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**IDAPA 07
TITLE 03
CHAPTER 02**

07.03.02 - RULES OF THE IDAHO BUILDING CODE BOARD

000. LEGAL AUTHORITY.

The Idaho Building Code Board of the Division of Building Safety is authorized under Section 39-4107, Idaho Code, to promulgate rules concerning the enforcement and administration of the Idaho Building Code Act. (5-3-03)

001. TITLE AND SCOPE.

01. Title. These rules shall be cited as IDAPA 07.03.02, "Rules of the Idaho Building Code Board," Division of Building Safety. (5-3-03)

02. Scope. These rules prescribe the criteria for enforcement and administration of the Idaho Building Code Act by the Idaho Building Code Board and the Building Bureau of the Division of Building Safety. (5-3-03)

002. WRITTEN INTERPRETATIONS.

This agency has written interpretations of this chapter in the form of legal memoranda. (12-5-75)

003. ADMINISTRATIVE APPEALS.

This chapter does provide administrative relief of the provisions contained herein. (2-26-93)

004. -- 010. (RESERVED).

011. VICE CHAIRMAN.

At every meeting at which a chairman of the board is elected, a vice-chairman shall also be elected by a majority vote of members present. The vice-chairman shall assume all the duties of the chairman in the absence of the chairman from a regular business session of the board or in the absence of the chairman from the state. The term of office for the vice-chairman shall be the same as that of the chairman. In the case of the first regular election, the vice-chairman shall be elected at the first regular meeting following the adoption of these rules. (12-5-75)

012. RULES.

Board and committee meetings shall follow Robert's Rules of Order Revised with the following supplementary rules: In the event of any conflict not covered by rules, the issue shall be settled by a majority vote of the members present. (12-5-75)

013. ORDER OF BUSINESS.

The order of business for all regular business sessions shall be: (12-5-75)

01. Roll Call. (12-5-75)

02. Reading and Correction of Minutes. (12-5-75)

03. Consideration of the Business of the Day. (12-5-75)

04. Other Matters. (12-5-75)

05. Adjournment. (12-5-75)

014. COMMITTEES.

Committees shall be organized as necessary for the study, development, consideration and/or recommendation to the director for adoption of the suitability of alternate materials and methods of construction, codes, standards, rules and regulations, approval of material, devices, methods, certification standards, and other matters deemed appropriate by the board. (12-5-75)

01. Chairman of Study Committee. The chairman shall appoint the chairman of any study committee from among members of the board. (12-5-75)

02. Members of Study Committee. Each study committee shall include at least one (1) public member of the board. (12-5-75)

015. APPEALS.

01. Disqualifications. No board member shall sit on an appeals proceeding in which he or his employer, employee, business partner, business associate, or any person related to him may have an economic interest in any manner in the particular appeal. (12-5-75)

02. Appeals Involving Conflict of Codes. In any appeal wherein a conflict of the codes is at issue, the more restrictive provisions of the codes in conflict shall prevail, except as otherwise provided by these rules. In cases of appeal wherein the only issue is a conflict of codes, the executive director of the board may, with the approval of the chairman and administrator, make the decision in the name of the board, except wherein the appellant specifically requests a decision by an appeals board. (5-3-03)

03. Hearing Fee. An appeals hearing fee of fifty dollars (\$50) shall be charged to an appellant for each appeal brought before the board. The appeals hearing fee shall accompany the notice of request for an appeal. Where the appeal is found to be in favor of the appellant the appeals hearing fee shall be returned to the appellant. (12-5-75)

04. Charges for Subpoena Of Witnesses. A charge of five dollars (\$5) shall be levied against the appellant for each witness subpoenaed in his behalf, plus the current state rate for mileage, as approved by the State Board of Examiners and listed in the Idaho State Travel Policies and Procedures, Appendix "A", for each mile actually and necessarily traveled, one (1) way, for the service of such subpoena. (5-3-03)

016. DUTIES OF EXECUTIVE DIRECTOR.

The executive director shall be an ex-official member of each study committee and appeals board, but shall not have the power to vote. (12-5-75)

017. RECOMMENDED CHANGES TO ADOPTED CODES AND STANDARDS.

Whenever the board recommends that a change be made to a federal or national consensus standard or code adopted by the state of Idaho, which amendment is deemed necessary for the safety and welfare of the public, such recommendation shall automatically be meant to include a recommendation that such amendment be forwarded to the promulgating agency as a recommended permanent change to the standard or code. (12-5-75)

018. -- 999. (RESERVED).

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