

Chapter 9-4 (DRAFT 2/14/19)

PLUMBING CODE

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Section 9-4-1 PURPOSE

The purpose of this Chapter is to provide minimum standards in order to safeguard life or limb, health, property, and the public welfare by regulating and controlling the design, construction, installation and materials of all plumbing, drainage, medical gas, and medical vacuum systems, within Boise City limits, and to provide for the authority to verify the qualifications and licensing of persons engaged in the business or installation of plumbing, or performing work within the trade of plumbing.

Section 9-4-2 CODE ADOPTED

All the rules, regulations and ordinances of a general and permanent character relating to and governing the qualifications and licensing of persons engaged in the business of plumbing, or performing work within the trade of plumbing, as such rules, regulations and ordinances are adopted and contained within the most current edition of the "Idaho State Plumbing Code", 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 any appendices, other rules and regulations, as adopted by the State of Idaho, and including Chapter 13 Health Care Facilities and Medical Gas and Medical Vacuum Systems, are adopted except to the extent that such rules and regulations are hereby changed, altered or amended by this Chapter and together these shall be known as the "Plumbing Code" of Boise City and shall constitute the rules, regulations, and ordinances governing the installation or alteration of plumbing, drainage, medical gas and medical vacuum systems and the qualification and licensing of persons engaged in the business of plumbing, or performing work within the trade of plumbing. This Chapter is adopted in accordance with Idaho Code Section 54-2601.

One (1) copy of the current edition of the "Idaho State Plumbing Code" together with such rules and regulations adopted by the State of Idaho, and including Chapter 13 Health Care Facilities and Medical Gas and Medical Vacuum Systems, shall be filed for use and examination by the public in the office of the City Clerk.

Section 9-4-3 APPLICATION AND SCOPE

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

Section 9-4-4 IDAHO STATE PLUMBING CODE AMENDMENT, SECTION 101.1, TITLE

Section 101.1 of the "Idaho State Plumbing Code" is hereby repealed and replaced as follows:

101.1 Title. These regulations shall be known as the Plumbing Code of Boise City, hereinafter referred to as "this code" and "this Chapter".

Section 9-4-5 IDAHO STATE PLUMBING CODE AMENDMENT, SECTION 102.5, HEALTH AND SAFETY

Section 102.5 of the "Idaho State Plumbing Code" is hereby amended to read as follows:

102.5 Health and Safety.

- A. Where compliance with the provisions of this Chapter fail to eliminate or alleviate a nuisance, or any other dangerous or insanitary condition that involves health or safety hazards, the owner or owner's 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 insanitary as defined by this Chapter is hereby declared to be a nuisance.
- C. Whenever the City discovers that any construction or work regulated by this Chapter is dangerous, unsafe, insanitary, a nuisance, or a menace to life, health, or property, or otherwise in violation of this Chapter, then the City may order any owner or authorized agent using or maintaining any such condition or person responsible for the use or maintenance to discontinue the use of the facility or suspend any work or maintenance being performed. Additionally, the City may order the owner or authorized agent to repair, alter, change, remove, or demolish the facility, equipment, or fixture as deemed necessary by the City in order to bring the condition into compliance with this Chapter. Every such order under this subsection shall be in writing, addressed to the owner or authorized agent, and shall specify the time in which compliance with such order is required.
- D. The failure to comply with any provision of this Chapter shall be considered a violation of this Chapter.
- E. When any plumbing system is maintained in violation of this Chapter and in violation of any notice or order 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 may institute any appropriate administrative action or proceeding in any court of competent jurisdiction to prevent, restrain, correct, or abate the violation of nuisance.

Section 9-4-6 IDAHO STATE PLUMBING CODE AMENDMENT, ADD SECTION 103.1.1, AUTHORITY HAVING JURISDICTION, CODE OFFICIAL

Add Section 103.1.1 to the "Idaho State Plumbing Code" to read as follows:

103.1.1 Authority Having Jurisdiction, Code Official. The administration, interpretation, and enforcement of this Chapter shall be under the jurisdiction and control of the Boise City Department of Planning and Development Services, Building Division. The Director of the Department of Planning and Development Services hereby designates the chief plumbing inspector of the Plumbing Section as the code official to administer and interpret this Chapter and shall report to the Building Official for Boise City.

Section 9-4-7 IDAHO STATE PLUMBING CODE AMENDMENT, ADD SECTION 103.1.2, DEPUTIES

Add Section 103.1.2 to the "Idaho State Plumbing Code" to read as follows:

103.1.2 Deputies. The code official shall have the authority to designate deputy code officials or assistant plumbing inspectors as necessary. The chief plumbing inspector, deputies, or assistant plumbing inspectors 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 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.

