

City Code – Title 9: Building Codes and Regulations / Chapter 12

Chapter 12

Moving, Deconstruction or Demolition of Buildings

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9-12-1: Purpose

The purpose of this Chapter is to provide minimum standards and requirements, independent of and complimentary to, other adopted building codes of Boise City, in order to safeguard the public welfare, health, and safety by regulating and controlling the moving, deconstruction, or demolition of buildings and structures.

9-12-2: Definitions

For the purposes of this Chapter, the following terms, phrases, words, and derivations shall have the meaning given herein. Words used throughout this chapter, but not defined herein, shall be afforded their plain, ordinary, commonly accepted meaning. When not inconsistent with the context, words used in the present tense include the future tense, words in the plural form include the singular form, and words in the singular form include

the plural form. The word "shall" is always mandatory and not merely permissive or directive. Words in any gender shall apply to the feminine, masculine, and neuter.

DECONSTRUCTION. The systematic dismantling of a building or structure, typically in the opposite order it was constructed, in order to maximize the salvage of materials for reuse, in preference over salvaging materials for recycling, energy recovery, or sending the materials to the landfill as waste. Deconstruction includes both partial deconstruction and full or complete deconstruction.

DEMOLITION. Destruction and removal of partial or all components and materials of a building or structure from a lot or parcel, typically with use of heavy machinery.

MOVED BUILDING. A building or structure to be relocated or moved from its original or current location to another location, lot or parcel, whether within City limits or outside of City limits.

RECYCLE. The processing of waste materials into new products or material for use in other products.

REUSE. The utilization of a product or material previously installed or used for the same or similar function in order to extend its life.

9-12-3: Code Official

The building official as defined and established by the *International Building Code* as incorporated into the Building Code of Boise City, and as defined and established by the *International Residential Code* as incorporated into the One-And-Two-Family Dwelling Building Code of Boise City, shall be the code official responsible for administering, interpreting, and enforcing this code.

9-12-4: Permit Required

A. Unlawful Acts without Permit. It shall be unlawful to perform the following acts without first obtaining a permit to perform such work:

1. Deconstruct or demolish any building, structure, or portion thereof;
2. Move any building or structure on to any lot or parcel of ground within the city of Boise City ("City"); or
3. Move any building or structure within the City to a location outside of the City limits.

B. Application For Permit. To obtain a permit, the applicant shall first file an application on a form furnished by the Building Division in Planning and Development Services for that purpose. All permit applications shall contain any information as may be required by the Planning and Development Services department for the moving, deconstruction, or demolition of buildings or structures or portions of buildings or structures on public and private property and to ensure compliance with all applicable adopted code requirements.

C. **Permit Fees.** Permit fees shall be assessed in accordance with the provisions of the Boise City Building Code Fee Schedule as adopted by the City Council.

D. **Planning Review/Approval.** Review and approval from the Planning Division of Planning and Development Services shall be obtained prior to permit issuance.

9-12-5: Moving Of Buildings

All persons or entities prior to moving any existing building or structure within the City or moving any building or structure to a location out of the City limits, shall comply with the following:

A. **Application.** Prior to actual relocation or placement of a moved building or structure, the applicant shall apply for and obtain all necessary permits. A proprietary inspection shall first occur at the site.

B. **Bond.** Prior to moving any building or structure, the applicant shall post a surety bond as follows:

1. **General.** The building official shall require bonds in such forms as deemed necessary to ensure the mitigation of hazardous conditions resulting from work occurring in conjunction with the relocation of building and structures, beneath large structures, or on projects having unique site conditions, for the existing site, the relocation site or for both sites. The building official may cash the bond and the proceeds from the posted bond shall be used to correct or eliminate hazardous conditions on the sites when the permit applicant fails to complete work in accordance with approved plans, specifications, and permits. The amount of the bond required shall be in conformance with this Chapter.

In lieu of a surety bond, the building official may allow the applicant to post a cash bond or instrument of credit with the building official in an amount equal to that which would be required in the surety bond. The bond shall ensure that sufficient funds are available to repay the city of Boise City for any expenditure incurred by the City for the protection or removal of property, both real and personal. The bond shall further ensure the properties are in a proper and safe condition, that all combustible and non-combustible materials are removed, and that any remaining excavation is filled.

