



ORDINANCE NO. 1059

AN ORDINANCE OF THE CITY OF REXBURG ADOPTING THE 2009 EDITIONS OF THE “INTERNATIONAL BUILDING CODE,” “THE INTERNATIONAL RESIDENTIAL CODE” INCLUDING APPENDIX E AND APPENDIX J, “THE INTERNATIONAL MECHANICAL CODE,” “THE INTERNATIONAL FUEL GAS CODE” AND “THE INTERNATIONAL ENERGY CONSERVATION CODE,” REGULATING AND GOVERNING THE CONDITIONS AND MAINTENANCE OF ALL PROPERTY, BUILDINGS AND STRUCTURES: BY PROVIDING THE STANDARDS FOR SUPPLIED UTILITIES AND FACILITIES AND OTHER PHYSICAL THINGS AND CONDITIONS ESSENTIAL TO ENSURE THAT STRUCTURES ARE SAFE, SANITARY AND FIT FOR OCCUPATIONAL USE; AND THE CONDEMNATION OF BUILDINGS AND STRUCTURES UNFIT FOR HUMAN OCCUPANCY AND USE AND THE DEMOLITION OF SUCH STRUCTURES IN THE CITY OF REXBURG; PROVIDING FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES THEREFORE; REPEALING ORDINANCE NO. 995 OF CITY OF REXBURG AND ALL OTHER ORDINANCES AND PARTS OF THE ORDINANCES IN CONFLICT THEREWITH.

BE IT ORDAINED BY the Mayor and Council of the City of Rexburg, Idaho:

SECTION I: That certain documents, three (3) copies of each code of which are on file in the office of the City of Rexburg, Community Development Department of the City of Rexburg, being marked and designated as the *International Building Code, 2009* edition, the *International Residential Code 2009* edition, the *International Mechanical Code 2009* edition, the *International Fuel Gas Code 2009* edition and the *International Energy Conservation Code 2009* edition, all published by the International Code Council, the *NFPA 70 National Electrical Code as currently required by the State of Idaho* and the *Uniform Plumbing Code as currently required by the State of Idaho* and published by the International Association of Plumbing and Mechanical Officials **are hereby adopted as the Building Code of the City of Rexburg**, in the State of Idaho for regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use and the demolition of such structures as herein provided: proving for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, penalties, conditions and term of said Building Code on file in the office of the City of Rexburg Community Development Department are hereby referred to adopted and made a part hereof as if fully set out in this ordinance, with the additions, insertions and deletions and changes, if any, prescribed in Section 2 of this ordinance.

SECTION II: The following sections are hereby revised:

For the *2009 International Building Code*, the following sections are hereby revised:

SECTION 101.1: Insert: City of Rexburg, Idaho

SECTION 101.4.3. Replace the language “International Plumbing Code” with the following: Uniform Plumbing Code or edition as currently required by the State of Idaho as published by International Association of Plumbing and Mechanical Officials AND the current edition of the Pacific Northwest Section of American Water Works Association (AWWA) Manual.

SECTION 903.2.8 Insert following the section: Exception: One and two unit dwellings are not required to be sprinklered as per the State of Idaho revisions of the 2009 International Building Code.

SECTION 1612.3. Insert: City of Rexburg, Idaho

SECTION 1612.3. Insert: January 1st, 2011

SECTION 3412.2. Insert: January 1st, 1985

For the *2009 International Residential Code*, following sections are hereby revised:

SECTION 101.1. Insert: City of Rexburg, Idaho

TABLE R301.2 (1) Insert: Ground snow; 50 lb, Wind Speed; 90 mph, Topographic effects, No, Seismic Design Category; D-1, Weathering; Severe, Frost line depth; 36 inches, Termite; slight, Winter Design Temp; -5°, Ice Shield Underlayment Required; Yes, Flood Hazards; FIRM Map dated 6/3/1991, Air Freezing Index; 2000, Mean Annual Temperature; 42°.

