

# City Code – Title 9, Chapter 1, Article A: Building Code

## Proposed Amendments (DRAFT 7/3/24)

- Amend City Code, Title 9, Chapter 1, Article A: Building Code, Section Table of Contents (portion altered), as follows:

SECTION:

### **9-1A-40: IBC Building Code Amendment, Section 114.4, Criminal Penalties and Noncompliance**

- Amend City Code 9-1A-10, Division of Building Safety, Section 103.4, Designations, as follows:

**103.4 Designations.** The Planning and Development Services Director may designate technical officers, assistant building officials, inspection and plan review supervisors, plan examiners, inspectors, ~~and~~ other employees within the Building Division, and code compliance officers. Such employees shall have such powers and authority as delegated by the Director.

- Amend City Code 9-1A-19, Section 105.3.2, Time Limitation of Application, as follows:

**105.3.2 Time Limitation of Application.** Applications for which no permit is issued within 180 calendar days following the date of receipt of the application shall expire by limitation, ~~and p~~Plans and other data submitted for review may thereafter be returned to the applicant or destroyed by the building official or designee. The building official or designee may extend the time for action by the applicant for a period not exceeding 180 calendar days upon request of the applicant demonstrating that circumstances beyond the control of the applicant have prevented action from being taken. No application shall be extended more than ~~twice~~ three times. In order to renew action on an application after expiration, the applicant shall resubmit application/plans and pay a new plan review fee. In cases where the review was completed, the permit ready but never issued, and expired, an hourly plan review rate in lieu of a new plan review fee may be allowed by the building official under the new application when no changes, or very limited changes to the plans.

- Amend City Code 9-1A-40, Section 114.4, Criminal Penalties and Noncompliance, as follows:

Repeal Section 114.4 in its entirety and replace with the following:

**114.4 Criminal Penalties and Noncompliance.** Any person, firm or corporation violating the provisions of this code shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not more than one thousand dollars (\$1,000.00), by imprisonment for not more than one hundred eighty (180) days, or by both such fine and imprisonment. Each separate day or any portion thereof during which any violation of this code occurs or continues shall be deemed to constitute a separate offense, and upon conviction thereof shall be punishable as herein provided.

A. ~~In~~ At the discretion of the building official, the City may charge the offender with an infraction in lieu of a misdemeanor. The infraction shall be payable by a fine of three hundred dollars (\$300.00). There shall be no right to a trial by jury for an infraction citation or complaint.

B. For purposes of trial by court or jury, the infraction described within this section shall not constitute a lesser included offense for any misdemeanor citation or complaint.

C. A prosecuting attorney may reduce a misdemeanor charge under this Chapter to an infraction as described herein, payable by a \$300 fine, if the defendant engages in corrective actions resulting in fully completed and permitted work.

The Building Division may request assistance from code compliance officers, as designated authorized agents of the Planning & Development Services Director, to gain compliance with this Chapter of City Code for noncompliant cases.

For unaddressed noncompliant items at a building or site, the building official may record a Notice of Noncompliance against the property with the Ada County Recorder's office. When compliance is later gained at the building or site through an approval, permitting, and inspection process, the building official shall then record a Notice of Compliance against the property with the Ada County Recorder's office indicating the building or site is now in compliance with this Chapter of City Code for the subject items.

➤ Amend City Code 9-1A-43, Add Section 117, Upgrade Agreements, as follows:

**117 Upgrade Agreements.** The building official and/or fire code official shall have the discretion to enter into building upgrade agreements on behalf of the City in order to achieve code compliance. Building upgrade agreements shall be in writing and signed and notarized by applicable City officials and the building owner(s). Any upgrade agreements that exceed one year in length to complete the work shall be recorded on the property with the Ada County Assessor's Recorder's Office.

The building official shall make the determination as to whether a bond shall be required. The amount of this bond shall be determined by the City and in the amount needed to perform the work as described in the upgrade agreement. An upgrade agreement shall not extend beyond three years in duration.

All upgrade agreements shall include the following items:

- a. The remaining scope of work that must be completed to fulfill the terms of the upgrade agreement;
- b. The applicable building permit number(s);
- c. An expiration date or date of completion of the agreement;
- d. The parcel number(s) and address;
- e. A description of the type and expiration of any bonding instrument (where applicable);
- f. Other methods for assuring completion of the scope of work;
- g. Signature of the owner(s), building official and/or fire code official all contained on the original notarized agreement (no copies);
- h. A statement acknowledging the following possible consequences for failure of the tenant and/or building owner to complete the terms of the upgrade agreement within the time frame found in the agreement;
  - i. Revocation of the occupancy certificate of the tenant(s) in said structure;
  - ii. Utilization of the bond originally posted by the permit applicant by the City to complete the remaining work outlined in the upgrade agreement (where applicable);
  - iii. Assessment of penalties, recording a Notice of Noncompliance against the property, and/or issuance of misdemeanor citations by the City for failure to complete the work described within the agreement by the expiration date of the agreement and/or the institution of a fire watch or any other appropriate method deemed necessary by the City to complete the work outlined in the upgrade agreement.

For upgrade agreements recorded on the property, when work is permitted, inspected, and approved, as outlined in the upgrade agreement and per

applicable codes, a Notice of Compliance shall then be recorded on the property with the Ada County Recorder's Office indicating the work has been completed.

- Amend City Code 9-1A-66, Appendix H Signs, Section H101.2, Signs Exempt From Permits, as follows:

Section H101.2 shall be repealed and replaced with the following:

**H101.2 Signs exempt from permits.** The following signs are exempt from the requirements to obtain a building permit before erection:

1. The changing of the advertising copy on a painted or printed sign, theater marquees, and similar signs specifically designed for the use of replaceable copy.
2. Signs painted on buildings, fences, or walls shall be exempted from obtaining a building permit.
3. Permanent signs supported by the building or structure that are less than or equal to 32 square feet ~~which are non-illuminated~~ and project less than or equal to three (3) feet from the building or structure face.
4. Permanent pole or ground signs that are less than seven (7) feet to the top edge of the sign.
5. Temporary signs. Temporary signs must comply with ~~the~~ Boise Development Code.
6. Any sign less than four (4) square feet.
7. Signs erected by transportation authorities.

These exemptions shall not be construed as relieving the owner of the sign from the responsibility of its erection and maintenance, and its compliance with the provisions of this code or any other law or ordinance regulating the same.