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## 07.03.01 - Rules of Building Safety

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**IDAPA 07  
TITLE 03  
CHAPTER 01**

**07.03.01 - RULES OF BUILDING SAFETY**

**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. (3-30-06)

**001. TITLE AND SCOPE.**

**01. Title.** These rules shall be cited as IDAPA 07.03.01, "Rules of Building Safety," Division of Building Safety. (3-30-06)

**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. (3-30-06)

**002. WRITTEN INTERPRETATIONS.**

In accordance with Section 67-5201(19)(b)(iv), Idaho Code, this agency has statements that pertain to the interpretation of the rules of this chapter. These statements are available for review and copying at the offices of the Division of Building Safety. (3-30-06)

**003. ADMINISTRATIVE APPEALS.**

This chapter does not provide for administrative relief of the provisions contained herein. (3-30-06)

**004. 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. The effective date of a 2009 edition of any of the codes adopted in this Section with any amendments identified thereto shall be January 1, 2011. Until such time, the 2006 edition of any such code enumerated in this Section without amendment will remain effective pursuant to Section 39-4109, Idaho Code. 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](http://www.iccsafe.org) at <http://www.iccsafe.org>. (3-29-10)

**01. International Building Code.** 2009 Edition. (3-29-10)

**02. International Residential Code.** 2009 Edition. (3-29-10)

**a.** Delete the exception contained under IRC section R101.2 - Scope. (4-7-11)

**b.** 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)

**c.** 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)

**d.** 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)

**e.** IRC Table R302.1 Exterior Walls -- delete the figures contained in the last column of the table under the heading Minimum Fire Separation Distance, and replace with the following:

| <b>Minimum Fire Separation Distance</b>  |                  |
|--|------------------|
| 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 |

(3-29-10)

**f.** 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)

**g.** 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)

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

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

**j.** Delete IRC section R322.2.2 paragraph 2.2, and replace with the following: The total net area of all openings shall be at least one (1) square inch (645 mm<sup>2</sup>) for each square foot (0.093 m<sup>2</sup>) 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. (3-29-10)

**03. International Existing Building Code.** 2009 Edition. (3-29-10)

**04. International Energy Conservation Code.** 2009 Edition with the following amendments. (4-7-11)

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

**b.** Add the following section: 402.6 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: (4-7-11)

**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)

**c.** Add Table 402.6 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 402.6**  
**LOG HOME PRESCRIPTIVE THERMAL ENVELOPE REQUIREMENTS BY COMPONENT**

For SI: 1 foot = 304.8 mm.

| CLIMATE ZONE                                       | FENESTRATION U-FACTOR <sup>a</sup> | SKYLIGHT U-FACTOR | GLAZED FENESTRATION SHGC | CEILING R-VALUE | Min. Average LOG Size in inches | FLOOR R-VALUE | BASEMENT WALL R-VALUE <sup>d</sup> | SLAB R-VALUE & DEPTH <sup>b</sup> | CRAWL SPACE WALL R-VALUE <sup>d</sup> |
|--|------------------------------------|-------------------|--------------------------|-----------------|---------------------------------|---------------|------------------------------------|-----------------------------------|---------------------------------------|
| 5, 6 - High efficiency equipment path <sup>c</sup> | 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.

(4-7-11)

**05. References to Other Codes.** Where any provisions of the codes that are adopted in this Section make reference to other construction and safety-related model codes or standards which have not been adopted by the involved authority having jurisdiction, to the extent possible, such reference should be construed as pertaining to the equivalent code or standard that has been duly adopted by such jurisdiction. (3-29-10)

**005. OFFICE -- OFFICE HOURS -- STREET ADDRESS -- MAILING ADDRESS -- TELEPHONE, FACSIMILE AND WEB ADDRESS.**

The principal place of business of the Division of Building Safety is in Meridian, Idaho. The office is located at 1090 E. Watertower St., Meridian, Idaho and is open from 8 a.m. to 5 p.m., except Saturday, Sunday and legal holidays. The mailing address is: Division of Building Safety, 1090 E. Watertower St., Meridian, Idaho 83642. The telephone number of the office is (208) 334-3896. The facsimile number of the office is (208) 855-9399. The Department website at <http://dbs.idaho.gov>. (3-30-06)

