

ORDINANCE NO. 206

AN ORDINANCE OF THE CITY OF RIGGINS, IDAHO, REGULATING THE NATURE AND COMPOSITION OF SEWAGE WHICH MAY BE DISCHARGED INTO A PUBLIC SEWER; DEFINING THE TERMS USED IN THIS ORDINANCE; REQUIRING EVERY PERSON OWNING LAND OR PREMISES DISPOSING OF SEWAGE WASTES, TO WHICH SEWERAGE SERVICES ARE AVAILABLE, TO INSTALL A CONNECTION TO THE SEWER SYSTEM; PROVIDING FOR INSTALLATION AND REPAIR OF CONNECTIONS TO THE SEWER SYSTEM ONLY UPON ISSUANCE OF A PERMIT; SUBJECTING ALL SEWER CONNECTIONS AND PRIVATE SERVICE LINES TO INSPECTION, AND EMPOWERING THE APPROVING AUTHORITY TO ENTER UPON ANY PREMISES OR PROPERTY SUBJECT TO PUBLIC UTILITY EASEMENTS AT ALL REASONABLE HOURS FOR THE PURPOSE OF CONDUCTING SUCH INSPECTION; PROHIBITING DISCHARGE OF UNPOLLUTED WATERS INTO THE SEWER SYSTEM; PROHIBITING DAMAGE TO THE SEWER SYSTEM; PROHIBITING CERTAIN DISCHARGE INTO THE SEWER SYSTEM IN THE ABSENCE OF SPECIAL AGREEMENTS; PROVIDING FOR SUBMISSION OF INFORMATION, PRETREATMENT AND INSTALLATION OF INTERCEPTORS TO PROTECT THE SEWER SYSTEM; ESTABLISHING RULES GOVERNING THE MEASUREMENT AND SAMPLING OF CERTAIN SEWAGE WATER; EMPOWERING THE APPROVING AUTHORITY TO PROHIBIT THE DISCHARGE INTO THE SEWER SYSTEM OF SEWAGE THAT DOES NOT COMPLY WITH THE LIMITATIONS ESTABLISHED BY THIS ORDINANCE; PROVIDING REGULATION FOR CONNECTION TO THE SYSTEM INCLUDING PERMIT REQUIRED, CONNECTION CHARGES BASED ON EQUIVALENT USE AND PROVIDING FOR A WAIVER OF CONNECTION FEES; PROVIDING MONTHLY BILLING AND COLLECTION PROCEDURES; PROVIDING FOR CITATIONS ISSUED AND PENALTIES IMPOSED FOR VIOLATIONS OF THIS ORDINANCE; PROVIDING FOR THE REPEAL OF CONFLICTING ORDINANCE. PROTECTING THE REMAINING PROVISIONS OF THIS ORDINANCE IF ONE PROVISION SHOULD BE HELD TO BE INVALID; PROVIDING FOR A VARIANCE PROCEDURE; PROVIDING FOR PASSAGE AND PUBLICATION OF ORDINANCE AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF RIGGINS, IDAHO:

SECTION 1. Purpose. That the purpose of this ordinance is to promote the public health and welfare by regulating the nature and composition of sewage, including industrial waste, that may be discharged into the sewer system constructed and operated by the City of Riggins, Idaho.

SECTION 2. Definitions. That the terms used in this ordinance shall have the following meanings:

1. "Approving authority" shall mean the Riggins City Engineer, or his duly authorized deputy, agent or representative.
2. "Biochemical Oxygen Demand" (B.O.D.) shall mean the quantity of oxygen, expressed in parts per million by weight, utilized in the biochemical oxidation of organic matter under standard laboratory determinations made in accordance with procedures set forth in "Standard Methods", for five day B.O.D. determinations.