TABLE R302.6 Delete the box that reads: Not less than 1/2" gypsum board applied to the garage side. Insert in place: Not less than 5/8" "Type X" gypsum board applied to the garage side.

Delete Chapters 25 thru 43. The governing Electrical Code and Plumbing Code shall be that as most currently adopted by the State of Idaho Division of Building Safety.

For the *2009 International Mechanical Code*, following sections are hereby revised:

SECTION 101.1. Insert: City of Rexburg, Idaho

SECTION 106.5.2. Insert the following:

The Mechanical Fee Schedule shall be as per State of Idaho Statutes, Title 54, Chapter 50, Installation of Heating, Ventilation and Air Conditioning Systems – 54-5017. Permits – Applications – Fees, or as the same may from time to time be modified. A copy of which shall be kept at the City of Rexburg Community Development Department.

SECTION 106.5.3. Insert: 50% in both locations.

SECTION 108.4. Insert: misdemeanor punishable by fines of \$300 per day and up to 30 days in jail.

SECTION 108.5. Insert: \$200 (minimum fine) and \$2000 (maximum fine).

For the *2009 International Fuel Gas Code*, following sections are hereby revised:

SECTION 101.1. Insert: City of Rexburg, Idaho

SECTION 106.5.2. Change Section to read: Fees are covered elsewhere. See Section 106.5.2. of the *2006 International Mechanical Code*

SECTION 106.5.3. Insert: 50% in both locations.

SECTION 108.4. Insert: misdemeanor punishable by fines of \$300 per day and up to 30 days in jail.

SECTION 108.5. Insert: \$200 (minimum fine) and \$2000 (maximum fine).

For the *2009 International Energy Conservation Code*, following sections are hereby revised:

SECTION 101.1. Insert: City of Rexburg, Idaho

For the current *Uniform Plumbing Code*, Insert the following:

The Plumbing Fee Schedule shall be as per State of Idaho Statutes, Title 54, Chapter 26, Plumbing and Plumbers – 54-2619. Municipal Fees For Permits, Inspections – Exceptions and in accordance with IDAPA 07 Title 2 Chapter 03, or as the same may from time to time be modified. A copy of which shall be kept at the City of Rexburg Community Development Department.

SECTION III: That building permit fees and other inspection fees not identified in Section 2 above, shall be collected at time of Building Permit issuance and shall be as identified by Table 1A of the 1997 Uniform Building Code.

SECTION IV: That Ordinance No. 1059 of City of Rexburg entitled the adoption of the 2009 International Building Code, the 2009 International Residential Code, the 2009 International Mechanical Code, the 2009 International Fuel Gas Code, the 2009 International Energy Conservation Code and all other ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION V: That if any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of the ordinance. The Rexburg City Council hereby declares that it would have passed this ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

SECTION VI: That nothing in this ordinance or in the Building Code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in Section 2 of this ordinance: nor shall any just or legal right or remedy of any character lost, impaired or affected by this ordinance.

SECTION VII: That the City of Rexburg's Clerk is hereby ordered and directed to cause this ordinance to be published.

SECTION VIII: Any person, firm, or corporation violating any provision of the Building Code as described in Section 1 of this document, shall upon conviction thereof, be guilty of a general misdemeanor, which shall be punishable by a fine not to exceed Three Hundred Dollars(\$300.00) or by imprisonment for not more than Six (6) Months, or by both said fine and imprisonment for any single violation, in addition to any penalty for any sanction provided for in the adopted Building Code as described in Section 1 of this document. Each day of violation shall constitute a separate offense.

SECTION IX: That this ordinance and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force and effect January 1, 2011 from and after the date of its final passage and adoption.

SECTION X: The City of Rexburg, Idaho City Council shall enact this Ordinance No. 1059 otherwise known as the 2009 Building Code Ordinance on the 1st day of January, 2011.

PASSED BY THE CITY COUNCIL APPROVED BY THE MAYOR this 15th day of December, 2010.

Richard Woodland, Major

(SEAL)

Attest:

