

## Chapter 4-01

### PLUMBING CODE

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#### Section 4-01-01 PURPOSE

The purpose of this Ordinance is to provide standards for the installation of plumbing, drainage, medical gas and vacuum systems and to provide for the qualification and licensing of persons engaged in the business of plumbing, or laboring at the trade of plumbing.

(6623, Repealed & Replaced, 12/11/2007; 3701, Added, 08/18/1975)

#### Section 4-01-02 EFFECTIVE DATE OF ADOPTED CODES

All the rules, regulations and ordinances of a general and permanent character relating to and applying to the qualifications and licensing of persons engaged in the business of plumbing, or laboring at the trade of plumbing, as said rules, regulations and ordinances are printed and contained in a book in code form designated and entitled "Idaho State Plumbing Code", being the most current Edition printed and published under the authority of the State of Idaho, and as adopted by the State of Idaho in Title 54 Chapter 26 of Idaho Code, together with rules and regulations, (excepting the deletion of Idaho State

Code Chapter 13, Medical Gas Systems), as adopted by the State of Idaho, be, and the same hereby are, ratified and adopted as the "Plumbing Code of Boise City" and as ratified and adopted shall be the rules, regulations and ordinances governing the installation or alteration of plumbing and drainage systems and the qualification and licensing of persons engaged in the business of plumbing, or laboring at the trade of plumbing, except as the said rules, regulations and ordinances are changed, altered and amended by this Ordinance. One (1) copy of the aforesaid "Idaho State Plumbing Code" duly certified by the City Clerk, together with said rules and regulations, (excepting deletion of Idaho State Plumbing Code Chapter 13, Medical Gas Systems), adopted by the Idaho Department of Building Safety, Plumbing Division, shall be filed for use and examination by the public in the office of the City Clerk.

(ord-44-13, 11/19/2013; 6792, Amended, 11/09/2010; 6623, Repealed & Replaced, 12/11/2007; 5838, Amended, 02/24/1998; 5388, Amended, 04/21/1992; 4873, Amended, 11/18/1985; 4775, Amended, 03/19/1984; 4448, Added, 09/17/1979)

#### **Section 4-01-03 APPLICATION AND SCOPE**

The provisions of this Code shall apply to all new construction, relocated buildings, and to any alterations, repairs or reconstruction of existing buildings.

(6623, Repealed & Replaced, 12/11/2007)

#### **Section 4-01-04 IDAHO STATE PLUMBING CODE AMENDMENT; DEPARTMENT HAVING JURISDICTION, SECTION 102.1**

Section 102.1 of the "Idaho State Plumbing Code" is hereby repealed and reenacted to read as follows:

Section 102.1. Department Having Jurisdiction. The Department of Planning and Development Services as supervised by the Director, and the City as herein defined.

(ord-44-13, 11/19/2013; 6792, Amended, 09/11/2010; 6623, Repealed & Replaced, 12/11/2007; 5838, Amended, 02/24/1998)

#### **Section 4-01-05 IDAHO STATE PLUMBING CODE AMENDMENT; DUTIES OF THE AUTHORITY HAVING JURISDICTION; SECTION 102.2.1**

Section 102.2.1 of the "Idaho State Plumbing Code" is hereby amended as follows:

Section 102.2.1. Duties of the Authority Having Jurisdiction

The City shall maintain public office hours necessary to efficiently administer the provisions of this Code and amendments thereto and shall perform the following duties:

- A. Require submission and review of specifications, drawings, descriptions, and/or diagrams necessary to show clearly the character, kind and extent of work covered by applications for a permit and upon approval issue the permit applied for.
- B. Keep a permanent, accurate account of all fees for permits issued and other monies collected and received as provided by this Code, the names of the persons upon whose account the same were paid, the date and amount thereof, together with the location or premises to which they relate.
- C. Administer and enforce the provisions of this Code in a manner consistent with the intent hereof and inspect all plumbing and drainage work authorized by any permit to assure compliance with provisions of this Code, or amendments thereto, and approving or condemning said work in whole or in part as conditions required.
- D. Upon request, issue a Certificate of Completion for any work approved.