3. "City" shall mean the City of Riggins, Idaho.
4. "Chlorine requirement" shall mean the amount of chlorine in parts per million by weight, which must be added to the sewage to produce a specified residual chlorine content, or to meet the requirements of some other objective, in accordance with procedures set forth in "Standard Methods."
5. "Commercial user" shall mean any person not specifically classified as a domestic or as an industrial waste contributor.
6. "Dwelling unit" shall mean a building or structure or portion thereof that is constructed and used primarily for residential purposes. Any building or structure which has been constructed or altered to provide for two or more families or households, or which has been constructed or altered to accommodate travelers or transients, shall also be considered a dwelling unit.
7. "Garbage" shall mean the residue from preparing and dispensing food, and from handling, storing and selling food products and produce.
8. "Ground Garbage" shall mean the residue from preparing, cooking and dispensing food that has been shredded to such a degree that all particles will be carried freely in suspension under the flow conditions normally prevailing in public sewers with no particle greater than one-half inch in any dimension.
9. "Industrial waste" shall mean any flow discharge to the sewage treatment system containing a total of more than 200 mg/l of suspended solids, a waste of more than 200 mg/l of B.O.D. or an average flow of more than 0.25 mgd.
10. "House service line" shall mean the extension from the building drain to the public sewer, and is sometimes referred to as a service connection or private sewer.
11. "MG" shall mean million gallons.
12. "Natural outlet" shall mean any outlet into a watercourse, pond, ditch, lake or other body of surface or ground water.
13. "PH" shall mean the logarithm (base 10) of the reciprocal of the hydrogen ion concentration expressed in concentration expressed in moles per liter, and is a measure of the acidity or alkalinity of a solution. It shall be determined by one of the procedures outlines in "Standard Methods."
14. "Parts per million" shall mean a weight-to-weight ratio; and the parts per million value multiplied by the factor 8.345 shall be equivalent to pounds per million gallons of water.
15. "Person" shall mean any individual, firm, company, association, society, corporation, group or other entity.



16. "Private sewer" shall mean a sewer pipe that extends from a private residence or place of business to the public sewer line.
17. "Public sewer" shall mean a sewer line provided by, or subject to the jurisdiction, of the City. It includes sewer line that serves more than one parcel of land or private property, unless that portion of pipe is covered by a community maintenance agreement.
18. "Public Works Director" shall mean the person appointed by the Mayor to supervise the affairs of the Sewer Department.
19. "Sanitary sewage" shall mean wastes that are derived principally from dwellings, business buildings, institutions and industrial waste, exclusive of storm and surface waters.
20. "Sanitary sewer" shall mean a sewer that conveys sanitary sewage or industrial waste, or a combination of the two, and into which storm, surface, and ground waters or unpolluted industrial wastes are not intentionally admitted.
21. "Service charge" shall mean the charge levied against all users of the sewer system.
22. "Service tap" shall mean a connection of a private sewer line to the public sewer system.
23. "Sewage treatment plant" shall mean a waste-water treatment plant.
24. "Sewage" shall mean wastewater.
25. "Sewer" shall mean a pipe or conduit for conveying wastewater or any other waste liquids.
26. "Standard Methods" shall mean the examination and analytical procedures set forth in the most recent edition of "Standard Methods for the Examination of Water, Sewage, and Industrial Wastes," published jointly by the American Public Health Association, the American Water Works Association, and the Federation of Sewage and Industrial Wastes Associations.
27. "Standard sewage" shall mean sewage and acceptable waste that are within specifications regarding pH, B.O.D., dissolved oxygen, suspended solids and grease.
28. "Storm drain" shall mean a pipe or conduit for conveying storm, surface and ground water drainage, as opposed to sewage and industrial wastes.
29. "Suspended solids" (SS) shall mean solids that either float on the surface of or are in suspension in, water, sewage, or industrial waste, and which are removable by a laboratory filtration device. Quantitative determination of suspended solids shall be made in accordance with procedures set forth in "Standard Methods."
30. "Unpolluted water" shall mean any water or liquid containing none of the following; free or emulsified grease or oil; acids or alkalis; substances that may impart taste-and-odor or color characteristics, toxic or poisonous substances in suspension, colloidal state or solution, odorous or otherwise obnoxious gases. It shall not contain more than 30 mg/l each of suspended solids



or biochemical oxygen demand. Analytical determinations shall be made in accordance with procedures set forth in "standard methods."

31. "Waste water" shall mean the water-carried human, animal, household, commercial or industrial waste in a public or private sewer.
32. "Waste water treatment system: (also termed sewer system) shall mean all facilities for collecting, pumping, treating and disposing of domestic, commercial and industrial wastes, and includes sewers as well as the waste water treatment plant.
33. "Waste water treatment plant" shall mean an assemblage of devices, structures and equipment for treating domestic, commercial and industrial wastes.
34. "Watercourse" shall mean a channel in which a flow of water occurs, either continuously or intermittently.

SECTION 3. Wastes to be discharged into sewer system. That all sanitary sewage, industrial waste or other polluted waters shall be discharged into the sewer system. It shall be unlawful for any persons to dispose otherwise of sewage, waste and polluted waters. Where a public sewer is available, every person owning any land or premises within the City of Riggins shall install suitable sanitary facilities connecting the public sewer to any house, lot or premises requiring sewage disposal facilities. The approving authority of the City is hereby empowered, and is hereby made his duty to:

1. Compel the owners or occupants of lots, properties, building or residences with the City of Riggins which are disposing of sewage wastes to construct or cause to be constructed a sufficient private sewer line which shall connect said lots, properties, building, or residences to the nearest accessible public sewer.
2. To provide public sewer access and connection only to those lots, properties, buildings and residences located within the limits of the City of Riggins.
3. Require that a separate and independent house service line shall be provided for every lot, property, building or residence disposing of sewage wastes with the following exceptions:
  - a. Those properties now being served by a common line will be considered "grandfathered" in the system, but that if the property is divided in the future, by transfer of ownership or by the construction/installation of additional residences or businesses, each such residence, business, or parcel will be required to install a separate, private sewer line to service that residence, business or parcel, and will be subject to the hookup fees as described in this ordinance.

In any particular case, the City Council may, upon application by the affected party and a public hearing on the application, grant a variance from the requirements imposed by this section, for good cause shown.



SECTION 4. Sewer connection and repair—permit required. That it shall be unlawful for any person to uncover, make any connection with or opening into, use, alter or disturb any public sewer or appurtenance thereof, without first obtaining a written permit. Permission given to connect sewers and drains shall be upon the express condition that the approving authority may at any time revoke the same, for good cause, and the person making such connection, or his successor in interest, shall have no right to claim any damage in consequence of such permission being revoked.

When any private sewer connected with any public sewer becomes obstructed, broken or out of order, the owner, agent or tenant of such premises shall effect the necessary repairs at his own expense. In addition, the City is neither responsible nor liable for any failure of a private sewer line or system occurring on their private property. No person shall construct, relay, repair or extend any private sewer except upon obtaining a private sewer permit. It shall be unlawful for any person to extend any private sewer beyond the limits of the building or property for which a permit has been issued, without obtaining an additional permit for the desired extension.

SECTION 5. Inspections. That all constructions of, or repairs on, private sewers and house service lines connecting to the public sewer system shall be in accordance with the applicable ordinances of the City, and of the Idaho Code, and shall be subject to inspection by the approving authority.

1. Notice shall be given the approving authority by any person desiring to make a connection with any public sewer at least forty-eight (48) hours previous to the time of making such connection, stating when such work will be ready for inspection. The connection must be made to the satisfaction of the approving authority before the trench is filled. When any person desires to lay or drive any pipe in a street, alley or easement in which a public or private sewer is laid, he shall give at least forty-eight (48) hours notice to the approving authority; provided, that upon a showing that emergency conditions exist, the approving authority may authorize the work to commence and shall conduct the required inspection as soon thereafter as circumstances permit.
2. The approving authority shall have the right to enter upon any premises connected with any public sewer at all reasonable hours to determine that there is compliance with the provisions of this ordinance. If a violation is noted, the owner of said premises or his agent shall be directed to alter, repair or reconstruct the facilities in question to conform with the requirements of this ordinance within fifteen (15) days. The owner or occupant of any house, building or property shall allow authorized persons at any time to inspect the nature of waste water discharging into a public sewer. Authorized persons bearing proper credentials and identification shall be permitted to enter all property for the purpose of inspection, observation, measurement, sampling and testing, in accordance with the provisions of this ordinance.