**006. PUBLIC RECORDS ACT COMPLIANCE.**

The rules contained herein have been promulgated according to the provisions of Title 67, Chapter 52, Idaho Code and are public records. (3-30-06)

**007. -- 025. (RESERVED)**

**026. DEFINITIONS.**

The terms defined in this section shall have the following meaning for all parts of this chapter, unless the context clearly indicates another meaning: (3-30-06)

- 01. Act.** The Idaho Building Code Act, Title 39, Chapter 41, Idaho Code. (3-30-06)
- 02. Administrator.** The administrator of the Division of Building Safety for the state of Idaho. (3-30-06)
- 03. Alterations or Conversions of Modular Buildings.** Any change from the approved plans or installation instructions which would affect the structural, mechanical, electrical or plumbing systems of modular buildings bearing a Division insignia of approval and shall include the replacement, addition, modification or removal of any structural member, plumbing, heat-producing or electrical equipment, or installation which may effect such systems prior to first occupancy. Any such alteration or conversion shall first be approved by testing and inspection in the same manner as original systems or component parts. The following shall not constitute alteration or conversion: (3-30-06)
  - a.** Repairs with approved replacement parts; (3-30-06)
  - b.** Conversion of listed fuel-burning appliances in accordance with the terms of their listing;(3-30-06)
  - c.** Replacement of equipment and appliances in kind; (3-30-06)
  - d.** Adjustment and maintenance of equipment. (3-30-06)
- 04. Alterations to Manufactured Homes.** 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 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 manufactured home by the manufacturer, if the rating of the appliance does not exceed the rating of the receptacle to which it is connected. (3-30-06)
- 05. Alterations or Conversions of Commercial Coaches.** Any change from the approved plans or installation instructions which would affect the structural, mechanical, electrical or plumbing systems of commercial coaches bearing a Division insignia of approval and shall include the replacement, addition, modification or removal of any structural member; plumbing, heat-producing or electrical equipment; or installation which may affect such systems prior to first occupancy. Any such alteration or conversion shall first be approved by testing and inspection in the same manner as original systems or component parts. The following shall not constitute alteration or conversion: (3-30-06)
  - a.** Repairs with approved replacement parts; (3-30-06)
  - b.** Conversion of listed fuel-burning appliances in accordance with the terms of their listing;(3-30-06)
  - c.** Replacement of equipment and appliances in kind; (3-30-06)
  - d.** Adjustment and maintenance of equipment. (3-30-06)
- 06. Board.** The Idaho Building Code Board created under the provisions of Title 39, Chapter 41, Idaho Code. (3-30-06)
- 07. Bureau.** The Building Bureau of the Division of Building Safety. (3-30-06)
- 08. Commercial Coach.** In order to further clarify the definition of “commercial coach” as cited in Section 39-4105(5), Idaho Code, the phrase “made so as to be readily movable as a unit on its own running gear”

shall mean that the running gear shall be a permanent part of the unit and not intended to be removed or replaced, and such modular structure is used for commercial purposes. (3-30-06)

- 09. Division.** The Division of Building Safety of the state of Idaho. (3-30-06)
- 10. Equipment.** All equipment, materials, appliances, devices, fixtures, fittings or accessories installed in the manufacture and assembly of modular buildings. (3-30-06)
- 11. Field Technical Service.** Interpretation and clarification of the technical data relating to the application of these rules, but not including inspection. (3-30-06)
- 12. First Purchaser.** The first purchaser of a commercial coach for other than resale. (3-30-06)
- 13. 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, modular buildings, and commercial coaches. (3-30-06)
- 14. 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. (3-30-06)
- 15. 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. (3-30-06)
- 16. 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. (3-30-06)
- 17. Model.** As referred to in Section 39-4113(3), Idaho Code, for modular 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. (3-30-06)
- 18. Testing/Listing Agency.** A person, firm, association, partnership or corporation which is: (3-30-06)
- a.** In the business of testing equipment or other building components; and (3-30-06)
  - b.** Recognized by the Division as being qualified and equipped to conduct experimental testing in accordance with recognized standards; and (3-30-06)
  - c.** Not under the jurisdiction or control of any single manufacturer or supplier for an affected industry; and (3-30-06)
  - 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. (3-30-06)
- 19. Transit Damage.** Application to 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. (3-30-06)
- 20. State Buildings.** All buildings to be constructed, altered, or repaired by or for any state of Idaho agency or entity, without regard to purpose, occupancy, or the source of funding for such construction, alteration, or

repair. (3-30-06)