- E. Condemn and reject all work done or being done or materials used or being used which do not in all respects comply with the provisions of this Code and amendments thereto.
- F. Order changes in workmanship and/or materials essential to obtain compliance with all provisions of this Code.
- G. Investigate any construction or work regulated by this Code and issue such notices and orders as provided in this Code.
- H. Keep a complete record of all the essential transactions of the office.
- I. Transfer all fees collected to the proper authority provided by law to receive such funds.  
(ord-44-13, 11/19/2013; 6792, Amended, 09/11/2010; 6623, Repealed & Replaced, 12/11/2007)

**Section 4-01-06 IDAHO STATE PLUMBING CODE AMENDMENT, RIGHT OF ENTRY;  
102.2.2**

Section 102.2.2 of the "Idaho State Plumbing Code" is hereby repealed and reenacted as follows:

Section 102.2.2 Right of Entry

City inspectors and/or agents shall carry proper credentials of their respective office, upon exhibition of which they shall have the right of entry, during usual business hours, to inspect any and all buildings and premises in the performance of their duties.

(ord-44-13, 11/19/2013; 6792, Amended, 09/11/2010; 6623, Repealed & Replaced, 12/11/2007)

**Section 4-01-07 IDAHO STATE PLUMBING CODE AMENDMENT, HEALTH AND SAFETY,  
SECTION 101.5.2**

Section 101.5.2 of the "Idaho State Plumbing Code" is hereby amended as follows:

Section 101.5.2 Health and Safety

- A. Whenever compliance with all the provisions of this Code fails to eliminate or alleviate a nuisance, or any other dangerous or unsanitary condition which may involve health or safety hazards, the owner or his agent shall install such additional plumbing and drainage facilities or shall make such repairs or alterations as may be ordered by the City.
- B. Any portion of a plumbing system found by the City to be unsanitary as defined herein is hereby declared to be a nuisance.
- C. Whenever it is brought to the attention of the City that any unsanitary conditions exist or that any construction or work regulated by this Code is dangerous, unsafe, unsanitary, a nuisance or a menace to life, health or property or otherwise in violation of this Code, the City shall conduct an investigation. Upon determining such information to be fact, the City shall order any owner or authorized agent using or maintaining any such condition or person responsible for the use or maintenance to discontinue the use or maintenance. The City shall order the owner or authorized agent to repair, alter, change, remove or demolish same as he may consider necessary for the

proper protection of life, health or property. Every such order shall be in writing, addressed to the owner or authorized agent and shall specify the date or time for compliance with such order.

- D. Refusal, failure or neglect to comply with any provision of this code shall be considered a violation of this Code.
- E. When any plumbing system is maintained in violation of this Code and in violation of any notice issued pursuant to the provisions of this Section or where a nuisance exists in any building or on a lot on which a building is situated, the City shall institute any appropriate action or proceeding in any court of competent jurisdiction to prevent, restrain, correct or abate the violation of nuisance.

(ord-44-13, 11/19/2013; 6792, Amended, 09/11/2010; 6623, Repealed & Replaced, 12/11/2007; 5838, Amended, 02/24/1998; 5388, Amended, 04/21/1992)

### **Section 4-01-08 IDAHO STATE PLUMBING CODE AMENDMENT; PERMIT REQUIRED, 103.1.1**

Section 103.1.1 of the "Idaho State Plumbing Code" is hereby repealed and replaced as follows:

#### Section 103.1.1. Permit Required

- A. It shall be unlawful for any person to install, remove, alter, repair or replace or cause to be installed, removed, altered, repaired or replaced any plumbing, gas or drainage piping work or any fixture or water heating or treating equipment in a building or premises without first obtaining a permit to do such work from the City

- B. A separate permit shall be obtained for each building or structure.

(ord-44-13, 11/19/2013; 6792, Amended, 09/11/2010; 6623, Repealed & Replaced, 12/11/2007)

### **Section 4-01-09 IDAHO STATE PLUMBING CODE AMENDMENT, EXEMPT WORK; 103.1.2**

Section 103.1.2 of the "Idaho State Plumbing Code" is hereby repealed and replaced as follows:

#### Section 103.1.2 Work Not Requiring Permit

No permit shall be required for stopping of leaks in drains, soil, waste or vent pipe, provided, however, that should any trap, drain pipe, soil, waste or vent pipe be or become defective and it becomes necessary to remove and replace the same with new material in any part or parts, the same shall be considered new work and a permit shall be procured and inspection made as hereinbefore provided. No permit shall be required for the clearing of stoppages or the repairing of leaks in pipes, valves or fixtures, when such repairs do not involve or require the replacement or rearrangement of valves, pipes or fixtures.

