

TITLE 6
BUILDING REGULATIONS

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Chapter 1

International Building Code

SECTION:

6-1-1:	Adoption
6-1-2:	Amendments
6-1-3:	Installation of Manufactured Homes
6-1-4:	Compliance Required
6-1-5:	Copies on File
6-1-6:	Penalty

6-1-1: **ADOPTION:** All of the International Building Code, as adopted by the State of Idaho, including rules promulgated by the board to provide equivalency with the provisions of the Americans with Disabilities Act accessibility guidelines and Federal Fair Housing Act accessibility guidelines, as amended. (2000 Edition, 2003 Edition, 2006 Edition, 2009 Edition, 2012 Edition)

6-1-2: **AMENDMENTS:** For structures constructed in 2014 or later, the following amendments shall apply:

- A. Any reference to Sections 101.4 concerning Electrical and 101.4.3 Plumbing shall be deleted, thus solely regulated under the State of Idaho IC 54-1001 and IC 54-2601.
- B. Amend Section 903.2.8 by adding the following exception:
Exception: Automatic sprinkler systems are not required in 4-unit or less Group R buildings.
- C. Amend Section 1612.3 inserting Teton County, ID in place of [NAME OF JURISDICTION] and August 4, 1988 in place of [DATE OF ISSUANCE]
- D. Amend Section 3412.2 inserting 1994 in place of [DATE TO BE INSERTED BY THE JURISDICTION]
- E. All Appendices of the International Building Code, 2009 Edition, are hereby deleted.
- F. All amendments adopted by the State of Idaho in IDAPA 07, Title 03, Chapter 01 (004 ADOPTION and INCORPORATION by REFERENCE) [Exhibit A]

6-1-3: **INSTALLATION OF MANUFACTURED HOMES:** Manufactured Homes as defined by Idaho State Law and inspected by The Department of Housing and Urban Development (HUD), shall not be subject to the enforcement provisions of the aforesaid Building Codes, but shall be regulated and inspected as prescribed in Title 44, Chapter 22 of the Idaho Code. The owner, or an agent of the owner, must apply for and receive, an Installation Permit prior to placing any Manufactured Home on their property. All additions or alterations to any Manufactured Home must comply with all Building Code requirements. The Building Official or appointed representative is hereby authorized to permit, inspect, and collect fees, as established by the governing body, for

Manufactured Homes placed in Teton County. Mobile or Manufactured Homes not bearing a HUD certification label shall not be allowed except as provided for by Title 44 Chapter 25 of Idaho Code.

6-1-4: **COMPLIANCE REQUIRED:** It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, convert or demolish, equip, use, occupy or maintain any building or structure or cause or permit the same to be done in violation of this code. (Ord. 042798-C, 4-27-1998, 051407)

6-1-5: **COPIES ON FILE:** Editions of the International Building Code are available for review in the Building Official's office.

6-1-6: **PENALTY:** Any person, firm or corporation violating any part of the provisions of this chapter shall be guilty of a misdemeanor, and shall be deemed guilty of a separate offense for every day or portion thereof during which any violation is committed, continued or permitted. Upon conviction of any violation of the provisions contained in this chapter, such person, firm, or corporation shall be subject to penalty as provided in section 1-4-1 of this code.
(Ord. 042798-C, 4-27-1998, 2000 Edition, 2003 Edition, 2006 Edition, 2009 Edition, 2012 Edition)

Chapter 2

International Mechanical Code

SECTION:

- 6-2-1: Adoption
- 6-2-2: Amendments
- 6-2-3: Compliance Required
- 6-2-4: Copies on File
- 6-2-5: Penalty

6-2-1: **ADOPTION:** All of the International Mechanical Code as adopted by the State of Idaho, including Appendix A, as amended. (2000 Edition, 2003 Edition, 2006 Edition, 2009 Edition, 2012 Edition)

6-2-2: **AMENDMENTS:** For structures constructed in 2014 or later, the following amendments shall apply:

- A. All amendments as noted in Appendix B

6-2-3: **COMPLIANCE REQUIRED:** It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, install, alter, repair, move, convert or demolish, equip, use, or maintain mechanical systems or equipment or cause or permit the same to be done in violation of this code. (Ord. 042798-C, 4-27-1998, Ord. 051407)

6-2-4: **COPIES ON FILE:** Editions of the International Mechanical Code are available for review in the building officials' office. (Ord. 042798-C, 4-27-1998, Ord. 051407)

6-2-5: **PENALTY:** Any person, firm or corporation violating any part of the provisions of this chapter shall be guilty of a misdemeanor, and shall be deemed guilty of a separate offense for every day or portion thereof during which any violation is committed, continued or permitted. Upon conviction of any violation of the provisions contained in this chapter, such person, firm, or corporation shall be subject to penalty as provided in section 1-4-1 of this code.
(Ord. 042798-C, 4-27-1998, 2000 Edition, 2003 Edition, 2006 Edition, 2009 Edition, 2012 Edition)

Chapter 3

International Residential Code

SECTION:

- 6-3-1: Adoption
- 6-3-2: Amendments
- 6-3-3: Installation of Manufactured Homes
- 6-3-4: Compliance Required
- 6-3-5: Copies on File
- 6-3-6: Penalty

6-3-1: **ADOPTION:** The International Residential Code as adopted by the State of Idaho including Parts I-VI, part IX Referenced Standards, and Appendix E Manufactured Housing. (2001 Edition, 2003 Edition, 2006 Edition, 2009 Edition, 2012 Edition)

6-3-2: **AMENDMENTS:** For structures constructed in 2014 or later, the following amendments shall apply:

- A. Table R301.2(1) shall be amended to read as follows:
Ground Snow Load = 60 – 120 lbs, Wind Speed = 90, Seismic Design Category = D1,
Weathering = Severe, Frost Depth = 32”, Termite = Slight/Moderate, Decay = None/Slight,
Winter Design Temp = -10 degrees, Ice Shield = Yes, Flood Hazards = 2000, Air Freezing
Index = 2,500, Mean Annual Temp = 40 - 45° F.
- B. All electrical and plumbing requirements of Chapters 25 through 42 shall be deleted, thus solely regulated under the State of Idaho IC 54-1001 and IC 54-2601.
- C. All Appendices of the International Residential Code, 2009 Edition are hereby deleted.
- D. All amendments adopted by the State of Idaho in IDAPA 07, Title 03, Chapter 01 (004 ADOPTION and INCORPORATION by REFERENCE) [Exhibit A]

6-3-3: **INSTALLATION OF MANUFACTURED HOMES:** Manufactured Homes as defined by Idaho state Law and inspected by The Department of Housing and Urban Development (HUD), shall not be subject to the enforcement provisions of the aforesaid Building Codes, but shall be regulated and inspected as prescribed in

Title 44, Chapter 22 of the Idaho Code. The owner, or an agent of the owner, must apply for and receive, an Installation Permit prior to placing any Manufactured Home on their property. All additions or alterations to any Manufactured Home must comply with all Building Code requirements. The Building Official or appointed representative is hereby authorized to permit, inspect, and collect fees, as established by the governing body, for Manufactured Homes placed in Teton County. Mobile or Manufactured Homes not bearing a HUD certification label shall not be allowed except as provided for by Title 44 Chapter 25 of Idaho Code.

6-3-4: **COMPLIANCE REQUIRED:** It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, convert or demolish, equip, use, or cause or permit the same to be done in violation of this code. (Ord. 042798-C, 4-27-1998, Ord. 051407)

6-3-5: **COPIES ON FILE:** Editions of the International Residential Code are available for review in the building officials' office. (Ord. 042798-C, 4-27-1998, Ord. 051407)

6-3-6: **PENALTY:** Any person, firm or corporation violating any part of the provisions of this chapter shall be guilty of a misdemeanor, and shall be deemed guilty of a separate offense for every day or portion thereof during which any violation is committed, continued or permitted. Upon conviction of any violation of the provisions contained in this chapter, such person, firm, or corporation shall be subject to penalty as provided in section 1-4-1 of this code.
(Ord. 042798-C, 4-27-1998, 2000 Edition, 2003 Edition, 2006 Edition, 2009 Edition, 2012 Edition)

Chapter 4

International Energy Conservation Code

SECTION:

- 6-4-1: Adoption
- 6-4-2: Amendments
- 6-4-3: Compliance Required
- 6-4-4: Copies on File
- 6-4-5: Penalty

6-4-1: **ADOPTION:** All of the International Energy Conservation Code as adopted by the State of Idaho, as amended. (2000 Edition, 2003 Edition, 2006 Edition, 2009 Edition, 2012 Edition)

6-4-2: **AMENDMENTS:** For structures constructed in 2014 or later, the following amendments shall apply.

