

ORDINANCE NO. 205

AN ORDINANCE OF THE CITY OF RIGGINS, IDAHO COUNTY, IDAHO PROVIDING FOR THE RULES AND REGULATIONS FOR THE CONDUCT AND OPERATION OF THE CITY WATER SYSTEM, PROVIDING FOR DEFINITIONS OF GENERAL TERMS; DEFINING THE SERVICE AREA; PROVIDING A DESCRIPTION OF SERVICE; PROVIDING FOR APPLICATION FOR SERVICE; FOR NEW CONNECTIONS; FOR MAIN EXTENSIONS, DESCRIBING SERVICES; METERS; WATER RATES; NOTICES; BILLING AND PAYMENTS; PROVIDING FOR NON REGISTERING METERS; DISCONTINUANCE OF SERVICE; PROVIDING FOR RESTORATION OF SERVICE; UNUSUAL DEMANDS; ACCESS TO PROPERTY; RESPONSIBILITY FOR EQUIPMENT; FIREHYDRANTS; PROVIDING FOR PENALTIES; SUSPENSION OF RULES; EASEMENTS, PRIOR ORDINANCES, CONSTITUTIONALITY AND SAVING CLAUSES; AND PROVIDING FOR PASSAGE, PUBLICATION AND EFFECTIVE DATE.

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

SECTION 1. TITLE: This Ordinance shall be known as the "The Rules and Regulations for the Operation of the Water System of the City of Riggins, Idaho", and may be so cited and pleaded.

SECTION 2. DEFINITIONS OF GENERAL TERMS:

- A. "City" shall mean the City of Riggins, Idaho.
- B. "City Council" shall mean the members composing the City Council, including the Mayor of the City of Riggins, Idaho.
- C. "Superintendent" shall mean the person appointed by the City Council to superintend the affairs of the Water Department. Superintendent is sometimes referred to as the Public Works Director (PWD).
- D. "Applicant" shall mean any person or persons, firm or corporation, making application for water service under the terms of these regulations.
- E. "Customer" or "User" shall mean an applicant who has been accepted under the terms of these regulations and who receives water service from the City.

SECTION 3. SERVICE AREA: The area served by the City shall be all that area included within the corporate limits of the City of Riggins. The area served may be expanded by annexation into the City.

SECTION 4. DESCRIPTION OF SERVICE:

- 1. Supply. The City will exercise reasonable diligence and care to deliver a continuous and sufficient supply of water to the customer at a reasonable pressure and to avoid so far as reasonably possible any shortage or interruption in delivery.

The City shall not be liable for damage resulting from the interruption in service or from lack of service. Temporary suspension of service by the City for improvements and repairs will be necessary occasionally. Whenever possible, and when time permits, all customers affected will be notified prior to shutdowns.

2. Quality. The City will exercise reasonable diligence to supply safe and potable water at all times.
3. Ownership of System. All water mains, valves, fittings, hydrants, and other appurtenances, except "private service lines", as defined in Section 8, Subsection (1) herein, shall be the property of the City.
4. Classes of Service. The classes of service shall be Residential, Commercial, Standby Fire, and Contract as further qualified by the number after the class as follows:
  - a) Residential Service. Residential services shall consist of all services for domestic purposes, single family dwellings, homes and municipal purposes.
  - b) Commercial Service. Commercial services shall consist of those services where water is used for commercial services, such as businesses and multi-family dwellings, and/or churches, civic lodges, etc.
  - c) Standby Fire. Standby fire service shall consist of those services where water is available or used for fire protection only.
  - d) Contract Service. Contract services shall consist of those services for industrial or independent City purposes under contracts authorized by the City Council.
5. Special Contracts. When the applicant's requirements for water are unusual, large, or necessitate special or reserve equipment or capacity, the City Council reserves the right to make special contracts, the provisions of which are different from and have exceptions to the regularly published water rates, rules and regulations. This special contract shall be in writing, signed by the applicant and approved by the Mayor, City Clerk or Public Works Director (PWD) of Riggins.
6. Resale Water. Resale of water shall be permitted only under special contract, in writing, between the City and the persons, parties or corporation contracting for the water.
7. Service Preference. In case of shortage of supply, the City reserves the right to give preferences in the matter of furnishing services to customers and interest of the City from the standing of public convenience or necessity.