**21. Running Gear.** Springs, spring hangers, axles, bearings, wheels, brakes, rims and tires and their related hardware. (3-30-06)

**22. Substantially Prefabricated or Assembled.** The module or major portion of modular buildings assembled in such manner that all portions may not be inspected without disassembly or destruction of the part. (3-30-06)

**23. Substantially Prefabricated or Assembled.** The module or major portion of commercial coaches is assembled in such manner that all portions may not be inspected without disassembly or destruction of the part. (3-30-06)

**24. 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. (3-30-06)

**25. Technical Service.** Conducting 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. (3-30-06)

**027. PERMITS.**

Building permits shall be obtained from the Division prior to the construction of structures governed by the act or rules promulgated by the Board. (3-30-06)

**028. PLAN REVIEW.**

**01. Jurisdiction.** The Division shall have exclusive jurisdiction and authority to conduct plan reviews of the construction, additions, repairs, and occupancy of all state buildings regardless of the source of funding for such construction, addition, repair, or occupancy. (3-30-06)

**02. Plans Specifications.** Construction documents shall be dimensioned and drawn upon suitable material. Plans may be submitted electronically or in digital format as approved by the Division. Drawing format shall be equivalent to the paper format. Construction documents shall be of sufficient clarity to indicate the location, nature, and extent of the work proposed and show in detail that the installations will conform to the provisions of the building code and applicable laws, rules, and policies of the Division. (4-7-11)

**03. Plans Not Required.** Plans shall not be required for group U occupancies of Type V conventional light-frame wood construction. (3-30-06)

**04. Addenda and Change Orders.** (3-30-06)

**a.** Documents enforcing changes or modifications. Addenda, contract change orders, changes-in-work requests, and other similar written documents enforcing changes or modifications to plans or specifications, already approved by the Division, which addenda, change orders, or change-in-work requests deal with structural or fire resistance changes, or such other changes affecting code conformance, shall be submitted to the Bureau for approval. The use of the terms “addenda,” “change orders,” and “changes-in-work requests” shall not be limited exclusively to such phraseology, but shall be inclusive of such other language used in the professions which essentially have the same meaning. (3-30-06)

**b.** Application provisions. The provisions of this Section shall apply to that work which will be accomplished. (3-30-06)

**029. FEES.**

The following fee schedule shall be applicable for the functions cited: (3-30-06)

**01. Document Fees.** (3-30-06)

- 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. (3-30-06)
- b. Charges for copies of separate published documents shall be actual cost to the Division plus postage. (3-30-06)
- 02. **Technical Service Fee.** One hundred dollars (\$100) per hour. (4-7-11)
- 03. **Modular Building Fees.** Other than as herein specified in this Section, the fee schedule for modular buildings shall be as provided herein in Table 1-A, and such fees shall be based on the Freight On Board (FOB) cost to the dealer at the point of manufacture. (3-30-06)
- 04. **Insignia Tag Fee.** In instances where building permit fees are not charged for modular buildings, a one hundred dollar (\$100) fee will be charged for an insignia. (3-30-06)
- 05. **Payment of Fees.** Fees shall be paid to and collected by the Division. (3-30-06)
- 06. **Commercial Coaches.** Other than as herein specified in this Section, the fee schedule for commercial coaches shall be as provided in Table 1-A, and such fees shall be based on the Freight On Board (FOB) cost to the dealer at the point of manufacture. (3-30-06)
- 07. **Building Permit Fees.** The building permit fee for each permit shall be as set forth in the following table. The determination of value or valuation shall be made by the administrator and shall be the total value of all construction work for which a permit is issued. (4-7-11)