- A. All amendments adopted by the State of Idaho in IDAPA 07, Title 03, Chapter 01 (ADOPTION and INCORPORATION by REFERENCE) [Exhibit A]

6-4-3: **COMPLIANCE REQUIRED:** It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, convert or demolish, equip, use, or maintain buildings or structures or cause or permit the same to be done in violation of this code. (Ord. 042798-C, 4-27-1998, Ord. 051407)

6-4-4: **COPIES ON FILE:** Editions of the International Energy Conservation Code are available for review in the building officials' office. (Ord. 042798-C, 4-27-1998, Ord. 051407)

6-4-5: **PENALTY:** Any person, firm or corporation violating any part of the provisions of this chapter shall be guilty of a misdemeanor, and shall be deemed guilty of a separate offense for every day or portion thereof during which any violation is committed, continued or permitted. Upon conviction of any violation of the provisions contained in this chapter, such person, firm, or corporation shall be subject to penalty as provided in section 1-4-1 of this code.
(Ord. 042798-C, 4-27-1998, 2000 Edition, 2003 Edition, 2006 Edition, 2009 Edition, 2012 Edition)

Chapter 5

International Fuel Gas Code

SECTION:

- 6-5-1: Adoption
- 6-5-2: Amendments
- 6-5-3: Compliance Required
- 6-5-4: Copies on File
- 6-5-5: Penalty

6-5-1: **ADOPTION:** All of the International Fuel Gas Code, as adopted by the State of Idaho, as amended. (2000 Edition, 2003 Edition, 2006 Edition, 2009 Edition, 2012 Edition)

6-5-2: **AMENDMENTS:** For structures constructed in 2014 or later, the following amendments shall apply:

- A. All amendments adopted by the State of Idaho in IDAPA 07, Title 07, Chapter 01 (004 ADOPTION and INCORPORATION by REFERENCE) [Exhibit A]

6-5-3: **COMPLIANCE REQUIRED:** It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, convert or demolish, equip, use, or maintain mechanical systems or equipment or cause or permit the same to be done in violation of this code. (Ord. 042798-C, 4-27-1998, Ord. 051407)

6-5-4: **COPIES ON FILE:** Editions of the International Fuel Gas Code are available for review in the building officials' office. (Ord. 042798-C, 4-27-1998, Ord. 051407)

6-5-5: **PENALTY:** Any person, firm or corporation violating any part of the provisions of this chapter shall be guilty of a misdemeanor, and shall be deemed guilty of a separate offense for every day or portion thereof during which any violation is committed, continued or permitted. Upon conviction of any violation of the provisions contained in this chapter, such person, firm, or corporation shall be subject to penalty as provided in section 1-4-1 of this code.
(Ord. 042798-C, 4-27-1998, 2000 Edition, 2003 Edition, 2006 Edition, 2009 Edition, 2012 Edition)

Chapter 6

International Fire Code

SECTION:

6-6-1:	Adoption
6-6-2:	Compliance Required
6-6-3:	Copies on File
6-6-4:	Penalty

6-6-1: **ADOPTION:** All of the International Fire Code as adopted by the State of Idaho, including all of Appendix A, with the following language, as amended by the State Fire Marshall:

- A. Section 903.2.7 Group R Automatic Sprinkler System Requirements with the following exception: Automatic sprinkler systems are not required in 3-4 unit Group R buildings. (2003 Edition, 2006 Edition, 2009 Edition, 2012 Edition)
- B. The Teton County Fire Protection District, Resolution for Subdivisions Number 3, adopted on 22 February 2005, as amended. (April 22, 2008) See addendum A

6-6-2: **COMPLIANCE REQUIRED:** This Code regulates and governs the safe guarding of life and property from fire and explosion hazards arising from the storage, handling, and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises as herein provided; providing for the issuance of permits and collection of fees; and each and all of the regulations, provisions, penalties, conditions and terms of the Fire Code.

6-6-3: **COPIES ON FILE:** Editions of the International Fire Code are available for review in the building officials' office. (Ord. 042798-C, 4-27-1998, Ord. 051407)

6-6-4: **PENALTY:** Any person, firm or corporation violating any part of the provisions of this chapter shall be guilty of a misdemeanor, and shall be deemed guilty of a separate offense for every day or portion thereof during which any violation is committed, continued or permitted. Upon conviction of any violation of the provisions contained in this chapter, such person, firm, or corporation shall be subject to penalty as provided in section 1-4-1 of this code.
(Ord. 042798-C, 4-27-1998, 2000 Edition, 2003 Edition, 2006 Edition, 2009 Edition, 2012 Edition)

Chapter 7

International Existing Building Code

SECTION:

- 6-7-1: Adoption
- 6-7-2: Amendments
- 6-7-3: Compliance Required
- 6-7-4: Copies on File
- 6-7-5: Penalty

6-7-1: **ADOPTION:** The International Existing Building Code as adopted by the State of Idaho (2012 Edition)

6-7-2: **AMENDMENTS:** For structures existing prior to 1994, the following amendments shall apply:

- A. Amend Section 1401.2-**Applicability** by inserting **1994** in place of [DATE TO BE INSERTED BY THE JURISDICTION]
- B. All Appendices of the 2012 Edition of the International Existing Building Code (IEBC) are hereby deleted.
- C. All amendments, if any, adopted by the State of Idaho in IDAPA 07, Title 03, Chapter 01 (004 ADOPTION and INCORPORATION by REFERENCE) [Exhibit A]

6-7-3: **COMPLIANCE REQUIRED:** It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, convert or demolish, equip, use, or cause or permit the same to be done in violation of this code. (Ord. 042798-C, 4-27-1998, Ord. 051407)

6-7-4: **COPIES ON FILE:** Editions of the International Existing Building Code are available for review in the building officials' office. (Ord. 042798-C, 4-27-1998, Ord. 051407)

6-7-5: **PENALTY:** Any person, firm or corporation violating any part of the provisions of this chapter shall be guilty of a misdemeanor, and shall be deemed guilty of a separate offense for every day or portion thereof during which any violation is committed, continued or permitted. Upon conviction of any violation of the provisions contained in this chapter, such person, firm, or corporation shall be subject to penalty as provided in section 1-4-1 of this code. (Ord. 042798-C, 4-27-1998, 2012 Edition)

Chapter 8

Building Permits

SECTION:

6-8-1:	Building Permit Required
6-8-2:	Application
6-8-3:	Approval of Application
6-8-4:	Issuance
6-8-5:	Posting
6-8-6:	Vested Rights
6-8-7:	Expiration
6-8-8:	Extension Permit
6-8-9:	Penalty

6-8-1 **BUILDING PERMIT REQUIRED:** No person shall, within the county, erect or construct or commence to the erection or construction of, or alter or commence the alteration of, any type of building without first obtaining a building permit in accordance with the provisions and procedures set forth in this chapter. (Ord., 4-13-1987; amd. 2001 Edition; 2003 Edition; 2006 Edition, 2009 Edition, 2012 Edition where adopted)

6-8-2: **APPLICATION:**

- A. Form; Fee: Application for a building permit shall be made to the planning and building office of the county on forms prescribed and furnished by the office, and shall be accompanied by a permit fee as published on the current Teton County building fee schedule.
- B. Plans and Specifications: Plans and specifications for the proposed construction alteration shall accompany the permit application. (Ord., 4-13-1987; amd. 2001 Edition, 2003 Edition, 2006 Edition, 2009 Edition, 2012 Edition where adopted)

6-8-3: **APPROVAL OF APPLICATION:** All applications for a building permit under this chapter shall be reviewed for approval by the county building official to ensure compliance with the International Building Code (IBC), International Code Council (ICC), International Residential Code (IRC), International Mechanical Code (IMC), Energy Conservation Code (ECC), International Fuel Gas Code (IFGC), and the International Fire Code (IFC). Such application shall not be denied unless it is in noncompliance with the required codes and the ordinance of the county. (2001 Edition; 2003 Edition; 2006 Edition, 2009 Edition, 2012 Edition where adopted)

6-8-4: **ISSUANCE:** The application shall be approved or denied the Planning and Building Office. (Ord., 4-13-1987; amd. 2000 Edition; 2003 Edition; 2006 Edition, 2009 Edition, 2012 Edition where adopted)

6-8-5: **POSTING:** A copy of the permit shall be posted in a conspicuous place on the premises during construction or the existence of the work or use authorized thereby. (Ord., 4-13-1987)

6-8-6: **VESTED RIGHTS:** No person shall acquire any vested right to construct, alter, or maintain any building by virtue of money spent or work done prior to obtaining a building permit required by the terms of this chapter, and shall not require any vested right to any building or land for any purpose whether such use is begun without first obtaining a building permit required by the terms of this chapter. (Ord., 4-13-1987; amd. 2001 Code)

6-8-7: **EXPIRATION:** A building permit shall expire three years after its date of issuance. (amd. 2010)

6-8-8: **EXTENSION PERMIT:** Prior to the date of expiration, an application may be submitted to the planning and building office for an extension building permit and shall be accompanied by an extension permit fee

as published on the current Teton County Fee Schedule. An extension permit expires one year after the date of issuance; however, an application for another extension permit may be made following the same process and payment of fee. There is no limit on the number of extension permits requested. (amd. 2010)

6-8-9: **PENALTY:** Any person violating any provision of this chapter, shall upon conviction thereof, be subject to penalty as provided in section 1-4-1 of this code. (Ord., 4-13-1987; amd. 2001 Code; amd. 2010)

**TETON COUNTY BUILDING ORDINANCE
OF TETON COUNTY, IDAHO**

EFFECTIVE: 1987 Teton County Building Ordinance

AMENDED: June 28, 1993
February 18, 1997
February 24, 1997
April 27, 1998
August 13, 2001
April 11, 2005
May 14, 2007
December 16, 2010
March 17, 2011
December 31, 2013
December, 31, 2014

Ratified this the 12th day of January, 2015. (Resolution 2015-0112)



Bill Leake, Chairman -Board of County Commissioners

ORDINANCE NO. 102008

A NEW ORDINANCE FOR TETON COUNTY IDAHO; ADOPTING A NEW TITLE 6, CHAPTER 9 OF THE TETON COUNTY CODE TO BE KNOWN AS THE "DEVELOPMENT IMPACT FEE ORDINANCE" TO ALLOW FOR THE COLLECTION OF DEVELOPMENT IMPACT FEES, ESTABLISHING SUCH FEES, AND MORE PARTICULARLY SETTING FORTH THE TITLE AND PURPOSE AND PRESCRIBING THE PROCEDURES FOR CARRYING OUT THE PURPOSE HEREOF; ATTACHING AND INCORPORATING THE "TETON COUNTY DEVELOPMENT IMPACT FEE PROGRAM/CAPITAL IMPROVEMENT PLAN" DATED OCTOBER 20, 2008 AS APPENDIX "A" HERETO; PROVIDING FOR LIBERAL CONSTRUCTION; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE HEREOF.

