

**Chapter 4-04**

**MOVING, DEMOLITION OF BUILDINGS**

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**Section 4-04-01PURPOSE**

The purpose of this chapter is to provide certain minimum standards and requirements to safeguard public welfare, health, and safety by regulating and controlling the moving or demolition of buildings and structures.

(6608, Amended, 10/16/2007)

**Section 4-04-02PERMITS REQUIRED**

Without first securing the required permits from the Planning & Development Services Department and any other applicable agency it shall be unlawful to:

1. demolish any building, structure or part of a building or structure
2. place any moved building or structure on any lot or parcel of ground in the Boise City corporate limits, or
3. move any building or structure within the Boise City corporate limits to a location into or out of the Boise City corporate limits.

All applications for permits shall contain such information as may be deemed necessary to safeguard public welfare, health and safety during the moving or demolition of structures or portions of structures on public and private property and to ensure compliance with all applicable code requirements.

(6608, Amended, 10/16/2007)

**Section 4-04-03MOVING OF BUILDINGS**

All persons or entities placing any pre-existing building or structure on any lot or parcel of ground within the Boise City corporate limits or moving any building or structure within the Boise City corporate limits to a location into or out of the Boise City corporate limits shall comply with all of the following prior to any move;

**A. Application** Prior to actual relocation or placement of a building or structure the applicant shall submit for and secure all necessary City permits through the Planning & Development Services Department.

**B. 1. Post Bond** A bond is required to ensure a buildable site that is free of safety hazards and construction debris at the completion of the relocation of the existing structure(s). The permit applicant shall deposit and file a bond with the Planning & Development Services Department. The bond shall ensure that sufficient funds are available to repay the City for any expenditure

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incurred by the City for code required construction upgrades, protection or removal of property. The bond shall further ensure that the property is in a proper and safe condition after such removal and relocation, that all combustible and noncombustible debris or material is cleared away, and that any excavation remaining is filled in. All land disturbing activities, at both sites, shall be in compliance with the Construction Site Erosion Control Ordinance, BCC 8-17.

2. **Amount of Bond** The bond shall be kept and maintained in force and effect until all of the actions listed above have been completed. The bond amount shall be established in amounts equal to 3% of structure replacement square footage cost for the group and type of construction type as published in the latest edition of the Building Safety Journal, printed by the International Code Council. In the event the applicant fails to perform the duties and responsibilities imposed by this subsection, the bond shall be forfeited and utilized in an amount necessary to complete the duties and responsibilities of the applicant and any remaining bond amount shall be returned to the permit applicant.

C. **Insurance** Permit holders or authorized agents of permit holders moving dwellings or structures shall file a public liability insurance policy, or a certificate of liability insurance and endorsements with the Planning & Development Services Department providing limits for property damage and personal injuries in the minimum amount as specified in the Idaho Tort Claims Act set forth in Title 6, Chapter 9 of the Idaho Code in accordance with the scope of the work contemplated.

D. **Notification prior to move** The permit applicant shall certify, on permit application, to the Planning & Development Services Department that arrangements have been made with the owner of utilities and adjacent property(s) for the protection of such facilities when it is necessary to cut, repair, remove, raise or replace any cable, wires, piping or any objects whether they are publicly or privately owned that may interfere with the removal or placement of such building or structure. A similar list shall be provided in the vicinity of where the building structure is being located.

E. **Special permits** The permit applicant or his authorized agent, before moving dwellings or structures, shall obtain the required permits for overweight or oversized loads when moving buildings or structures over public right-of-way within Boise City limits as required in the Idaho Motor Vehicles Act set forth in Title 49, Chapter 10 of the Idaho Code. The City shall be given a copy of any required permits or certify that they have been obtained.

F. **Barrier needed** Any building or structure removed from its existing footing and foundation and elevated for relocation or any moved building or structure placed on any lot or parcel of ground in the Boise City corporate limits shall be enclosed with a readily visible barricade until removed from its original site or securely anchored to an approved footing and foundation. Open excavation exceeding 30 inches below existing grade shall also be enclosed with a readily visible barricade until such excavation is backfilled to match existing grade. The removal, anchoring of building or structure or backfilling of any open excavation shall not exceed 30 calendar days from issuance date of permit. The removal, anchoring of building or structure or backfilling of any open excavation exceeding 30 calendar days shall be enclosed with a 6 foot high construction fence constructed of wood, metal chain link or any other materials as approved by the Building Official.

