

Chapter 1

INTERNATIONAL BUILDING CODE

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Sec. 1-1. Adoption of International Building Code.

The International Building Code, 2009 Edition, published by the International Code Council is hereby adopted as the official building code of the City, and shall apply to the erection, construction, enlargement, alteration, repair, moving, removal conversion, demolition, occupancy, equipment, use, height, area and maintenance of buildings and structures in the City.

The Clerk shall keep one (1) certified copy of the current adopted editions of the International Building Codes on file. (Ord. 97-31, 9/27/97; 99-29, 8/16/99; 2001-17, 09/17/2001; 2002-22; 12/02/02; 2005-01, 01/18/2005; 2007-18, 12/17/2007; 2010-25, 12/20/2010)

Sec. 1-2. Amendments to International Building Code.

The following amendments to the adopted sections of the International Building Code, 2009 Edition, are hereby made:

Sections 102.6 shall be amended to read:

The legal occupancy of any structure existing on the date of adoption of this Code shall be permitted to continue without

change, except as is specifically covered by this Code or as deemed necessary by the Building Official for the general safety and welfare of the occupants and the public.

Section 103 is amended to read as follows:

Creation of Enforcement Agency
Section 103.1. There is hereby established in this jurisdiction a code enforcement agency which shall be under the administrative and operational control of the Building Official. The Building Official shall develop such rules, regulations and standards as are necessary for the efficient administration of this chapter.

Section 103.2 shall be amended to read as follows:

The Building Official, if any, shall be appointed by the chief appointing authority of the jurisdiction.

Section 103.3 shall be amended as follows:

The last sentence of this section is hereby deleted.

Section 105.2(4) shall be amended to read as follows:

Retaining walls retaining less than forty eight inches (48”) of earth, unless supporting a structure, a slope greater than 3:1 or impounding Class I, II, or III – A liquids.

Section 107.1 shall be amended as follows:

The last sentence of this section is hereby deleted.

Section 111 All references to the Building Official in this section shall be amended to the ‘authority having jurisdiction’.

Section 202-A shall have the definition "Alley" amended as follows:

Alley is any public space or thoroughfare twenty feet (20’) wide or less, but not less than ten feet (10’) in width which has been dedicated or deeded to the public for public use, and provides a secondary means of vehicular access to abutting lots, and that is not intended for general traffic circulation, and is developed

in accordance with the applicable City standards.

Section 220-S shall have the definition "Street" added as follows:

Street is any thoroughfare, public park or public space not less than twenty feet (20') in width which has been dedicated or deeded to the public for public use and developed in accordance with the applicable City standards.

Section 503.1 shall be amended as follows:

Section 503.1 General. Building lots shall meet the following criteria in order to be approved and accepted for issuance of a building permit:

1. Buildings shall adjoin or have access to a public space, yard or developed street on not less than one side. Required yards shall be permanently maintained.
2. Building lots shall be bordered on at least one (1) side by a dedicated and developed street in accordance with the Zoning Code.
3. Existing platted lots recorded in the office of the Latah County Assessor and are lots of record.
4. All new proposed lots and lot divisions shall comply with the following:
 - A. The proposed use shall comply with the primary use for the appropriate zoning classification.
 - B. Lot size shall comply with the appropriate Zoning District for bulk and dimensional regulations.
 - C. The request for lot division or lot creation shall be referred to the Council and upon receipt of such request, the Council shall refer said request to the Building Official, who shall then review the request for compliance with the applicable ordinance. The decision of the Building Official shall then be reviewed by the Public Works/Finance Committee of the Council. The Public Works/Finance Committee shall then forward its recommendation to the

Council for final action.

5. For the purpose of this section, the center line of an adjoining public way shall be considered an adjacent property line. (See also Section 1205).
6. Eaves over required windows shall not be less than thirty inches (30") from the side and rear property lines.

Section 716.5.3 shall be deleted and replaced with "Shaft enclosures shall not be penetrated by ducts and air transfer openings." Exceptions 1, 2, 3, and 4, shall be deleted.

Section 903.2.8 shall be amended to read as follows:

Exception: An automatic fire sprinkler is not required in Group R containing two (2) units or less.