WHEREAS, after a public hearing by the Board of County Commissioners (Board) to consider a Report entitled, "Teton County Development Impact Fee Program/Capital Improvement Plan," dated October 20, 2008 hereinafter referred to in this Ordinance as "Report," Board has made and does hereby make the following findings, to wit:

- 1) That the County is responsible for and committed to the provision of public facilities and services at levels necessary to cure any existing public service deficiencies in already developed areas;
- 2) That such facilities and service levels shall be provided by the County utilizing funds allocated via the capital budget and capital improvements programming processes and relying upon the funding sources indicated therein;
- 3) That new development, however, will cause and impose increased and excessive demands on existing County public facilities and services that would not otherwise be necessary;
- 4) That the Board has considered and accepted the findings contained in the "Teton County Development Impact Fee Program/Capital Improvement Plan," dated July 29, 2008 which indicates build out projections, public facilities analysis and the methodology for the determination of impact fees and that these findings are incorporated herein by reference;
- 5) That the build out projections as contained in the "Report" are based on the reasonable land use assumptions as defined in Section 1;
- 6) That the build out projections as contained in the "Report" indicate that such development will continue and will place ever increasing demands on the County to provide necessary public facilities;
- 7) That to the extent that new development places demands on public facility infrastructure, those demands should be satisfied by shifting the responsibility for financing the provision of such facilities from the public at large to the developments actually creating the demands;
- 8) That the amount of the impact fee to be imposed shall be determined by the cost of the additional public facilities needed to support such development;

- 9) That the Board, after careful consideration of the matter, hereby finds and declares that an impact fee imposed upon future development to finance public facilities, the demand for which is created by such development is in the best interest of the general welfare of the County and its residents, is equitable, does not impose an unfair burden on such development by forcing developers and builders to pay more than their fair share or proportionate share of the cost, and deems it advisable to adopt this ordinance as hereinafter set forth;
- 10) That there is a reasonable relationship between the amount of the impact fee and the cost of public facilities attributable to the development upon which the fee will be imposed because the fee is based only on the cost of providing the facilities necessary to serve the new development as discussed in the "Report."

NOW, THEREFORE BE IT ORDAINED, by the Teton County Board of Commissioners as follows: That as a new Title 6, Chapter 9 of the Teton County Code shall be, and the same is hereby adopted as follows in order update the existing impact fees. This new ordinance shall be designated as the "TETON COUTNY DEVELOPMENT IMPACT FEE ORDINANCE", and is to read as follows:

SECTION I:	Title, Purpose and Definitions
SECTION II:	Application
SECTION III:	Collection of Impact Fee
SECTION IV:	Capital Improvement Projects
SECTION V:	Calculation of Impact Fee
SECTION VI:	General Methodology for Calculation
SECTION VII:	Inflationary Adjustment Index for Impact Fee
SECTION VIII:	Administration of Impact Fee
SECTION IX:	Credits and Reimbursement
SECTION X:	Refunds
SECTION XI:	Appeals
SECTION XII:	Extraordinary Impacts
SECTION XIII:	Development Impact Fee Program/Capital Improvement Plan
SECTION XIV:	Bonding
SECTION XV:	Effects of Impact Fee on County Development Regulations
SECTION XVI:	Other Powers and Rights Not Affected
SECTION XVII:	Severability
SECTION XVIII:	Repeal of Conflicting Provisions
SECTION XIX:	No Waiver
SECTION XX :	Public Health, Safety and Welfare

SECTION I: Title, Purpose and Definitions

01.010 TITLE AND PURPOSE:

The provisions of this ordinance shall be known as the "Teton County Development Impact Fee Ordinance." The purpose of these regulations is to prescribe the procedure whereby developers of land shall pay an impact fee as set forth in this Ordinance for the purpose of providing the public facilities and system improvements needed to serve future residents and users of such development. It is further the purpose of this Ordinance to:

1. Ensure that adequate facilities are available to serve new growth and development;
2. Promote orderly growth and development by establishing uniform standards by which the County may require that those who benefit from new growth and development pay a proportionate share of the cost of new public facilities needed to serve new growth and development;
3. Ensure that those who benefit from new growth and development are required to pay no more than their proportionate share of the cost of public facilities needed to serve new growth and development and to prevent duplicate and ad hoc development requirements;
4. Collect and expend development impact fees pursuant to the enabling powers granted by the provision of the Idaho Development Impact Fee Act, Title 67, Chapter 82, Idaho Code;
5. Provide the legal and procedural basis for the implementation of development impact fees within the unincorporated areas of the county; and
6. Ensure that any capital improvement funded wholly or in part with impact fee revenue shall first be included in an approved capital improvements plan that lists the capital improvements that may be funded with impact fee revenues as well as the estimated costs and timing for each improvement.

The provisions of this Ordinance are hereby found and declared to be in furtherance of the public health, safety, welfare, and convenience and it shall be liberally construed to effectively carry out its purposes.

01.020 DEFINITIONS:

As used in this Title, the following words and terms shall have the following meanings, unless another meaning is plainly intended:

A. BOARD:

The Teton County Idaho Board of County Commissioners

B. BUILDING PERMIT:

The permit required for new construction and additions.

C. CAPITAL IMPROVEMENTS:

Improvements with a useful life of ten (10) years or more, by new construction or other action, which increase the service capacity of a public facility, or service improvement.

D. CAPITAL IMPROVEMENTS PLAN:

A plan adopted and amended pursuant to the provision of the Development Impact Fee Act, Idaho Code 67-8208 that identifies capital improvements for which development impact fees may be used as a funding source. The capital improvements plan is included as a part of the Development Impact Fee Report.

E. COUNTY:

The county of Teton, in the state of Idaho.

F. DEVELOPMENT:

Any man-made change to improved or unimproved real property, the use of any principal structure or land, or any other activity that requires issuance of a building permit, or manufactured/mobile home permit, which creates additional demand and need for public facilities.

G. DEVELOPMENT APPROVAL:

Any written duly authorized document from the County that authorizes the commencement of a development.

H. DEVELOPMENT IMPACT FEE:

A payment of money imposed as a condition of development approval to pay for a proportionate share of the cost of system improvements needed to serve development. This term is also referred to as an impact fee in this Ordinance. The term does not include the following:

- a. A charge or fee to pay the administrative, plan review or inspection cost associated with permits required for development;
- b. Connection or hookup charges;
- c. Availability charges for drainage, sewer, water, or transportation charges for services provided directly to the development; or
- d. Amounts collected from a developer in a transaction in which the County has incurred expenses in constructing capital improvements for the development if the owner or developer has agreed to be financially responsible for the construction or installation of the capital improvements, unless a written agreement is made pursuant to Section 67-8209(3), Idaho Code, for credit or reimbursement.

I. DEVELOPMENT REQUIREMENT:

A requirement attached to a developmental approval or other governmental action approving or authorizing a particular development project including, but not limited to a rezoning, which requirement compels the payment, dedication or contribution of goods, services, land, or money as a condition of approval.

J. EXTRAORDINARY COSTS:

Those costs incurred as a result of an extraordinary impact.

K. EXTRAORDINARY IMPACT:

An impact which is reasonably determined by the County to:

- a. Result in the need for system improvements, the cost of which will significantly exceed the sum of the development impact fees to be generated from the project or the sum agreed to be paid pursuant to a development agreement as allowed by Section 67-8214(2), Idaho Code;

- b. Result in the need for system improvements which are not identified in the Capital Improvements Plan;
- c. Have an impact which results in a lower than acceptable level of service.

L. FEE PAYER:

That person who pays or is required to pay a development impact fee.

M. GROSS FLOOR AREA:

The sum of the areas of the several floors of the building or structure, including areas used for human occupancy or required for the conduct of the business or use, as measured from the exterior faces of the walls. It does not include cellars, unenclosed porches, or attics when not used for human occupancy, nor any floor space in an accessory building, carport, or the main building intended or designed for the parking of motor vehicles in order to meet any County parking requirement nor nonresidential facilities; arcades, porticoes, and similar open areas which are located at or near street level, which are accessible to the general public, and which are not designed or used as sales, display, storage, service, or production areas.