SECTION 6. Unpolluted waters. That it shall be unlawful for any person to discharge or cause to be discharged any storm water, ground water, and roof runoff, subsurface drainage, cooling water or unpolluted water into any sanitary sewer. Storm water shall be discharged to such sewers as are



specifically designated as storm drains, or to natural outlet designated by the approving authority. Industrial cooling water or unpolluted process water may be discharged, upon approval by the approving authority, into a storm drain or natural outlet.

SECTION 7. Damage to sewer system. That it shall be unlawful for any person (A) to damage, break, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is part of the sewer system; or (B) to deposit into any sewer opening any substance having a tendency to obstruct the flow of the sewer.

SECTION 8. Prohibited discharges and special agreements. That, except as provided below, no person shall discharge or cause to be discharged into the sewer system any of the following described waste substances:

Any solids, liquids, or gases which may, by themselves or by interaction with other substances, cause fire or explosive hazards, or in any other way be injurious to person, property, the operation of the sewer system, or to any of the following listed heavy metals which may be components of the system: antimony, arsenic, barium, beryllium, bismuth, boron, cadmium, chromium (hexa), chromium (tri) , cobalt, copper, iron, lead, manganese, mercury, molybdenum, nickel, rhenium, selenium, silver, strontium, tellurium, tin, uranyl ion and zinc.

Any noxious or malodorous solids, liquids, or gases which singly, or by interaction of other substances, are capable of creating a public nuisance or hazard to life, or of preventing entry into sewers for their maintenance or repair.

Any solids, greases, waxes, slurries or viscous materials of such character or in such quantity that the approving authority reasonably determines may cause an obstruction to the flow of the sewer, or otherwise interfere with the proper functioning of the sewer system.

Any toxic substance, chemical element, or compound in quantity sufficient to impair the operation of efficiency of the waste water treatment plant and to cause the effluent thereof to exceed the permissible standards established by the Idaho Department of Health and Welfare or the Federal Environmental Protection Agency, for the receiving stream.

Any liquid having a pH lower than 5.5 or higher than 9.0, or having any corrosive property capable of causing damage or hazard to the structures, equipment or personnel of the sewer system.

Any radio-active isotopes for which a special permit has not been obtained from the approving authority.

Any substantial amount of liquid or vapor having a temperature greater than 150 degrees F.

Any garbage that has not been properly ground.

Any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastic, wood, manure, hair or any other solid capable of causing obstruction to the flow in sewers or other interference with the proper operations of the sewer system.

1. None of the prohibitions contained in the foregoing portion of this section shall be construed as precluding any special agreement or arrangement between the City and any person, whereby an industrial waste of unusual strength or character may be admitted to the sewer system, either before or after pretreatment, provided that there is no impairment of the functioning of the sewer system by reason of the admission of such waste, and that no extra costs are incurred by the City without recompense by the person.
2. Review and acceptance by the approving authority shall be obtained prior to the discharge into the public sewers of any water or waste containing (1) a total of more than thirty pounds of suspended solids in any one day; (2) a total of more than thirty pounds of B.O.D. in any one day; or (3) an average flow of 0.01 mgd or more.