Section 1503.4 Roof Drainage shall read as follows:

Design and installation of roof drainage systems shall comply with the Uniform Plumbing Code, 2003 Edition.

Roof drainage shall terminate on the same property as the building or be connected with tight joint pipe to an approved storm collection system, or other approved drainage system.

Section 1602.1 shall be amended to include the following definitions:

Balcony, exterior: An exterior floor projecting from and supported by a structure without additional independent supports.

Deck: An exterior floor supported on at least two (2) opposing sides by an adjacent structure, and/or posts, piers or other independent supports.

Section 1604.1 General shall have added:

All roofs shall be designed to carry a minimum of forty (40) pounds per square foot (psf), unit live load, plus all required unit dead load. Potential accumulation of snow at valleys, parapets, roof structures and offsets in roofs of uneven configuration shall be considered.

Section 1607.1 shall be amended as follows:

- • •
- 5. Balconies (exterior) and decks^h
One hundred (100) psf Uniform load
- Decks not exceeding one hundred (100) sq. ft.
Sixty (60) psf Uniform load

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Section 1803.2.1 Investigations Required shall be added to read:

All foundations and basement walls on the lots listed below require geotechnical engineering:

1. Any lot with an excavation greater than eight feet (8') in depth.
2. Any lot with fill greater than four feet (4') in depth.
3. Any lot with a total slope of one to five (1:5) or twenty percent (20%) over the lot.
4. Any slope above the building site greater than ten feet (10') or with a slope greater than three to one (3:1).
5. Any site with apparent fill that has been determined not to be engineered fill.

Section 1809.7 shall be amended as follows:

Section 1809.7 Foundation Wall Thickness.

When one (1) floor is supported by the foundation, thickness of the foundation wall shall be six inches (6'') if concrete, and eight inches (8'') of unit masonry; width of footing shall be sixteen inches (16''); thickness of footing shall be eight inches (8''); depth below undisturbed ground surface shall be thirty inches (30'').

When two (2) floors are supported by the foundation, thickness of the foundation wall shall be eight inches (8'') if concrete, and eight inches (8'') if unit masonry; width of footing shall be sixteen inches (16''); thickness of footing shall be eight inches (8''); depth below undisturbed ground surface shall be thirty inches (30'').

When three (3) floors are supported by the foundation, thickness of the foundation wall shall be ten inches (10'') if concrete,

and ten inches (10'') if unit masonry; width of footing shall be twenty inches (20''); thickness of footing shall be ten inches (10''); depth below undisturbed ground surface shall be thirty inches (30'').

1. Where unusual conditions or frost conditions are found, footings and foundations shall be as required to be engineered.
2. The ground under the floor may be excavated to the elevation of the top of the footing.
3. Foundations may support a roof in addition to the stipulated number of floors. Foundations supporting roofs only shall be as required for supporting one (1) floor.

Section 1910.1 shall be amended to read: All slabs on grade require a minimum depth of four inches (4'') of minimum diameter five-eighths inch (5/8'') or three-quarter inch (3/4'') crushed rock sub-base or other approved material compacted to a minimum of ninety-five percent (95%) density.

Exception: Slabs on grade less than sixteen (16) square feet in flat surface area used for isolation, mechanical equipment pads, rubbish containers and sheds not larger than one hundred twenty (120) square feet in size.

All slabs required to be placed on compacted crushed rock base must have an approved surface sealer placed within twelve (12) hours of placing the concrete.

Random inspection of concrete placement shall be made by the Building Official to ensure that approved material is being placed in accordance with this Code.

Section 2308.10.10.1 shall be added to read as follows:

Roof trusses shall be braced to prevent rotation if the vertical distance, as measured from the top late to the bottom of the roof sheathing, is greater than twelve inches (12'') at the outside of the wall line. Such bracing shall be provided not less than eight feet (8') on center.

(Ord. 2002-22, 12/02/02; Ord. 2005-01, 01/15/2005; 2007-18, 12/17/2007; 2010-25, 12/20/2010)

Sec. 1-3. Adoption of Appendix Chapter 33 of the 1997 Uniform Building Code – Excavation and Grading.

