

AGENDA ITEM SUMMARY

DATE: 6-3-2013 DEPARTMENT: CDD DEPT. HEAD SIGNATURE: MA

SUBJECT: Conduct public hearing and consider adoption of proposed Amendments to Title 15, "Buildings and Construction" as Ordinance No. 1125 and proceed with the second of three readings of the ordinance.

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

BACKGROUND/SUMMARY OF ALTERNATIVES CONSIDERED:

Amendment Summary

Building Permit Term of Validity (15.08.020 B)

- Limit the maximum number of building permit extensions to 4. This would allow 3.5 years for a project to be completed.

Background

Currently, there is no limit to the number of times a building permit can be extended. There are dozens of ongoing projects on record that began construction in past years and have yet to be completed. In at least two cases, permits that were filed prior to 2004 are still active and ongoing building projects. This has led to a confusing array questions on applicability of the current building code to a project that was permitted under an outdated code. For example, a project permitted in 2004 would have been required to meet 2000 or 2003 building codes. The current 2009 building codes have different requirements and safety measures that were not implement in the earlier codes.

To resolve this issue, staff met with a large developer with several ongoing building permits that have been extended since 2006. At the meeting, staff and the developer agreed that a maximum of four extensions would be adequate time to complete a project under any circumstance. Given our current code, this would mean a project would have a maximum of 1,268 days, or 3.5 years, from the issuance of a building permit to project completion. After that point, the builder would be required to submit a new building permit with new fees.

FISCAL IMPACT / PROJECT FINANCIAL ANALYSIS:

None

ACKNOWLEDGEMENT BY OTHER AFFECTED CITY DEPARTMENTS: (IFAPPLICABLE)

- | | | |
|--|--|--|
| <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. | Parks | <input type="checkbox"/> _____ |
| | <input checked="" type="checkbox"/> P & Z Commission | |

RECOMMENDATION FROM APPLICABLE DEPARTMENT HEAD:

Proceed with second reading of Ordinance 1125.

ACTION OF THE CITY COUNCIL:

Date : _____

City Clerk _____

FOLLOW-UP:

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

Copies (all info.): _____

Copies (AIS only)

Instrument # _____

HAILEY ORDINANCE NO. 1125

AN ORDINANCE OF THE CITY OF HAILEY, IDAHO, AMENDING SECTION 15.08.020(B) OF THE HAILEY MUNICIPAL CODE, TO LIMIT THE NUMBER OF EXTENSIONS FOR A BUILDING PERMIT TO FOUR EXTENSIONS; 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 adopted the International Building Code and International Residential Code and as permitted by law, has amended certain provisions of the International Building Code and International Residential Code; and

WHEREAS, the City of Hailey wishes to further amend the International Building Code and International Residential Code to limit the number of extensions to a building permit to four extensions.

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

Section 1. Section 15.08.020(B) of the Hailey Municipal Code is hereby amended by the addition of the underlined language, as follows:

B. Permit Expiration. Section 105.5 of the 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 issued by the Building Official under the provisions of this code may be extended for a maximum of four (4) times. 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.

Section 2. 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 3. Repealer Clause. All Ordinances or parts thereof in conflict herewith are hereby repealed and rescinded.

Section 4. 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 June, 2013.

Fritz X. Haemmerle, Mayor

ATTEST:

Mary Cone, City Clerk

Publish: Idaho Mountain Express _____, 2012