G. **Building permit required** Relocated buildings or structures shall not be stored on any lot or parcel of ground within the Boise City corporate limits without an approved building permit issued from Planning & Development Services.

H. **Storage requirements** Requests for storage of buildings or structures shall be made in writing to the Director of Planning & Development Services and approved prior to issuance of a building permit. Approved storage of buildings or structures shall require the installation of a 6 foot high security fence constructed of wood, metal chain link or any other materials as approved by the Building Official, motion sensor activated security lighting and daily monitoring. Storage of such buildings or structures shall not exceed 180 calendar days. Security measures shall be to a degree that will prevent access.

I. **Abatement** Buildings or structures placed upon any lot or parcel without valid permits shall be subject to abatement as determined by Mayor and Council in accordance with the provisions set forth in Title 50, Chapter 3 of the Idaho Code. Buildings or structures placed on any lot or parcel without valid permits shall be immediately secured with a 6 foot high construction fence constructed of wood, metal chain link or any other materials as approved by the Building Official. If secured by the City, the City shall also levy a special assessment on the parcel to defray the cost or reimburse the city for the costs associated with fence construction or any additional security requirements that were required by the City of the property owner.

(6608, Amended, 10/16/2007)

#### **Section 4-04-04 DEMOLITION OF BUILDINGS**

A demolition shall include any full or partial demolition work. All applications to demolish any building or structure on any lot or parcel of ground in the Boise City corporate limits shall comply with all of the following prior to any demolition work occurring:

A. **Application** Prior to actual demolition the applicant shall submit for and secure all City required permits through the Planning & Development Services Department; and

B 1. **Post bond** A bond is required to ensure a buildable site that is free of safety hazards and construction debris at the completion of the demolition of the existing structure(s). The permit applicant shall deposit and file a bond with the Planning & Development Services Department. The bond shall ensure that sufficient funds are available to repay the City for any expenditure incurred by the City for the protection or removal of property. The bond shall further ensure the property is in a proper and safe condition after such removal, that all combustible and noncombustible debris or material is cleared away, and that any excavation remaining is filled in.

2. **Amount of bond** A bond shall be kept and maintained in force and effect until all of the scope of work of the permit is completed and the property is in a proper and safe condition after the structure is demolished. All combustible and noncombustible debris or material shall be cleared away and any remaining excavation is filled into ground level. The bond amount shall be established in amounts equal to 3% of the structure replacement square footage cost for the group and type of construction as published in the latest edition of the Building Safety Journal, printed by the International Code Council or by acceptable bid amounts submitted by State of Idaho registered and licensed contractors. In the event the applicant fails to perform the duties and responsibilities imposed by this subsection, the bond shall be forfeited and utilized and in an amount necessary to complete the duties and responsibilities of the applicant. Any funds remaining from the bond after it is utilized to perform the outstanding work on the permit shall be returned to the applicant.

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**C. Insurance** Property owners or authorized agents of permit holders demolishing dwellings or structures shall file a public liability insurance policy, or a certificate of liability insurance, and endorsements with the Planning & Development Services Department providing limits for property damage and personal injuries in the minimum amount as specified in the Idaho Tort Claims Act set forth in Title 6, Chapter 9 of the Idaho Code in accordance with the scope of the work contemplated; and

Exception: Property owners of single-family dwellings or structures, which are not licensed or established contractors or developers, demolishing the primary or secondary structures on the parcel without contract labor and equipment.

**D. Notification prior to demolition** The permit applicant shall certify to the Planning & Development Services Department, on permit application forms, that arrangements have been or will be made with the owner of utilities and adjacent property(s) for the protection of such facilities when it is necessary to cut, repair, remove, raise or replace any cable, wires, piping or any objects whether they are publicly or privately owned that may interfere with the demolition of such building or structure; and

**E. Debris removal** All combustible and non-combustible debris or material shall be removed from the premises on which the demolition is carried out within 30 calendar days from the completion of the demolition, or from the stoppage of the work thereon if the work remains uncompleted, unless the Planning & Development Services Department extends the time therefore because of weather, terrain, or other special circumstances, but such extension shall not exceed 90 calendar days.

