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07.03.01 - RULES OF BUILDING SAFETY - GENERAL

000. LEGAL AUTHORITY.

The Administrator of the Division of Building Safety is authorized under Section 39-4104, et seq, Idaho Code, to promulgate rules concerning the enforcement and administration of the Idaho Building Code Advisory Act. (7-1-97)

001. TITLE AND SCOPE.

These rules shall be cited as IDAPA 07, Title 03, Chapter 01, Rules of Building Safety-General, Division of Building Safety. These rules prescribe the criteria for enforcement of the Idaho Building Code Advisory Act by the Building Bureau. (7-1-97)

002. WRITTEN INTERPRETATIONS.

This agency has written interpretations of this chapter in the form of legal memoranda. (2-26-93)

003. ADMINISTRATIVE APPEALS.

This chapter does not provide for administrative relief of the provisions contained herein. (2-26-93)

004 -- 009. (RESERVED).

010. REPEAL OF EXISTING RULES AND REGULATIONS.

Rules and Regulations for Plumbing, Heating, Electrical, and Construction Requirements for Factory Built Housing, and Rules and Regulations for Plumbing, Heating, Electrical and Construction Requirements for Mobile Homes and Recreational Vehicles, promulgated on an emergency basis on July 17, 1975, under the provisions of Sections 67-5203(b) and 67-5204(b)(2), Idaho Code, by the Administrator of the Division of Building Safety for the State of Idaho, are hereby repealed. (7-1-97)

011. DEFINITIONS.

The terms defined in this section shall have the following meaning for all parts of IDAPA 07.03.01, unless the context clearly indicates another meaning: (6-28-78)

01. Administrator. The administrator of the Division of Building Safety for the state of Idaho. (7-1-97)
02. Bureau. The Building Bureau of the Division of Building Safety. (7-1-97)
03. Division. The Division of Building Safety of the State of Idaho. (7-1-97)
04. Labeled. Equipment or other building components bearing a label or other approved marking authorized or issued for use by a recognized testing/listing or evaluation agency. (7-1-86)
05. Listed. Equipment or other building components included within a current list published by a recognized testing/listing agency that maintains periodic inspection on current production of listed equipment or other building components and whose listing states either that the equipment or component complies with recognized standards or has been tested and determined to be suitable for the use intended. (7-1-86)
06. Listing Agency. A person, firm, association, partnership or corporation which is in the business of listing or labeling and which maintains a periodic inspection program on current production of listed materials, and which makes available, not less frequently than annually, a published report of such listing in which specific information is included that the product has been tested to nationally approved standards and found safe for use in a specified manner. (6-28-78)
07. Testing/Listing Agency. A person, firm, association, partnership or corporation which is:
 - a. In the business of testing equipment or other building components; and (7-1-86)

- b. Recognized by the division as being qualified and equipped to conduct experimental testing in accordance with recognized standards; and (7-1-97)
- c. Not under the jurisdiction or control of any single manufacturer or supplier for an affected industry; and (6-28-78)
- d. Making available, not less frequently than annually, a published report in which specific information is included stating that the equipment and systems have been tested and found safe for use in a specified manner. (7-1-86)
08. Board. The Idaho Building Code Advisory Board created under the provisions of Chapter 41, Title 39, Idaho Code. (7-1-86)
09. Insignia. A label, tab or tag issued by the division to indicate compliance with the codes, standards, rules and regulations established for manufactured building systems, subsystems, or building elements, mobile homes, and commercial coaches. (7-1-97)
10. In Kind. As referenced in Section 39-4105(6), Idaho Code, means the replacement of equipment or material, not structural and which does not affect any member or part of the building or structure having required fire resistance, with the same materials of which the building or structure is constructed. The installation or replacement of glass in hazardous locations, as specified in Section 5406, Uniform Building Code, shall be as required for new installations. (6-28-78)
11. Building Code Inspector. As referenced in Section 39-4116(2), Idaho Code, shall not include fuel gas and fire inspectors. (1-15-85)
12. Alteration. Application to mobile/manufactured home means the replacement, addition, and modification, or removal of any equipment or installation after sale by a manufacturer to a dealer but prior to sale by a dealer to a purchaser which may affect the construction, fire safety, occupancy, plumbing, heat-producing or electrical system. It includes any modification made in a mobile/manufactured home which may affect the compliance of the home with the standards, but it does not include the repair or replacement of a component or appliance "plug-in" to an electrical receptacle where the replaced item is of the same configuration and rating as the one being replaced. It also does not include the addition of an appliance requiring "plug-in" to an electrical receptacle, which appliance was not provided with the mobile home by the manufacturer, if the rating of the appliance does not exceed the rating of the receptacle to which it is connected. (1-16-92)
13. Transit damage. Application to mobile /manufactured home means that damage encountered enroute from the place of manufacture to the dealer or first owner involving structural integrity or any repair that does not result in return to the same construction or assembly as specified in the manufacturer's design approval without additional reinforcement or change. (1-16-92)
14. Model. As referred to in Section 39-4113(3), Idaho Code, for manufactured buildings and commercial coaches shall mean a specific outside dimension and floor plan with specific structural, plumbing, electrical, and mechanical systems as designated by the manufacturer to be the standard for imitation reproduction. (7-1-86)
15. Systems Plan. A design plan concept that allows the interchanging of various approved construction systems to include structural, electrical, plumbing, and mechanical aspects of the system. (7-1-86)
16. Technical Service. Conducting oral examinations, research, evaluation, consultation, model and systems plan reviews, interpretation and clarification by the division of technical data relating to the application of these rules, and shall also include special field inspections that are not covered in other portions of these rules. (7-1-97)