(ord-44-13, 11/19/2013; 6792, Amended, 09/11/2010; 6623, Amended, 12/11/2007)

### **Section 4-01-10 TO WHOM PERMITS MAY BE ISSUED**

No permit shall be issued to any person to do or cause to be done any work regulated by this Code, except to a person holding a valid Idaho State Plumbing Contractor's Certificate of Competency, or to any person who:

- A. Performs plumbing work in a single or duplex family dwelling, including accessory buildings, quarters and grounds in connection with such dwellings; provided that such person is the owner

or contract purchaser and provided further that such person shall comply with the minimum standards, rules and regulations applicable to plumbing practices by this ordinance;

- B. Installs, for private or business purposes, water pipes used for lawn sprinkling systems and water softeners; provided, however, that such installations must be in compliance with all of the provisions of this Code.
- C. Installs water or sewer drain service lines on private or public property up to a point not less than three feet (3') from the nearest building lines; provided, however, that such installations shall be in compliance with all of the provisions of this Code.
- D. Installs Bulk Systems as defined in 2005 NFPA 99 (3.3.19); provided, however, that all such installations shall be in compliance with all of the provisions of this Code. An employee of a Bulk System installer is not required to have a journeyman plumbing license.

(ord-44-13, 11/19/2013; 6792, Amended, 09/11/2010; 6623, Repealed & Replaced, 12/11/2007; 6312, Amended, 04/06/2004; 5388, Added, 04/21/1992)

#### **Section 4-01-11 APPLICATION FOR PERMIT**

Any person legally entitled to apply for and receive a permit shall make such application on forms provided for that purpose. He or she shall give a description of the character of the work proposed to be done, and the location, ownership, occupancy and use of the premises in connection therewith. The City may require plans, specifications or drawings and such other information as he may deem necessary. The City may require such plans to be stamped by a licensed engineer. If the City determines that the plans, specifications, drawings, description or information furnished by the applicant are in compliance with this Code, a permit shall be issued upon billing of the required fee.

(ord-44-13, 11/19/2013; 6792, Amended, 09/11/2010; 6623, Repealed & Replaced, 02/11/2007; 5388, Amended, 04/21/1992; 3701, Added, 08/18/1975)

#### **Section 4-01-12 IDAHO STATE PLUMBING CODE AMENDMENT; PLANS AND SPECIFICATIONS; 103.2.2**

Section 103.2.2 of the "Idaho State Plumbing Code" is hereby amended to include the following:

Section 103.2.2 Plans and Specifications.

Any person legally entitled to apply for and receive a permit shall make such application on forms provided for that purpose. A description of the character of the work proposed shall be provided, and the location, ownership, occupancy and use of the premises in connection therewith. The City may require plans, specifications or drawings and such other information as deemed necessary. Construction documents shall be drawn to scale and shall be of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that the work conforms to the provisions of this code. The City may require such plans to be stamped by an Idaho State licensed engineer. Engineers who stamp plumbing drawings for review by the City must have a registered stamp that complies with current provisions of Idaho Code, Title 54 Chapter 12, Engineers and Surveyors. If the City determines that the plans, fees, specifications, drawings, description and information furnished by the applicant are in compliance with this Code, a permit shall be issued.

Exceptions: The code official shall have the authority to waive the submission of construction documents, calculations or other data if the nature of the work applied for is such that the reviewing of construction documents is not necessary to determine compliance with this code.

(ord-44-13, 11/19/2013; 6792, Added, 09/11/2010)

**Section 4-01-13 IDAHO STATE PLUMBING CODE AMENDMENT; PERMIT FEES,103.4.1.**

Section 103.4.1 of the "Idaho State Plumbing Code" is amended to read as follows:

Section 103.4.1 Permit Fees

Fees shall be assessed in accordance with the provisions of this section and as set forth in the fee tables depicted within 4-01-13 B (1) , B(2), B(3) C(2) and D.

A. Cost of Permit

Every applicant for a permit to do work regulated by this Code shall state in writing on the application form provided for that purpose the character of work proposed to be done and the amount and kind in connection therewith together with such further information as may be required. Such applicant shall pay a fee for each permit issued at the time of issuance in accordance with the following schedule and at the rate provided for each classification shown herein.

Any person who shall commence any work for which a permit is required by this Code without first having obtained a permit therefore shall, if subsequently permitted to obtain a permit, pay a special investigation fee equivalent to and in addition to the permit fee fixed by this Section for such work; provided, however, that this provision shall not apply to emergency work when it shall be proved to the satisfaction of the City that such work was urgently necessary and that it was not practical to obtain a permit before the commencement of the work. In all such cases a permit must be obtained as soon as it is practical to do so, and if there is an unreasonable delay in obtaining such permit, a special investigation fee as herein provided shall be charged.