#### SECTION 5. APPLICATION FOR SERVICE

1. Application Form. Each applicant for water service shall complete the "Application and Contract for Utility Service" provided by the City giving the date of application, service address, the property owner's name, address and billing information and such other information as the City may reasonably require. In signing the application, the customer agrees to abide by the rules and regulations of the Water Department. The application is merely a written request for service and does not bind the City to serve. A sample "Application and Contract for Utility Service" is shown as Exhibit "A", which is attached hereto and incorporated into this ordinance.
2. Deposits. At the time application for service is made, the applicant may be required to make a cash deposit with the City to secure the payment for service. The deposit requirement and specified amount of the deposit shall be established by the City Council by City Resolution. The

deposit is not to be considered as a payment on account. In the event the service is discontinued, any remaining deposit will be applied to the closing bill and any amount in excess of the closing bill will be refunded. No interest will be paid on any deposit.

3. Forfeiture of Deposit. If any account becomes delinquent and it is necessary to turn off the service, the deposit shall be applied to the unpaid balance due. Water service will not be restored to said premises or that customer at different premises until all outstanding bills due the City have been paid and the cash deposit replaced, together with the appropriate service charge as provided in Section II, Sub-section 6 herein.
4. Application/Service Amendments. Customers desiring a material change in the size, character or extent of equipment or operation which would result in a material change in the amount of water used shall provide the City written notice of such change two weeks prior to the change by completion of a new "City Utility Connection Application" and remit any additional fees as required in Section 6 of this ordinance. The Utility Connection Application form is attached hereto as Appendix "B" and hereby incorporated into this ordinance.

#### Section 6. NEW CONNECTIONS

1. Application/Connection Fees: Any property owner or agent desiring to have a new or enlarged premise connection with the water system of the City shall complete the City of Riggins Utility Connection Application, and submit the completed application, along with the appropriate installation and connection fees to the City Clerk. This charge is an established connection fee plus the actual costs incurred by the City to install the service from the main to, and including, the meter and the meter housing. The schedule of installation or connection fees is as follows, or as may be amended in the future by City Resolution:

5/8"-3/4" Meter/Pipe - \$3,000.00 Plus a deposit sufficient to cover all costs for labor and material estimated to be incurred by the City in connection with the service installation.

1" Meter/Pipe - \$3,200.00 Plus a deposit sufficient to cover all costs for labor and material estimated to be incurred by the City in connection with the service installation.

Larger than 1" Meter/Pipe: \$3,200.00 Plus \$200.00 per each 1/2" size increment above 1" Plus a deposit sufficient to cover all costs for labor and material estimated to be incurred by the City in connection with the service installation.

All connection fees and deposits must be paid and the Utility Hookup Application approved by the City Council prior to any construction activity. Water service will not be activated by the Public Works Department personnel until all installation fees/deposits are paid.

Upon completion of the water hookup, the actual costs incurred by the City in connection with the installation will be deducted from the deposit, and any unused deposit refunded. If the costs incurred exceed the deposit originally required, those costs must be paid within thirty (30) days of billing.

Material and installation fees not paid prior to passage of this ordinance, or not paid within thirty (30) days of billing, shall accrue interest on the unpaid amount at a rate of one percent interest per month or a penalty of \$5.00 per month, whichever is greater.

2. Separate line required. It shall be required that each residence, or business, or parcel of property have a separate, private water line and meter, and a private sewer line servicing that residence, business or parcel.

3. Grandfathered Connections. 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 water line and meter to service that residence, business or parcel, and will be subject to the hookup fees as described in this ordinance.

4. Waiver. The following criteria must be met to qualify for a waiver of the connection fees established in this ordinance:

Residential: A residential hookup fee must have been paid previously for the residence. If the property is not currently using the water service, and no minimum monthly service fees have been paid during the twelve month period preceding the request for fee waiver, the water hookup will be considered abandoned and new connection fees will apply.