2. **Amount Of Bond.** The bond shall be kept and maintained in force and effect until all of the work required by the permit has been completed and the property has been put into proper and safe condition after the structure is moved. All combustible and noncombustible debris or material shall be cleared away and any remaining excavation is filled in to ground level. The bond amount shall be established upon local construction market rates approved by the building official or in an amount equal to three percent (3%) of structure replacement square footage cost for the occupancy group and type of construction noted in the Building Valuation Data, published by the International Code Council.

In the event the applicant fails to perform the duties and responsibilities imposed by this Chapter, the bond shall be forfeited and may be utilized in an amount necessary to complete the duties and responsibilities of the applicant or to adequately secure the site, building or structure. Any funds remaining from the bond after it is utilized to perform the outstanding work on the permit shall be returned to the permit applicant.

C. Insurance. Permit holders moving buildings or structures shall provide a public liability insurance policy, or a certificate of liability insurance and endorsements to the Planning and Development Services Department. The limits of coverage shall include property damage and personal injuries in the minimum amounts as specified in the Idaho Tort Claims Act set forth in Idaho Code Title 6, Chapter 9 and shall cover any work or activity performed under the permit.

D. Notification Prior To Move. The permit applicant shall certify, on the permit application, to the Planning and Development Services Department that arrangements have been made or will be made with the owner of utilities and adjacent properties for the protection of such facilities when it is necessary to cut, repair, remove, raise, or replace any cable, wire, piping, or any objects, whether they are publicly or privately owned, that may interfere with the removal, move, or placement of such building or structure at each applicable site.

E. Special Permits. The permit applicant, before moving buildings or structures, shall obtain the required permits including Erosion and Sediment Control, Public Works Sewer Plug, and for overweight or oversized loads when moving buildings or structures over public right-of-way within the City limits as required in the Idaho Motor Vehicles Act set forth in Idaho Code Title 49, Chapter 10. The City shall be provided with verification or 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 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 thirty inches (30") 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 thirty (30) calendar days from issuance date of permit. The removal, anchoring of building or structure, or the backfilling of any open excavation exceeding thirty (30) calendar days shall be enclosed with a minimum six foot (6') high construction fence constructed of wood, metal chain link, or any other method as approved by the building official.

G. Storage Approval Required. Relocated buildings or structures shall not be stored on any lot or parcel of ground within the City limits without approval from the Planning Division and/or Building Division in Planning and Development Services.

H. Storage Requirements. Requests for storage of buildings or structures on a site shall be made in writing to the Planning Division in Planning and Development Services prior to

moving the building or structure. No approvals or permits shall be issued unless the written request is approved.

Approved storage of buildings or structures shall require the installation of a minimum six foot (6') high fence constructed of wood, metal chain link, or any other method as approved by the building official. Additional security measures such as motion sensor activated security lighting and/or regular monitoring may be required. Storage of such buildings or structures shall not exceed one hundred eighty (180) calendar days unless a valid extension is granted. Security measures shall be to a degree that will prevent access.

I. **Abatement.** Buildings or structures placed upon any lot or parcel without a valid permit, or where work is abandoned under a valid permit, may be subject to abatement and reimbursement as provided by Idaho Code or Boise City Code. Buildings or structures placed on any lot or parcel with or without a valid permit may be required to be secured with a minimum six foot (6') high fence constructed of wood, metal chain link, or any other method as approved by the building official.

9-12-6: Reserved

9-12-7: Deconstruction or Demolition Of Buildings

A deconstruction or demolition shall include any full or partial deconstruction or demolition work. All applications to deconstruct or demolish any building or structure on any lot or parcel of ground within the City shall comply with the following prior to any deconstruction or demolition work occurring:

A. **Application.** Prior to actual deconstruction or demolition, the applicant shall apply for and obtain all necessary permits. A site inspection shall first occur at the site.

B. **Bond.** Prior to deconstruction or demolition of any building or structure, the applicant shall post a surety bond as follows:

1. **General.** The building official shall require bonds in such forms as deemed necessary to ensure the mitigation of hazardous conditions resulting from work occurring in conjunction with the deconstruction or demolition of building and structures, beneath large structures, or on projects having unique site conditions, for the existing site. The building official may cash the bond and the proceeds from the posted bond shall be used to correct or eliminate hazardous conditions on the site when the permit applicant fails to complete work in accordance with approved plans, specifications, and permits. The amount of the bond required shall be in conformance with this Chapter.

