

AGENDA ITEM SUMMARY

DATE: 12/17/2012 DEPARTMENT: CDD DEPT. HEAD SIGNATURE: MA

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**SUBJECT:** Adopt proposed Amendments to Title 15, "Buildings and Construction" as Ordinance No. 1119 and proceed with three readings of the ordinance

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**AUTHORITY:**  ID Code 39-4116  IAR \_\_\_\_\_  City Ordinance/Code Title 15 (IFAPPLICABLE)

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**BACKGROUND/SUMMARY OF ALTERNATIVES CONSIDERED:**

**Update from 11-19-2012 City Council Meeting**

Following the 11-19-2012 meeting of the City Council, staff worked with the City Attorney in drafting the proposed ordinance to make the changes as recommended below. During this process, staff discovered that the Building Ordinance, Title 15, was outdated and inaccurate in several places. For example, the majority of references to the IRC and IBC were inaccurate and inconsistent throughout Title 15. This amendment cleans up and corrects those inaccuracies and rewrites the ordinance to avoid these issues in the future.

The proposed ordinance corrects these non-material inaccuracies and makes the following changes with explanations:

**Proposed Amendments:**

**Alternative Energy Review Fee (15.08.020 E)**

- Amend Title 15 to allow for a flat fee of \$75 per Alternative Energy System application.
- Any additional inspections beyond the initial inspection will be \$50

**Building Permit Term of Validity (15.08.020 B)**

- Insert language stating that a Building Permit becomes null and void if there has been no activity (defined by no inspections) during a period of 180 days.

**Final Inspection Fee Deposit (15.08.020 E)**

- Waive the Final Inspection Fee Deposit

**Window Replacement Fees (15.08.020 E, Similar to Alt. Energy Review changes above)**

- Amend Title 15 to allow for a flat fee of \$75 per windows inspection
- Any additional inspections beyond the initial inspection will be \$50

**Build Better Program (BBP) (15.08.012)**

- NOTE : Amendments to the Building Ordinance addressing the Building Better Program will be addressed in a separate ordinance and as a separate public hearing.
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**FISCAL IMPACT / PROJECT FINANCIAL ANALYSIS:**

There may be a slight reduction in building permit fees based on the windows and alternative energy system reviews.

**ACKNOWLEDGEMENT BY OTHER AFFECTED CITY DEPARTMENTS: (IF APPLICABLE)**

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|--|--|--|
| <input checked="" type="checkbox"/> City Administrator | <input type="checkbox"/> Library                     | <input type="checkbox"/> Benefits Committee        |
| <input checked="" type="checkbox"/> City Attorney      | <input type="checkbox"/> Mayor                       | <input type="checkbox"/> Streets                   |
| <input type="checkbox"/> City Clerk                    | <input checked="" type="checkbox"/> Planning         | <input type="checkbox"/> Treasurer                 |
| <input checked="" type="checkbox"/> Building           | <input type="checkbox"/> Police                      | <input checked="" type="checkbox"/> Sustainability |
| <input type="checkbox"/> Engineer                      | <input type="checkbox"/> Public Works,               | <input type="checkbox"/> _____                     |
| <input type="checkbox"/> Fire Dept.                    | <input type="checkbox"/> Parks                       | <input type="checkbox"/> _____                     |
|  | <input checked="" type="checkbox"/> P & Z Commission |  |

**RECOMMENDATION FROM APPLICABLE DEPARTMENT HEAD:**

Motion to approve the proposed amendments to Hailey Municipal Code Title 15, the Building Code, and adopt Ordinance No \_\_\_\_\_ and authorize the mayor to conduct the first reading by title only.

**ACTION OF THE CITY COUNCIL:**

Date: 12/17/12 - adopted 1<sup>st</sup> reading conducted of Ord. 1119  
City Clerk M. Cone 2<sup>nd</sup> reading 1/7/13

**FOLLOW-UP:**

\*Ord./Res./Agrmt./Order Originals: Record \*Additional/Exceptional Originals to:

Copies (all info.): \_\_\_\_\_  
Instrument # \_\_\_\_\_

Copies (AIS only)

## STAFF REPORT

**TO:** Mayor Haemmerle and the Hailey City Council  
**FROM:** Micah Austin, Community Development Director  
**RE:** Hailey Municipal Code Amendment to Title 15, the Building Code.  
**HEARING:** December 17, 2012

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### Notice

Notice for the public hearing was published in the Idaho Mountain Express on November 28, 2012

### Proposal

A text amendment to Title 15, the Building Code, to add an Alternative Energy Review Fee, a Window Inspection Fee, change the terms of permit validity, eliminate the final inspection fee deposit, and make several housekeeping changes where inaccuracies occur between our code and the IRC and IBC.