5. Easements Required. The property owner shall have the responsibility to obtain any or all right-of-way easements necessary to install, maintain or repair a Private Water 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 water or sewer hookup 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.

#### SECTION 7. MAIN EXTENSIONS:

Water main extensions to areas within the City limits not presently served with water shall be installed under procedures to be established by the City Council. Sub-dividers for newly partitioned properties will assume all costs of main extensions with the approval of the City Council. The City will make water main extensions only on right-of-ways, easements or publicly owned property. Easements or permits secured for main extensions shall be obtained in the name of the City of Riggins, along with all right and title to the main at the time the service is provided to the customers paying for the extension.

#### SECTION 8. SERVICES:

1. Definition. The "Service Connection" shall be that part of the water distribution system which connects the meter to the main and shall normally consist of corporation stop service pipe, curb stop and box, meter, meter yoke and meter box. The "Private Service Line" shall be that part of the piping that connects the "Service Connection" (meter) to the customer's distribution system.

2. Ownership, Installation, and Maintenance. The City shall own, install and maintain all "Services Connections" and their installation and maintenance shall only be performed by authorized employees or agents of the City. The customer shall own, install and maintain the "Private service line. It is not the responsibility of the City to install maintain or repair any private water line.
3. Size of Service. The City will furnish and install a service of such size and at such locations as the applicant requests, provided such requests are reasonable and that the size requested is one that is listed by the City. The minimum size of service shall be three-fourths (3/4) inch. The City may refuse to install a service line which is undersized or oversized as determined by a study or the City Council.
4. Changes in Service. Permanent changes in the size of the service line must be requested by completion of Utility Connection Application, with connection fees paid. All permanent connection changes must be approved by the City Council. Consideration of the original connection size, will be given and applied to any additional connection fees due. No refund will be made if connection is downsized.
5. Length of Service. Where the main is in a public right-of-way, the meter will be placed at the right-of-way line nearest the property to be served.

Where the main is on an easement or publicly owned property other than designated rights-of-way, the services shall be installed to the boundary of the easement or public property by the City, provided the length of service does not exceed thirty (30) feet.

If, in either case cited above, the length of service to the meter location exceeds the maximum stated, the applicant shall pay the extra cost of the line on the basis of actual cost to the City for labor, materials and equipment.

6. Joint Service Connections. The City may, at its option, serve two or more premises with one connection. On new service connections, the inside diameter of such joint lines shall be sufficient to provide a carrying capacity of not less than the combined capacity of individual service lines of the same size as the meters installed.

Service extensions from an existing service to other occupancies or ownerships than that for which the existing service was intended shall not be permitted nor shall separate residences be permitted to receive service through one meter except under special considerations approved by the City Council.

7. Number of Service Connections on Premises. The owner of a single parcel of property may apply for and receive as many services as he and his tenants may require, provided his application or applications meet the requirements of the policies, rules and regulations. Each service connection will require individual connection fees and metered monthly billing.
8. Standby Fire Protection Service Connections.
  - a. Purpose. Standby fire protection service connections of two inch size and larger will be installed only if adequate provisions are made to prevent the use of water from such services for purposes other than fire extinguishing. Sealed fire sprinkler systems with water-operated alarms shall be considered as having such provisions. The City may require that a

suitable detector check meter be installed in the standby fire protection service connections, to which hose lines or hydrants are connected.

All piping on the customer's premises shall be installed in accordance with the plumbing codes of the State of Idaho and the City.