For the purpose of this Section, a sanitary plumbing outlet on or to which a plumbing fixture or appliance may be set or attached shall be construed to be a fixture. Fees for reconnection and retest of existing plumbing systems in relocated buildings shall be based on the number of plumbing fixtures, gas systems, water heaters, etc., involved.

B. Schedule of Fees: Residential

The following fees are established and required for all plumbing permits for residential properties, including the inspection of water service piping to and waste discharge piping from such residential buildings:

1. The plumbing permit fee for each unit of new single family dwelling and duplex projects is as follows:

Table 4-01-13 B (1) Single Family Dwelling and Duplex Residential Plumbing Permit Fees

Total Square footage of structure	Fee
Up to 1,500 sq. ft.	\$130 per dwelling unit
Between 1,501 to 2,500 sq. ft.	\$180 per dwelling unit
Between 2,501 to 3,500 sq. ft.	\$250 per dwelling unit

Between 3,501 to 4,500 sq. ft.	\$290 per dwelling unit
4,501 sq. ft. or higher	\$325 per unit plus \$65 for each additional 1,000 sq. ft. or portion thereof over 4,501 sq. ft.

- a. Fees for permits issued for the installation of water and sewer lines not included in the scope of work for the plumbing permit issued for the review and inspection of the entire new single family dwelling or duplex shall be collected as described in section 4-01-13 B(2) a and additional fee calculated using the schedule in Table 4-01-13 B(2).
  - b. Fees for permits issued for the installation of a single water or single sewer line not included in the scope of work for the plumbing permit issued for the review and inspection of the entire new single family dwelling or duplex shall be collected as described in section 4-01-13 B(3) a and additional fee calculated using the schedule in Table 4-01-13 B(3).
2. The permit fee for residential projects with three or more dwelling units and any residential addition, alteration, repair, and/or fixture replacement regulated by the Idaho State Plumbing Code shall be calculated using the following sections 4-01-13B.2(a-b) and Table 4-01-13B (2):
- a. Base Fee: A \$30 base permit fee shall be charged plus the additional fee as calculated in Table 4-01-13B(2) below.
  - b. Additional Fee: The additional fee shall be calculated by multiplying the number of individual fixtures and appliances in the scope of work of the permit by the corresponding fee categories Table 4-01-13B(2) below:

Table 4-01-13 B(2) Residential Plumbing Permit Fees for projects with three or more dwelling units and any residential addition, alteration, repair, and/or fixture replacement involving multiple fixtures.

Residential Permit Fixture Fees (charged to customer on a fixture basis in addition to base permit fee):		
Backflow preventors		\$ 12 Each
Bathtubs and/or showers		\$ 12 Each
Bidets		\$ 12 Each
Clothes washers		\$ 12 Each
Laundry trays		\$ 12 Each
Pressure relief valve		\$ 12 Each
Sewer lines (outside)		\$ 12 Each
Storm sewer from buildings (outside)		\$ 12 Each
Sinks		\$ 12 Each
Wash basins		\$ 12 Each
Water closets		\$ 12 Each
Water heaters		\$ 12 Each

	Water lines (outside)	\$ 12 Each
	Water softeners	\$ 12 Each
	Sewer plug	\$ 12 Each
	Sewer turnaround	\$ 12 Each
	Dishwashers *	\$ 12 Each
	Floor drains*	\$ 12 Each
	Garbage disposals *	\$ 12 Each
	Sewage pump/ejector	\$12 Each
	Boiler	\$12 Each
	Hydronic piping	\$12 Each
	Gas piping	\$12 Each
	Other	\$12 Each
	Mobile home connection or reconnection (When sewer and water are already roughed in to pad or foundation); Fee charged in addition to base residential permit fee	\$12.00 Each
	Sewer lines and branches serving more than ten individual living units; Fee charged in addition to base residential fee 2.28 of the selling price of the completed installation.	2.28 of the selling price of the completed installation plus the permit fee.

\* No charge if these fixtures are installed with other fixtures.

c. Each building in a multi-family building project with three or more units shall be issued an individual permit after payment of a base fee and a fee based on the total number of fixtures in each building as described in Table 04-01-13 (B)2.