**SECTION 9. Submission of information, pretreatment and installation of interceptors to protect sewer systems.**

1. That where the approving authority reasonably determines that it is necessary to modify or eliminate wastes that are harmful to the structures, processes or operation of the sewer system, the person whose discharges are in question shall provide at his expense such preliminary treatment or processing facilities, as may be necessary to render his waste acceptable for admission to the public sewer. Such pretreatment may include, but is not limited to, the settling of all wastes containing soil, dirt or sand for a minimum of two hours in an acceptable basin before discharging to a sewer; or the passing of all industrial wastes through an approved self-cleaning, 2.0 mesh screen, unless otherwise allowed by the approving authority.
2. Plans, specifications and any other pertinent information relating to proposed pretreatment or processing facilities prior to commencing their construction if the effluent from such facilities is to be discharged into the public sewers.
3. Each person who discharges industrial waste into a public sewer shall prepare and file with the approving authority a report that shall include pertinent data relating to the quantity and characteristics of the waste discharged into the sewer system. Similarly, each person desiring to make a new connection to the sewer system for the purpose of discharging industrial wastes shall prepare and file with the approving authority a report that shall include actual or predicted data relating to the quantity and characteristics of the waste to be discharged. However, when it can be demonstrated that circumstances exist which would create an unreasonable burden on the person involved, to comply with the time schedule specified in this subsection, a request for extension of time may be presented for consideration by the approving authority.
4. Grease, oil and sand interceptors or other necessary removal facilities shall be installed on the premises of a building used as a hotel, boarding house or restaurant, and when, as reasonably determined by the approving authority, they are necessary in other service lines for the proper handling of liquid wastes containing grease in excessive amounts, high concentrations of blood, fruit, vegetable or grain liquors, milk wastes, or any flammable wastes, sand and other harmful ingredients. All interceptors shall be of a type and capacity designated by the approving authority and shall be so located as to be readily and easily accessible for cleaning and inspection. Where installed, all grease, oil and sand interceptors shall be maintained by the owner or occupant, at his expense, in continuously efficient operation at all times.

**SECTION 10. Flow measurement and sampling of industrial waste.**

1. Each person discharging industrial waste into a public sewer shall construct and maintain at his expense an approved measurement, sampling and sample storage station for all waste entering the public sewer. These facilities shall be used to obtain flow, B.O.D., and suspended solids data for use as a basis to compute the appropriate industrial waste sewer service charge. All devices, access facilities and related equipment shall be installed by the person discharging the waste, at his expense, and shall be maintained by him so as to be readily accessible to the approving authority during the operating day. The flow measurement and sampling station shall be located and constructed in a manner approved by the approving authority. Complete plans on all phases of the proposed installation, including all equipment proposed for use, shall be submitted to the approving authority for approval prior to construction. Each person discharging the waste shall keep flow records as required by the approving authority, and shall provide qualified personnel to properly maintain and operate the facilities.
2. In lieu of requiring the construction of a measurement, sampling and sample storage station, the approving authority may direct that each person discharging industrial wastes into a public sewer shall obtain sufficient composite samples on which to base the computation of the persons' industrial waste service charge. The industrial waste charge shall be computed using



the metered flow to the premises as a basis for waste flow and laboratory analysis of samples procured as directed by the approving authority, as a basis for computing B.O.D. and suspended solid content of the waste. Metered water flow shall include all water delivered to or used on the premises. Water not discharged to a public sewer may be separately metered at the person's expense to allow deduction of such flow from the total water used on the premises in computing the industrial waste sewer service charge. In the event that private water supplies are used, they shall be metered at the person's expense.

3. The approving authority may determine, by at least three composite waste samplings during a year, whether or not a waste discharge to a public sewer, based on either B.O.D. or suspended solids, exceeds 200 mg/l organic load or the average flow exceeds 0.25 mgd. If three consecutive measurements by the city indicate that the 200 mg/l organic load or the 0.25 mgd flow rate is being exceeded, then the waste shall be classified as industrial waste. Commercial users may have the option of using the commercial or industrial rates established herein.
4. The waste sample shall be collected and tests performed by the approving authority. Laboratory procedures used in the examination of industrial wastes shall be those set forth in "Standard Methods." However, the approving authority shall approve alternate methods for certain analysis of industrial wastes if he can reasonably verify their accuracy.
5. The total yearly treatment plant operation, maintenance and debt service costs chargeable to each user shall be computed on the basis of the flow, B.O.D. and suspended solids of the industrial waste load discharged to the sewer system.