N. IMPACT FEE:

See Development Impact Fee.

O. LAND USE ASSUMPTIONS:

A description of the service area and projections of land uses, densities, intensities, and population in the service area over at least a twenty (20) year period.

P. LEVEL OF SERVICE:

A measure of the relationship between service capacity and service demand for public facilities.

Q. MANUFACTURED HOME:

A structure, constructed according to HUD/FHA manufactured home construction and safety standards, transportable in one (1) or more sections, which:

- a. In the traveling mode, is eight (8) feet or more in width or is forty (40) body feet or more in length, or
- b. When erected on site, is three hundred twenty (320) or more square feet; and
- c. Is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities; and
- d. Includes the plumbing, heating, air conditioning, and electrical systems contained therein;
- e. Except that such term shall include any structure which meets all the requirements of this subsection except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the secretary of housing and urban development and complies with the standards established under 42 U.S.C. 5401, et seq.

R. MOBILE HOME:

A structure similar to a manufactured home, but built to a mobile home code prior to June 15, 1976, the date of enactment of the Federal Manufactured Housing and Safety Standards Act (HUD Code).

S. MODULAR BUILDING:

Any building or building component, other than a manufactured / mobile home, which is constructed according to standards contained in the Uniform Building Code, as adopted or any amendments thereto, which is of closed construction and is either entirely or substantially prefabricated or assembled at a place other than the building site.

T. PRESENT VALUE:

The total current monetary value of past, present, or future payments, contributions or dedications of goods, services, materials, construction, or money.

U. PROJECT:

A particular development on an identified parcel of land.

V. PROJECT IMPROVEMENTS:

In contrast to system improvements, project improvements are site improvements and facilities that are planned and designed to provide service for a particular development project and that are necessary for the use and the convenience of the occupants or users of the project.

W. PROPORTIONATE SHARE:

That portion of the cost of system improvements determined pursuant to Section 67-8207, Idaho Code, which reasonably relates to the service demands and needs of the project.

X. PUBLIC FACILITIES:

Means those types of improvements described in Idaho Code 50-1703, including but not limited to the following:

- a. Parks, open space and recreation areas, and related capital improvements; and
- b. Public safety facilities, including law enforcement and emergency services facilities.
- c. Circulation facilities

Y. RECREATIONAL VEHICLE:

A vehicular type unit primarily designed as temporary quarters for recreational, camping, or travel use, which either has its own motive power or is mounted on or drawn by another vehicle.

Z. REPORT:

Teton County Development Impact Fee Ordinance

AA. SERVICE UNIT:

A standardized measure of consumption, use, generation, or discharge attributable to an individual unit of development calculated in accordance with generally accepted engineering or planning standards for a particular public facility category (i.e. parks, police) of capital improvements.

AB. SYSTEM IMPROVEMENTS:

In contrast to project improvements, mean capital improvements to public facilities which are designed to provide service to a service area including and without limitation, the type of improvements described in Section 50-1703, Idaho Code.

AC. SYSTEM IMPROVEMENTS COSTS:

Costs incurred for construction or reconstruction of system improvements, including design, acquisition, engineering and other costs attributable thereto, and also including, without limitation, the type of costs described in Section 50-1702 (h), Idaho Code, to provide additional public facilities needed to service new growth and development. For clarification, system improvement costs do not include:

- a. Construction, acquisition or expansion of public facilities other than capital improvements identified in the capital improvements plan;
- b. Repair, operation or maintenance of existing or new capital improvements;
- c. Upgrading, updating, expanding or replacing existing capital improvements to serve existing development in order to meet stricter safety, efficiency, environmental or regulatory standards;
- d. Administrative and operating costs of the County unless such costs are attributable to development of the capital improvements plan, as provided in Section 67-8208, Idaho Code; or
- e. Principal payments and interest or other finance charges on bonds or other indebtedness except financial obligations issued by or on behalf of the County to finance capital improvements identified in the capital improvements plan.

AD. UNIT(S) OF DEVELOPMENT:

A quantifiable increment of development activity measured in terms of dwelling units, or other appropriate measurements contained in the impact fee schedule incorporated in the "Report."

SECTION II: Application and Effective Date

02.010 APPLICATION:

- A. The provisions of this Ordinance shall apply uniformly to all those who benefit from new growth and development except as provided below.
- B. The provisions of this Ordinance shall not apply to the following:
 - 1. Rebuilding the same amount of floor space of a structure that was destroyed by fire or other catastrophe, providing the structure is rebuilt and ready for occupancy within two (2) years of its destruction;
 - 2. Remodeling or repairing a structure that does not increase the number of service units;
 - 3. Replacing a residential unit, including a modular building or manufactured / mobile home, with another residential unit on the same lot, provided that the number of service units does not increase;
 - 4. Placing a temporary construction trailer or office on a lot;
 - 5. Constructing an addition on a residential structure that does not increase the number of service units;

6. Adding uses that are typically accessory to residential uses, such as tennis courts or clubhouse, unless it can be clearly demonstrated that the use creates a significant impact on the capacity of system improvements;
 7. Upon demonstration by fee payer by documentation such as utility bills and tax records, to the installation of a modular building, manufactured / mobile home or recreational vehicle on that same lot or space for which a development impact fee has been paid previously, and as long as there is no increase in service units.
- C. An exemption must be claimed by the fee payer upon application for a building permit. Any exemption not so claimed shall be deemed waived by the fee payer. Applications for exemption shall be submitted to and determined by the Planning Administrator, or his or her duly designated agent, within ninety (90) days. Appeals of the Planning Administrator's, or his or her duly designated agent, determination shall be made under the provisions of Section 10 of this Ordinance entitled "Appeals."

02.010 EFFECTIVE DATE

This Ordinance shall be in full force upon passage and publication as provided by law and effective 30 days after adoption by Board.

SECTION III. Collection of Impact Fee

03.010 COLLECTION OF IMPACT FEE:

- A. The development impact fee shall be paid and collected at the time of issuance of a building permit or a manufactured/mobile home installation permit.
- B. No building permit or other equivalent County approval shall be issued for development as herein defined unless the impact fee is paid pursuant to this Ordinance.
- C. A manufactured / mobile home unit may not locate on a manufactured / mobile home site unless the impact fee is paid pursuant to this Ordinance or has been paid on a previous manufactured / mobile home unit on the same site.
- D. In the event payment is dishonored, the County shall have all lawful remedies including but not necessarily limited to the withholding of utility services, the imposition of reasonable interest and penalties, the imposition of liens pursuant to Chapter 5, Title 45, Idaho Code, the withholding of other County approvals required for the development of other properties owned by the fee payer, and the issuance of "stop work" orders, and the revocation or suspension of the building permit.

SECTION IV: Capital Improvement Projects

04.010 CAPITAL IMPROVEMENT PROJECTS:

The capital improvement projects to be financed by the impact fee are those as listed in the "Report," incorporated herein by reference along with all footnotes, exhibits, appendices, and other attachments referenced.

SECTION V: Calculation of Impact Fee

05.010 CALCULATION OF IMPACT FEE:

- A. The County shall calculate the amount of the impact fee due for each building permit and manufactured / mobile home installation permit by the procedure set forth in the "Report".
- B. The calculation of a development impact fee shall be in accordance with generally accepted accounting principles. A development impact fee shall not be deemed invalid because payment of the fee may result in an incidental benefit to owners or developers within the service area other than the person paying the fee.
- C. A development impact fee shall be calculated on the basis of the Performance Standard for public facilities adopted in this Ordinance and in the "Report" that are applicable to existing development as well as new growth and development. The construction, improvement, expansion or enlargement of new or existing public facilities for which a development impact fee is imposed must be attributable to the capacity demands generated by the new development.
- D. If the development for which a building permit is sought contains a mix of uses, the impact fee will be calculated for each type of use.
- E. Certification: Prior to making an application for a building permit or manufactured / mobile home installation permit, a prospective applicant may request in writing a written certification of the development impact fee schedule or individual assessment for a particular project which shall establish the development fee for a period of one (1) year from the date of certification. The certification shall include an explanation of facilities considered under Section 67-8207, Idaho Code. The certification shall specify the system improvement(s) for which the impact fee is intended to be used.
- F. Individual Assessment: Individual assessment of impact fees is permitted in situations where the fee payer can demonstrate by clear and convincing evidence that the established impact fee is inappropriate.
 - 1. Individual assessments of development impact fees may be made by application to the Planning Administrator, or his or her duly designated agent, prior to receiving building permits manufactured / mobile home installation permits, or other necessary approvals from the County. The Planning Administrator, or his or her duly designated agent, shall evaluate such individual assessments under the guidelines provided for in section 05.010.F.4. If the guidelines are met, the individual assessment shall be approved by the Planning Administrator, or his or her duly designated agent. Any decision regarding a request for an individual assessment shall be provided in writing to the applicant and a copy of said decision, along with supporting documentation, shall be provided to the Board within thirty (30) days of the decision.
 - 2. Late applications for individual assessments may be submitted within thirty (30) days after the receipt of a building permit only if the fee payer makes a showing that the facts supporting such application were not known or discoverable prior to receipt of a building permit and that undue hardship would result if said application is not considered.