In lieu of a surety bond, the building official may allow the applicant to post a cash bond or instrument of credit with the building official in an amount equal to that which would be required in the surety bond. The bond shall ensure that sufficient funds are available to repay the city of Boise City for any expenditure incurred by the City for the protection or removal of property, both real and personal. The bond shall further ensure the property is in a proper and safe

condition, that all combustible and non-combustible materials are removed, and that any remaining excavation is filled.

2. **Amount Of Bond.** The bond shall be kept and maintained in force and effect until all of the work required by the permit has been completed and the property has been put into proper and safe condition after the structure is deconstructed or demolished. All combustible and noncombustible debris or material shall be cleared away and any remaining excavation is filled in to ground level. The bond amount shall be established upon local construction market rates approved by the building official or in an amount equal to three percent (3%) of the structure replacement square footage cost for the occupancy group and type of construction noted in the Building Valuation Data, published by the International Code Council.

In the event the applicant fails to perform the duties and responsibilities imposed by this Chapter, the bond shall be forfeited and may be utilized and in an amount necessary to complete the duties and responsibilities of the applicant or to adequately secure the site, building, or structure. Any funds remaining from the bond after it is utilized to perform the outstanding work on the permit shall be returned to the applicant.

C. Insurance.

1. **General:** Permit holders deconstructing or demolishing buildings or structures shall provide a public liability insurance policy, or a certificate of liability insurance, and endorsements to the Planning and Development Services Department. The limits of coverage shall include property damage and personal injuries in the minimum amount as specified in the Idaho Tort Claims Act set forth in Idaho Code Title 6, Chapter 9 and shall cover any work or activity performed under the permit.

2. **Exception:** Property owners of single-family dwellings or structures, who are not licensed, registered or established contractors or developers, deconstructing or demolishing the primary or secondary buildings or structures on the parcel without contract labor and equipment, are exempt from providing verification of insurance.

D. **Notification Prior To Deconstruction or Demolition.** The permit applicant shall certify, on the permit application, to the Planning and Development Services Department that arrangements have been or will be made with the owner of utilities and adjacent properties for the protection of such facilities when it is necessary to cut, repair, remove, raise, or replace any cable, wire, piping, or any objects, whether they are publicly or privately owned, that may interfere with the deconstruction or demolition of such building or structure.

E. **Special Permits.** The permit applicant, before deconstructing or demolishing buildings or structures, shall obtain the required permits including Erosion and Sediment Control and Public Works sewer plug. The City shall be provided with verification or a copy of any required permits or certify that they have been obtained.

F. Debris Removal.

1. All combustible and noncombustible debris or material shall be removed from the premises on which the deconstruction or demolition is carried out within thirty (30) calendar days from the completion of the deconstruction or demolition, or from the stoppage of the work thereon if the work remains uncompleted, unless the Planning and Development Services Department extends the time therefor because of weather, terrain, or other special circumstances, but such extension shall not exceed ninety (90) calendar days.

2. It is unlawful for any owner or person in possession of real property to permit the debris to remain on the property without removal. Any debris remaining thirty (30) calendar days after the completion of the deconstruction or demolition work or from stoppage of work without an approved extension by the City shall constitute a nuisance as defined by Idaho Code or Boise City Code. Any unsupported portions of a building or structure or debris existing beyond the periods set forth above may be subject to abatement by the City. Buildings or structures deconstructed or demolished upon any lot or parcel without valid permits, or where work is abandoned under a valid permit, may be subject to abatement as authorized by Idaho Code or Boise City Code.

3. After removal of any building or structure, all foundations that will not be utilized in the permitted new construction shall be removed and all excavations shall be filled in to the level of the adjoining grade. All land disturbing activities shall be performed in compliance with "Construction Site Erosion Control", of this Title in Boise City Code. An application and plans shall be submitted to the City for any new construction proposed which utilize remaining foundations, under a separate permit.

G. Barrier Needed. Any remaining foundations or open excavation exceeding thirty inches (30") in depth below the existing grade approved for further use shall be surrounded by a readily visible barricade and be maintained until the construction has progressed sufficiently to remove any hazards to the public for a period of time not to exceed thirty (30) calendar days from the date of permit issuance. Any remaining foundations or open excavation exceeding thirty inches (30") in depth below the existing grade approved for further use that constitutes a hazard to the public after thirty (30) calendar days from date of permit issuance shall be enclosed with a minimum six foot (6') high fence constructed of wood, metal chain link or any other method as approved by the building official.