SECTION 11. Refusal of use of system. That the approving authority may prohibit the discharge into the public sewer of sewage that does not comply with the limits set forth in this ordinance.

SECTION 12. Connection to System.

1. PERMIT REQUIRED: A City Utility Service permit shall be required for any new installation, addition, or change in use or classification of any connection made to the City Sewer system. Any owner or agent desiring to have such new or changed connection or use shall make application for the permit at the office of the City Clerk. A copy of the "City Utility Connection Application" is attached hereto as Exhibit A and shall be a part of this ordinance. It shall be the responsibility of the private property owner to obtain any or all right-of-way easements necessary to install, maintain or repair a Private Sewer Line that crosses any parcel of land not under their private ownership. Legal documentation of that recorded right-of-way easement must be provided to the City at the time of utility service application. The easement will be granted from one private property owner to the other, with the City of Riggins having no responsibility or interest in the easement.
2. CONNECTION CHARGES: Upon application for the City Utility Connection Application, an installation or connection fee shall be paid, according to the following schedule:
  - a. Sewer Connection Fees
    - i. Sewer connection fees shall be based upon the classification and use indicated on the utility service application, as applied to the established Equivalent Use (EU) Schedule. Any change, addition, or alteration of use shall also be subject to the review and fee established by said EU schedule. If the use change reduces the scope of the established operation of any property, no refund of connection fees will be made.

The Sewer Connection Fee shall be paid per each EU assessed, plus a deposit sufficient to cover estimated costs that may be incurred by the City in the connection of the line to the City's system. Actual Material & Labor costs



occurred during the connection will be billed within 45 days of installation, and the deposit applied, with additional billing or deposit refund made at that time. The fee charged for each EU assessed shall be established by City Resolution. All connection fees and deposits must be paid and approved by the City Council prior to any construction activity.

Any connection fees due and not paid prior to the passage of this ordinance shall accrue interest @ 1% per month.

If a single property has more than one classification or use, the connection fee shall be based on the sum of all the EU's assessed.

If a specific use is not covered by the Sewer Connection Equivalent Use Schedule, the City Council shall determine the EU's to be assessed; and such assessment shall be added to the Equivalent Use Schedule by passage of a City Resolution.

- b. The SEWER CONNECTION EQUIVALENT USE SCHEDULE is hereto attached as Exhibit B and incorporated into this ordinance.
- c. WAIVER OF CONNECTION FEES. The following criteria must be met to qualify for a waiver of the fees established in this ordinance:
  - i. Residential: A residential hookup fee must have been paid previously for the residence. If the property is not currently using the water or sewer service, and no minimum monthly service fees have been paid during the twelve month period preceding the request for fee waiver, the water or sewer hookup will be considered abandoned and new hookup fees will apply.
  - ii. Commercial: If a commercial property is divided for the purpose of transfer of ownership and a commercial sewer hookup fee has been paid prior to 3/29/95, two EU's as described in this Ordinance will be allowed. Additional development beyond two EU's will be subject to the hookup fees as described in this ordinance. If the property is not currently using the water or sewer service, and no minimum monthly service fees have been paid during the twelve-month period preceding the request for fee waiver, the water or sewer hookup will be considered abandoned, and new hookup fees will apply.
  - iii. Pre-Existing Agreements: This resolution shall not apply to pre-existing written agreements made by the City of Riggins prior to this date.

SECTION 13. Monthly Billing and Collection Procedure. The billing and collection procedures for the municipal services described above shall be as follows:

1. Billing Periods. All services shall be billed on a monthly basis. The billing period for city utility service shall extend from the first day to the last day of each calendar month.



2. Monthly service charges. Each parcel subject to the monthly user charge shall be appraised and assessed by the City Council for the purpose of establishing the monthly service charge or other fees to be charged or assessed to and against such property. By making such appraisal and assessment, the Council will establish, as nearly as possible, the rate, charge or fee for each property on the same relative basis as is imposed upon other like property within the system that has or will receive the sewer service.