### Procedural History

The public hearing for December 17 was published in the Mt. Express on November 28. If the Council chooses to proceed with adoption, the following schedule will be observed:

- 1<sup>st</sup> Reading: December 17
- 2<sup>nd</sup> Reading: January 7, 2013
- 3<sup>rd</sup> Reading: January 21, 2013

### Department Comments

Following the 11-19-2012 meeting of the City Council, staff worked with the City Attorney in drafting the proposed ordinance to make the changes as recommended below. During this process, staff discovered that the Building Ordinance, Title 15, was outdated and inaccurate in several places. For example, the majority of references to the IRC and IBC were inaccurate and inconsistent throughout Title 15. This amendment cleans up and corrects those inaccuracies and rewrites the ordinance to avoid these issues in the future.

The proposed ordinance corrects these non-material inaccuracies and makes the following changes with explanations:

### Proposed Amendments and Explanations:

#### **Alternative Energy Review Fee (15.08.020 E)**

- Recommendation: Amend Title 15 to allow for a flat fee of \$50 per Alternative Energy System application.
- Any additional inspections beyond one initial inspection will be \$50
- Our current fee assessment is based on the total value of the project, rather than the time required for the inspection.
- Both Wayne Orvik, our past Building Official, and Cedric Knehans (DBS) have recommended this change to the ordinance because the amount of staff time required for the inspection of an Alternative Energy System is identical, regardless of the cost of the system.
- The objective of this amendment is to equitably assess the inspection/review fee for an alternative energy system and to incentivize any businesses or homeowners to invest in an alternative energy system by reducing the building permit fees.

**Building Permit Term of Validity (15.08.020 B)**

- Recommendation: Insert language stating that a Building Permit becomes null and void if there has been no activity (defined by no inspections) during a period of 180 days.
- Currently, our ordinance states that a permit becomes null and void after 548 days.
- This revision is consistent with the International Building Code's requirements
- The objective is to keep projects progressing and to prevent having unfinished projects remain unsightly eyesores in neighborhoods for several months or years.

**Final Inspection Fee Deposit (15.08.020 E)**

- Recommendation: Waive the Final Inspection Fee Deposit
- We currently hold a deposit of 25% of the total Building Permit Fee and Plan Review Fee. This deposit is release after the final inspection is completed.
- Objective: According to our recommendation above, with the Building Permit expiring after 180 day of inactivity, the need for a Final Inspection Fee Deposit is not necessary
- If implemented, staff plans to evaluate this in 12 months to determine whether waiving the fee has achieved our desired objectives.

**Window Replacement Fees (15.08.020 E, Similar to Alt. Energy Review changes above)**

- Recommendation: Amend Title 15 to allow for a flat fee of \$75 per windows inspection
- Any additional inspections beyond the initial inspection will be \$50
- Our current fee assessment is based on the total value of the project, rather than the time required for the inspection.
- Both Wayne Orvik, our past Building Official, and Cedric Knehans (DBS) have recommended this change to the ordinance because the amount of staff time required for the inspection of a window installation is identical, regardless of the cost of the window.
- The objective of this amendment is to equitably assess the inspection/review fee for a window and to incentivize any businesses or homeowners to invest in the most energy efficient, highest quality windows possible.

**Motion Language**

Approval:

Council

Motion to approve the proposed amendments to Hailey Municipal Code Title 15, the Building Code, and adopt Ordinance \_\_\_\_\_ and authorize the mayor to conduct the first reading by title only.

Denial:

Council

Motion to deny the proposed amendments to Title 15, the Building Code, finding that \_\_\_\_\_ [the Council should cite which standards are not met and provided the reason why each identified standard is not met].

