

Chapter 4-08

UNIFORM HOUSING CODE

Sections:

4-08-01 CODE ADOPTED

4-08-02 AMENDMENTS

Section 4-08-01 CODE ADOPTED

The ordinances of a general and permanent character relating to and establishing rules and regulations for the construction, maintenance and use of all buildings and structures, or portions thereof, to be used for human habitation, and similar work relating to the construction, maintenance and use of buildings or structures as said ordinances are printed and contained in a book in code form designated and entitled "Uniform Housing Code", 1976 Edition, printed under the authority of the International Conference of Building Officials, three (3) copies of which are on file in the office of the City Clerk, be, and the same hereby are, ratified, approved and adopted as the Uniform Housing Code of Boise City. (Ord. 4182, 2-13-78)

Section 4-08-02 AMENDMENTS

A. Sec. H-201 is hereby amended as follows:

Sec. H-201:

a. Authority. The Building Director is hereby authorized and directed to administer and enforce all of the provisions of this Code.

b. Right of Entry. Whenever necessary to make an inspection to enforce any of the provisions of this Code, or whenever the Building Director 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 substandard as defined in Section H-202 of this Code, the Building Director or his authorized representative may enter such building or premises at all reasonable times to inspect the same or to perform any duty imposed upon the Building Director by this Code; provided that if such building or premises be 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 Building Director or his authorized representative shall have recourse to every remedy provided by law to secure entry.

c. Responsibilities Defined. Every owner remains liable for violations of duties imposed upon him by this Code even though an obligation is also imposed on the occupants of his building, and even though the owner has, by agreement, imposed on the occupant the duty of furnishing required equipment or of complying with this Code.

Every owner, or his agent, in addition to being responsible for maintaining his building in a sound structural condition, shall be responsible for keeping that part of the building or premises which he occupies or controls in a clean, sanitary, and safe condition including

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the shared or public areas in a building containing two (2) or more dwelling units.

Every owner shall, where required by this Code, the health ordinance or the health officer, furnish and maintain approved devices, equipment, or facilities for the prevention of insect and rodent infestation, and where infestation has taken place, shall be responsible for the extermination of any insects, rodents, or other pests when such extermination is not specifically made the responsibility of the occupant by law or ruling.

Every occupant of a dwelling unit, in addition to being responsible for keeping in a clean, sanitary and safe condition that part of the dwelling or dwelling unit or premises which he occupies and controls, shall dispose of all his rubbish, garbage, and other organic waste in a manner required by the health ordinance and approved by the health officer.

Every occupant shall, where required by this Code, the health ordinance or the health officer, furnish and maintain approved devices, equipment or facilities necessary to keep his premises safe and sanitary. (Ord. 3187, 6-1-71)

- B. Sec. H-203 is hereby amended to read as follows:

Sec. H-203. Housing Advisory and Appeals Board.

In order to provide for final interpretation of the provisions of this Code and to hear appeals provided for hereunder, there is hereby established a Housing Advisory and Appeals Board consisting of the Mayor and Council. Appeals to the Board shall be processed in accordance with the provisions contained in Section H-1201 of this Code and the Board shall render all decisions and findings in writing to the appellant with a copy to the Building Director. (Ord. 4596, 4-6-81)

- C. Sec. H-204 is hereby amended to read as follows:

Sec. H-204. Violations.

No person, firm or corporation, whether as owner, lessee, sublessee, or occupant, shall erect, construct, enlarge, alter, repair, move, improve, remove, demolish, equip, use, occupy, or maintain any building or premises or cause or permit the same to be done, contrary to or in violation of any of the provisions of this Code or any order issued by the Building Director pursuant to the provisions of this Code.

Any person, firm or corporation violating any of the provisions of this Code shall be guilty of a misdemeanor, and such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any provisions of this Code is committed, continued or permitted, and upon the conviction of any such violation such person shall be punishable by a fine of not more than one thousand dollars (\$1,000.00) or by imprisonment of not more than one hundred eighty (180) days, or by such fine and imprisonment.

- D. Section H-401 is hereby amended to read as follows:

Section H-401. Definitions.

For the purpose of this Code, certain abbreviations, terms, phrases, words, and their derivatives shall be construed as specified in Chapters 4 and 33 of the Uniform Building Code.

EFFICIENCY LIVING UNIT. Efficiency living unit is any room having cooking facilities used

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for combined living, dining, and sleeping purposes and meeting the requirements of Section H-503 b. Exception.

HEALTH OFFICER. Health officer shall be the legally designated head of the Department of Health of this City.

HOT WATER. Hot water shall be water at a temperature of not less than one hundred twenty degrees (120°F).

