopt the 2015 IECC in its entirety above and remove the amendments listed by the state, depending upon need and your attorney's advice - review carefully and*

**only choose the ones that apply to your jurisdiction.**

1. Section N1101.13 (R401.2) Added Energy Rating System (ERS)  
(Insert the wording of the section with the amendments)
2. Section 1101.14 (R401.3) Permanent Energy Certificate  
(Insert the wording of the section with the amendments)
3. N1102.1.3 (402.1.3) Insulated Siding  
(Insert the wording of the section with the amendments)
4. N1102.2.4 (402.2.4) Vertical Doors that Access Unconditioned Space  
(Insert the wording of the section with the amendments)
5. N1102.2.8 (402.2.8) Floor Framing Cavity Insulation  
(Insert the wording of the section with the amendments)
6. N1102.4.1.1 (402.4.1.1) Insulation at Wall Corner and Headers  
(Insert the wording of the section with the amendments)
7. N1103.3 (402.3) Duct Sealing and Testing  
(Insert the wording of the section with the amendments)
8. N1103.5 (402.3.5) Hot Water Circulation/Temperature Maintenance Systems  
(Insert the wording of the section with the amendments)

Section 3. Severability. This ordinance is hereby declared to be severable. Should any portion of this ordinance be declared invalid by a court of competent jurisdiction, the remaining provisions shall continue in full force and effect and shall be read to carry out the purpose(s) of the ordinance before the declaration of partial invalidity.

Section 4. Repeal of Conflicting Provisions. All provisions of the current (\_\_\_\_\_ Municipal Code or ordinances of the City of \_\_\_\_\_ or County of \_\_\_\_\_ (OR SPECIFIC ORDINANCE NUMBER)) which conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

Section 5. Effective Date. This ordinance shall be effective upon its passage and publication as provided by law. Enacted by the (City Council or Board of County Commissioners) as an ordinance of the City of \_\_\_\_\_ on the \_\_\_ day of \_\_\_\_\_, 201\_\_.

Approved by the (\_\_\_\_\_ City Council or \_\_\_\_\_ Board of County Commissioners) on the \_\_\_ day of \_\_\_\_\_, 201\_\_.

(CITY or COUNTY OF \_\_\_\_\_)  
\_\_\_\_\_ ( Mayor or Board of County Commissioners)

ATTEST:  
\_\_\_\_\_, (City or County Clerk)