Continuation:

Motion to continue the public hearing upon the proposed amendment to Title 15, the Building Code, to \_\_\_\_\_ [the Commission should specify a date].

Table:

Motion to table the proposed amendment to Title 15.

HAILEY ORDINANCE NO. 1119

AN ORDINANCE OF THE CITY OF HAILEY, IDAHO, AMENDING SECTION 15.08.010 OF THE HAILEY MUNICIPAL CODE, TO REFER TO ADOPTED BUILDING AND ENERGY CODES; AMENDING SECTION 15.08.020 OF THE HAILEY MUNICIPAL CODE, TO PROVIDE A FLAT FEE FOR ALTERNATIVE ENERGY SYSTEMS AND WINDOW REPLACEMENT APPLICATIONS, TO WAIVE THE FINAL INSPECTION FEE AND TO GENERALLY REFER TO ADOPTED BUILDING AND ENERGY CODES; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; AND PROVIDING FOR THE EFFECTIVE DATE OF THIS ORDINANCE.

WHEREAS, the City of Hailey has established fees for certain applications under the International Building Code and International Residential Code;

WHEREAS, the City of Hailey wishes to update certain fees under the International Building Code and International Residential Code to eliminate fees which are based on value of improvements and to establish fees based on actual time devoted to enforce regulations by adopting flat fees for alternative energy system and window replacement applications and by waiving the final inspection free; and

WHEREAS, the City of Hailey wishes to generally refer to the adopted International Building Code, International Residential Code and International Energy Conservation Code.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF HAILEY, IDAHO, AS FOLLOWS:

**Section 1.** Section 15.08.010 of the Hailey Municipal Code is hereby amended by the deletion of the stricken language and by the addition of the underlined language, as follows:

15.08.010 Adoption of Codes. Pursuant to Idaho Code Section 39-4116(1), the following codes published by the International Code Council are adopted by reference:

A. 2009 International Building Code ("2009 IBC"), including all rules promulgated by the Idaho Building Code Board to provide equivalency with the provisions of the Americans with Disabilities Act accessibility guidelines and the Federal Fair Housing Act accessibility guidelines; and including Appendix E: Supplemental Accessibility Requirements;

B. 2009 International Residential Code ("2009 IRC"), parts I-IV and IX including Appendix F: Radon Control Methods;

C. 2009 International Energy Conservation Code ("2009-IECC");

D. 1997 Uniform Code for the Abatement of Dangerous Buildings;

E. 1997 Uniform Building Code ("97 UBC") Volume 3, Material, Testing and Installation Standards; and

F. 1997 Uniform Building Code, Volume 1, Table 1-A, Building Permit Fees.

**Section 2.** Section 15.08.020 of the Hailey Municipal Code is hereby amended by the deletion of the stricken language and the addition of the underlined language, as follows:

15.08.020 Amendment of Codes. Pursuant to Idaho Code Section 39-4116(3), the following codes adopted pursuant to Section 15.08.010 herein or provisions thereof are added to, amended, altered and/or modified as follows:

A. Required Permits. Required building permit applications shall be made on forms furnished by the city of Hailey, and approval shall be in accordance with Section ~~105~~ R105.1 of the ~~2006~~ IRC and Section ~~105~~ 3410 of ~~2006~~ IBC.

1. Excavation. Section 105.1 of the ~~2006~~ IRC and ~~2006~~ IBC require a permit from the building official for the start of construction. For the purposes of this section, the start of construction is defined as the excavation or trenching for the installation of forms for footings, or where no forms are used, start of construction is excavation or trenching.

2. Moved Structures. The ~~2006~~ IRC is amended to add the following Section ~~105.1~~ R105.3.3 and the ~~2006~~ IBC is amended to add the following ~~105.1.3~~ 105.3.3: Moved Structures. Applications for permits for moved structures shall include but are not limited to the following information provided by an Idaho licensed structural engineer: appropriate foundation designed to meet the City of Hailey structural forces: proof that existing headers of the largest window and/or garage door opening is structurally adequate; where practical, an analysis of the existing roof system including trusses or rafters and roof sheathing materials, wall and floor systems for conformity to structural forces criteria for the new occupancy and new location.

