

City Code – Title 9, Chapter 4, Plumbing Code

Proposed Amendments (DRAFT 7/3/24)

- Amend City Code, Title 9, Chapter 4, Plumbing Code, Section Table of Contents (portion altered), as follows:

SECTION:

9-4-18: Idaho State Plumbing Code Amendment, Section 106.3, Criminal Penalties and Noncompliance

- Amend City Code 9-4-7, Add Section 103.1.2, Deputies, as follows:

103.1.2 Deputies. The code official shall have the authority to designate deputy code officials, ~~or~~ assistant plumbing inspectors/plans examiners, and code compliance officers as necessary. Such employees shall have such powers and authority as delegated by the Director and/or code official. The chief plumbing inspector, deputies, or assistant plumbing inspectors/plans examiners shall be knowledgeable in plumbing installations and hold a valid certificate of competency as a journeyman plumber issued by the State of Idaho. All inspectors shall be skilled in plumbing installations with not less than five (5) years of experience as a journeyman plumber, and shall be familiar with the provisions of this Chapter. ~~Such deputies shall have powers as delegated by the code official.~~ No deputy or inspector/plans examiner employed by the City shall be permitted to be engaged in or possess a financial interest in a plumbing business, trade, practice, or work related to this Chapter, or to sell any supplies connected to a plumbing business, nor act as an agent, directly or indirectly, for any person, firm, co-partnership, association, or corporation so engaged in plumbing.

- Amend City Code 9-4-18, Section 106.3, Criminal Penalties and Noncompliance, as follows:

Section 106.3 of the "Idaho State Plumbing Code" is hereby repealed and replaced to read as follows:

106.3 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 Division Manager of the Building Division, 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 and code official, to gain compliance with this Chapter of City Code for noncompliant cases.

For unaddressed noncompliant items at a building or site, the code 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 code 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.