Appendix Chapter 33 of the 1997 Uniform Building Code is hereby adopted to control excavation, grading, earthwork construction including fills and embankments; to establish the administrative procedure for issuance of related permits; and to provide for approval of plans and inspection of grading construction.

(Ord. 2002-22, 12/02/02)

Sec. 1-4. Amendments to Appendix Chapter 33 of the 1997 Uniform Building Code.

The following language shall be added to Appendix Chapter 33 of the 1997 Uniform Building Code, as adopted herein:

3306.2.10 When the total area planned for disturbance is less than ten thousand square feet (10,000).

Section 3309.10 is added to Appendix Chapter 33 of the 1997 Uniform Building Code as adopted herein as follows:

3309.10: ADMINISTRATIVE AUTHORITY. The Community Development Department shall have authority on projects that require approval by the Community Development Department prior to site disturbance and excavation, such as single-family and multiple-family dwellings, commercial and industrial buildings or parking areas. The City Engineer shall have authority on projects that require approval by the Engineering Department prior to site disturbance and excavation, such as subdivisions, platted developments, commercial projects, and any projects which impact the City's public right-of-way.

3316.3.0 Provisions of this Section are in addition to other portions of the Uniform Building Code, as adopted, and are in addition to all applicable federal and state regulations pertaining to erosion and sediment control and to storm-water

pollution prevention during site grading, excavation, or other activities that may accelerate soil erosion.

3316.3.1: DEFINITIONS: For the purpose of this Chapter, the following terms are defined:

- A. ACCELERATED EROSION: Erosion induced by human activity, which exceeds natural (geologic) erosion rates.
- B. EROSION: The wearing away of the ground surface as a result of the movement of wind, water, or ice.
- C. EROSION AND SEDIMENT CONTROL (ESC) PLAN: The document and plan of action approved by the City and prepared in accordance with the Moscow Erosion and Sediment Control Handbook, pursuant to which erosion and sediment control must be implemented and executed by the permit holder, responsible party, and/or the permit holder's contractor(s), subcontractor(s), agents and representatives.
- D. EROSION CONTROL PRACTICE: An activity, device, structure, or land treatment reasonably designed to minimize erosion potentially by protecting in-place soil from being dislodged and mobilized.
- E. EROSION RISK CATEGORY: The classification of an area of land subject to this Chapter pursuant to Section 3316.3.4. The Erosion Risk Category determines the appropriate erosion and sediment control action to be taken at the site.
- F. GRADING: Any excavating or filling, or combination thereof.
- G. MOSCOW EROSION AND SEDIMENT CONTROL HANDBOOK: Guidelines, suggested practices, and techniques which are related to erosion and sediment control adopted and modified from time to time by Resolution of the Council.
- H. NORMAL AND ACCEPTED FARMING PRACTICE: An overall management strategy and practice for