- b. Charges for Service. Charges for standby fire protection service will be stated in the published water rate schedule. No charge will be made for water used in the standby fire protection services to extinguish accidental fires or for routine testing of the fire protection system. The customers shall pay the full cost of the standby protection service connection, any required detector meter check meters, and any required special water meter installed for the service to the standby connection.
  - c. Violation of Regulations. If water is used from a standby pipe connection service in violation of these regulations, an estimate of the amount used will be computed by the City. The customer shall pay for the water used at the regular rates, including the minimum charge based on the size of the service connection and subsequent bills rendered on the basis of the regular water rates.
9. Fire Service Connections Other Than Standby. A service having fire protection facilities on the premises and water for other purposes flowing through the same service connection shall be considered as an ordinary service and metered as such. All water used through that service, regardless of its use, will be charged at the regular rates.
10. Temporary Service Connections. For water service of a temporary nature, applicants shall be required to pay in advance the estimated cost of installation and removal of metering equipment and materials, plus a reasonable depreciation charge for the use of equipment and material furnished by the City. The applicant shall also pay his water bill in advance and based on an estimate of the quantity used, or he shall otherwise establish satisfactory credit.
- a. Time Limit. Temporary service connections shall be disconnected and terminated within six months after installation unless an extension of time is granted in writing by the City.
  - b. Charge for Water Served. Charges for water furnished through a temporary service connection shall be at the established rates set forth in the current water rate schedule.
  - c. Installation Charge and Deposits. The applicant for temporary service will be required:
    - i. To pay the City, in advance, the estimated cost of installing and removing all facilities necessary to furnish each service.
    - ii. To deposit an amount sufficient to cover bills for water during the entire period such temporary service may be used, or to otherwise establish credit approved by the City.
    - iii. To deposit with the utility an amount equal to the value of any equipment loaned by the City to such applicant under the terms of Section 7, Sub-section II (d) hereinafter.
  - d. Responsibility for Meters and Installation. The customer shall use all possible care to prevent damage to the meter or to any other loaned facilities of the Water Department. If the meter or other facilities are damaged, the cost of making repairs shall be deducted from the deposit fund. If the loaned materials are returned in satisfactory condition and all bills paid, the full amount of the equipment deposit will be returned to the temporary customer at the termination of service.
11. Customer's Plumbing.
- a. Plumbing Code. The customer's plumbing, which shall include the private service line and all plumbing, piping, fixtures and other appurtenances carrying or intended to carry water, sewer

or drainage, shall comply with all plumbing codes of the State of Idaho and the City.

- b. Control Valves. Customers shall install a suitable control valve in the customer service line in an easily accessible location, the operation of which will control the entire water supply to the premises served.

It shall be a violation of these rules and regulations for the customer to operate cause or permit unauthorized operation of the meter stop or any appurtenances on the service connection.

#### SECTION 9. METERS:

1. Ownership. The City will own and maintain all water meters. The City will not pay rent or any other charge for a meter or other water facilities, including housing and connections on a customer's premises.
2. Installation. Installation of water meters shall be performed only by authorized employees of the City. All meters sealed by the City at the time of installation shall not be altered or broken except by one of its authorized employees.
3. The Size and Type of Meter. Applicants may request and receive any size meter regularly stocked or furnished by the City, provided the request is reasonable and further provided that the meter is not undersized or greatly oversized, as determined by the PWD. The City reserves the right to determine the type of meter to be installed.
4. Location of Meters. Meters shall normally be placed at the curb or property lines; the meter will be installed wherever the applicant desires within reason, but the location must be approved by the City. The meters will not be located in driveways or other locations where damage to the meter or its related parts may occur.
5. Joint Use of Meters. The joining of several customers to take advantage of the single minimum charges and large quantity rates shall be prohibited, except under special contract, in writing, with the City Council.
6. Changes in Size or Location. If for any reason a change in the size of a meter and service is required, the installation will be accomplished on the basis of a new connection as described in Section 6 of this ordinance, and the customer's application shall be amended. Meters or services moved for the convenience of the customer will be relocated only at the customer's expense.

SECTION 10. WATER RATES/RULES & REGULATION. The Water Operation Rules & Regulation, which is attached herein as Exhibit "C" and hereby incorporated in this ordinance, defines the class of user and establishes the water rates to be charged for each class of service, including minimum charges and those charges for water used over the minimum. The rate schedule and/or the Water Consumption Point/EU schedule may be revised periodically by the City Council by Resolution without invalidating the remainder of these Rules and Regulations. Said assessments, rates and charges are, and shall continue to be, uniform as to all persons or properties which are of the same class.