The rates, charges and fees provided for in this ordinance are hereby levied and assessed against each parcel of land, building or property having any connection with the sanitary sewage system of the City, and shall be billed to and paid by the owner of each lot, parcel of land, building or property. It is specifically enacted that all property in the City to which a public sewer is available shall be required to connect to the sewer of the City of Riggins. If the premise is vacant and not used by the owner or occupier of said property, the property is still subject to EU sewer charges under the provisions of this ordinance.

To track and monitor approved, but unconnected sewer hookups and their potential impact on the wastewater system, minimum monthly Unconnected/Unused Sewer Rate schedule will apply. IF: (1) Sewer service is available to the property and hookup connection is approved, but no building or premise is connected to the sewer system, or (2) Commercial hookups were paid previously for a parcel, and that commercial use has reduced or changed to residential and property owner desires to maintain the parcel's commercial connection, the following monthly sewer rates shall apply:

Approved, but Unconnected/Unused Monthly Sewer Rates:

\$5.00 per month per approved EU connection

\$1.00 per month, per connection, for those hookups made in connection with unsold lots in approved subdivisions or hookups made in connection with previously approved written easements or agreements.

If the property owner does not desire to pay the unconnected/unused monthly sewer fees to maintain the approved connection to the sewer system, the sewer connection will be considered abandoned and new connection fees, at current rates will apply to future use of the property.

The monthly sewer user rates for sewer service are based on a flat rate as determined by present expenses plus additional capital improvement and operating costs of the upgraded sewer and treatment facilities. Residential homeowners' sanitary sewer user charges will be based on a flat rate charge per dwelling. Multiple living units' user charges shall be based on a flat rate per living unit. All other users such as commercial shall be based on the number of equivalent connections associated with that business. A single user having more than one classification of use shall be the sum of the fees. The minimum monthly sewer charge shall be one equivalent user. The user charge system is based on the following:



- a. Monthly Sewer User Charges are based on the "Monthly Sewer User Charge Equivalent Use Schedule", which is hereto attached as Exhibit C, and incorporated into this ordinance or as may be amended in the future by City Resolution.
- b. The fee for each equivalent use (EU) shall be established by resolution by the City Council. The EU rate, as well as the classification of use, shall be reviewed each July by the Council, and amended by City passage of City Resolution.

(C) Rendering of bills. All bills for city utility services shall be rendered during the first week of the calendar month, following the month of service and shall state the charge for the billing period during which the bill is rendered. The bills for various city services may be consolidated on a single statement, so long as each service is separately identified and charged. Each statement shall plainly indicate that the bill becomes past due on the 30<sup>th</sup> day of the calendar month in which it was rendered. The failure to receive a bill does not diminish or eliminate the obligation to pay the utility statement.

(D) Delinquencies. If a bill has not been fully paid by the 30<sup>th</sup> day of the month it was rendered, a past due notice shall be promptly issued to the owner or occupant of the lot, property, building or residence in question. The notice shall state that the bill has previous amount due, and that a penalty of \$5.00, or interest on the past due balance at a rate of 1% per month, whichever is greater, is due. If the unpaid balance totals two months in arrears, the water service will be terminated and an order shall be issued to notify the owner that if the bill is not paid in full, water service will be discontinued in 15 days. A service charge of \$10.00 will be charged for each water service termination order issued. The delinquency notice shall further state that a hearing on the delinquency may be conducted by the City Council upon request during the interim period before the date of water shut-off. If a bill is not fully paid by the date listed on the water service termination order and if a hearing has not been conducted or requested, water service shall be terminated and all deposits held by the City Clerk shall be forfeited and applied to the outstanding balance of the bill. If balances are not paid when due, the amount so unpaid may be certified by the City Clerk to the County Assessor of Idaho County, Idaho, and shall be by him assessed against the premises served as provided by law and shall be collected and paid over to the City in the same manner as other taxes are assessed, collected and paid. Such unpaid charges may also be recovered in an action at law in the name of the City, and the owner or occupant in question shall be liable to reimburse the City any costs which it hereby incurs, including a reasonable attorney's fee.