012. DIVISION DISAPPROVAL OF LISTED OR LABELED EQUIPMENT AND SYSTEMS.

Equipment, materials and systems may be disapproved by the division when it determines that such equipment, materials and systems, even though listed or labeled by an approved agency, are not adequate for the protection of the

health, safety and the general welfare of the people of the state of Idaho. Where no standards are available for the purpose of testing or labeling equipment, materials, systems, or component parts to indicate that a test has been made for the safety regulations, such equipment, materials, systems, or component parts shall not be used until tested and approved by a testing agency and the division determines that such equipment, materials, systems or component parts are adequate for the protection of the health, safety and general welfare of the people of the state of Idaho. (7-1-97)

013. RIGHT OF ENTRY.

Whenever necessary to make an inspection to enforce any of the provisions of Chapters 40 and 41, Title 39, Idaho Code, or whenever the administrator or his authorized representative has reasonable cause to believe that there exists in any building or upon any premises, any condition which makes such building or premises unsafe, the administrator or his authorized representative shall enter such building or premises at all reasonable times to inspect the same or to perform any duty imposed upon the division by Chapters 40 and 41, Title 39, Idaho Code; provided that if such building or premises is occupied, he shall first present proper credentials and demand entry; and if such building or premises be unoccupied, he shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and demand entry. If such entry is refused, the administrator shall have recourse to every remedy provided by law to secure entry. (7-1-97)

014. WORK PROCEEDING WITHOUT PERMIT OR APPROVAL.

Where any work for which a permit or approval, to include plan or system approval, is required by these rules and regulations, or by the codes enumerated in Chapter 41, Title 39, Idaho Code, is started or proceeded with prior to obtaining said approval or permit, and after notice to such person or persons doing or causing such work to be done, and such person or persons continues or causes to continue such work, the fees specified in these rules and regulations shall be doubled, but the payment of such double fee shall not relieve any persons from fully complying with the requirements of Chapter 40 and/or 41, Title 39, Idaho Code, or these rules and regulations in the execution of the work nor from any other penalties prescribed by law. (12-5-75)

015. FEES.

The following fee schedule shall be applicable for the functions cited: (7-1-93)

01. Document Fees. (7-1-93)
 - a. The administrator shall charge such reasonable and suitable fees necessary for copies of any record, plan approval, permit, map, sketch, drawing or other instrument. (7-1-97)
 - b. Charges for copies of separate published documents shall be actual cost to the division plus postage. (7-1-97)
02. Plan Rechecking Fee. Ten percent (10%) of the original fee. (12-5-75)
03. Technical Service Fee. Thirty-Six dollars (\$36) per hour. (7-1-86)