## SECTION 11. NOTICES:

1. Notices to customers. Notices from the City to the customer will normally be given in writing and either mailed to or delivered at the last known address. Where conditions warrant and in emergencies, the City may notify either by telephone or messenger.
2. Notices from Customers. Notices from the customer to the City may be given by the customer or his authorized representative orally or in writing at City Hall.

## SECTION 12. BILLING AND PAYMENTS:

1. Meter Readings. Meters will be read and customers billed on the basis of the meter reading to the nearest 100 gallons. The City will keep an accurate account on its books of all readings of meters and such account so kept shall be offered at all times, places and courts as prima facie evidence of the use of water service by the customer.
2. Rendering of Bills.
  - a. Billing Period. All meters shall be read and bills rendered therefore monthly. Billing shall begin when water is available to the property.
  - b. Bills for Other than Normal Billing Period. Opening or closing bills or bills that for any other reason cover a period containing 10 percent more days or 10 percent fewer days than in the normal billing period shall be prorated.
  - c. Bills for More than One Meter. All meters supplying a customer's premises shall be billed separately, except that where the City has for operating purposes installed two or more meters in place of one, the reading may be combined for billing.
  - d. All bills for 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 each service 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.
3. Disputed Bills. When a customer disputes the correctness of a bill, he shall deposit the amount of the disputed bill at the time the complaint is lodged, to preclude discontinuance of service pending final settlement of the bill or bills. Subsequent bills shall be paid or placed on deposit in a similar manner. Failure of the customer to make such a deposit shall warrant discontinuance of service as provided under Sub-section (6) of this Section. Disputes shall be addressed within thirty (30) days by the City.
4. Delinquencies. If a bill has not been fully paid by the 30<sup>th</sup> day of the month it was rendered, a notice of past due balance 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 a previous amount due, and that a penalty of \$5.00 or interest on the past due balance at a rate 1% per month, whichever is greater, is also due. If the unpaid balance totals two month 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.

5. Failure to Read Meters. In the event that it shall be impossible or impractical to read a meter on the regular reading date, the water consumption shall be prorated on the basis of thirty (30) days per month and the total water consumption for billing purposes for that period shall be estimated.
6. Service Charge. In all instances where water has been turned off because of a delinquent account, a \$15.00 service charge shall be made for the restoration of services and replacement of cash deposit as stated in Section 5, Sub-section (2) herein, will be required. In the event of any subsequent termination of services, the service charge to restore services shall be \$50.00.
7. Installation Payments of Delinquent Accounts. In cases of extreme hardship, the City Council, with approval of the Mayor, may renew service to a delinquent account upon receipt of a satisfactory installment plan for the payment of the overdue amount, the installment period not to exceed the period of time the account was delinquent.
8. Grievance/Variance. In the event any user of the City water or irrigation system is aggrieved by any provision of this ordinance, including the rate schedules or accrued interest, 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 turn water back-on without the approval of the City Council quorum.

#### SECTION 13. Non-Registering Meter:

1. Meter Accuracy. All meters will be tested prior to installation. No meter will be placed in service or allowed to remain in service which is known to have an error in registration in excess of 2 percent under conditions of normal operation.
2. Meter Test.
  - a. On Customer Request. A customer may, giving not less than seven days notice, request

the City to test the meter servicing his premises. The City will require the customer to deposit the testing fee. This fee shall be \$25.00. The deposit will be returned to the customer if the test reveals the meter to over-register more than 2 percent under the test conditions. Customers may at their option witness any meter tests which they request.

- b. On Water Department Requests. The City may at its option test the meter and adjust the charges accordingly if the meter over-registers or under-registers. No charge for meter testing will be made to the customer for the meter test under these conditions.
3. Adjustments of bill for Meter Error.
  - a. No credits or debits will be borne by the City or the customer should the tested meter show various high or low, from the accuracy defined in Section 12, sub-section (1).
  - b. Non-registering Meter. The City will bill the customer for water consumed while the meter was not registering. The bill will be computed upon an estimate of consumption based either upon the customer's prior use during the same season of the year, or upon a reasonable comparison with the use of other customers receiving the same class of service during the same season and under similar circumstances and conditions.