3. The Planning Administrator, or his or her duly designated agent, shall render a written decision regarding the individual assessment and forward it to the Board within thirty (30) days of the date a complete application is submitted. The decision of the Planning Administrator, or his or her duly designated agent, shall establish the impact fee for the project in question for a period of one (1) year from the date said decision becomes final.
4. The Planning Administrator, or his or her duly designated agent, shall evaluate an application for individual assessment and may approve the same if fee payer has shown by clear and convincing evidence that the established impact fee is inappropriate and that the following facts and conditions exist.
 - a. Exceptional or extraordinary circumstances or conditions apply to the development that does not apply generally to other properties in the vicinity of the development.
 - b. An individual assessment is necessary for the reasonable and acceptable development of the property.
 - c. The approval of the individual assessment will not be materially detrimental to the public welfare or injurious to property in the vicinity in which the development is located.
 - d. The approval of the individual assessment will not adversely affect the capital improvement plan for the County.
5. Appeals of the Planning Administrator's determination of an individual assessment shall be made to the Board by the filing of an appeal with the County Clerk within thirty (30) days of the date of mailing, faxing, or personal delivery of written notice of the decision of the Planning Administrator, or his or her duly designated agent. Final determination regarding the appeal of individual assessments shall be made by the Board.

SECTION VI: General Methodology for Calculation

06.010 GENERAL METHODOLOGY FOR CALCULATION:

- A. The amount of the impact fee shall be calculated using the methodology contained in the "Report."
- B. A development impact fee shall not exceed a proportionate share of the cost of system improvements determined in accordance with Section 67-8207, Idaho Code. Development impact fees shall be based on actual system improvement costs or reasonable estimates of such costs.
- C. A developer shall have the right to elect to pay a project's proportionate share of system improvement costs by payment of development impact fees according to the fee schedule as full and complete payment of the development project's proportionate share of system improvement costs, except as provided in Section 67-8214(3), Idaho Code. The schedule of development impact fees for various land users per unit of development shall be as set forth in the "Report."

D. Proportionate Share Determination:

1. All development impact fees shall be based on a reasonable and fair formula or method under which the development impact fee imposed does not exceed a proportionate share of the costs incurred or to be incurred by the County in the provision of system improvements to serve the new development. The proportionate share is the cost attributable to the new development after the County considers the following:
 - a. Any appropriate credit, offset, or contribution of money, dedication of land, or construction of system improvements;
 - b. Payments reasonably anticipated to be made by or as a result of a new development in the form of user fees, debt service payments, or taxes which are dedicated for system improvements for which development impact fees would otherwise be imposed; and
 - c. All other available sources of funding such system improvements.
2. In determining the proportionate share of the cost of system improvements to be paid by the developer, the following factors shall be considered by the County:
 - a. The cost of existing system improvements within the service area or areas;
 - b. The means by which existing system improvements have been financed;
 - c. The extent to which the new development will contribute to the cost of system improvements through taxation, assessments, or developer or landowner contributions, or has previously contributed to the cost of system improvements through developer or landowner contributions.
 - d. The extent to which the new development is required to contribute to the cost of existing system improvements in the future.
 - e. The extent to which the new development should be credited for providing system improvements, without charge to other properties within the service area or areas;
 - f. Extraordinary costs, if any, incurred in serving the new development;
 - g. The time and price differential inherent in a fair comparison of fees paid at different times; and
 - h. The availability of other sources of funding system improvements including, but not limited to, user charges, general tax levies, intergovernmental transfers, and special taxation. The County shall develop a plan for alternative sources of revenue, which shall include but not necessarily be limited to plans generated during the County's annual budget process, lobbying efforts, tax increment financing, implementation of user fees and various forms of utilities.

SECTION VII: Inflationary Adjustment Index for Impact Fee

07.010 INFLATIONARY ADJUSTMENT INDEX FOR IMPACT FEE:

This ordinance provides for an automatic annual adjustment to the impact fee to account for inflation by using a construction materials cost index from a McGraw-Hill's Engineering News Record or another reliable source. The adjustment may increase or decrease the impact fee depending on the value of the index for that year. The annual effective date of this fee adjustment shall coincide with the beginning date of the County's annual budget.

SECTION VIII: Administration of Impact Fee

08.010 ADMINISTRATION OF IMPACT FEE:

- A. Transfer of funds to County Clerk: Upon receipt of impact fees, the County Clerk, or his or her duly designated agent, shall be responsible for placement of such funds into separate accounts as hereinafter specified. All such funds shall be deposited in interest-bearing accounts, within the Capital Projects Fund, in a bank authorized to receive deposits of County funds. Interest earned by each account shall be credited to that account and shall be used solely for the purposes specified for funds of such account.
- B. Establishment and maintenance of accounts: The County Clerk, or his or her duly designated agent, shall establish separate accounts and maintain records for each such account whereby impact fees collected can be segregated.
- C. Maintenance of records: The County Clerk, or his or her duly designated agent, shall maintain and keep accurate financial records for each such account that shall show the source and disbursement of all revenues; that shall account for all monies received; that shall ensure that the disbursement of funds from each account shall be used solely and exclusively for the provision of projects specified in the capital improvements program; and that shall provide an annual accounting for each impact fee account showing the source and amount of all funds collected and the projects that were funded.
- D. Development impact fees shall only be spent for the public facility category (i.e. parks, police, fire and circulation) of system improvements for which the fees are collected and either within or for the benefit of the service area in which the project is located.
- E. Review and modification: Unless the Board deems some other time period is appropriate, the County shall at least once every five (5) years commencing from the date of the original adoption of the capital improvement plan, review the development potential of the area and update the capital improvements plan in accordance with the procedures set forth in Idaho Code Section 67-8206. The County may make any updates as are deemed necessary as a result of (1) development occurring in the prior year; (2) capital improvements actually constructed; (3) changing facility needs; (4) inflation; (5) revised cost estimates for capital improvements; (6) changes in the availability of other funding projects; and (7) such other factors as may be relevant.
- F. The County shall annually adopt a capital budget.
- G. As part of its annual audit process, the County shall prepare an annual Report describing the amount of all development impact fees collected, appropriated, or spent during the preceding year by category of public facility and service area.

- H. All other requirements of Idaho Code 67-8210, regarding earmarking and expenditure of collected development impact fees, shall apply.

SECTION IX: Credits and Reimbursement

09.010 CREDITS AND REIMBURSEMENT:

- A. In the calculation of development impact fees for a particular project, credit or reimbursement shall be given for the present value of any construction of system improvements or contribution or dedication of land or money required by the County from a developer for system improvements of the public facility category (i.e. parks, police, circulation) for which the development impact fee is being collected. Credit or reimbursement shall not be given for project improvements unless those improvements are identified in the "Report" as a system improvement. In that event, the credit given will only be given for those project improvements that are specifically listed in the "Report" and not for any portion of the improvements that would otherwise be required by zoning, subdivision, or other County regulations.
- B. If a developer is required to construct, fund or contribute system improvements in excess of the development project's proportionate share of system improvement costs, the developer shall receive a credit on future impact fees or be reimbursed at the developer's choice for such excess construction, funding or contribution from development impact fees paid by future development which impacts the system improvements constructed, funded or contributed by the developer(s) or fee payer. If a credit for the payment of future impact fees is requested, the credit shall be given only for the public facility category that received system improvements in excess of the development's proportionate share.
- C. If credit or reimbursement is due to the developer pursuant to this section, the County shall enter into a written agreement, with the fee payer, negotiated in good faith, prior to the construction, funding, or contribution. The agreement shall provide for the amount of credit or the amount, time and form of reimbursement.
- D. Any person requesting such credit or reimbursement shall submit their request in writing on a form provided by the County and present documentation of costs or payments for facilities to the Planning Administrator or his or her duly designated agent prior to issuance of a building permit or manufactured / mobile home installation permit. The determination shall be made no more than forty-five (45) days after complete documentation is submitted to the Planning Administrator or his or her duly designated agent. Any appeal from such a determination by the Planning Administrator, or his or her duly designated agent, shall be pursuant to SECTION 11 of this Ordinance.

SECTION X: Refunds

10.010 REFUNDS:

- A. The current owner or contract purchaser of property on which an impact fee has been paid may request a refund of such fee if:
 - 1. Service is available but never provided;

2. The County, after collecting the fee when service is not available, has failed to appropriate and expend the collected development impact fees pursuant to Section 67-8210(4) Idaho Code.
 3. A building permit or permit for installation of a manufactured / mobile home is denied or abandoned.
 4. The fee payer pays a fee under protest and a subsequent review of the fee paid or the completion of an individual assessment determines that the fee paid exceeded the proportionate share to which the County was entitled to receive.
- B. The request for refund must be filed in writing and submitted to the Planning Administrator or his or her duly designated agent on a form provided by the County for such purpose. The Owner shall provide such documentation as the Planning Administrator, or his or her duly designated agent, may require proving such satisfaction, reconveyance, or releases from contract sellers, mortgagees, lien holders, and / or others having an interest in the real property for which an impact fee has been paid.
 - C. A request for refund must be filed within the time allowed by law.
 - D. Within ninety (90) days of the date of receipt of a request for refund, the Planning Administrator or his or her duly designated agent must provide the owner, in writing, with a decision on the refund request including the reasons for the decision. If a right to refund exists, the County is required to send a refund to the owner of record within ninety (90) days after it is determined that a refund is due. A refund shall include a refund of interest at one-half (½) the legal rate provided for in Section 28-22-104, Idaho Code, from the date on which the Impact fee was originally paid.
 - E. Owner may appeal the determination of the Planning Administrator, or his or her duly designated agent, to the Board pursuant to the provisions in Section 10 of this Ordinance.