| <b>TABLE 1-A - BUILDING PERMIT FEES</b> |   |
|---|---|
| <b>Total Valuation</b>                  | <b>Fee</b>  |
| \$1 to \$500                            | = \$23.50   |
| \$501 to \$2,000                        | = \$23.50 for the first \$500 plus \$3.05 for each additional \$100, or fraction thereof, to and including \$2,000                  |
| \$2,001 to \$25,000                     | = \$69.25 for the first \$2,000 plus \$14 for each additional \$1,000, or fraction thereof, to and including \$25,000               |
| \$25,001 to \$50,000                    | = \$391.75 for the first \$25,000 plus \$10.10 for each additional \$1,000, or fraction thereof, to and including \$50,000          |
| \$50,001 to \$100,000                   | = \$643.75 for the first \$50,000 plus \$7 for each additional \$1,000, or fraction thereof, to and including \$100,000             |
| \$100,001 to \$500,000                  | = \$993.75 for the first \$100,000 plus \$5.60 for each additional \$1,000, or fraction thereof, to and including \$500,000         |
| \$500,001 to \$1,000,000                | = \$3,233.75 for the first \$500,000 plus \$4.75 for each additional \$1,000, or fraction thereof, to and including \$1,000,000     |
| \$1,000,001 to \$5,000,000              | = \$5,608.75 for the first \$1,000,000 plus \$3.65 for each additional \$1,000, or fraction thereof, to and including \$5,000,000   |
| \$5,000,001 to \$10,000,000             | = \$20,208.75 for the first \$5,000,000 plus \$2.75 for each additional \$1,000, or fraction thereof, to and including \$10,000,000 |
| \$10,000,001 and up                     | = \$33,958.75 for the first \$10,000,000 plus \$2 for each additional \$1,000, or fraction thereof                                  |

(4-7-11)



**08. Plan Review Fees.** Plan review fees shall be charged at an hourly rate of one hundred dollars (\$100) per hour up to a maximum of sixty-five percent (65%) of the calculated building permit fee with a minimum required fee of forty percent (40%) of the calculated building permit fee. All requests for plan review services shall at such time be accompanied by a payment in the amount of at least forty percent (40%) of the calculated building permit fee. Upon completion of the plan review, any additional fees, above the minimum required, shall be due to the Division by the requesting party. (4-7-11)

**09. Refund of Plan Review Fees.** There shall be no refund of plan review fees. (3-30-06)

**10. Refund of Permit Fees.** The Administrator may authorize a refund of any permit fee paid which was erroneously paid or collected. The Administrator may authorize a refund of not more than eighty percent (80%) of the permit fee paid when no work has been done under a permit issued in accordance with these rules. The Administrator shall not authorize a refund of any permit fee paid except upon written application filed by the original applicant not later than one hundred eighty (180) days after the date of permit issuance. (4-7-11)

**030. RIGHT OF ENTRY.**

Whenever necessary to make an inspection to enforce any of the provisions of Title 39, Chapters 40 and 41, 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 Title 39, Chapters 40 and 41, 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. (3-30-06)

**031. 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, or by the codes enumerated in Title 39, Chapter 41, Idaho Code, is started or proceeded prior to obtaining said approval or permit, and after notice to such person doing or causing such work to be done, and such person continues or causes to continue such work, the fees specified in these rules shall be doubled, but the payment of such double fee shall not relieve any persons from fully complying with the requirements of Title 39, Chapters 40 or 41, or both, Idaho Code, or these rules in the execution of the work nor from any other penalties prescribed by law. (3-30-06)

**032. STOP WORK ORDERS.**

Whenever any work is being done contrary to any provisions of the codes enumerated in Title 39, Chapters 40 or 41, or both, 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. (3-30-06)

**033. PROHIBITED SALE OR OCCUPANCY NOTICE.**

Whenever any mobile/manufactured home, commercial coach or other modular building is in violation of any of the provisions of Title 39, Chapter 40 or 41, or both, Idaho Code, or these rules, the administrator or his authorized representative may prohibit the sale or occupancy of such building, and any and all persons shall be forthwith prohibited from selling or occupying such building. 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 orange in color. (3-30-06)

**034. 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 the sale, rent, lease or occupancy of a building or structure, bearing such order or notice by any person 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. (3-30-06)

**035. MODULAR BUILDINGS.**

**01. Enforcement and Administration.** The administrator shall administer and enforce all the provisions of these rules. Any officer, agent or employee of the Division is authorized to enter any premises during any normal or operational hours where modular buildings are manufactured, leased, sold or offered for sale for the purpose of examining any records pertaining to quality control and inspection and may inspect any such units, equipment or installations to insure compliance with the provisions of these rules and codes enumerated in Title 39, Chapter 41, Idaho Code. When it becomes necessary, he may require that a portion of such modular building units be removed in order that an inspection may be made to determine compliance. Every manufacturer of modular buildings shall obtain prior approval and an insignia for each modular building unit to be installed in the state of Idaho.