Section 9-4-8 IDAHO STATE PLUMBING CODE AMENDMENT, ADD SECTION 103.1.3, DUTIES OF THE AUTHORITY HAVING JURISDICTION

Add Section 103.1.3 to the "Idaho State Plumbing Code" to read as follows:

103.1.3 Duties of the Authority Having Jurisdiction. The City shall maintain public office hours as necessary for the efficient administration of the provisions of this Chapter and perform the following duties:

- A. Require the submission and perform the review of specifications, drawings, descriptions, or diagrams necessary to show clearly the character, kind, and extent of work for any application required in order to obtain a permit under this Chapter.
- B. Maintain permanent and accurate accounts of all permit fees and other monies collected and received as provided by this Chapter, including the names of the account or permit holder, the date, and the amount paid, together with the location or premises governed by the permit.
- C. Administer and enforce the provisions of this Chapter and inspect all plumbing and drainage work authorized by any permit in order to assure compliance with provisions of this Chapter, and approving or rejecting said work in whole or in part.
- D. Upon request, issue a Certificate of Completion for any work that has been permitted and approved under this Chapter.
- E. Reject all work performed or being performed (including any materials used or being used in association with the work) which do not comply with the provisions of this Chapter.
- F. Order changes in workmanship or materials necessary to obtain compliance with all this Chapter.
- G. Investigate any construction or work regulated by this Chapter and issue any notices and orders as provided in this Chapter.
- H. Keep a complete record of all the essential transactions of the office.

Section 9-4-9 IDAHO STATE PLUMBING CODE AMENDMENT, SECTION 103.3.1, LICENSING

Section 103.3.1 of the "Idaho State Plumbing Code" is hereby repealed and replaced as follows:

103.3.1 Licensing. Unless exempted by Idaho Code Section 54-2602, no permit shall be issued to any person or entity to perform or cause to be performed any work regulated by this Chapter without a valid license.

Exception: Installation of Bulk Systems as defined in NFPA 99 Health Care Facilities Code

provided that all such installations shall be in compliance with all of the provisions of this Chapter. An employee of a Bulk System installer is not required to have a journeyman plumbing license.

The code official, deputies, or assistant inspectors shall have the authority to request verification of any license required under this Chapter.

Section 9-4-10 IDAHO STATE PLUMBING CODE AMENDMENT, SECTION 104.1, PERMITS REQUIRED

Section 104.1 of the "Idaho State Plumbing Code" is hereby repealed and replaced as follows:

104.1 Permits Required. It shall be unlawful for any person, firm or corporation to install, remove, alter, repair, 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 regulated by this Chapter, except as permitted in Section 104.2, in any building or premises without first obtaining a permit to perform such work. A separate permit shall be obtained for each separate building or structure.

Section 9-4-11 IDAHO STATE PLUMBING CODE AMENDMENT, SECTION 104.3, APPLICATION FOR PERMIT

104.3. Application for Permit. To obtain a permit, the applicant shall first file an application on a form furnished by the Building Division for that purpose. Such application shall:

1. Identify and describe the work to be performed under the requested permit.
2. Describe the premises where the proposed work is to be done by parcel number, street address, or similar description that readily identifies and with sufficient specificity to locate the proposed building or work.
3. State the use or occupancy for which the proposed work is intended.
4. Be accompanied by construction documents and other information when required by Section 104.3.1. The City may require such plans be stamped and signed by an engineer licensed by the State of Idaho.
5. State the valuation of the proposed work.
6. Contain the signature of the applicant or the authorized agent of the applicant.
7. Provide such other data and information as required by the chief plumbing inspector.

Section 9-4-12 IDAHO STATE PLUMBING CODE AMENDMENT, SECTION 104.3.1, CONSTRUCTION DOCUMENTS

Section 104.3.1 of the "Idaho State Plumbing Code" is hereby repealed and replaced to read as follows:

104.3.1 Construction Documents. 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 proposed work shall be provided in accordance with Boise City Code. The City may require plans, specifications, or drawings and such other information as deemed necessary by the code official or as required by Boise City submittal checklists. Construction documents shall be drawn to scale and shall be of sufficient clarity to indicate the location, nature, and extent of the proposed work and shall show in detail that the work conforms to the provisions of this Chapter. The City may require such plans to be stamped and signed by an engineer licensed by the State of Idaho. Engineers that stamp plumbing drawings for review by the City must have a valid and registered stamp that complies with the most current provisions of Idaho

Code, Title 54 Chapter 12 (Engineers and Surveyors). The requirement for engineered drawings shall be in compliance with Boise City submittal checklists for the type of construction proposed or as deemed necessary by the code official. If the City determines that the plans, fees, specifications, drawings, description, and information furnished by the applicant are in compliance with this Chapter, then a permit may be issued.