3. Manufactured Homes. The ~~2006~~ IRC is amended to add the following Section ~~R105.1.2~~ and the ~~2006~~ IBC is amended to add the following ~~105.1.4~~: Manufactured Homes. Permits are required for manufactured homes pursuant to this code.

4. Demolition Permits. The ~~2006~~ IRC is amended to add the following Section ~~R105.1.3~~ and the ~~2006~~-IBC is amended to add the following ~~105.1.35~~.

a. General Requirements. Demolition shall include moving a structure from one site to another and destruction/demolition of a structure for disposal. Permit applications shall be provided by the City of Hailey and shall include owner, address, property descriptions, phone number, description of the scope of the demolition and a time frame. The person or entity submitting an application for a demolition permit for a Historic Structure must be the owner of record or the authorized agent of the owner(s). Acknowledgement of the demolition by utility companies serving the property, the Blaine County Assessor's office and the jurisdiction's Building Official if other than the City of Hailey shall be required. Permits shall be valid for 90 days.

b. Historic Structures. Prior to issuance of a "Demolition" permit for buildings and structures built wholly or in part prior to 1941 ("Historic Structure"), regardless whether the Historic Structure was constructed on or relocated to the property, the Hailey Building Official shall submit the application to the Hailey Planning Department, Hailey Fire Department and Hailey Historic Preservation Commission. The applicant shall demonstrate the age of a building or structure by reliable records, including but not limited to records of the Blaine County Assessor.

1. A one hundred twenty (120) day review period shall run from the date of transmittal of copies of the application to the departments, agencies, commissions and organizations. The date of transmittal shall be documented in the application file and shall commence the comment period. Within seven (7) calendar days of the Building Official certifying that the application is complete, the Building Official shall, at the applicant's expense, publish a Notice of Intent to Demolish a Historic Structure in the official newspaper of the City of Hailey, post on the subject property a Notice of Intent to Demolish a Historic Structure, and mail Notice of Intent to Demolish a Historic Structure to property owners within three hundred (300) feet of the subject property.

2. During the review period, the city, the Hailey Historic Preservation Commission or any other commission, organization or individual may negotiate with the owner and with any other parties in an effort to find a means of preserving the structure or building for the acquisition by gift, purchase, or exchange of the property or any interest therein.

3. The one hundred twenty (120) day review period may be reduced if the Building Official or his/her designee finds that a) the owner has reasonably demonstrated that rehabilitation of the Historic Structure would not be economically feasible, b) the Historic Structure shall be preserved by relocation of the building or structure to another appropriate site in Hailey, c) the Historic Structure is deemed a "dangerous" building as defined in Chapter 3, Section 3.02 of the 1997 Uniform Code for the Abatement of Dangerous Buildings, or d) the Hailey Historic Preservation Commission has recommended the one hundred twenty (120) day review period be reduced because the Historic Structure does not maintain the historic architectural qualities, historic associations or archeological values of other Historic Structures within Hailey.

4. At the end of the review period, if the application for a "Demolition" permit has not been withdrawn, the Building Official shall process the application according to the 2006 IBC and the municipal code. Any demolition permit for Historic Structure shall be conditioned so that prior to demolition, the applicant shall provide the Hailey Historic Preservation Commission with all available historic information about the Historic Structure, including a) color photographs measuring at least four inches (4") by six inches (6") of at least two (2) elevations of the building at the time of permit submittal (if the building faces one or more public streets, the two (2) elevations shall be of the street facing sides), b) height, square footage, and current use of building, and c) historical photograph, black and white or color, of the building, if feasible.

c. Revegetation. Following demolition of a building or structure, any foundation and basement and all debris shall be removed, clean fill shall be

placed in any excavated portion of the property, the grade of the property shall be leveled, and the property shall be planted or re-seeded with drought resistant grasses and/or shrubs that are as minimally as possible irrigated to ensure successful revegetation within one (1) month of the permitted work. The revegetation shall include noxious weed abatement and continued maintenance until new construction commences

B. Permit Expiration. Section 105.5 of the 2006 IBC is deleted in its entirety and replaced by the following:

105.5 Expiration. Except as otherwise provided herein, every permit issued by the Building Official under the provisions of this code shall expire and become null and void if the building or work authorized by such permit is not completed within 548 days after its issuance. Permits that expire under this provision may be extended for a period not to exceed 180 days by an application for extension filed with the City Council by the permittee 30 days prior to permit expiration. A permit is considered null and void if inspections have not been completed for a period of 180 days. An application fee of \$75.00 must be paid at the time of filing for an extension of the building permit.