016. STOP WORK ORDERS.

Whenever any work is being done contrary to any provisions of the codes enumerated in Chapters 40 and/or 41, Title 39, Idaho Code, or contrary to these rules, the administrator or his authorized representative may order the work stopped by notice in writing served on any persons engaged in the doing or causing such work to be done, and any such persons shall forthwith stop such work until authorized by the administrator or his representative to proceed with the work. Stop work orders shall be accompanied by a notice of violation which shall state the specific violation and code reference. Stop work notices shall be red in color. (7-1-97)

017. PROHIBITED SALE OR OCCUPANCY NOTICE.

Whenever any mobile/manufactured home, commercial coach or other manufactured building is in violation of any of the provisions of Chapter 40 and/or 41, Title 39, Idaho Code, or these rules, the administrator or his authorized representative may prohibit the sale or occupancy of such unit, and any and all persons shall be forthwith prohibited from selling or occupying such unit. Prohibited sale or occupancy notices shall be removed only on authority of the administrator or his authorized representative. Prohibited sale or occupancy notices shall be red in color. (7-1-97)

018. PROHIBITED OCCUPANCY.

Whenever any building, structure or premises is in violation of any of the provisions of Chapter 41, Title 39, Idaho Code, or these rules, the administrator or his authorized representative may prohibit the occupancy of such building, structure or premises. Prohibited occupancy notices shall be removed only on authority of the administrator or his authorized representative. Prohibited occupancy notices shall be red in color and cite the specific code section or regulation violated. (7-1-97)

019. REMOVAL OF ORDERS AND NOTICES; SALE, RENT, LEASE OR OCCUPANCY OF A UNIT BEARING SUCH ORDER OR NOTICE.

Removal of stop work orders, prohibited sale or occupancy notices, or prohibited occupancy notices, or the sale, rent, lease or occupancy of a unit, or the occupancy of a building or structure, bearing such order or notice by any person or persons not authorized by the administrator or his authorized representative, shall constitute a violation under the provisions of Section 39-4126, Idaho Code, and shall fall under the provisions of Section 18-317, Idaho Code. (12-5-75)

020. CERTIFICATION TESTING.

The administrator shall designate geographic locations, times, dates, and personnel responsible for certification testing. (7-1-97)

021. DEFINITION OF "FARM" CLARIFIED.

In order to further clarify the definition of "farm" as cited in Section 39-4105 (19), Idaho Code, "agricultural unit" shall mean a unit of land of five (5) acres or more upon which the owner or occupant derives his principal income and livelihood from the growing or raising of, but not the commercial processing of, agricultural, horticultural or viticultural commodities, and shall include stock, dairy, poultry, fruit, and fur-bearing animals. (12-2-76)

022. JURISDICTION OF PLAN CHECKING FOR STATE BUILDINGS.

01. Jurisdiction of the Requirements of Plan Checking. Jurisdiction of the requirements for plan checking for construction, additions, repairs, and occupancy of all state buildings within the state of Idaho shall remain exclusively with the division. State buildings, for the purposes of this section, shall mean all buildings to be constructed for or by any agency of government at the state level for any purposes or occupancy, regardless of the source of funding for such construction, addition, repair, or occupancy. (7-1-97)

02. Plan Checking Not Required. Plan checking will not be required for any work not governed by Idaho adopted codes and standards and which does not affect any member or part of a building or structure having required fire resistance. (7-1-97)

023. CODE PRECEDENCE

01. Uniform Building Code. In the case of new construction or remodeling requiring a building permit, the Uniform Building Code shall be primary and the Life Safety Code shall apply only in areas not covered by the Uniform Building Code. This regulation shall apply to all construction where a building permit is purchased after promulgation of this rule. (6-7-77)

02. In the Event of Conflict. In the event of a conflict of requirements between any of the other codes cited in Chapter 41, Title 39, Idaho Code, the provisions of the most restrictive requirements shall take precedence, except as otherwise herein provided. In all cases, the consideration of life safety shall take precedence over those of property. (6-7-77)

024. (RESERVED).

025. MANUFACTURED HOME.

From and after the effective date of this rule, the term "manufactured home" shall replace the use of the term "mobile home". "Manufactured home" means a structure, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in length, or, when erected on site, is three hundred twenty (320) or more square feet, and which 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 includes the plumbing, heating, air-conditioning, and electrical systems

contained therein; except that such term shall include any structure which meets all the requirements of this paragraph except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary and complies with the standards established under 42 U.S.C. 5401 and 5402. (1-15-82)

026. -- 999. (RESERVED).