- farming that complies with widely accepted standards for conservation /stewardship of agricultural land.
- I. **RESPONSIBLE PARTY:** Any person, individual, group of individuals, association, firm, partnership, corporation, governmental agency, municipality, or contractor(s) granted a Grading Permit by the City. As the grading permit holder, the responsible party shall ensure compliance with this Chapter.
- J. **ROUTINE MAINTENANCE OR ALTERATIONS:** Practices conducted on a regular, periodic basis to maintain the integrity of transportation routes, rights-of-way, easements, public works, and the like.
- K. **SEDIMENT:** Soil particles transported by water or wind or a combination of both which is often subsequently deposited on the ground surface or in low-energy surface-water systems.
- L. **SEDIMENT CONTROL PRACTICE:** An activity, device, structure, or land treatment reasonably designed to inhibit the transport of sediment by inducing conditions to trap, settle, or otherwise remove sediment from the transporting media.
- M. **SIGNIFICANT QUANTITIES OF SEDIMENT:** Amounts of sediment that exceed thirty cubic feet (30) (0.85m³) or cover a ground surface area of at least six hundred square feet (600) (56m²) when deposited.
- N. **SITE:** Any lot or parcel of land or contiguous combination thereof, under the same ownership, where grading is performed or permitted.
- O. **SITE DISTURBANCE:** The act of destroying and/or removing vegetation and/or breaking the ground surface so as to expose bare soil and potentially induce accelerated erosion.
- P. **SLOPE (GRADIENT):** The mathematical ratio of horizontal distance to vertical distance, expressed as a percentage.
- Q. **SOIL:** Naturally occurring, superficial deposits overlying bedrock.
- R. **SPECIAL CONDITIONS:** As used in the assignment of an Erosion Risk Category, special conditions means those factors which increase the likelihood that sediments will not remain on site during soil disturbance.
- S. **STORM DRAIN INLETS:** Inlets or grates located along City streets and easements that receive surface water runoff and pass it into the public storm water drainage system.
- T. **STORM-WATER RUNOFF:** Water that flows along the ground surface in direct response to rain and/or snowmelt events.
- U. **SURFACE WATERS:** Ponds, lakes, streams (perennial and intermittent), as well as wetlands that support vegetation typically adapted for life in persistently wet soil conditions.
- V. **TRACKING OF SEDIMENT:** The process whereby the tires, wheels, or tracks of vehicles or construction equipment carry sediment to and then deposit it onto properties or public roadways adjacent to the construction site.
- 3316.3.2: **EROSION AND SEDIMENT CONTROL REQUIRED.**
- A. **SITE PRACTICES:** Grading, excavation, or other activities that accelerate soil erosion shall include industry-standard practices and shall be conducted in such a manner as to minimize soil erosion and contain sediment on the site. These site practices shall be implemented and maintained during site disturbance activities until the final-graded soils are vegetated or treated with long-term surface protection. Erosion and sediment control practices shall be at the discretion of the responsible party for the site, but shall not allow significant quantities of sediment to be delivered off-site.
- B. **TRACKING AND DUMPING:**
1. If any person tracks, dumps,

drops, or otherwise permits to be deposited, any soil, mud, rock (except within the public right-of-way when crushed aggregate is to be used for routine maintenance or alterations of public works), or other such debris onto adjacent property, surface waters, public right-of-ways, or into any part of the public surface water (storm water) drainage system, then such deposits shall be removed by the end of the work day or immediately if a safety hazard results or if there is a reasonable likelihood of causing irreparable harm to the site or to adjacent property. If washing is used to remove the material, then generally accepted sediment control practices shall be utilized to limit the amount of sediment being flushed or carried into natural surface waters or the public storm water drainage system.

2. The temporary storage of soil or rock materials not otherwise addressed by the applicable grading permit for the associated construction activities is permitted for a period of time not to exceed forty-eight (48) hours immediately following the time the City gives notice requiring removal of such materials to the responsible party, unless such temporary storage constitutes a reasonable likelihood of causing irreparable harm to the site or adjacent property or a loss of such materials into natural surface water or the public storm water drainage system. Where there is a reasonable likelihood that such materials cannot be stored temporarily without causing such harm or loss, such temporary storage is not permitted and the City shall order the immediate removal of the materials upon notice to the responsible party. Failure to remove temporary earth materials pursuant to this subsection is a violation of this Chapter.

C. DUST CONTROL: All disturbed sites with exposed soil surfaces or soil

stockpiles shall implement practices designed to minimize wind erosion and dust.

3316.3.3: PERMIT EXEMPTIONS:

A grading permit that addresses erosion and sediment control is not required for the following activities (however, all persons are subject to the requirements of Section 3316.3.2):

1. Routine maintenance or alterations of:
 - a) Railroads within the established railroad right-of-way;
 - b) State roadways within the State-owned right-of-way;
 - c) City streets or utilities within the public right-of-way when work is done by the City.
2. Work conducted by employees of the U.S. Government or the State of Idaho for the explicit purposes of that entity.
3. Landscaping or gardening by the property owner, provided that the work provides benefits for the owner's personal use and not for sale.
4. Work related directly to vegetable and flower gardens, orchards, lawns, or similar projects.
5. Activities that constitute normal and accepted farming practices.

3316.3.4: EROSION RISK CATEGORIES

- A. Factors to be Considered.
- Assignment of an Erosion Risk Category to the site shall be based upon information provided in the permit application and obtained by the City. Factors which shall be considered in determining the appropriate Erosion Risk Category:
1. The total site area to be disturbed during grading and construction exceeds eighteen thousand square feet (18,000) (1,670 sq.m).
 2. The steepest portion of the site that constitutes at least twenty five percent (25%) of the proposed area of disturbance exceeds a gradient of

twenty percent (20%) (5:1, horizontal to vertical).