NUISANCE. The following shall be defined as nuisances:

- a. Any public nuisance known at common law or inequity jurisprudence.
- b. Any attractive nuisance which may prove detrimental to children whether in a building, on the premises of a building, or upon an unoccupied lot. This includes any abandoned wells, shafts, basements, or excavations; abandoned refrigerators and motor vehicles; or any structurally unsound fences or structures; or any lumber, trash, fences, debris, or vegetation which may prove a hazard for inquisitive minors.
- c. Whatever is dangerous to human life or is detrimental to health, as determined by the health officer.
- d. Overcrowding a room with occupants.
- e. Insufficient ventilation or illumination.
- f. Inadequate or unsanitary sewage or plumbing facilities.
- g. Uncleanliness, as determined by the health officer.
- h. Whatever renders air, food, or drink unwholesome or detrimental to the health of human beings, as determined by the health officer.

OCCUPIED SPACE. The total area of all buildings or structures on any lot or parcel of ground projected on a horizontal plane excluding permitted projections as allowed by this Code.

ROOMING HOUSE. See Lodging House.

SUPERFICIAL FLOOR AREA. The superficial floor area shall mean the net floor area within the enclosing walls of the room in which the ceiling height is not less than five feet (5'), excluding built-in equipment such as wardrobes, cabinets, kitchen units, or fixtures.

UNIFORM BUILDING CODE shall mean the Uniform Building Code, Volume I, 1970 Edition, published by the International Conference of Building Officials.

E. Sec. H-503 be amended to read as follows:

H-503. Room Dimensions.

- a. **Ceiling Heights.** Habitable rooms, bathrooms, toilet rooms and laundry rooms shall have a ceiling height of not less than seven feet six inches (7'6"); except that ceiling

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heights in habitable rooms, bathrooms, toilet rooms and laundry rooms in H & I occupancies constructed and erected prior to the passage of this Ordinance may be less than seven feet six inches (7'6") when approved by the Building Inspector. Hallways, corridors, bathrooms and toilet rooms shall have a ceiling height of not less than seven feet (7') measured to the lowest projection from the ceiling.

If any room in a building has a sloping ceiling, the prescribed ceiling height for the room is required in only one-half (1/2) the area thereof

No portion of the room measuring less than five feet (5') from the finished floor to the finished ceiling shall be included in any computation of the minimum area thereof.

If any room has a furred ceiling, the prescribed ceiling height is required in two-thirds (2/3) the area thereof, but in no case shall the height of the furred ceiling be less than seven feet (7').

b. Superficial Floor Area. Every dwelling unit shall have at least one room which shall have not less than one hundred twenty (120) square feet of superficial floor area. Every room which is used for both cooking and living or both living and sleeping purposes shall have not less than one hundred fifty (150) square feet of superficial floor area. Every room used for sleeping purposes shall have not less than ninety (90) square feet of superficial floor area. Where more than two (2) persons occupy a room used for sleeping purposes the required superficial floor area shall be increased at the rate of fifty (50) square feet for each occupant in excess of two (2).

Exception: Nothing in this Section shall prohibit the use of an efficiency living unit meeting the following requirements:

1. The unit shall have a living room of not less than two hundred twenty (220) square feet of superficial floor area. An additional one hundred (100) square feet of superficial floor area shall be provided for each occupant of such unit in excess of two (2).
2. The unit shall be provided with a separate closet.
3. The unit shall be provided with a kitchen sink, cooking appliance and refrigeration facilities each having a clear working space of not less than thirty inches (30") in front. Light and ventilation conforming to this Code shall be provided.
4. The unit shall be provided with a separate bathroom containing a water closet, lavatory, and bathtub or shower.

c. Width. No habitable room shall be less than seven feet (7') in any dimension and no water closet space less than thirty inches (30") in width and shall provide a clear space in front of the water closet not less than twenty-four inches (24"). (Ord. 3187, 6-1-71)

F. Sec. H-303.

a. All buildings or structures within the scope of this Code and all construction or work for which a permit is required shall be subject to inspection by the Building

Official in accordance with and in the manner provided by this Code and Sections 340 and 305 of the Uniform Building Code.

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b. In addition to any other fee authorized by the Uniform Building Code, an inspection fee of \$25.00 for each existing dwelling unit for which an inspection is requested by the Federal Housing Authority and the Veterans Administration shall be assessable to and payable by the owner and seller of such existing dwelling unit.

c. All housing inspections of existing dwelling units so requested by the Federal Housing Authority and the Veterans Administration shall be processed as provided for in Chapter 3 of the Uniform Building Code of Boise City. (Ord. 3309, 4-3-72)

Ordinance No. 3187 is hereby amended by deleting and repealing Chapters 15 and 16 of the "Uniform Building Code", Volume III (Housing), 1970 edition printed under the authority of the International Conference of Building Officials and as said "Uniform Building Code" was adopted as amended by Ordinance No. 3187. (Ord. 3312, 4-11-72) (Ord. 6565, Amended, 05/15/2007)