SECTION XI: Appeals

11.010 APPEALS:

- A. A developer or fee payer may appeal the written determination of the applicability and amount of the development impact fee, or refund, or any discretionary action or inaction by or on behalf of the County to the Board.
- B. The developer or fee payer must file a notice of appeal to the Board with the County Clerk within thirty (30) days following the written determination, discretionary action, or inaction. When filing an appeal, the fee payer shall submit a letter providing a full explanation of the request, the reason for appeal, as well as all supporting documentation.
- C. The filing of an appeal shall not stay required payment of the impact fee; however, a fee payer can pay a development impact fee under protest in order to obtain development approval or building permit.
- D. Upon voluntary agreement by the fee payer and the County, any disagreement related to the impact fee for the proposed development may be mediated by a qualified independent party.

1. Mediation may take place at any time during the appeals process and participation in mediation does not preclude the fee payer from pursuing other remedies provided for in this Ordinance.
2. The fee payer and the County shall share mediation costs equally.

SECTION XII: Extraordinary Impacts

12.010 EXTRAORDINARY IMPACTS:

In determining the proportionate share of the cost of system improvements to be paid by the developer, the Planning Administrator or his or her duly designated agent shall consider whether any extraordinary costs will be incurred in serving the development based upon an extraordinary impact as defined in Section 1 of this ordinance. This determination shall be made prior to issuance of any permit for development and shall be paid prior to any such issuance except as may be provided pursuant to a private agreement between the parties as authorized by Idaho Code Section 67-8214.

If the Planning Administrator or his or her duly designated agent determines that the development will result in an extraordinary impact, it shall advise the fee payer in writing what the extraordinary impact is, the reason for the extraordinary impact, and the estimated costs to be incurred as a result of the extraordinary impact.

Nothing in this Ordinance shall obligate the County to approve any development that results in extraordinary impact.

The fee payer may appeal the determination of an extraordinary impact or the amount of extraordinary costs incurred in writing by filing a notice of appeal to the Board with the County Clerk pursuant to the terms set forth in Section 10, entitled "Appeals." When filing an appeal, the fee payer shall submit a letter providing the reason for the appeal along with supporting documentation. The Board shall consider the appeal and make a final determination within ninety (90) days of receipt of the written appeal.

SECTION XIII: Development Impact Fee Program/Capital Improvement Plan

13.010 ADDENDUM "A":

Addendum "A" entitled "Teton County Development Impact Fee Program/Capital Improvement Plan," dated July 29, 2008 along with all footnotes, exhibits, appendices, and other attachments referenced therein, all of which are by this reference incorporated herein as if set forth fully. A description of acceptable levels of service for system improvements is described in the "Report."

SECTION XIV: Bonding

14.010 BONDING:

Funds pledged toward retirement of bonds, revenue certificates, or other obligations of indebtedness for such projects may include impact fees and other city revenues as may be allocated by the Board.

SECTION XV: Effects of Impact Fee on County Development Regulations

15.010 EFFECT OF IMPACT FEE ON COUNTY DEVELOPMENT REGULATIONS:

This Ordinance shall not affect, in any manner, the permissible use of property, density of development, design and improvement standards and requirements, or any other aspect of the development of land or provision of capital improvements subject to the zoning and subdivision regulations or other regulations of the County, which shall be operative and remain in full force and effect without limitation with respect to all such development.

SECTION XVI: Other Powers and Rights Not Affected

16.010 OTHER POWERS AND RIGHTS NOT AFFECTED:

- A. Nothing in this Ordinance shall prevent the County from requiring a developer to construct reasonable project improvements in conjunction with a development project.
- B. Nothing in this Ordinance shall be construed to prevent or prohibit private agreements between property owners and developers, the Idaho Transportation Department, the County, and other governmental entities in regard to the construction or installation of system improvements or providing for credits or reimbursements for system improvement costs incurred by a developer including inter-project transfers of credits or providing for reimbursement for project improvements which are used or shared by more than one (1) development project. If it can be shown that a proposed development has a direct impact on a public facility under the jurisdiction of the Idaho Transportation Department, then the agreement shall include a provision for the allocation of impact fees collected from the developer for the improvement of the public facility by the Idaho Transportation Department.
- C. Nothing in this Ordinance shall obligate the County to approve development that results in an extraordinary impact. Extraordinary impacts shall be determined and processed pursuant to Section 11 of this Ordinance.
- D. Nothing in this Ordinance shall obligate the County to approve a development request that may reasonably be expected to reduce levels of service below minimum acceptable levels established in the development impact fee ordinance. To this end, the County may impose a development impact fee for system improvement costs incurred subsequent to adoption of the ordinance to the extent that new growth and development will be served by the system improvements.
- E. Nothing in this Ordinance shall be construed to create any additional right to develop real property or diminish the power of the County in regulating the orderly development of real property.
- F. Nothing in this Ordinance shall work to limit the use by the County of the power of eminent domain or supersede or conflict with requirements or procedures authorized in the Idaho Code for local improvement districts or general obligation bond issues.
- G. Nothing herein shall restrict or diminish the power of the County to annex property into its territorial boundaries or exclude property from its territorial boundaries upon request of a developer or owner, or to impose reasonable conditions thereon, including the recovery of project or system improvement costs required as a result of such voluntary annexation.

SECTION XVII: Severability

17.010 SEVERABILITY:

The provisions of this Ordinance are hereby declared to be severable and if any provision of the Ordinance or the application of such provision to any person or circumstance is declared invalid by a court of competent jurisdiction for any reason, such declaration shall not affect the validity of remaining portions of this Ordinance.

SECTION XVIII: Repeal of Conflicting Provisions

18.010 REPEAL OF CONFLICTING PROVISIONS

All provisions of the current Teton County Code or ordinances of Teton County which conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

SECTION XIX: No Waiver

19.10 NO WAIVER

Neither the adoption of this ordinance nor the repeal of any ordinance shall, in any manner, affect the prosecution for violation of such ordinance committed prior to the effective date of this ordinance or be constructed as a waiver of any license or penalty due under any such ordinance or in any manner affect the validity of any action heretofore taken by the Board or the validity of any such action to be taken upon matters pending before the Board on the effective date of this ordinance.

SECTION XX: Public Health, Safety and Welfare

20.010 PUBLIC HEALTH, SAFETY AND WELFARE:

The provisions of this Ordinance are hereby found and declared to be in furtherance of the public health, safety, welfare, and convenience and it shall be liberally construed to effectively carry out its purposes.

Enacted by the Board of County Commissioners as an ordinance of Teton County on the 20th day of October, 2008.

Approved by the Board on the 20 day of October, 2008.

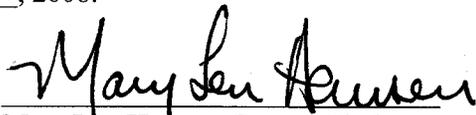

Larry Young, Commissioner


Alice Stevenson, Commissioner


Mark Trapp, Commissioner



ATTEST:


Mary Lou Hansen, County Clerk

**IDAPA 07
TITLE 03
CHAPTER 01**

07.03.01 - RULES OF BUILDING SAFETY

4. ADOPTION AND INCORPORATION BY REFERENCE.

Under the provisions of Section 39-4109, Idaho Code, the codes enumerated in this Section are hereby adopted and incorporated by reference into IDAPA 07.03.01, "Rules of Building Safety," Division of Building Safety. Pursuant to Section 39-4109, Idaho Code, the effective date of any edition of the codes adopted in this Section, or any amendments identified thereto, shall be January 1 of the succeeding year following legislative approval of the rulemaking establishing the edition or amendment. Copies of these documents may be reviewed at the office of the Division of Building Safety. The referenced codes may be obtained from International Code Council, 5360 Workman Mill Road, Whittier, California 90601-2298 or the International Code Council at <http://www.iccsafe.org>. (3-20-14)

1. International Building Code. 2012 Edition with the following amendments: (4-4-13)

a. Delete section 305.2.3 and replace with the following: Twelve (12) or fewer children in a dwelling unit. A facility such as the above within a dwelling unit and having twelve (12) or fewer children receiving such day care shall be classified as a Group R-3 occupancy or shall comply with the International Residential Code. (3-20-14)

b. Delete section 308.6.4 and replace with the following: Persons receiving care in a dwelling unit. A facility such as the above within a dwelling unit and having twelve (12) or fewer children receiving day care or having five (5) or fewer persons receiving custodial care shall be classified as a Group R-3 occupancy or shall comply with the International Residential Code. (3-20-14)

c. Delete section 310.5 and replace with the following: Residential Group R-3. Residential occupancies where the occupants are primarily permanent in nature and not classified as Group R-1, R-2, R-4, E or I, including: (3-20-14)