- Miscellaneous residential plumbing work: The fee for miscellaneous residential plumbing with a scope of work limited to the installation or relocation of a single fixture, appliance or line or re-plumbing of an entire single family dwelling or duplex unit shall be calculated using Table 04-01-13 B(3):

Table 04-01-13 B(3) Miscellaneous residential plumbing fees

Water or waste re-piping	\$80
Re-plumbing entire house or unit:	\$110
Installation of single fixtures or appliances including bidets, bathtubs, boilers, showers, hot water heaters, toilets, washbasins, sinks, lawn sprinklers and water conditioners, etc. :	\$55
Replacement of existing sewer or water line (single line):	\$55

- New multifamily projects with residential and commercial uses: The plumbing permit fees for projects containing both multifamily and commercial uses shall be calculated by separately



permitting the multifamily portions of the project as a new residential project and the fees shall be calculated using section 04-01-13 B(2) above. The commercial portions of the project shall be permitted as a new commercial project and the fees shall be calculated using Table 4-01-13 C(2) Commercial Plumbing Permit Fees below.

C. Schedule of Fees: Commercial Plumbing Permit Fees

The following fees are required and established for all plumbing permits for commercial or industrial properties, including an inspection fee for water service piping to and sewer and storm sewer discharge piping from such commercial or industrial buildings:

1. Base Fee: A \$30 base permit fee shall be charged plus the additional fee as calculated in Table 4-01-13 C(2) below.
2. Additional Fee: Fees for plumbing work performed during the construction of new commercial buildings and structures and work being performed on existing commercial buildings and structures shall be permitted and the fees shall be calculated by multiplying the project value (selling price of the completed installation) by the appropriate factor found in Table 4-01-13C (2) below:

Table 4-01-13 C (2) Additional Commercial Plumbing Permit Fees

1. Additional Permit fee, based on the selling price of the completed installation (in addition to base permit fee above) is as follows:	
a. Under \$500,000.00:	2.28 of the value;
b. \$500,000.00 to \$1,000,000.00	\$11,410.88 plus 1.7116% of the value in excess of \$500,000.00;
c. Over \$1,000,000.00: \$19,969.04 plus 1.1411% of the value in excess of \$1,000,000.00.	\$19,969.04 plus 1.1411% of the value in excess of \$1,000,000.00.

D. Other Administrative Fees The following fees are required for both commercial and residential projects where applicable:

Table 4-01-13 (D) Administrative Fees (No base fee required)

After hours inspections:	\$83 per hour with a minimum charge of two hours.
Re-inspection fees:	\$55
Inspections for which no fee is specifically indicated:	\$55
Additional plan review required by changes, additions or revisions to plans including but not limited to reactivation of residential permits, courtesy inspections, and miscellaneous inspections:	\$55 per hour
Special investigation fee:	a fee equivalent to 100% of the plumbing permit fee shall be charged in addition to the original permit fee to

	investigate work commencing before a plumbing permit is issued.
Clerical administrative fee:	\$35 per hour

(Ord-9-15, Amended, 3/10/15)

**Section 4-01-14 IDAHO STATE PLUMBING CODE AMENDMENT; SECTION 103.4.5, FEE REFUNDS.**

Section 103.4.5 of the "Idaho State Plumbing Code" is amended as follows:

A. Section 103.4.5 Permit Fees

The code official may authorize the refunding of fees as follows.

1. The full amount of any fee paid hereunder which city incorrectly required and collected.
2. A minimum administrative fee of \$12 shall be charged to the permit applicant requesting the refund of permit fees when work has not commenced on a permit issued in accordance with this code.
3. A minimum administrative fee of \$12 shall be charged to the permit applicant requesting the refund of plan review fees when review work has not commenced on a permit application accepted in accordance with this code.
4. After work has commenced on a plan review or permit a refund will not be given.
5. The code official shall not authorize the refunding of any fee paid, except upon written application filed by the original permittee not later than 180 days after the date of permit payment.

(Ord-9-15, Amended, 3/10/15; ord-44-13, 11/19/2013; 6792, Amended, 09/11/2010; 6623, Repealed & Replaced, 12/11/2007; 6417, Amended, 09/20/2005; 6189, Amended, 10/01/2002; Ord. 5968, Amended, 02/08/2000; 5830, Amended, 01/20/1998; 5388, Amended, 04/21/1992; 4885, Amended, 12/09/1985)

**Section 4-01-15 GENERAL PROVISIONS**

- A. It shall be unlawful for any person to conduct, carry on or engage in the business of plumbing, or act in the capacity of a plumbing contractor, without first having obtained a valid Idaho State Plumbing Contractor's Certificate of Competency as required by Idaho Code Title 54, Chapter 26.
- B. It shall be unlawful for any person to labor at the trade of plumbing in the capacity of a journeyman plumber without first having obtained a valid Idaho State Journeyman Plumber's Certificate of Competency as required by Idaho Code Title 5,4 Chapter 26.
- C. It shall be unlawful for any person to labor at the trade of plumbing in the capacity of an apprentice plumber without first having obtained a valid Idaho State Apprentice's Certificate of Competency as required by Idaho Code Title 54, Chapter 26.