It is unlawful for any owner or person in possession of real property to permit the debris to remain on the property without disposal. Any debris remaining 30 calendar days after the completion of the demolition work or from stoppage of work without an approved extension by the City shall constitute a public nuisance. Any unsupported portions of a building or structure or debris existing beyond the periods set forth above shall be subject to abatement by the City. Buildings or structures demolished upon any lot or parcel without valid permits shall be subject to abatement as determined by Mayor and Council in accordance with the provisions set forth in Title 50, Chapter 3 of the Idaho Code.

After removal of any structure, all foundations that will not be utilized in the permitted new construction shall be removed and all excavations filled in to the level of the adjoining grade. All land disturbing activities shall be in compliance with the Construction Site Erosion Control Ordinance, BCC 8-17. Plans shall be submitted to Boise City for any new construction proposed which utilize remaining foundations.

**F. Barrier needed** Any remaining foundations or open excavation exceeding 30 inches in depth below the existing grade approved for further use shall be surrounded by a readily visible barricade and be maintained until the new construction has progressed sufficiently to remove any hazards to the public for a period of time not to exceed 30 calendar days from the date of permit issuance. Any remaining foundations or open excavation exceeding 30 inches in depth below the existing grade approved for further use that constitutes a hazard to the public after 30 calendar days from date of permit issuance shall be enclosed with a 6 foot high construction fence constructed of wood, metal chain link or any other materials as approved by the Building Official.

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**G. Partial demolition** The partial demolition of buildings or structures that leaves or exposes an exterior wall(s) of an adjoining or adjacent building or structure shall be evaluated by all applicable Boise City Departments to ensure that currently adopted code provisions are met or maintained in both the remaining buildings or structures and any future developments or improvements. The remaining buildings or structures shall also be evaluated by an Idaho licensed engineer for structural integrity. Any additional Boise City or structural engineering requirements shall be included in the demolition permit and the associated costs bonded for as herein provided. The scope of work identified in this demolition permit shall be completed within 90 calendar days of permit issuance or the bond shall be forfeited and utilized in an amount necessary to complete the duties and responsibilities of the permit applicant. After work has been completed, any remaining bond amount shall be returned to the permit applicant.

**H. Existing parking surfaces** Existing asphalt and concrete parking surfaces adjacent to or surrounding the removed structure(s) and covering 50% or more of the parcel shall be allowed to remain providing a method of soil stabilization as required in the Construction Site Erosion Control Ordinance, BCC 8-17. Prior to issuance of a demolition permit, a written request to the Planning & Development Services Department must be submitted and approved to enable existing building surfaces to remain in tact onsite.

**I. Abatement** Demolition of buildings or structures begun without valid permits shall be subject to abatement as determined by Mayor and Council in accordance with the provisions set forth in Title 50, Chapter 3 of the Idaho Code. Buildings or structures under demolition without valid permits shall be immediately secured with a 6 foot high construction fence constructed of wood, metal chain link or any other materials as approved by the Building Official. If secured by the City, the City shall also levy a special assessment on the parcel to defray the cost or reimburse the city for the costs associated with fence construction or any additional security requirements that were required by the City of the property owner.

(6608, Amended, 10/16/2007)

### Section 4-04-05 VIOLATION AND PENALTY

**A. Criminal Penalties** 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.

**B. Civil Penalties** Any person, firm or corporation violating any provision of this Code may have civil penalties assessed against them. A new violation may be filed for each day the violation continues. The violation will have a date when the violation continues. The violation will have a date when the violation shall be paid by, if it is not paid by that date, the City shall pursue collections through court and will ask the court to reimburse for all costs and fees associated with collecting the penalty. Any person who violates any provision of this Code shall be subject to a civil penalty of not more than two hundred dollars (\$200.00) for the first offense and a civil penalty of not more than one thousand (\$1,000.00) for each offense thereafter.

(6608, Amended, 10/16/2007)

### Section 4-04-06 APPEAL

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Any person, firm or corporation aggrieved by any action or decision of the Planning & Development Services Department arising out of the enforcement of this Chapter may appeal the same to the Boise City Council. Such appeal shall be made in writing and must be filed with the City Clerk within ten (10) calendar days after the action or decision which is the subject of the appeal.

(6608, Amended, 10/16/2007)