(3-30-06)

**02. Alternates and Equivalents.**

(3-30-06)

**a. Alternatives Acceptable.** The provisions of these rules are not intended to prevent the use of alternate designs, materials, appliances, systems, devices, arrangements, or methods of construction not specifically prescribed by Title 39, Chapter 41, Idaho Code, or of these rules; provided, any such alternate has first been recognized by the Division.

(3-30-06)

**b. Satisfactory Alternatives.** The Division shall recognize any such alternate if it finds that the proposed design is satisfactory and that the material, appliance, device, arrangement, method, system or method of construction is at least the equivalent in performance in quality, strength, effectiveness, fire resistance, durability and adequate for the protection of the health, safety and general welfare of the people of the state of Idaho.

(3-30-06)

**c. Unsatisfactory Alternatives.** Recognition by the Division shall not be given if there is substantial evidence that any design, material, appliance, device, arrangement, system or method of construction does not conform to the provisions or requirements of prescribed standards or these rules; provided, however, the Division may, in order to substantiate claims for alternates, upon written request cause tests or proof of compliance to be made at the expense of the manufacturer, his agent, or the seller.

(3-30-06)

**d. Test Methods.** Test methods shall be as specified in the standards of the codes listed in Title 39, Chapter 41, Idaho Code, or by other nationally recognized standards recognized by the Division. If there are no appropriate test methods specified in the standards listed above, the Division shall determine the test procedure.

(3-30-06)

**03. Permits.** Prior to construction of modular buildings, appropriate building permits shall first be obtained from the Division.

(3-30-06)

**04. Plans.**

(3-30-06)

**a. Specifications for Submittal.** Plans shall be submitted in accordance with Subsection 028.03 of these rules.

(3-30-06)

**b. Nonconformance.** Should the plan submittal not conform to the requirements of these rules, the applicant shall be notified in writing within fifteen (15) work days of the date they are received by the Division. Should the applicant fail to submit a completely corrected plan submittal in accordance with the information supplied by the Division within ninety (90) days of such notice, the plan submittal will be deemed abandoned and all fees submitted shall be forfeited to the Division. Subsequent submission thereafter shall be processed as a new plan submittal.

(3-30-06)

**c. Distribution of Approved Copies.** An approved copy of the plan submittal shall be returned to the manufacturer. An approved copy shall be retained at each place of manufacture, and a copy shall be retained by the Division.

(3-30-06)

**d. Proprietary Information.** All material submitted by the manufacturer in the form of design plans, engineering data, test results, and other design information relating to their application will be considered proprietary information and will not be released for public scrutiny except when so ordered by a court of competent jurisdiction.

(3-30-06)

**e.** Changes to Approved Modular Building Plans. Where the manufacturer proposes to change his submitted designs or the Division rule is amended to necessitate such a change, the manufacturer shall submit changed plans for examination and approval. (3-30-06)

**05. Inspections.** (3-30-06)

**a.** Inspections at Manufacturing Plants. The Division shall conduct inspections at the manufacturing plant to determine compliance with the provisions of these rules and with Title 39, Chapter 41, Idaho Code. (3-30-06)

**b.** In-Plant Inspections. Due to the repetitive nature of the manufacturing process, the required inspections outlined in the International Building Code or International Residential Code may not be required if, in the opinion of the Division, compliance can be obtained by periodic inspections. The Division shall conduct periodic unannounced inspections at any manufacturing site to review any or all aspects of a manufacturer's production and inspectional control procedures. Each unit, however, shall be inspected at least once during the course of production for compliance with the adopted standards. No unit manufactured to be installed in the state of Idaho will be shipped from the point of manufacture without inspection and attached insignia. (3-30-06)

**c.** Field Inspections. All existing modular buildings to be installed in the state of Idaho not bearing the Division's insignia shall not be used or occupied until required Idaho insignia has been issued by the Division and properly affixed in accordance with these rules. Applicants for insignia shall obtain permits, plan approvals and inspections as required by these rules. (3-30-06)

**d.** Field Inspection for Alterations and Conversions. Any alteration or conversion of Division approved modular buildings after leaving the manufacturing facility shall be field inspected in accordance with this section by a the local unit of government having jurisdiction. (3-30-06)