C. Submittal Documents. Sections 1076.1 of the 2006 IBC and 2006 IRC is ~~are~~ deleted in ~~its~~ their entirety and replaced by the following:

IBC Section 1076.1 and IRC R106.1 Submittal documents. Construction documents, special inspection and structural observation programs, and other data shall be submitted in two or more sets with each application for permit. The construction documents shall be prepared by a registered design professional where required by the statutes of the jurisdiction in which the project is to be constructed. Where special conditions exist, the building official is authorized to require additional construction documents to be prepared by a registered design professional. Said design professional shall be an Idaho State Licensed Architect and/or Idaho State Licensed Structural Engineer.

D. Deferred Submittal. Section 1076.3.4.2 of the 2006 IBC shall be amended by the addition of the following language at the end of Section 1076.3.4.2:

Section 1076.3.4.2... Furthermore, the deferred submittal may be charged a plan review fee in addition to any and all other related building permit fees in the amount of 100% of the first plan review related to that building permit, except when manufactured trusses are used in an R3 and/or U occupancy, truss specification may be submitted when available from the approved manufacturer without deferred submittal plan check fee.

E. Fees, Deposits and Refunds. For buildings, structures and other improvements requiring a building or other permit under this chapter, fees, deposits and refunds shall be paid to the city of Hailey as specified herein.

1. Building Permit Fee. Fees shall be charged utilizing Table 1-A of the 97 UBC, published by the International Conference of Building Officials (ICBO). Building valuation shall be factored at one hundred twenty dollars (\$120.00) per square

foot. For new construction or substantial remodels, an application fee of \$500 shall be made at the time the building permit application is submitted to the city. Said fee shall be credited to the total amount of the building permit fee, but shall be forfeited if the building permit is not obtained by the applicant within 180 days of permit approval. Except as otherwise provided for herein, the remainder of the building permit fee and the deposit for final inspection shall be collected when the building permit is issued. At the election of the applicant, payment of the remainder of the building permit fee for a Building built according to the Build Better Program ~~during the introductory period (which shall expire January 1, 2013)~~; or an Energy Star certified single family residence may be deferred to the date of the issuance of a certificate of occupancy. For the purpose of Section 15.08.020(E), an Energy Star certified single family residence shall mean a single family residence certified as an Energy Star project in accordance with the Northwest Energy Star Program, as amended. The Building built to the Build Better Program shall mean a Building that meets the specifications outlined in Section 15.08.012.

a. New residential construction, excluding additions and alterations, shall receive a 50% reduction in building permit fees when built in accordance with the Build Better Program.

2. Plan Review Fee. Building Department review will be 65% of the building permit fee. Except as otherwise provided for herein, the plan review fee shall be collected when the building permit is issued. At the election of the applicant, payment of the plan review fee for an Energy Star certified single family residence or a Building Built to the Build Better Program specifications may be deferred to the date of the issuance of a certificate of occupancy.

a. The plan review fee for new residential construction, excluding additions and alterations, built in accordance with the Build Better Program, shall receive a 50% reduction. By way of example, if a building permit fee is \$1000 according to Table 1-A of the 1997 UBC, the plan review fee for new residential construction built in accordance with the Build Better Program shall be \$325 ( $\$1000 \times 0.65 \times 0.5$ ).

3. Fire Review Fee. Fire Department review for commercial or multi-family projects shall be 35% of the building plan review fee. Except as otherwise provided for herein, the fire review fee shall be collected when the building permit is issued. At the election of the applicant, payment of the fire review fee of an Energy Star certified single family residence or a Building built to the Build Better Program specifications may be deferred to the date of the issuance of a certificate of occupancy.