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

Section 9-4-13 IDAHO STATE PLUMBING CODE AMENDMENT, SECTION 104.4.3, EXPIRATION

Section 104.4.3 of the "Idaho State Plumbing Code" is hereby repealed and replaced to read as follows:

104.4.3 Expiration. Every permit issued under the provisions of this Chapter shall expire and become null and void if the work authorized is not commenced within 180 calendar days from the date of issuance of the permit, or if the work authorized by the permit is suspended or abandoned at any time after the work is commenced with and no inspection has occurred within 180 calendar days from the date of issuance of the permit, or if the work authorized by the permit is suspended or abandoned at any time after the work is commenced for a period of 180 calendar days from the date of the last required inspection.

Before any work recommences after expiration, a new permit shall be obtained with a fee of one-half the amount required for a new permit for such work, provided that no changes have been made or will be made to the original construction documents for the work, and provided further that the suspension or abandonment has not exceeded one year.

Section 9-4-14 IDAHO STATE PLUMBING CODE AMENDMENT, SECTION 104.4.4, EXTENSIONS

Section 104.4.4 of the "Idaho State Plumbing Code" is hereby repealed and replaced to read as follows:

104.4.4 Extensions. Any holder of an unexpired permit may apply for an extension of time within which work may commence under that permit, when the permittee is unable to commence work within the time required by this Chapter. The code official may extend the time to request an extension for a period not exceeding 180 calendar days on written request by the permittee demonstrating a good faith effort to complete the project has been made and that reasons beyond the control of the permittee have resulted in delay. Under no condition shall a permit be extended more than three times, for a total maximum of three 180 day extensions. Each 180-day extension must be approved individually by the code official.

Section 9-4-15 IDAHO STATE PLUMBING CODE AMENDMENT, ADD SECTION 104.4.7, PERMIT TRANSFER

Add Section 104.4.7 to the "Idaho State Plumbing Code" to read as follows:

104.4.7 Permit transfer. A permit may be transferred to another party if that party provides written authorization signed by the original permit holder expressly consenting to the transfer of the permit along with all agreements and conditions incorporated into the original permit. A permit may also be transferred to the property owner or property owner's designated agent in cases where the property owner has terminated their legal or professional relationship with their contractor or owner's designated agent. An administrative fee for the transfer of the permit will be assessed for the work performed by City staff.

Section 9-4-16 IDAHO STATE PLUMBING CODE AMENDMENT, SECTION 104.5, FEE SCHEDULE, PERMIT FEES

Section 104.5 of the "Idaho State Plumbing Code" is amended to read as follows:

104.5 Fee Schedule, Permit Fees. Table 104.5 is deleted. Fees shall be assessed in accordance with the provisions of the adopted Boise City Plumbing Code Fee Schedule which will be kept on file at the Planning and Development Services permit counter, Boise City Clerk's office, or on the Planning and Development Services website. All plumbing fees shall be reviewed by the Plumbing, Mechanical and Fuel Gas Board prior to adoption by the Boise City Council.

Section 9-4-17 IDAHO STATE PLUMBING CODE AMENDMENT, SECTION 104.5.3, FEE REFUNDS

Section 104.5.3 of the "Idaho State Plumbing Code" is hereby repealed and replaced to read as follows:

104.5.3 Fee Refunds. The code official may authorize the refunding of fees as follows:

1. The code official shall not authorize the refund of any fee, except upon written request by the original permittee made not later than 180 days after payment.
2. The full amount of any fee paid under this Chapter which was erroneously paid or collected.
3. A refund of the entire permit fee when the proposed work never commenced under a permit issued in accordance with this code. An administrative fee may be charged, at the discretion of the code official, where complex or an inordinate amount of time is spent processing the refund.
4. A refund of the entire plan review fee when the review never commenced.
5. Third-party processing fees shall not be refunded.

Section 9-4-18 IDAHO STATE PLUMBING CODE AMENDMENT, SECTION 106.3, CRIMINAL PENALTIES

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

106.3 Criminal Penalties. 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 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.

Section 9-4-19 IDAHO STATE PLUMBING CODE AMENDMENT, SECTION 106.4, STOP WORK ORDERS

Section 106.4 of the "Idaho State Plumbing Code" is hereby repealed and replaced to read as follows:

106.4 Stop work orders. Upon notice from the code official that work is being done contrary to the provisions of this Chapter or in a dangerous or unsafe manner, such work shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, the owner's agent, or the person doing the work. The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the code official shall not be required to give a written notice prior to stopping the work. Any person who shall continue any work on the system after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, may be subject to penalties prescribed within this Chapter.