**06. Installation Inspection.** In order to complete the installation of the modular building, approval and inspection of said installation by the enforcement agency having jurisdiction over the site location shall be required. (3-30-06)

**a.** In-Plant Inspection in Sister States. Where there is evidence that the in-plant inspectional controls in out-of-state plants in states having reciprocal agreements with the state of Idaho are not being maintained for units to be sold or placed in Idaho, the Division reserves the right to make out-of-state inspections, and fees for such inspection as set forth in these rules shall be paid by the manufacturer. (3-30-06)

**b.** Field Technical Service. Any person may request field technical service and requests for such service shall be submitted to the Division in writing. (3-30-06)

**07. Local Enforcement Agencies.** (3-30-06)

**a.** Rights of Local Enforcement Agency. A local enforcement agency shall have the right to require a complete set of plans and specifications approved by the Division for each modular building to be installed within its jurisdiction, to require that all permits be obtained before delivery of any unit to a building site and to require permits for alterations, repairs or conversions of existing Division approved modular buildings. (3-30-06)

**b.** Limitations of Rights of Local Enforcement Agency. A local enforcement agency shall not have the right to: open for inspection any modular building or component bearing an insignia to determine compliance with any codes or ordinances; require by ordinance or otherwise that modular buildings meet any requirements not equally applicable to on-site construction; or require or charge fees for any portion of the structure completed in a construction facility remote from the building installation site. (3-30-06)

**08. Insignia.** (3-30-06)

**a.** Required Insignia. Each modular building section substantially prefabricated and assembled shall

bear a Division insignia prior to leaving the manufacturing facility. Assigned insignia are not transferable and are void when not affixed as assigned. All such voided insignia shall be returned to, or may be confiscated by the Division. Insignia remain the property of the Division and may be reappropriated by the Division in the event of violation of conditions of approval. Assigned insignia affixed in the field shall be under the direction of the Division's authorized agent. (3-30-06)

**b.** Insignia Location. Single units shall have the insignia permanently attached below the electrical service entrance. Multiple section units shall have the insignia permanently attached on all perimeter sections to the outside wall next to the major access opening. For interior units and second story units the insignia shall be permanently attached on the interior wall next to the major access opening. (3-30-06)

**c.** Application for Insignia. The manufacturer shall make application for an insignia for each unit to be manufactured as required by Subsection 035.03 of this rule. The permit/insignia application shall be submitted to the Division in accordance with this section and shall include the appropriate fees. Applications shall include the serial number of each unit for which an insignia is requested. (3-30-06)

**d.** Alteration or Conversion. Factory alterations or conversions of an approved modular building prior to first occupancy shall NOT take place until a permit under the provisions of this section has been obtained. The jurisdiction for non-factory produced additions, repairs or alterations to modular buildings and commercial coaches built in conformance with and as prescribed in the Idaho Building Code Act, Section 39-4109, Idaho Code, once such unit has left the manufacturing facility or a dealer's lot, and bears an appropriate insignia of compliance, rests with the local unit of government having the jurisdiction for the administration and enforcement of locally adopted codes prescribed within the Idaho Building Code Act. (3-30-06)

**e.** Denial of Insignia. Should inspection reveal that a manufacturer is not manufacturing units according to the codes specified in Title 39, Chapter 41, Idaho Code, and these rules, and such manufacturer after having been served with a notice setting forth in what respect the provisions of the codes or rules have been violated continues to manufacture units in violation of the codes or rules, applications for new insignia shall be denied and insignia issued for units in noncompliance such manufacturer may resubmit an application for insignia. (3-30-06)

**f.** Removal of Insignia. In the event any unit bearing an insignia is found to be in violation of the codes enumerated in Title 39, Chapter 41, Idaho Code, or these rules, the Division may remove the insignia and shall furnish the owner or his agent with a written statement of violations. The owner or his agent shall request an inspection after making corrections to bring the unit into compliance before the Division will issue a replacement insignia. (3-30-06)

**g.** Serial Number. Each commercial coach rented, leased or sold, or offered for rent, lease or sale in Idaho shall bear a legible identifying serial number in accordance with the provisions of this section which shall include the state of manufacture. Each section of a multiple modular building shall have the same identifying serial number followed by a numerical sequence identifier and letter suffix. (3-30-06)