4. Deferred Submittal Fee. An additional 100% of the original plan review fee may be charged for all deferred submittals, ~~as set forth in Section 106.3.4.2 of the 2003 IBC, as amended by this chapter.~~

5. Moved Structure Fee. Moved structures will be calculated by using the estimated cost of the move applied to Table 1-A of the 97 UBC.

6. Manufactured Homes Fee. Fees shall be based on the on-site elements constructed, not the home itself.

7. Demolition Fee. Fee shall be \$75 and shall be due at the time the application is submitted to the city.

8. Re-roof Fee. Fee shall be calculated using Table 1-A of the 97 UBC. Valuation shall be based on scope of the work and materials.

9. Fence Fee. Fee will be \$30 and be paid when the application is submitted.

10. Shed Fee. Permits must be obtained for all sheds exceeding 120 square feet. Fees shall be based on Table 1-A of the 97 UBC.

11. ~~Deposit for Final Inspection. In addition to the building permit fees as stated above, a deposit shall be collected when the building permit is issued, to ensure final inspection. A deposit shall be 25% of the total building permit fee or \$100, whichever is greater.~~ Alternative Energy Review Fee. Fee shall be \$75 per Alternative Energy System application and shall be due at the time the application is submitted to the city.

12. Window Replacement Fee. Fee shall be \$75 per window replacement application and shall be due at the time the application is submitted to the city. Any additional inspections beyond the initial inspection shall be \$50.

F. ~~408.12~~ Fee Refunds. ~~Section 408.12~~ 109.6 of the IBC is deleted in its entirety and replaced as follows: The Building Official may authorize refunding of any fee paid hereunder which was erroneously paid or collected. The Building Official may authorize refunding of one hundred percent (100%) of the permit fee paid when no work has been done under a permit issued in accordance with this code. The Building Official may authorize refunding of not more than one hundred percent (100%) of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any plan reviewing is done. The Building Official shall not authorize refunding of any fee paid except on written application filed by the original permittee not later than one hundred eighty (180) days after the date of fee payment.

G. Required Inspections. Section ~~409~~ 110 of the ~~2006~~ IBC shall be amended by the addition of a new section ~~109~~10.3.8.1, as follows:

Section ~~409~~110.3.8.1 Manufactured Homes: Inspections are required for manufactured homes placed in the City of Hailey.

H. Board of Appeals. Section ~~1132~~ of the ~~2006~~ IBC and ~~2006~~-IRC shall be amended by the addition of a new section ~~1132~~3.1, as follows:

Section ~~1132~~3.1 Board Membership: The Mayor and the Hailey City Council will appoint a three (3) person Board to stand as the Board of Appeals, as needed, with membership to be selected from but not limited to the following list of professionals in the various fields of expertise in the building industry:

- Blaine County, Idaho Building Official;
- The City of Ketchum, Idaho Building Official
- The City of Hailey Fire Chief;
- General Contractor associated with the Building Contractors Association of the Wood River Valley;

- A licensed Idaho Architect; and,
- A licensed Idaho Structural Engineer.

I. Start of Construction. Section 202 and Section 1612.2 of the 2006 IBC shall be amended, to add the following definition:

Start of Construction: The excavation or trenching for the installation of forms for footings. Where no forms are used, it is excavation or trenching.

J. Height, Building. Section 502.1 of the 2006 IBC shall be amended by deleting the definition of “Height, Building” in its entirety and replacing it with the definition of building height contained in Chapter 2 of the Hailey Zoning Ordinance, as amended, follows:

~~Height of Building: The greatest vertical distance measured from the lowest point of record grade within any portion of the building footprint to the highest point of the roof surface thereof, exclusive of cupolas, chimneys up to ten (10) feet above the highest point of the roof surface, steeples, and spires.~~

K. Fire-Resistance Rating Requirements. Table 602 of the 2006 IBC shall be amended as follows:

1. All walls of buildings that are closer than five (5) feet to a property line shall be constructed of four (4) hour firewall materials including a parapet wall as defined in the International Building Code.

Exception: Walls may be constructed of two hour firewall materials if an approved, monitored sprinkler system is installed within the building.

2. Walls that run parallel to a public way, street or alley, as those terms are defined in the 2006 IBC, when said public way, street or alley is greater than twenty (20) feet wide, shall be constructed specifically in accordance with the 2006 IBC. Walls described in this Subsection 2 shall not be subject to the requirements of Subsection 1.