3. The effects of site disturbance will persist into the time period from November 15 through April 15.

4. Steep slopes adjacent to the site.

5. Significant run-on water from upslope areas.

6. Significant stockpiles of soil to be stored on site.

7. Other special conditions deemed critical by City officials.

B. Categories.

1. **LOW-RISK SITE** (A site with less than four (4) of the above Factors, ESC Plan not required.): Low-risk sites do not require a written ESC Plan, but measures shall be taken by the responsible party to contain any eroded sediment on site.

2. **HIGH-RISK SITE** (A site with four (4) or more of the above Factors, ESC Plan required.): High-risk sites require a written ESC Plan prepared in accordance with the Moscow Erosion and Sediment Control Handbook or other methods approved pursuant to 3309.10 of this Chapter.

3316.3.5: SITE INSPECTION AND MAINTENANCE OF CONTROLS.

A. The written ESC Plan shall address the issues of inspection and maintenance of installed controls at the site. The responsible party shall conduct field inspections and shall perform any maintenance work needed to preserve the integrity of erosion and sediment controls. Field inspections shall occur at bi-weekly intervals and immediately after any significant surface-water runoff event which induces potential for erosion and sedimentation.

B. The responsible party shall follow acceptable procedures for the handling and storage of hazardous materials on the site to prevent contamination of sediment and storm water runoff leaving the site. Such procedures shall

be described in the written ESC Plan.

3316.3.6: SECURITY POSTED.

For any site with a proposed disturbed area that exceeds forty thousand (40,000) square feet (3,730 sq.m), no grading, excavation, or other site disturbance activity shall commence without the responsible party first submitting to the City proof of deposit of security to provide funds for rehabilitating the disturbed area. A performance bond, irrevocable letter of credit, cash escrow, or other security acceptable to the City, and naming the City as the protected party, shall be required from the responsible party until such security is released by the City. The amount of the security shall be no less than three percent (3) of the estimated total cost of grading and excavation.

3316.3.7: FAILURE TO COMPLY WITH ESC PLAN. Failure to comply with the conditions of the permit may result in issuance of stop work orders; non-issuance of building permits; holding of certificates of occupancy for residential, commercial, and industrial sites or similar action by the City until compliance is reached.

3317.9: MODIFICATIONS TO ESC PLAN. Any proposed changes or modifications to the ESC Plan shall be submitted in writing to the City for approval.

3318.2: COMPLETION OF WORK.

A. Upon completion of all grading work specified in the grading permit, the permit holder shall notify the City that conditions of the permit have been met and that the site is ready for final inspection. Final approval shall not be given until all work specified in the permit has been completed to the satisfaction of the City.

B. In cases where a site has received final approval and then is sold in a semi-developed condition to a subsequent purchaser, the subsequent purchaser shall assume responsibility for the site as the responsible party. If the subsequent purchaser intends to conduct grading or other soil

disturbing activity on the site other than that contained within the original permit for the site, then application must be made for a new permit which encompasses the additional activity on the site, unless otherwise exempted. Appropriate security under Section 3316.3.6 must be submitted for approval by the responsible party, unless otherwise exempted. Regardless of ownership or condition of a site, practices shall be implemented to prevent the delivery of significant quantities of sediment off-site.

(Ord. 2002-22, 12/02/02; 2010-25, 12/20/2010)

Sec. 1-5. Adoption of Manufactured Home Installation Standard.

- A. The Idaho Manufactured Home Installation Standard, 2004 Edition, published by the Idaho Division of Building Safety, is hereby adopted as the official manufactured installation standard of the City of Moscow, Idaho, and shall apply to the erection, construction, enlargement, and alteration of manufactured homes in the City.
- B. The City Clerk shall keep one (1) copy of the current adopted edition of the Idaho Manufactured Home Installation Standard on file.

(Ord. 2000-24, 10/2/2000; 2002-22, 12/02/02; 2010-25, 12/20/2010)