(ord-44-13, 11/19/2013; 6792, Amended, 09/11/2010; 6623, Repealed & Replaced, 12/11/2007; 3701, Added, 08/18/1975)

**Section 4-01-16 IDAHO STATE PLUMBING CODE AMENDMENT; AUTHORITY HAVING JURISDICTION, SECTION 203**

Section 203 of the "Idaho State Plumbing Code" is hereby amended to add the following definitions:

- A. **AUTHORITY HAVING JURISDICTION; CITY OF BOISE:** The Director of the Department of Planning and Development Services or his or her authorized representative.

- B. ASSISTANTS: The Chief Plumbing Inspector and/or all assistant Plumbing Inspectors shall hold a valid certificate of competency issued by the State of Idaho, and shall be appointed in accordance with the pertinent provisions of the Boise City Code.

**Section 4-01-17 IDAHO STATE PLUMBING CODE AMENDMENT; SECTION 216 NUISANCE**

Section 216 of the "Idaho State Plumbing Code" is hereby repealed and reenacted to read as follows:

Section 216. Nuisance. Nuisance includes, but is not limited to:

- A. Any public nuisance known at common law or in equity jurisprudence.
- B. Whenever any work regulated by this Code is dangerous or detrimental to life, health or property.
- C. An inadequate or unsafe water supply or sewage disposal system.
- D. Cesspools and privies placed or which now exist are hereby declared to be public nuisances and must be removed within thirty (30) days whenever there is a public main, lateral or trunk sewer line constructed adjacent to the property on which said cesspool or privy is located and said main, lateral or line is certified and accepted by the City Engineer as being completed and ready for use.  
(ord-44-13, 11/19/2013; 6792, Amended, 09/11/2010, 6623, Repealed & Replaced, 12/11/2007; 5838, Amended, 02/24/1998)

**Section 4-01-18 PROTECTION FROM FREEZING**

To allow for protection from freezing, all water service lines shall be a minimum of thirty-six inches (36") below finish grade, building sewer shall be a minimum of twenty-four (24") below finish grade.  
(6792, Amended, 09/11/2010, 6623, Repealed & Replaced, 12/11/2007; 5838, Amended, 02/24/1998; 5388, Amended, 04/21/1992)

**Section 4-01-19 PLUMBING, MECHANICAL AND FUEL GAS BOARD**

There is hereby created a Plumbing, Mechanical and Fuel Gas Board hereinafter referred to as "the Board" to be composed of seven (7) members appointed by the Mayor by and with the advice and consent of the Council. Boise City residency of at least four (4) of the members is required. Members not residing in Boise City must reside in Ada County and transact business in Boise City. The terms of office shall be four (4) years and if a vacancy occurs, the Mayor with the consent of the Council shall appoint a member to fill such unexpired term. The Board shall organize and select one of its members as Chairman, and the members of the Board shall serve and act without compensation except that their actual and necessary expenses shall be allowed by the Council. The Secretary, who is hereby designated to be the Director of Planning and Development Services or his or her designated representative, shall keep a record of all meetings, appeals and proceedings of the Board and shall perform all services that may be required.

(ord-44-13, 11/19/2013; Ord 16 13 06/04/2013)

**A. BOARD DUTIES**

It shall be the responsibility and duty of the Board:

- 1. To submit to the Mayor and Council proposed regulations and amendments thereto, governing the design, construction, installation, improvement, expansion and alteration of plumbing, mechanical and fuel gas systems.

2. To submit to the Mayor and Council proposed standards and procedures for the quality and weight of materials, fixtures, appliances and devices used in, or entering into, and the method of, construction of plumbing, mechanical and fuel gas systems.
3. To submit to the Mayor and Council proposed regulations and amendments thereto, prescribing the standards and procedures for inspecting plumbing, mechanical and fuel gas systems.
4. To independently review, whenever requested, the administration and enforcement of the minimum standards, regulations and procedures prescribed by this Code.