- i. Buildings that do not contain more than two (2) dwelling units; (3-20-14)
- ii. Boarding houses (nontransient) with sixteen (16) or fewer occupants; (3-20-14)
- iii. Boarding houses (transient) with ten (10) or fewer occupants; (3-20-14)
- iv. Care facilities that provide accommodations for five (5) or fewer persons receiving care; (3-20-14)

- v. Congregate living facilities (nontransient) with sixteen (16) or fewer occupants; (3-20-14)
- vi. Congregate living facilities (transient) with ten (10) or fewer occupants; or (3-20-14)
- vii. Dwelling units providing day care for twelve (12) or fewer children. (3-20-14)
- d.** Delete section 310.5.1 and replace with the following: Care facilities within a dwelling. Care facilities for twelve (12) or fewer children receiving day care or for five (5) or fewer persons receiving care that are within a single-family dwelling are permitted to comply with the International Residential Code. (3-20-14)
- e.** Delete footnote (f) contained under Table 2902.1 Minimum Number of Required Plumbing Fixtures, and replace with the following: Drinking fountains are not required for an occupant load of thirty (30) or fewer. (4-4-13)
- f.** Delete footnote (g) contained under Table 2902.1 Minimum Number of Required Plumbing Fixtures and replace with the following: For business occupancies, excluding restaurants, and mercantile occupancies with an occupant load of thirty (30) or fewer, service sinks shall not be required. (3-20-14)
- 2. International Residential Code.** 2012 Edition with the following amendments: (3-20-14)
 - a.** Delete exception No. 1 contained under IRC section R101.2 - Scope. (3-20-14)
 - b.** Delete exception No. 2 contained under IRC section R101.2 - Scope, and replace with the following: Owner-occupied lodging houses with five (5) or fewer guestrooms shall be permitted to be constructed in accordance with the International Residential Code for One- and Two-family Dwellings. (10-1-14)T
 - c.** Delete item No. 2 contained under the “Building” subsection of IRC section R105.2 - Work exempt from permit, and replace with the following: Fences not over six (6) feet (one thousand, eight hundred twenty-nine (1,829) mm) high may be exempted from the requirement for a building permit in the absence of any other applicable land use regulations governing the installation, height, type or other aspect. (4-7-11)
 - d.** Delete item No. 7 contained under the “Building” subsection of IRC section R105.2 - Work exempt from permit, and replace with the following: Prefabricated swimming pools that are not greater than four (4) feet (one thousand, two hundred nineteen (1219) mm) deep. (4-7-11)
 - e.** Add the following item No. 11 at the end of the “Building” subsection of IRC section R105.2 - Work exempt from permit: Flag poles. (3-20-14)
 - f.** Delete IRC section R109.1.3 and replace with the following: Floodplain inspections. For construction in areas prone to flooding as established by Table R301.2(1), upon placement of the lowest floor, including basement, the building official is authorized to require submission of documentation of the elevation of the lowest floor, including basement, required in section R322. (3-29-10)
 - g.** IRC Table R302.1 Exterior Walls -- delete the figures contained in the last column of the table under the heading Minimum Fire Separation Distance for the “Walls” and “Projections” elements, and replace with the following:

Minimum Fire Separation Distance	
Walls (fire-resistance rated):	< Three (3) Feet
Walls (not fire-resistance rated):	≥ Three (3) Feet
Projections (fire-resistance rated):	< Three (3) Feet
Projections (not fire-resistance rated):	≥ Three (3) Feet

(3-20-14)

h. Delete the exception contained under IRC section R302.2 -- Townhouses, and replace with the following: Exception: A common one-hour or two-hour fire resistance rated wall assembly tested in accordance with ASTM E 119 or UL 263 is permitted for townhouses if such walls do not contain plumbing or mechanical equipment, ducts or vents in the cavity of the common wall. The wall shall be rated for fire exposure from both sides and shall extend to and be tight against the exterior walls and the underside of the roof sheathing. Penetrations of electrical outlet boxes shall be in accordance with section R302.4. (3-29-10)

i. Delete IRC section R303.4. (3-20-14)

j. Delete the exception contained under IRC section R313.1 -- Townhouse automatic fire sprinkler systems, and replace with the following: Exception: Automatic residential fire sprinkler systems shall not be required in townhouses where a two-hour fire-resistance rated wall is installed between dwelling units or when additions or alterations are made to existing townhouses that do not have an automatic residential fire sprinkler system installed. (3-29-10)

k. Delete IRC section R313.2. (3-29-10)

l. Add the following to IRC section R315.3 - Where required in existing dwellings: Exceptions: 1. Work involving the exterior surfaces of dwellings, such as, but not limited to, replacement of roofing or siding, or the addition or replacement of windows or doors, or the addition of a porch or deck or electrical permits, are exempt from the requirements of this section; and 2. Installation, alteration or repairs of noncombustion plumbing or mechanical systems are exempt from the requirements of this section. (3-20-14)

m. Delete IRC section R322.1.10. (3-29-10)

n. Delete IRC section R322.2.2 subparagraph 2.2, and replace with the following: The total net area of all openings shall be at least one (1) square inch (645 mm²) for each square foot (0.093 m²) of enclosed area, or the opening shall be designed and the construction documents shall include a statement that the design and installation of the openings will provide for equalization of hydrostatic flood forces on exterior walls by allowing the automatic entry and exit of floodwaters. (3-20-14)

o. Delete IRC section R501.3 and its exceptions. (3-20-14)

p. Delete IRC section R602.10 and replace with the following: Wall bracing. Buildings shall be braced in accordance with this section or, when applicable section R602.12, or the most current edition of APA System Report SR-102 as an alternate method. Where a building, or portion thereof, does not comply with one (1) or more of the bracing requirements in this section, those portions shall be designated and constructed in accordance with section R301.1. (3-20-14)

q. Delete section N1102.4.3 and replace with the following: Fireplaces. New wood-burning fireplaces shall have tight-fitting flue dampers and outdoor combustion air. (4-4-13)

r. Chapter 11 [RE] Energy Efficiency - The following sections and tables of chapter 11 shall be amended in accordance with the requirements contained below in Subsection 004.04 of these rules which correspond to the appropriate section: (3-20-14)

i. Table N1102.1.1 (Table R402.1.1) - Insulation and Fenestration Requirements by Component; (3-20-14)

ii. Table N1102.1.3 (Table R402.1.3 - Equivalent U-Factors); (3-20-14)

iii. Table N1102.2.6 (Table R402.2.6) - Steel-Frame Ceiling, Wall and Floor Insulation (R-Value); (3-20-14)

iv. Section N1102.4.1 (R402.4.1) Building Thermal Envelope; (3-20-14)

- v. Section N1102.4.1.1 (R402.4.1.1) - Insulation; (3-20-14)
- vi. Table N1102.4.1.1 (Table R402.4.1.1) - Air Barrier and Insulation Installation; (3-20-14)
- vii. Section N1102.4.1.2 (R402.4.1.2) Testing Option; (3-20-14)
- viii. Add Section N1102.4.1.3 (R402.4.1.3) - Visual Inspection Option; (3-20-14)
- ix. Add Section N1102.6 (R402.6) - Residential Log Home Thermal Envelope; (3-20-14)
- x. Add Table N1102.6 (Table R402.6) - Log Home Prescriptive Thermal Envelope Requirements by Component; and (3-20-14)
- xi. Section N1104.1 (R404.1) - Lighting Equipment. (3-20-14)
- 3. International Existing Building Code. 2012** (4-4-13)
Edition.
- 4. International Energy Conservation Code. 2012 Edition with the following amendments.** (3-20-14)
 - a. Delete the values contained in Table R402.1.1 (Table N1102.1.1) for climate zone “5 and Marine 4” and climate zone “6” and replace with the following: (3-20-14)

Table R402.1.1
INSULATION AND FENESTRATION REQUIREMENTS BY COMPONENT

Climate Zone	Fenestration U- Factor	Skylight U-factor	Glazed Fenestration SHGC	Ceiling R-Value	Wood Frame Wall R-Value	Mass Wall R-Value	Floor R-Value	Basement Wall R-Value	Slab R-Value	Crawlspace Wall R-Value
5 and Marine 4	0.35	0.60	NR	38	20 or 13+5 ^h	13/17	30 ^g	10/13	10, 2 ft	10/13
6	0.35	0.60	NR	49	20 or 13+5 ^h	15/19	30 ^g	15/19	10, 4 ft	10/13

(3-20-14)

- b. Add the following footnote to the title of Table 402.1.1 - Insulation and Fenestration Requirements by Component: ^k. For residential log home building thermal envelope construction requirements see section 402.6, (4-7-11)

- c. Delete the values contained in Table R402.1.3 (Table N1102.1.3) for climate zone “5 and Marine 4” and climate zone “6” and replace with the following:

Table R402.1.3
EQUIVALENT U-FACTORS

Climate Zone	Fenestration U-factor	Skylight U-factor	Ceiling R-Value	Wood Frame Wall R-Value	Mass Wall R-Value	Floor R-Value	Basement Wall R-Value	Crawlspace Wall R-Value
5 and Marine 4	0.35	0.60	0.030	0.057	0.082	0.033	0.059	0.065