3. There shall be no openings or penetrations allowed in the required firewalls of buildings that are closer than five (5) feet to a property line.

4. The requirements as stated in Subsections 1, 2 and 3 above shall apply to all zones and all types of building construction in the city of Hailey except General Residential and Limited Residential Zones 1 and 2.

L. Live Snow Load Requirements. Section 1603.1.3 of the 2006 IBC shall be amended by adding a new subsection 1603.1.3.1 as follows:

Section 1603.1.3.1 All roofs shall sustain within the stress limitations of this Code, all “dead loads” plus unit “snow loads” of at least one hundred (100) pounds per square foot. The snow loads shall be assumed to act vertically upon the area projected upon a horizontal plane.

M. Live Load Requirements for Balconies or Second Floor Decks: Table 1607.1 of the 2006 IBC, Item 5 pertaining to balconies, shall be amended to show a 100 p.s.f. snow load for all balconies and decks regardless of occupancy or size.

N. Seismic Resisting System. Section R301.2.2.3 of the 2006 IRC is amended by the addition of the following subsection R301.2.2.3.4, as follows:

R301.2.2.3.4 Engineering design for seismic resisting system. All structures including detached one and two family structures in Seismic Design Category C or greater shall have a lateral force resisting system designed in accordance with accepted engineering practice by the Engineer of Record. The effective seismic weight for such buildings shall include 35% of the flat roof uniform design snow load.

O. Snow Loads. Section R301.2.3 of the 2006 IRC shall be amended by the deletion of Section 301.2.3 in its entirety and replaced with the following language:

Section R301.2.3 Snow loads. All roofs shall sustain within the stresses limitations of this Code, all "dead loads" plus unit "snow loads" of at least one hundred (100) pounds per square foot. The snow loads shall be assumed to act vertically upon the area projected upon a horizontal plane.

P. 2009 International Energy Conservation Code. The IECC shall be amended as follows:

1. 2009-IECC Chapter 4, Residential Energy Efficiency.
  - a. Section 401.2 Compliance. Projects shall comply with Sections 401, 402.4, and 403.1, 403.2.2, 403.2.3, and 403.3 through 403.9 (referred to as mandatory provisions), and Section 405 (performance)
  - b. Sections 402.1 through 402.3, 403.2.1 and 404.1, shall be deleted.
  - c. Section 402.4.2 Air Sealing and Insulation. Building envelope air tightness and insulation installation shall be demonstrated to comply by Section 402.4.2.1, Testing Option.
  - d. Section 402.4.2.2, Visual Inspection Option, shall be deleted.
  - e. Section 405, Simulated Performance Alternative (Performance). This section shall be met using Residential Energy Services Network's (RESNET) Home Energy Rating System (HERS) by developing a simulated model of the proposed design and comparing it to the 2009 IECC standard reference design using a REM/RATE™ ENERGY ANALYSIS.
2. 2009 IECC Chapter 5, Commercial Energy Efficiency.
  - a. Section 501.2, Application. The Commercial Building project shall comply with the requirements of Section 506, provided Sections 502.4, 503.2, 504, 505.1, 505.2, 505.3, 505.4, 505.6, and 505.7 are each satisfied.
  - b. Sections 502.1 through 502.3, 503.3, 503.4, and 505.5 shall be deleted.

c. Section 506, Total Building Performance. Buildings less than 10,000 square feet shall comply with Section 506 using a COMcheck Energy Analysis. Buildings 10,000 square feet or more shall comply with Section 506 using Building Department Approved energy modeling software, including but not limited to the most recent published version of the following: eQuest, Trace, Carrier HAP, or EnergyPlus.

3. Climate Zone: Figure 303.1(9) in the 2009 IECC represents that the city of Hailey is in climate zone 16, the most extreme climate zone in Idaho. Said figure 303.1(9) shall supersede the climate zone for the city of Hailey referenced in the 2006 IRC Table N 1101.2 for all construction.