#### B. APPEAL PROCESS

Any applicant for a permit, whose application has been rejected by the City, or any person who has been ordered by the City to modify, alter, remove or install any plumbing, mechanical or fuel gas system as defined in this Boise City Code may within ten (10) days thereafter, request an appeal by filing notice in writing with the City. The City shall deliver such notice, to the Board, who shall fix and establish a time, date and place of hearing within fifteen (15) days from the date of the receipt of notice and cause a copy of the notice of hearing to be mailed to the appealing parties. At the hearing the Board may, by a majority vote, affirm, annul or modify the action of the City. If the actions of the City are modified or annulled, a permit shall be issued accordingly.

#### C. STANDARD OF REVIEW

The Board may: (1) modify or waive the requirements of this Code in particular cases wherever any rules are shown to be impracticable and when it is shown that equivalent or safer construction can be more readily accomplished in other ways, and (2) determine whether or not the City erred in its interpretation or application of the Code provisions.

#### D. APPEAL FEE

Any person appealing the decision of the City shall attach to the written request for appeal a certified check for one hundred fifty dollars (\$150.00) made out in favor of Boise City. In the event the appeal is granted, the appeal fee shall be returned to the appellant.

#### E. APPEAL TO CITY COUNCIL

Any order, decision or ruling of the Board may be appealed to the City Council within ten (10) days of such order, decision or ruling.

(679+2, Amended, 09/11/2010; 6623, Added, 12/11/2007)

### **Section 4-01-20 APPEAL PROCEDURE**

The Plumbing, Mechanical and Fuel Gas Board may receive all evidence on appeal, in accordance with the following procedure:

- A. The Chief Inspector or designee shall present background information on the project in question, including relevant code sections and their interpretation. The Board may ask questions during or after each presentation.
- B. Applicant shall be allowed to present any information or applicable code sections to support a reversal of the Chief Inspector's decision. The applicant shall have up to twenty (20) minutes to present such evidence.

- C. The Chair shall open the hearing to receive public testimony. Each person wishing to provide public testimony shall be given up to five (5) minutes to do so.
- D. Following the close of public testimony, the Chief Inspector or designee shall be allowed up to ten (10) minutes for rebuttal.
- E. The Applicant then shall have up to ten (10) minutes for rebuttal and any final comments.
- F. The Chairman of the board may allocate equivalent additional time to the applicant and the Chief Inspector or his or her designee if the clarity of the issue at hand can be enhanced by receiving additional testimony.
- G. Thereafter, the Board may deliberate and render a final decision by a roll call vote, may request more information before a final decision is made, or may take the matter under advisement and reconvene at a reasonable time not to exceed fifteen (15) days to make their final decision. The final decision shall be in writing and a copy provided to the Applicant and any parties of record. The decision by the Board may be appealed to the City Council within ten calendar (10) days following the date of issuance of a written decision.

(ord-44-13, 11/19/2013; 6792, Amended, 09/11/2010; (6623, Added, 12/11/2007)

**Section 4-01-21 IDAHO STATE PLUMBING CODE AMENDMENT; VIOLATIONS AND PENALTIES 102.3**

Section 102.3 of the "Idaho State Plumbing Code" is repealed and replaced with the following:

Section 102.3 Violations and Penalties

The City of Boise has the authority to file a complaint for criminal or civil penalties or both for any violation of this chapter. If both criminal and civil penalties are filed regarding a same or similar offense on the same site or by the same person, such action shall not be considered to be double jeopardy.

These penalties shall apply to any person who performs or authorizes another to perform any plumbing work in violation of this code. The filing of criminal or civil charges in no way relieves anyone who performs or authorizes another to perform plumbing work from complying with this code.

**A. CRIMINAL PENALTIES**

Any person, firm or corporation violating any provision of this Code shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punishable by a fine not to exceed one thousand dollars (\$1000.00), or by imprisonment for a period not to exceed one hundred eighty (180) days, or by both 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 or its agent violating any provision of this Code may have civil penalties assessed against them. Notice of said penalties shall be served upon the violator personally by a City Code Enforcement officer. If personal service is not made, service may be effectuated by Certified Mail to the last known business address or residential address of the violator. A new violation may be filed for each day the violation continues. The violation will have a date by which the

civil penalty shall be paid and if it is not paid by that date, the City may pursue collections through court and ask the court to reimburse for all costs and fees associated with collecting the penalty.