**h.** Stamp of Serial Number and State of Manufacture. The unit serial number and the state of manufacture shall be stamped into the foremost cross member of all commercial coaches. Letters and numbers shall be three-eighths (3/8) inch minimum height. Numbers shall not be stamped into a hitch assembly or draw bar. The insignia shall be made of etched brass, stainless steel, anodized or alclad aluminum, or other approved material, not less than two hundredths (0.02) inches thick, and three (3) inches by one and three-fourths (1 3/4) inches minimum size, with lettering not less than one-eighth (1/8) inch high. (3-30-06)

**i.** Multiple Commercial Coaches. Each section of multiple commercial coaches shall have the same identifying serial number followed by a numerical sequence identifier and letter suffix. (3-30-06)

**j.** Data on Insignia. The date of manufacture, showing month, week and year will be shown on the insignia. Such data will be provided by the manufacturer on the application for insignia. (3-30-06)

**09. Reciprocal Agreements.** The provisions for insignia of compliance as specified in a written and signed reciprocal agreement between the Division and any other state shall take precedence over the provisions of these rules. (3-30-06)

**036. MANUFACTURED HOMES.**

**01. Construction and Safety Standards.** Effective June 15, 1976, the latest published edition of the Federal Manufactured Home Construction and Safety Standards and Manufactured Home Procedural and Enforcement Regulations shall be in effect for all manufactured homes manufactured within the state of Idaho, and for all new manufactured homes for sale within the state of Idaho. All new manufactured homes offered for sale within Idaho after the effective date of this section shall bear the Housing and Urban Development (H.U.D.) label as authorized in the Federal Manufactured Home procedural and enforcement regulations. Mobile homes manufactured between March 8, 1971 and June 15, 1976 offered for rent, lease, or sale within Idaho shall bear an Idaho insignia of approval. (3-30-06)

**02. Inspections.** (3-30-06)

**a. Special Inspection.** Whenever there is a transit damage or any alteration made to a certified manufactured home, or both, a special inspection shall be required of any person offering for rent, lease, or sale said manufactured home. The purpose of the inspection is to insure that the repairs or alteration, or both, do not result in the failure of the manufactured home to comply with the standards. (3-30-06)

**b. Installation Inspection.** Installation inspections shall be conducted by local jurisdictions in accordance with Title 44, Chapter 22, Idaho Code and the state adopted Idaho Manufactured Home Installation Standard as incorporated by reference in IDAPA 07.03.12, "Rules Governing Manufactured Home Installations," Section 004. (3-30-06)

**03. Fees.** (3-30-06)

**a. Payment of Fees.** Fees shall be paid to and collected by the Division. (3-30-06)

**b. In-Plant Inspections.** The charge for routine in-plant inspections shall be equal to the latest fees approved by the Department of Housing and Urban Development-Office of Manufactured Home Standards: Forty-five dollars (\$45) per floor. (4-9-09)

**c. Other Inspections.** For all inspections other than routine whether they be in-plant or in the field (for models produced after June 15, 1976): Seventy dollars (\$70) per hour minimum for inspection and travel time, prorated to the nearest quarter hour, per diem and lodging where applicable, 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," based on the round-trip distance from point of inspection and the inspector's office location. (4-9-09)

**037. JURISDICTION FOR PLAN REVIEW OF STATE BUILDINGS.**

Jurisdiction of the requirements for plan review 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. (3-30-06)

**038. INTEGRATED DESIGN AND FUNDAMENTAL COMMISSIONING OF PUBLIC SCHOOL FACILITIES.**

**01. Definitions.** The following definitions are intended to supplement, and should be read in conjunction with the definitions contained in Section 33-356, Idaho Code. (3-29-10)

**a. Fundamental Commissioning.** A quality-focused process for enhancing the delivery of a project. It makes use of a qualified third party employed directly by the building owner. (3-29-10)

**b. Integrated Design.** Integrated design refers to a collaborative design effort in which each of the individual architectural or engineering professionals focuses on the whole building approach, with an emphasis on optimizing the building's performance, environmental sustainability, and cost-savings, to include climate, use, loads

and systems resulting in a more comfortable and productive environment, and a building that is more energy-efficient than would be realized using current best practices. (3-29-10)