#### SECTION 14. DISCONTINUANCE OF SERVICE:

1. On Customer Request. Each customer about to vacate, and/or sell any property supplied with water service by the City shall give the City written notice of his intentions at least two days prior thereto, specifying the date service is to be discontinued; otherwise, he will be responsible for all water charges against such premises until the City receives notice of new owner or purchaser of property.

At the time specified by the customer that he expects to sell the property where service is supplied, the meter will be read and a bill rendered which is payable immediately. If a customer gives notice that he intends to vacate the property, with no transfer of ownership, the property will be classed as an unoccupied property. In no case will the bill be less than the monthly minimum specified in the rate schedule for unoccupied/unused connection.
2. Non-Payment of Bills. A customer's water service may be discontinued if the water bill is not paid in accordance with the procedures listed in Section 11, Sub-section (6) of these Rules and Regulations.
3. Non-Payment of Water Service Charges. If such rates and charges are not paid when due by any such person, business, firm, or corporation, 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.
4. Improper Customer Facilities.
  - a. Unsafe Facilities. The City may refuse to furnish water and may discontinue services to any premises without prior notice where plumbing facilities, appliances or equipment using water are dangerous, unsafe or not in conformity with the plumbing code of the State of Idaho.
  - b. Cross Connections are Prohibited. A cross connection is defined as any physical connection

between the City's system and another water supply.

The City will not permit any cross connection and will discontinue service to any persons or premises where a cross connection exists. Service will not be restored until the cross connection is eliminated. Customers using water from one or more sources in addition to receiving water from the City on the same premises shall maintain separate systems for each, and the City's water supply facilities shall be separated from any and all other systems by an air gap of not less than one foot, or if in the ground, by not less than five feet.

5. **Water Waste.** Where water is wastefully or negligently used on a customer's premises, seriously affecting the general service, the City may discontinue service if such conditions are not corrected after due notice by the City.
6. **Service Detrimental to Others.** The City may refuse to furnish water and may discontinue service to any premises where excessive demands by one customer will result in inadequate service to others.
7. **Fraud or Abuse.** The City will refuse or discontinue service to any premises where it is deemed necessary to protect the City from fraud or abuse. Discontinuance of service from one or both of these causes will be made immediately upon receipt of knowledge by the City that the condition or conditions exist.
8. **Unauthorized Turn-On.** Where water service had been discontinued for any reason and the water is turned on by the customer or other unauthorized person, the water may then be shut off at the main or the meter removed. The charges for shutting off the water at the main or removing the meter shall be not less than \$100.00. These charges shall be billed to the offending customer and water shall not be furnished to the premises or customer until such charges are paid and the City has reasonable assurance that the violation will not reoccur.
9. **Non-Compliance with Regulations.** The City may, upon five days notice, discontinue service to a customer's premises for failure to comply with any of the provisions of these regulations.

**SECTION 15. RESTORATION OF SERVICE:** Restoration of service after discontinuance for non-payment of bills shall be made after payment of current and past due charges plus \$15.00 for restoration charge and posting a deposit as herein provided. Restoration of service after discontinuance of service for unsafe facilities, water waste, fraud, abuse or for non-compliance with any of the policies, rules and regulations will only be made after the irregularity has been corrected and the City has been assured that the irregularity will not reoccur. The restoration charge shall be \$100.00 plus any other charges due or past due that the City may have incurred to correct the irregularity.

**SECTION 16. UNUSUAL DEMANDS:** When an abnormally large quantity of water is desired for filling a swimming pool, log pond or for other purposes, arrangements must be made with the City prior to taking such water. Permission to take water in unusual quantities will be given only if adequate water is available and City facilities and other customers will not be inconvenienced.

**SECTION 17. ACCESS TO PROPERTY:** All duly appointed employees of the City shall have free access at all reasonable hours of the day to any and all parts of structures and premises in which water is or may be delivered for the purposes of inspecting connections, the conditions of conduits and fixtures, and the manner and extent in which the water is being used.

The City does not, however, assume any duty of inspecting the customer's line, plumbing and equipment, and shall not be responsible therefore.