Civil penalties may be issued pursuant to the following guidelines:

1. If the violation does not create a serious life safety hazard, the City shall warn the person violating the code.
2. If the violation continues or a subsequent violation is discovered, the City may issue a civil penalty.
3. If the violation creates a serious life safety hazard, than a civil penalty may be imposed even though a prior warning was not given.

Civil penalties shall be issued in the following cases:

1. **Plumbing Contractor.** Any person who acts or purports to act as a plumbing contractor, as defined by Idaho State Plumbing Statute Title 54 Chapter 26 and/or IDAPA rules, without a valid Idaho State Plumbing Contractor license shall be subject to a civil penalty of not more than five hundred dollars (\$500.00) for the first offense and a civil penalty of not more than one thousand dollars (\$1000.00) for each offense thereafter.
2. **Plumbing Journeyman.** Any person who acts or purports to act as a plumbing journeyman, as defined by Idaho State Plumbing Statute Title 54 Chapter 26 and/or IDAPA rules, without a valid Idaho State Plumbing Journeyman license 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 dollars (\$1000.00) for each offense thereafter.
3. **Plumbing Apprentice.** Any person who acts or purports to act as a plumbing apprentice, as defined by Idaho State Plumbing Statute Title 54 Chapter 26 and IDAPA rules, without a valid Idaho State Plumbing Apprentice license 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 dollars (\$1000.00) for each offense thereafter.
4. **Supervision.** Any contractor failing to provide supervision of plumbing apprentices in accordance with Idaho State Plumbing Statute Title 54 Chapter 26 and/or IDAPA rules 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 dollars (\$1000.00) for each offense thereafter.
5. **Performance Outside the Scope of License.** Any Specialty Plumbing Contractor, as defined by the Idaho State Plumbing Statute Title 54 Chapter 26 and/or IDAPA rules, who performs work outside of the scope of the specialty license shall be subject to a civil penalty of not more than two hundred dollars (\$200.00) for the first offense and one thousand dollars (\$1000.00) for each offense thereafter.
6. **Corrections.** Any person who fails to make corrections in the time allotted in the notice of violations on any plumbing installation and where no extension has been requested or

granted shall be subject to a civil penalty of not more two hundred dollars (\$200.00) for the first offense and not more than one thousand dollars (\$1000.00) for each offense thereafter.

7. **Fees and Permits.** Any person failing to acquire a plumbing permit and/or to pay applicable fees 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 dollars (\$1000.00) for each offense thereafter.

(6792, Amended, 09/11/2010; 6623, Repealed & Replaced, 12/11/2007; 5388, Amended, 04/21/1992)

#### **Section 4-01-22 CIVIL PENALTIES APPEAL PROCEDURE**

- A. Upon receipt of written notice of a civil penalty, the violator shall within ten (10) days pay the penalty or file a written request for a hearing with the Boise City Plumbing, Mechanical and Fuel Gas Board hereafter referred to as “the Board”. Such written notice shall be accompanied by a check for One hundred fifty dollars (\$150.00) made payable to Boise City. If the civil penalty imposed against the applicant is overturned by the Board, the review fee shall be returned. Notice of the public hearing for the review hearing shall be given by the Department mailing the notice to the last know address provided by the applicant. Upon issuance of the decision, Applicant shall have fourteen (14) calendar days within which to pay the civil penalty.
- B. When determining if a civil penalty is warranted, the Board shall consider the following:
  1. If the violation does not create a serious life safety hazard, did the City warn the person or his agent violating the code prior to issuing a civil penalty.
  2. Did the violation continue or was a subsequent violation discovered, that warranted the City to issue a civil penalty.
  3. Did the violation create a serious life safety hazard, so that the City was warranted in issuing a civil penalty even though a prior warning was not given.
  4. Did the person or his agent regularly take out permits, and thus should have had knowledge of what the code required.
  5. Did the person or his agent receive adequate warning notice of the code violation or a similar code violation.
  6. Does the person or his agent regularly violate the code.

(6792, Amended, 09/11/2010; 6623, Added, 12/11/2007)

#### **Section 4-01-23 APPEAL OF BOARD DECISIONS**

The decision by the Plumbing, Mechanical and Fuel Gas Board may be appealed to the City Council within ten calendar (10) days following the date of issuance of a written decision. If the City Council renders a final decision imposing the civil penalty against the Appellant, the Appellant shall have fourteen (14) calendar days from such decision within which to pay the civil penalty.

(6792, Amended, 09/11/2010; 6623, Added, 12/11/2007)