

**CHAPTER 8**  
**SPRINKLERS**

**SECTION:**

- 5-8-1: Title
- 5-8-2: Purpose
- 5-8-3: Water Upon a Highway
- 5-8-4: Highway - Defined
- 5-8-5: Use of Baffle Plates
- 5-8-6: Liability and Penalty
- 5-8-7: Injuries to Public Highways
- 5-8-8: Severability

5-8-1: **TITLE:** This Chapter shall be known as the JEFFERSON COUNTY SPRINKLER ORDINANCE.

5-8-2: **PURPOSE:** The purpose of this Ordinance is to regulate the use of sprinklers in Jefferson County in a manner which will promote public health, safety, and general welfare.

5-8-3: **WATER UPON A HIGHWAY:** Any person, entity, firm, partnership, corporation or hired agents or employees of said person, entity, firm, partnership or corporation who allow, either intentionally or unintentionally, the sprinkling, diverting or flooding water upon a public highway is hereby declared to be a public nuisance.

5-8-4: **PUBLIC HIGHWAY - DEFINED:** For the purpose of this ordinance, the term "public highway" shall be construed to include all federal, state and county roadways in Jefferson County and consist of the entire right of way of such highway.

5-8-5: **USE OF BAFFLE PLATES:** Any sprinkler heads used in the diversion of water on land adjacent to a public highway shall be equipped with a baffle plate which will deflect the water diverted through said sprinkler head in such a manner that water will not be diverted onto a public highway. The failure of any person, firm, corporation responsible through its conduct, acts or control of property, or operations incident thereto, to equip sprinkler heads used in the diversion of water adjacent to a public highway with baffle plates as provided for herein, shall be prima facie evidence of violation by said person, firm, corporation of the provisions of this ordinance.

5-8-6: **LIABILITY AND PENALTY:** Any person, entity, firm, partnership, corporation or hired agents or employees of said person, entity, firm, partnership or corporation through its conduct, acts or control of property, or operations incident

thereto, for the creation or existence of sprinkling, diverting or flooding of water upon a public highway, shall be liable and subject to misdemeanor penalties as provided in Idaho Code Section 18-113, as amended. Each day shall be a continuing offense and subject to additional and enhanced penalties.

5-8-7:       **INJURIES TO PUBLIC HIGHWAYS:** All injuries to public highways resulting from the sprinkling, diverting or flooding of water upon a public highway as prohibited herein, shall be repaired at the expense of the person, entity, firm or corporation responsible through its conduct, acts or control of property, or operations incident thereto for the sprinkling, diverting or flooding of water upon a public highway. If said expenses of repair are not paid upon demand, the expenses of repair shall be recovered by appropriate civil action commenced by the Jefferson County Road Superintendent, or his/her duly authorized agent.

5-8-8:       **SEVERABILITY:** The provisions of this ordinance are hereby declared to be severable and if any provision of this ordinance or the application of such provision to any person, firm or corporation or circumstance is declared invalid for any reason, such declaration shall not affect the validity of the remaining portions of this act.

## AMENDMENT OF ORDINANCE

Be it ordained by the Board of County Commissioners of Jefferson County, Idaho, by and through their regularly scheduled meeting of March 24, 2003, that the following ordinance in Jefferson County, Idaho, be amended to read as follows:

5-8-6: LIABILITY AND PENALTY: Any person, entity, firm, partnership, corporation or hired agents or employees of said person, entity, firm, partnership or corporation through its conduct, acts or control of property, or operations incident thereto, for the creation or existence of sprinkling, diverting or flooding of water upon a public highway, shall be liable and subject to the following infraction penalties:

First Offense- a fine of \$100.00.

Second Offense within five years of the first offense- a fine of \$300.00.

Upon conviction for a third offense within five (5) years of the first violation, said violator shall be liable and subject to the misdemeanor penalties as provided in Idaho Code Section 18-113, as amended. Each day shall be a continuing offense and subject to additional and enhanced penalties.

Said amended ordinance shall be in full force and effect April 24, 2003, and continuing thereafter.

Dated this 24<sup>th</sup> day of March, 2003.

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Robin D. Dunn, Esq. on behalf of  
the Jefferson County, Commissioners  
of Jefferson County, Idaho