**SECTION 18. RESPONSIBILITY FOR EQUIPMENT:**

1. Responsibility for Customer Equipment. The City shall not be liable for any loss or damage of any nature whatsoever caused by any defect in the customer's line, plumbing or equipment, nor shall the City be liable for loss or damage due to interruption or shut-off, of service or temporary changes in pressure. The customer shall be responsible for valves on his premises being turned off when the water service is turned on.
2. Responsibility for City Equipment. City equipment on the customer's premises remains property of the City and may be repaired, replaced or removed by the City employees at any time without consent of the customer. No payment will be made to the property owner for the right to install, maintain, replace or remove City equipment on his premises. The property owner must keep vicious dogs or other animals secured or confined to avoid interference with the utility operation and maintenance.
3. Damage to City Equipment. The customer shall be liable for any damage to equipment owned by the City which caused by an act of the customer, his tenants, agents, employees, contractors, licensees, or others permitted by the customer to be on said premises. Damage to equipment shall include but not limited to breaking of seals and locks, tampering with meters, injury to meters, including but not limited to damages by hot water or steam, and damaged meter boxes, curb stops, meter stops and other appurtenances.

**SECTION 19. FIRE HYDRANTS:**

1. Operation. No person or persons other than those designated and authorized by the City shall open any fire hydrant belonging to the City, attempt to draw water from it or in any manner damage or tamper with it. Any violation of this regulation will be prosecuted according to law. No tool other than special hydrant wrenches shall be used to operate a hydrant valve. In cases where a temporary service has been granted and received water through a fire hydrant, an auxiliary external valve will be provided to control the flow of water.
2. Moving a Fire Hydrant. When a fire hydrant has been installed in the locations specified by the proper authority, the City has fulfilled its obligation. If a property owner or other party desires to change the size, type or location of the hydrant, he shall bear all costs of such changes. Any changes in the location of a fire hydrant must be approved by the City Council and the Fire Department.

**SECTION 20. PENALTIES:** Any person violating any of the provisions of the rules and regulations shall, upon conviction thereof, be punished by a fine not exceeding \$300.00 or by imprisonment in the County Jail for a period not exceeding six months, or by both such fine and imprisonment. The City may also utilize civil process to enforce these regulations.

**SECTION 21. SUSPENSION OF RULES:** No employee of the City is authorized to suspend or alter any of the policies, rules and regulations cited herein without specific approval or direction of the City Council, except in cases of emergency involving loss of life or property or which would place the water system in jeopardy.

**SECTION 22. EASEMENT:** Each applicant and user gives and grants to the City an easement and right-of-way on and across his property for the installation of water mains, meters, and the necessary valves and

equipment in connection therewith.

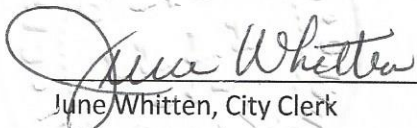
SECTION 23. PRIOR ORDINANCES: The provisions of any prior Ordinance of the City that may be in conflict with any of the rules, regulations or provisions herein contained are hereby repealed and superseded to the extent of such inconsistency.


SECTION 24. CONSTITUTIONALITY, SAVING CLAUSES: If any clause, sentence, paragraph, section or portion of this Ordinance for any reason shall be adjudged invalid by a court of competent jurisdiction, such judgment shall not affect, impair or invalidate the remainder of this Ordinance, but shall be confined in its operation to the clause, sentence, paragraph, section or portion of this Ordinance for any reason shall be adjudged invalid by a court of competent jurisdiction, such judgment shall not affect, impair or invalidate the remainder of this Ordinance, but shall be confined in its operation to the clause, sentence, paragraph, section or portion of this Ordinance directly involved in the controversy in which the judgment is rendered.

SECTION 25. PASSAGE PUBLICATION EFFECTIVE DATE. This ordinance, or a summary thereof in compliance with Section 50-901A, Idaho Code, substantially in the form as Exhibit "D", which is attached hereto and hereby incorporated as 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.

ATTEST:

  
June Whitten, City Clerk

  
Robert Crump, Mayor