The City Council will be notified, at their regular monthly meeting, of accounts that have unpaid balances that total more than one month arrears. Any adjacent or nearby city utility user that supply water to a delinquent property, whose water has been shut-off shall also pay the monthly water and sewer fees of that delinquent account.

(E) Restoration of service. In the event that water, garbage collection or sewer services are terminated, a fee of \$15.00 shall be charged to the owner or occupant of the lot, property, building or residence in question for restoration of service upon payment of the delinquency owed for prior service. In the event of any subsequent termination of services, the restoration fee shall be \$50.00 for each terminated service.



SECTION 14. Enforcement.

1. Any violation of this ordinance shall be unlawful and punishable as a misdemeanor. Each day that such violation continues shall be deemed to be a separate offense.
2. Whenever it is determined by the approving authority, or his agent or representative, that any person has violated any provisions of this ordinance, a written citation containing a notice to appear in the Magistrate Division of the District Court of the Second Judicial District, State of Idaho, shall be served upon the person charged, stating the name of the person charged, the offense charged, the time and place when and where the offense charged occurred, the time when the person charged must appear in said court, and any other information that may be necessary. Provision for this method of enforcing the ordinance does not bar the City from employing any other legal method of initiating proceedings to enforce the ordinance.
3. It shall be unlawful, and punishable as a misdemeanor, for any person knowingly to fail to appear in response to a citation issued as provided above, regardless of the disposition finally made of the charge upon which the citation was issued.  
Appearance by an attorney shall be deemed an appearance by the person charged.

SECTION 15. Repeal. The conflicting provision of any prior ordinance is hereby repealed to the extent of such conflict.

SECTION 16. Invalidation clause. That if any section, paragraph, clause or provision of this ordinance should be held invalid by any court of competent jurisdiction, for any reason, such holding shall not affect the validity of enforceability of any remaining provisions hereof.

SECTION 17. Variance procedure. In the event any user of the City sewer system is aggrieved by any provision of this ordinance, including the rate schedules, interest accrual or service termination procedures said user may apply to the City for a variance. An application for variance shall be heard before the City Council at its regular meetings, or such other time as the City may set. A variance may be granted if after a full hearing of the grounds and reasons for such variance, and only if, the City Council finds that the provisions of the ordinance cause undue hardship, or are unjust or unreasonable as applied to the user. Neither City personnel, staff or individual Council members have the authority to issue a variance or restore terminated service without the approval of the City Council quorum.

SECTION 18. PASSAGE AND PUBLICATION. This ordinance, or a summary thereof in compliance with Section 50-901A, Idaho Code, substantially in the form annexed hereto as Exhibit D and made a part of this ordinance, shall be published once in the Idaho County Free Press. The rule requiring an ordinance to be read on three separate days is hereby dispensed with, and this ordinance shall become effective upon its approval and publication, as provided by law.

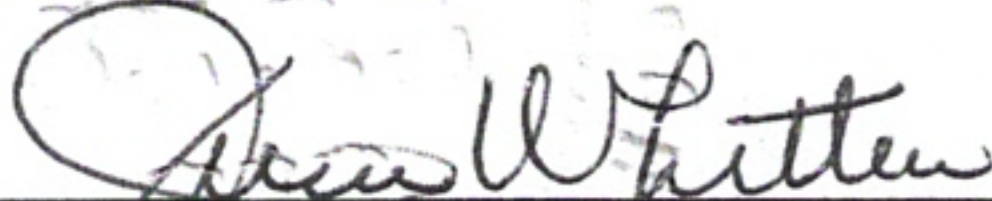
PASSED AND APPROVED, under suspension of the rules, upon which a roll call vote was taken, on this

13<sup>th</sup> day of Aug, 2012.



Robert Crump, Mayor

ATTEST:



June Whitten, City Clerk