ORDINANCE NO. 2017-____

AN ORDINANCE amending the City of Yakima Municipal Code Section 11.44.040 to reflect the current fees charged to residents for plumbing permits shall be set by fee resolution.

WHEREAS, fees for plumbing permits are currently outlined in the municipal code, which requires an ordinance and re-write of code sections each time fees change; and

WHEREAS, changes in fees, done by ordinance, also must wait 30 days after publication to be effective; and

WHEREAS, each time the code is amended the City must work with the publisher to make the changes to the code, costing money and staff time; and

WHEREAS, fees are easier for the public and developers to find if they are located in one place rather than throughout the code; and

WHEREAS, the City Council still has ultimate authority over the amounts of the fees and any increases or decreases must be done through Council action; and

WHEREAS, in conjunction with this ordinance, the City shall also pass the fee resolution which will set the fees for plumbing permits which will remain in effect until amended by Council action; and

WHEREAS, the City Council of the City of Yakima hereby finds that it is in the best interest of the City and its residents to amend the code to remove the specific fees for plumbing permitting to a fee resolution; now, therefore,

BE IT ORDAINED BY THE CITY OF YAKIMA:

Section 1. Section 11.44.040 of the City of Yakima Municipal Code shall be amended to read as follows:

11.44.040 Amendment to Part 1—Administration.

Part 1, Administration, of the Uniform Plumbing Code, as applied to the city of Yakima, is amended to read as follows:

10.1. Title. This ordinance shall be known as the “Uniform Plumbing Code” and will be referred to as “this Code” herein.

10.2. Purpose. This code is an ordinance providing minimum requirements and standards for the protection of the public health, safety and welfare. Enforcement and adoption of this Code shall not be construed for the particular benefit of any individual person or group of persons, other than the general public. In the event of a conflict between the intent of this subsection and any other section herein, this subsection shall govern insofar as applicable.

10.3. Scope.

(a) Moved Buildings. Plumbing systems which are a part of buildings or structures moved into this jurisdiction shall comply with the provisions of this Code for new installations.

10.4. Authority to Abate

(a) Any portion of a plumbing system found by the Administrative Authority to be insanitary, as defined herein, is hereby declared to be a nuisance.

(b) Where a nuisance exists or a plumbing system is maintained in violation of this Code or any notice issued pursuant to this section, the Administrative Authority shall require the nuisance or violation to be abated and, where necessary, shall seek such abatement in the manner provided by law.

20.1 Administrative Authority. Whenever the term “Administrative Authority” is used in this Code, it shall mean the Code Administrative Manager or his authorized representative.

20.2 Duties and Powers of Administrative Authority.

(a) The Administrative Authority may appoint such assistants, deputies, inspectors, or other employees as are necessary to carry out the functions of the department and this Code.

(b) Right of Entry. Whenever it is necessary to make an inspection to enforce the provisions of this code, or whenever the Administrative Authority or his authorized representative has reasonable cause to believe that there exists in any building or upon any premises, any condition or violation of this Code which make the building or premises unsafe, insanitary, dangerous or hazardous, the Administrative Authority or his authorized representative may enter the building or premises at all reasonable times to inspect or to perform the duties imposed upon the Administrative Authority by this Code, provided that if such building or premises is occupied, he shall present his credentials to the occupant and request entry. If such building or premises is unoccupied, he shall first make a reasonable effort to locate the owner or the other person having charge or control of the building or premises and request entry. If entry is refused, the Administrative Authority or his authorized representative has recourse to every remedy provided by law to secure entry.

When the Administrative Authority or his authorized representative shall have first obtained a proper inspection warrant or other remedy provided by law to secure entry, no owner, occupant, or person having charge, care, or control of any building or premises shall fail or neglect, after proper request is made as herein provided, to promptly permit entry herein by the Administrative Authority or his authorized representative for the purpose of inspection and examination pursuant to this code.

(c) Stop Orders. Whenever any work being done contrary to the provisions of this Code, the Administrative Authority may order the work stopped by notice in writing served on any persons engaged in the doing or causing such work to be done, and any such persons shall forthwith stop work until authorized by the Administrative Authority to proceed with the work.

(d) Authority to Disconnect Utilities in Emergencies. The Administrative Authority and his authorized representative shall have the authority to disconnect a plumbing system to a building, structure or equipment regulated by this Code in case of emergency where necessary to eliminate an immediate hazard to life or property.

(e) Authority to Condemn. Whenever the Administrative Authority ascertains that any plumbing system or portion thereof, regulated by this Code, has become hazardous to life, health, property, or has become insanitary, he shall order in writing that such plumbing either be removed or placed in a safe or sanitary condition, as appropriate. The order shall fix a reasonable time limit for compliance. No person shall use or maintain defective plumbing after receiving such notice.

When such plumbing system is to be disconnected, written notice shall be given. In cases of immediate danger to life or property, such disconnection may be made immediately without such notice.

(f) Liability. The Administrative Authority or his authorized representative, charged with the enforcement of this Code, acting in good faith and without malice in the discharge of duties, shall not thereby render himself personally liable for any damage that may accrue to the persons or property as a result of any act or by reason of any act or omission in the discharge of his duties. A suit brought against the Administrative Authority or employee because of such act or omission performed by him in the enforcement of any provision of this Code shall be defended by legal counsel provided by this jurisdiction until final termination of such proceedings.

20.3 Violation and Penalties.

(a) 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 $250.00, or by imprisonment in the jail facility for the City of Yakima not to exceed 90 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. The issuance or granting of a permit or approval of plans and specifications shall not be deemed or construed to be a permit for, or an approval of, any violation of any of the provisions of this Code. No permit presuming to give authority to violate or cancel the provisions of this Code shall be valid, except insofar as the work or use which it authorized is lawful.

(b) The issuance or granting of a permit or approval of plans shall not prevent the Administrative Authority from thereafter requiring the correction of errors in said plans and specifications or from preventing construction operations being carried on thereunder when in violation of this Code or any other ordinance or from revoking any Certificate of Approval when issued in error.

(c) Every permit issued by the Administrative Authority under the provisions of this Code shall expire by limitation and become null and void if the work authorized by such permit is not commenced within 180 days from the date of issuance of such permit, or if the work authorized by such permit is suspended or abandoned at any

time after the work is commenced for a period of 180 days. Before such work can be recommenced, a new permit shall first be obtained to do so.

(d) The City Council shall adopt by resolution a schedule of fees for plumbing permits and plan review.

Section 2. This ordinance shall be in full force and effect 30 days after its passage, approval, and publication as provided by law and by the City Charter.

PASSED BY THE CITY COUNCIL, signed and approved this 5th day of September, 2017.

_____
Kathy Coffey, Mayor

ATTEST:

_____
Sonya Claar Tee, City Clerk

Publication Date:_____

Effective Date:_____