**02. Technical and Educational Information.** Technical and educational information related to integrated design and fundamental commissioning in the form of the American Institute of Architects Integrated Project Delivery Guide; Portland Energy Conservation, Inc. (PECI) Commissioning Guides; ASHRAE Guideline 0-2005-The Commissioning Process; and the Northwest Energy Efficiency Alliance Integrated Design Special Focus on Energy Performance Guide is available at the Division office locations including 1090 E. Watertower St., Meridian, Idaho 83642, and 1250 Ironwood Dr., Ste. 220, Coeur d'Alene, Idaho 83814. A building commissioned under the prescriptive approaches defined by any of the above-named national organizations is deemed to have completed the Fundamental Commissioning process. (3-29-10)

**03. Commissioning Agents.** The Division has compiled and made available for public examination a list of all known third party building commissioning agents in Idaho and its contiguous states. The Division has ensured that all such commissioning agents appearing on this list have been certified by the Building Commissioning Association (BCA) or other similar certifying entity. (3-29-10)

**04. Annual Optimization Review.** (3-29-10)

**a.** A public school building which qualifies for the school building replacement value calculation pursuant to Section 33-356(5)(a), Idaho Code, shall undergo an annual optimization review each year following the first year of operations that the involved school district seeks to qualify such building for the building replacement value calculation. (3-29-10)

**b.** The systems within a building required to undergo annual optimization review, as well as any relevant measuring criteria for such systems, shall be formulated by the third party commissioning agent that performs the initial fundamental commissioning. The school district shall be provided with a written report from the commissioning agent identifying the systems which will be subject to the annual optimization review along with any other requirements. (3-29-10)

**c.** The report required above in Paragraph 038.03.b. of these rules shall include, but is not limited to, at least the following: (3-29-10)

**i.** Verification that the heating, ventilation, and air conditioning (HVAC) controls, dampers, valves, sensors and other equipment used to control the system are functioning as they were at the commissioning of the building. (3-29-10)

**ii.** Verification that the lighting controls are functioning as they were at the commissioning of the building. (3-29-10)

**iii.** The requirement that any changes made to any of the controls contained on the agent's list after the initial commissioning be re-set back to the commissioned settings unless it can be demonstrated that the new settings result in greater energy efficiency. (3-29-10)

**d.** The annual optimization review shall be performed by persons qualified to make the required determinations and adjustments. (3-29-10)

**e.** The school district shall submit to the Division written verification indicating that the systems identified by the commissioning agent, including those identified in this Section are functioning as they were at the initial commissioning. Such written verification shall also identify the persons performing the optimization and their qualifications. (3-29-10)

**05. Commissioning Anniversary Date.** The date upon which the commissioning agent provides the school district with the required written report described in Paragraph 038.03.b. of these rules shall be the commissioning anniversary date for purposes of this Section. If a school district seeks to qualify a building for the building replacement value calculation, the annual optimization review shall be performed within thirty (30) days of the annual commissioning anniversary date following the first year the building is in operation. The written

verification required by Paragraph 038.03.e. of these rules shall be received by the Division not later than sixty (60) days after the annual commissioning anniversary date. (3-29-10)

**06. Fundamental Building Commissioning Requirements.** (3-29-10)

**a.** School districts seeking to qualify a building for the building replacement value calculation shall engage a building commissioning agent. (3-29-10)

**b.** The commissioning agent must document the owner's requirements for each commissioned system in the facility. All HVAC and controls systems, duct work and piping, renewable and alternative technologies, lighting controls and day lighting, waste heat recovery, and any other advanced technologies incorporated in the building must be commissioned. Building envelope systems must also be verified. The owner's requirements for these systems may include efficiency targets and other performance criteria such as temperature and lighting levels that will define the performance criteria for the functional performance testing that occurs prior to acceptance. (3-29-10)

**c.** The commissioning agent shall include commissioning requirements in the project construction documents. This includes the scope of commissioning for the project, the systems to be commissioned, and the various requirements related to schedule, submittal reviews, testing, training, O & M manuals, and warranty reviews. (3-29-10)

**d.** The commissioning agent shall develop and utilize a commissioning plan. This plan must include an overview of the commissioning process for the project, a list of commissioned systems, primary commissioning participants and their roles, a communication and management plan, an outline of the scope of commissioning tasks, a list of work products, a schedule, and a description of any commissioning testing activities. (3-29-10)

**e.** The commissioning agent must submit a report to the owner once the commissioning plan has been executed. (3-29-10)

**039. -- 999. (RESERVED)**

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