Climate Zone	Fenestration U-factor	Skylight U-factor	Ceiling R-Value	Wood Frame Wall R-Value	Mass Wall R-Value	Floor R-Value	Basement Wall R-Value	Crawlspace Wall R-Value
6	0.35	0.60	0.026	0.057	0.060	0.033	0.050	0.065

(3-20-14)

- d. Delete Table R402.2.6 (Table N1102.2.6) and replace with the following:

TABLE R402.2.6
STEEL-FRAME CEILING, WALL AND FLOOR
INSULATION (R-VALUE)

WOOD FRAME R-VALUE REQUIREMENT	COLD-FORMED STEEL EQUIVALENT R-VALUE ^a
Steel Truss Ceilings	
R-30	R-38 or R-30 + 3 or R-26 + 5
R-38	R-49 or R-38 + 3
R-49	R-38 + 5
Steel Joist Ceilings	
R-30	R-38 in 2 x 4 or 2 x 6 or 2 x 8 R-49 in any framing
R-38	R-49 in 2 x 4 or 2 x 6 or 2 x 8 or 2 x 10
Steel-Framed Wall	
R-13	R-13 + 5 or R-15 + 4 or R-21 + 3 or R-0 + 10
R-19	R-13 + 9 or R-19 + 8 or R-25 + 7
R-21	R-13 + 10 or R-19 + 9 or R-25 + 8
Steel Joist Floor	
R-13	R-19 in 2 x 6 R-19 + 6 in 2 x 8 or 2 x 10
R-19	R-19 + 6 in 2 x 6 R-19 + 12 in 2 x 8 or 2 x 10
a. Cavity insulation R-value is listed first, followed by continuous insulation R-value. b. Insulation exceeding the height of the framing shall cover the framing.	

(3-20-14)

- e. Delete section 402.4.1 (N1102.4.1) and replace with the following: Building thermal envelope. The building thermal envelope shall comply with sections R402.1.1 and either section R402.4.1.2 or R402.4.1.3. The sealing methods between dissimilar materials shall allow for differential expansion and contraction. (3-20-14)

- f. Delete section 402.4.1.1 (N1102.4.1.1) and replace with the following: Installation. The components of the building thermal envelope as listed in Table R402.4.1.1 shall be installed in accordance with the manufacturer's instructions and the criteria listed in Table R402.4.1.1, as applicable to the method of construction. (3-20-14)

g. Delete the criteria requirement for the “Fireplace” component of Table R402.4.1.1 (Table N1102.4.1.1) - Air Barrier and Insulation Installation, and replace with the following: An air barrier shall be installed on fireplace walls. (3-20-14)

h. Delete section 402.4.1.2 (N1102.4.1.2) and replace with the following: Testing option, Building envelope tightness and insulation installation shall be considered acceptable when tested air leakage is less than seven (7) air changes per hour (ACH) when tested with a blower door at a pressure of 33.5 psf (50 Pa). Testing shall occur after rough in and after installation of penetrations of the building envelope, including penetrations for utilities, plumbing, electrical, ventilation and combustion appliances. During testing: (3-20-14)

- i. Exterior windows and doors, fireplace and stove doors shall be closed, but not sealed; (3-20-14)
- ii. Dampers shall be closed, but not sealed, including exhaust, intake, makeup air, backdraft and flue dampers; (3-20-14)
- iii. Interior doors shall be open; (3-20-14)
- iv. Exterior openings for continuous ventilation systems and heat recovery ventilators shall be closed and sealed; (3-20-14)
- v. Heating and cooling system(s) shall be turned off; (3-20-14)
- vi. HVAC ducts shall not be sealed; and (3-20-14)
- vii. Supply and return registers shall not be sealed. (3-20-14)

i. Add the following as section 402.4.1.3 (N1102.4.1.3): Visual inspection option, Building envelope tightness and insulation installation shall be considered acceptable when the items listed in Table 402.4.1.1, applicable to the method of construction, are field verified. Where required by code official an approved party independent from the installer of the insulation shall inspect the air barrier and insulation. (3-20-14)

j. Delete section 402.4.3 and replace with the following: Fireplaces. New wood-burning fireplaces shall have tight-fitting flue dampers and outdoor combustion air. (4-4-13)

k. Add the following section: R402.6 (N1102.6) Residential Log Home Thermal Envelope. Residential log home construction shall comply with sections 401 (General), 402.4 (Air Leakage), 402.5 (Maximum Fenestration U-Factor and SHGC), 403.1 (Controls), 403.2.2 (Sealing), 403.2.3 (Building Cavities), sections 403.3 through 403.9 (referred to as the mandatory provisions), Section 404 (Electrical Power and Lighting Systems), and either Subparagraph 004.04.b.i., ii., or iii. as follows: (3-20-14)

- i. Sections 402.2 through 402.3, 403.2.1, 404.1 and Table 402.6; (4-7-11)
- ii. Section 405 Simulated Performance Alternative (Performance); or (4-7-11)
- iii. REScheck (U.S. Department of Energy Building Codes Program). (4-7-11)

l. Add Table R402.6 (Table N1102.6) Log Home Prescriptive Thermal Envelope Requirements By Component to be used only in accordance with Subparagraph 004.04.b.i. above to appear as follows:

TABLE R402.6
LOG HOME PRESCRIPTIVE THERMAL ENVELOPE REQUIREMENTS BY COMPONENT

For SI: 1 foot = 304.8 mm.

CLIMATE ZONE	FENESTRATION U-FACTOR ^a	SKYLIGHT U-FACTOR	GLAZED FENESTRATION SHGC	CEILING R-VALUE	Min. Average LOG Size in inches	FLOOR R-VALUE	BASEMENT WALL R-VALUE ^d	SLAB R-VALUE & DEPTH ^b	CRAWL SPACE WALL R-VALUE ^d
5, 6 - High efficiency equipment path ^c	0.32	0.60	NR	49	5	30	15/19	10, 4 ft.	10/13
5	0.32	0.60	NR	49	8	30	10/13	10, 2 ft.	10/13
6	0.30	0.60	NR	49	8	30	15/19	10, 4 ft.	10/13

- a. The fenestration U-factor column excludes skylights. The SHGC column applies to all glazed fenestration.
- b. R-5 shall be added to the required slab edge R-values for heated slabs.
- c. 90% AFUE natural gas or propane, 84% AFUE oil, or 15 SEER heat pump heating equipment (zonal electric resistance heating equipment such as electric base board electric resistance heating equipment as the sole source for heating is considered compliant with the high efficiency equipment path).
- d. "15/19" means R-15 continuous insulated sheathing on the interior or exterior of the home or R-19 cavity insulation at the interior of the basement wall. "15/19" shall be permitted to be met with R-13 cavity insulation on the interior of the basement wall plus R-5 continuous insulated sheathing on the interior or exterior of the home. "10/13" means R-10 continuous insulated sheathing on the interior or exterior of the home or R-13 cavity insulation at the interior of the basement wall.

(3-20-14)

m. Delete section R404.1 (N1104.1) and replace with the following: Lighting equipment (Mandatory). A minimum of fifty percent (50%) of the lamps in permanently installed lighting fixtures shall be high-efficacy lamps or a minimum of fifty percent (50%) of the permanently installed lighting fixtures shall contain only high efficacy lamps.

(3-20-14)

New State Amendments/Administrative Rules (in addition to the existing amendments) 2012 IMC

- Section 504.6.1 Material and size. Add the following exception:
- Dryer duct may be constructed of 0.013 (30 gauge) or equivalent if prefabricated 0.016 (28 gauge) ducts and fittings are not available.
- Table 603.4 Duct Construction Minimum Sheet Metal Thickness for Single Dwelling Units.

Add the following exception to the Table:

Round duct, enclosed rectangular ducts and fittings less than fourteen (14) inches may be constructed of 0.013 (30 gauge) or equivalent if prefabricated 0.016 (28 gauge) ducts and fittings are not available.

2012 IRC

- Section M1502.4.1 Material and size. Add the following exception:

Dryer duct may be constructed of 0.013 (30 gauge) or equivalent if prefabricated 0.016 (28 gauge) ducts and fittings are not available.

- Delete Section M1502.4.2 Duct Installation and replace with the following:

Exhaust ducts shall be supported at four (4) foot (1,219 mm) intervals and secured in place. The insert end of the duct shall extend into the adjoining duct or fitting in the direction of airflow. Ducts shall not be joined with screws or similar fasteners that protrude into the inside of the duct.

- Section M1507.3.1 System Design. Add the following to the end of the section:

Outdoor air shall be ducted predominantly horizontal to avoid chimney effect. Outdoor air ducts will contain an accessible back draft damper and be designed to have an open cross section of twenty (20) square inches per one thousand (1,000) square feet of conditioned space.

- Table M1601.1.1 (2) Gauges of Metal Ducts and Plenums Used for Heating or Cooling.

Add the following exception:

Round duct, enclosed rectangular ducts and fittings less than fourteen (14) inches may be constructed of 0.013 (30 gauge) or equivalent if prefabricated 0.016 (28 gauge) ducts and fittings are not available.