H. Partial Deconstruction or Demolition. The partial deconstruction or demolition of buildings or structures that leaves or exposes an exterior wall of an adjoining or adjacent building or structure shall be evaluated by all applicable 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 a State licensed engineer for structural integrity. Any additional City or structural engineering requirements shall be included in the deconstruction or demolition permit and the associated costs bonded for as herein provided. The scope of work identified in this deconstruction or demolition permit shall be completed or the bond shall be forfeited and may be utilized in an amount necessary to complete the duties and responsibilities of the permit applicant or to adequately secure

the site, building, or structure. After work has been completed, any remaining bond amount shall be returned to the permit applicant.

I. **Existing Parking Surfaces.** Existing asphalt and concrete parking surfaces adjacent to or surrounding the removed building or structure and covering fifty percent (50%) or more of the parcel shall be allowed to remain, providing a method of soil stabilization as required in "Construction Site Erosion Control", of this Title in Boise City Code. Prior to issuance of a deconstruction or demolition permit, a request to the Planning and Development Services Department must be submitted and approved to enable existing building surfaces to remain intact on site.

J. **Abatement.** Deconstruction or demolition of buildings or structures begun without a valid permit, or where work is abandoned under a valid permit, may be subject to abatement and reimbursement as provided by Idaho Code or Boise City Code. Buildings or structures under deconstruction or demolition with or without valid permits may be required to be secured with a minimum six foot (6') high fence constructed of wood, metal chain link or any other method as approved by the building official.

9-12-8: Deconstruction and Demolition Material and Waste Management

Where buildings, structures, or portions thereof are deconstructed or demolished, applicable individual materials shall be diverted from landfill waste as specified in the Deconstruction and Demolition Material and Waste Management Plan established by Boise City. The Deconstruction and Demolition Material and Waste Management Plan shall be completed by a designated Recycling/Reuse Coordinator, that includes procedures for deconstruction or demolition, and that documents the total materials from sites, buildings, structures, and portions thereof, to be deconstructed or demolished and the materials to be diverted for recycle or reuse purposes, including destinations of diverted materials and hauling method.

Exceptions:

1. Where evidence can be shown that certain types of buildings or structures, or portions thereof, do not have acceptable or adequate materials for recycle or reuse, divert materials to the maximum extent possible, with building official approval.
2. Where evidence can be shown that the building or structure, or portion thereof, has excessive damage from conditions such as hazardous materials, fire damage, water damage, rot, mold, etc., may be exempt, with building official approval.
3. Buildings or structures, or portions thereof, ordered to be abated under the City Dangerous Buildings Code may be exempt, with building official approval.

9-12-9: Deconstruction and Demolition Material and Waste Management Plan

The Deconstruction and Demolition Material and Waste Management Plan established by Boise City shall be completed and implemented by a designated Recycling/Reuse Coordinator to recycle or salvage deconstruction and demolition materials for reuse. The

Estimation Proposal plan shall be submitted for review and approval upon submittal of an application for a permit. The Actual Diversion Report shall then be submitted for review after the deconstruction and/or demolition project work is completed. The Deconstruction and Demolition Material and Waste Management Plan shall comply with this Chapter and contain the following information:

1. Materials to be diverted from waste disposal in landfills by recycling, reuse, manufacturer's reclamation, salvage for future reuse, donation, or sale shall be specified and include destinations of diverted materials and hauling method.
2. The quantity of materials to be diverted shall be specified and shall be specified by weight whenever possible. When the receiving facility does not have the ability to weigh materials, quantity may be estimated or reported in cubic yards.
3. Recycling, reuse, and landfill receipts, weight tickets, hauler receipts, and other documentation related to diversion shall be maintained through the course of deconstruction or demolition, and submitted to the building official, or designee, for verification prior to the return of the bond on the project.

9-12-10: Appeal

Any person, firm, or corporation aggrieved by any action or decision of the Planning and Development Services Department arising out of the enforcement of this Chapter may appeal the same to the Building Code Board of Appeals and to the City Council in accordance with the provisions, procedures, and fee adopted under the Building Code and One-And-Two-Family Dwelling Building Code of Boise City Code.

9-12-11: Criminal Penalties

Any person, firm, or corporation violating the provisions of this code shall be deemed guilty of 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 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.