Section 9-4-20 IDAHO STATE PLUMBING CODE AMENDMENT, SECTION 107.1, PLUMBING, MECHANICAL AND FUEL GAS BOARD

Section 107.1 of the "Idaho State Plumbing Code" is hereby repealed and replaced to read as follows:

107.1 Plumbing, Mechanical and Fuel Gas Board. There is hereby created a Plumbing, Mechanical, and Fuel Gas Board hereinafter referred to as "the Board" which shall be composed of seven (7) members and shall be appointed by the Mayor by and with the advice and consent of the Council. Members of the Board shall include at least one (1) Idaho licensed engineer, three (3) licensed plumbing contractors, and three (3) licensed mechanical contractors. Any member of the Board that fails to maintain a valid Idaho license for their respective profession, shall be disqualified from serving on the Board. Boise City residency of at least four (4) of the members is required. Members not residing within Boise City must reside within Ada County and conduct business in Boise City. The terms of office shall be four (4) years and if a vacancy occurs during an unexpired term, then the Mayor with the consent of the Council shall appoint a member to fill the unexpired term. The Board shall select one of its members as Chairman. Members of the Board shall serve and act without compensation except that their actual and necessary expenses may be allowed by the Council. The Secretary, who is hereby designated to be the code official or designated representative, shall keep a record of all meetings, appeals, hearings, and proceedings of the Board and shall perform all services that may otherwise be required.

A. BOARD DUTIES

It shall be the responsibility and duty of the Board:

1. To recommend and submit to the Mayor and Council any proposed amendments to this Chapter which may govern the design, construction, installation, improvement, expansion, and alteration of plumbing, mechanical or fuel gas systems.
2. To recommend and submit to the Mayor and Council any proposed standards for the quality and weight of materials, fixtures, appliances, and devices used in, design or construction of plumbing, mechanical or fuel gas systems.
3. To recommend and submit to the Mayor and Council any proposed amendments to this Chapter, prescribing the standards and procedures for inspecting plumbing, mechanical or fuel gas systems.
4. To review upon written request, the administration and enforcement of the minimum standards, codes, regulations and procedures required by this Chapter including appeals of any interpretations of this Chapter or decisions made by the code official under this Chapter.

B. APPEAL PROCESS

Any permit applicant, whose application has been rejected, or any person who has been ordered to modify, alter, remove, or install any plumbing, mechanical or fuel gas system as required by this Chapter may appeal that decision by filing notice in writing with the City within ten (10) calendar days. The appeal hearing shall be held within thirty (30) calendar days of receipt of the notice of appeal or as otherwise agreed upon by parties to the appeal and the City. At the hearing the Board may, by a majority vote, affirm, reverse, or modify the action of the City. If the actions of the City are modified or reversed, a permit shall be issued in accordance with the decision of the Board.

C. STANDARD OF REVIEW

The Board may: (1) modify or impose alternative to requirements to those contained within this Chapter only when the appellant demonstrates that the requirements of this Chapter are impracticable and demonstrates that the modification or alternative provides at least an equivalent level of safety as required under this Chapter, or (2) determines that the City erred in its interpretation or application of the Code provisions.

D. APPEAL FEE

Any person appealing a decision of the City shall include payment of an appeal fee in an amount specified in the fee schedule. In the event the decision of the code official is reversed, then 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, by filing notice in writing to the City Council within ten (10) calendar days of such order, decision, or ruling.

Section 9-4-21 IDAHO STATE PLUMBING CODE AMENDMENT, ADD SECTION 107.3, APPEAL PROCEDURE

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

- A. The code official or designee shall first present background information on the appeal, including relevant code sections and their interpretation and other information related to the activities or work performed related to the appeal. The Board may ask questions during or after each presentation.
- B. The Appellant may then present any information relevant to the appeal. The Appellant shall have up to twenty (20) minutes to present such evidence.
- C. The Chair shall next 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 code official or designee shall be allowed up to ten (10) minutes for rebuttal and any final comments.
- E. The Appellant then shall have up to ten (10) minutes for rebuttal and any final comments.
- F. The Chair may grant additional time to the Appellant and the code official or designee if the additional time would aid the Board in its decision provided that both the Appellant and the code official receive an equal amount of time each.
- G. Following the hearing, 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 within fifteen (15) calendar days in order to render a final decision. The final decision shall be in writing with a copy provided to the Appellant within ten (10) calendar days of rendering a final decision on the appeal. The decision by the Board may be appealed to the City Council within ten (10) calendar days following the date of issuance of a written decision.

Section 9-4-22 IDAHO STATE PLUMBING CODE AMENDMENT, SECTION 216.0, DEFINITION OF NUISANCE

Section 216.0 of the "Idaho State Plumbing Code", the definition of "nuisance" is hereby repealed and replaced to read as follows:

Section 216.0. **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 Chapter 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 shall 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.