Q. Opening Protection. Section ~~R309.1302.5~~ of the 2006 IRC shall be amended by the deletion of Section 309.1 in its entirety and replaced with the following language:

~~R 309.1302.5.1~~ Opening protection. Openings from a private garage directly into a room used for sleeping purposes shall not be permitted. Other openings between the garage and the residence shall be equipped with either solid wood doors or solid or honeycomb steel doors not less than 1 3/8-inches thick, or 20-minute fire rated doors. Doors shall be self-closing and self-latching.

R. Separation Section ~~R R309.2302.6~~ of the 2006 IRC shall be amended by the deletion of Section 309.2 in its entirety and replaced with the following language:

~~R 309.2302.6~~ Separation required. The garage shall be separated from the residence and its attic area by means of a minimum 5/8-inch Type X gypsum board applied to the garage side of all walls and ceilings forming part of the separation. Where the separation is a floor/ceiling assembly, the structure supporting the separation shall also be protected by not less than 5/8-inch Type X gypsum board or equivalent. Garages located less than 3-feet from a dwelling unit on the same lot shall be protected with not less than 5/8-inch Type X gypsum board applied to the interior side of exterior walls that are within this area. Openings in these walls shall be regulated by Section R309.1. This provision does not apply to garage walls that are perpendicular to the adjacent dwelling wall unit.

S. Equations. Section 1605.2.1 of the 2006 IBC is amended by deleting the equations for coefficient  $f_2$  and replacing the coefficient  $f_2$  as follows:

$$f_2 = 0.70 \text{ for roof configurations that do not shed snow off the structure, and}$$
$$f_2 = 0.42 \text{ for other roofs}$$

T. Snow Loads. Exception 2 of Section 1605.3.1 of the 2006 IBC is amended by deleting Exception 2 and replacing Exception 2 as follows:

2. Flat roof snow loads of 30 psf (1.44kN/m<sup>2</sup>) or less need not be combined with seismic loads. Where flat roof snow loads exceed 30 psf (1.44kN/m<sup>2</sup>), thirty five percent (35%) shall be combined with seismic loads.

U. Snow Loads. Exception 2 of Section 1605.3.2 of the 2006 IBC is amended by deleting Exception 2 and replacing Exception 2 as follows:

3. Flat roof snow loads of 30 psf (1.44kN/m<sup>2</sup>) or less need not be combined with seismic loads. Where flat roof snow loads exceed 30 psf (1.44kN/m<sup>2</sup>), thirty five percent (35%) shall be combined with seismic loads.

V. Snow Loads. Section 1608.02 of the 2006 IBC shall be amended to designate the ground snow load,  $p_g$ , for Hailey as determined on a site specific (CS) basis to be 120 psf.

W. Snow Loads. Section 1608 of the 2006 IBC is amended by the addition of a new Subsection 1608.3, as follows:

1608.3 Flat roof snow loads. The snow load,  $p_f$  in lb/ft<sup>2</sup>, on a roof with a slope equal to or less than 5° shall be the greater of 100 psf or the value calculated using the following formula:

$$P_f = 0.7C_e C_t I_p g$$

X. Seismic Weight. Section 1613 of the 2006 IBC is amended by the addition of new Subsection 1613.78, as follows:

1613.78 Effective seismic weight. The effective seismic weight in Section 12.7.2 and Section 12.14.8.1 of the ASCE7-05 shall be amended as follows:

4. For all roofs regardless of roof slope 35% of the uniform design snow load shall be included in the effective seismic weight (W).

**Section 3. Severability Clause.** If any section, paragraph, sentence or provision hereof or the application thereof to any particular circumstances shall ever be held invalid or unenforceable, such holding shall not affect the remainder hereof, which shall continue in full force and effect and applicable to all circumstances to which it may validly apply.

**Section 4. Repealer Clause.** All Ordinances or parts thereof in conflict herewith are hereby repealed and rescinded.

**Section 5. Effective Date.** This Ordinance shall be in full force and effect after its passage, approval and publication according to law.

**PASSED AND ADOPTED BY THE HAILEY CITY COUNCIL** and approved by the Mayor this \_\_\_\_ day of January, 2013.

\_\_\_\_\_  
Fritz X. Haemmerle, Mayor

ATTEST:

\_\_\_\_\_  
Mary Cone, City Clerk

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