

**CITY OF DIETRICH**  
**ORDINANCE NO. 4-3**  
**WATER ORDINANCE**  
September 1992

AN ORDINANCE DECLARING ITS PURPOSE TO BE TO PROTECT AND IMPROVE THE PUBLIC HEALTH OF ITS CITIZENS, TO DEFINE TERMS, TO REQUIRE MANDATORY CONNECTION, TO ESTABLISHING USER RATES, ESTABLISH CONNECTION FEES, ESTABLISH RULES FOR CONNECTION, ESTABLISH RULES FOR WATER SYSTEM CONSTRUCTION, ESTABLISH MATERIALS FOR CONSTRUCTION, ESTABLISH PERMIT REQUIREMENTS, SET FORTH PROVISIONS FOR EXPANSION OF WATER SYSTEM, ESTABLISH PROVISION FOR SHUT-DOWN OR DISCONTINUANCE OF SERVICE, ESTABLISH WATER IMPROVEMENT FUND, ESTABLISH RULES, CRITERIA AND PROVISIONS FOR PREVENTION OF CROSS-CONNECTION AND BACKFLOW PREVENTION, REQUIREMENTS FOR "AS BUILT" DRAWINGS, SETTING FORTH THE DUTIES OF THE WATER SUPERINTENDENT, ESTABLISHING DUE RATES AND PROCEDURES FOR THE COLLECTION OF DELINQUENT ACCOUNTS OR DISCONTINUANCE OF WATER SERVICE IN THE EVENT OF DELINQUENCY, PROVIDING FOR PENALTIES FOR VIOLATION OF THIS ORDINANCE, SETTING FORTH THE MANNER IN WHICH ITS PROVISIONS SHALL BE ENFORCED, REPEALING ALL OTHER ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH, PROVIDING FOR THE PUBLICATION HEREOF, AND THE ESTABLISHMENT OF AN EFFECTIVE DATE.

WHEREAS, the City of Dietrich, Idaho, the "City" herein, under and pursuant to the powers vested in it by Title , Chapter , Section 50-301, Idaho Code, in order to promote the public health and welfare, deems it necessary to make and place into effect certain rules and regulations to provide efficient service of the public water system of the City; and

WHEREAS, the City, pursuant to Section 50-323, Idaho Code, has the power to prescribe and collect rates, fees, tolls or charges for the use of the public water system of the City, and it is necessary and expedient that such rates, fees, tolls, or charges be established to provide for the repayment of City indebtedness for the construction and installation of the system and for its efficient maintenance and operation, and in establishing such rates and charges the City has taken into account the cost and value of the system, operation and maintenance expenses, possible delinquencies, proper allowance for depreciation, contingencies and any amounts necessary to retire all bonds payable from net revenues and the reserve therefore; and

WHEREAS, the City deems it necessary to protect and improve the public health and general welfare of the City by the requirement of mandatory connection of all homes or other facilities constructed within the City to the public water system, and the City has the power to require such mandatory connection; and

WHEREAS, the exercise of all such powers vested in the City is appropriately exercised by the passage of this Ordinance.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF DIETRICH:**

- Section 1: Definition of Terms
- Section 2: Connection to Water System Required
- Section 3: Refusal of Use of System
- Section 4: Independent Water Service Line Required
- Section 5: Water Service Line Maintenance
- Section 6: Injury To or Tampering With Water System Unlawful
- Section 7: Duties of the Water Superintendent Regarding Service Lines
- Section 8: Permits Required
- Section 9: Excavation Permit Required
- Section 10: Service Line Extension or Repair Permit Required
- Section 11: Installation and Maintenance of Water Service Lines
- Section 12: Installation and Maintenance of Water Meters
- Section 13: Right to Revoke Permissions
- Section 14: Water System Construction, Plans, Specifications and Inspection
- Section 15: Right to Enter Premises for Inspection
- Section 16: Extension of Water Mains Within City
- Section 17: Service Call Charge
- Section 18: Monthly Water User Fee
- Section 19: Billing Procedure and Periods
- Section 20: Due Date
- Section 21: Delinquent Accounts
- Section 22: Water Service Discontinuance Fee
- Section 23: Water System Improvement Fund
- Section 24: Water System Materials and Installations
- Section 25: Water System Design
- Section 26: Cross-Connections
- Section 27: Use of Backflow Prevention Devices
- Section 28: Cross-Connection Inspection
- Section 29: Installation Permits for Cross-Connection Control Devices
- Section 30: Additional Remedies
- Section 31: "As Built" Drawings and Engineer's Certification
- Section 32: Subdivision Developer's or Property Owner's Responsibility for Waterlines
- Section 33: Citation; Appearance
- Section 34: Failure to Appear Unlawful
- Section 35: Penalties
- Section 36: Liability
- Section 37: Severability
- Section 38: Effective Date

## **SECTION 1. DEFINITION OF TERMS:**

Terms used in this Ordinance shall have the meanings herein given to them.

- (a) APPROVING AUTHORITY shall mean the Water Superintendent of the City of Dietrich or his duly authorized deputy, agent, or representative.
- (b) CITY shall mean the City of Dietrich, Idaho.
- (c) COMMERCIAL USER shall mean all persons not specifically classified as a domestic or as an industrial user.

(d) DWELLINGS:

Single Family Dwelling: A building designed for or occupied by one family for living or sleeping purposes, and having one kitchen or set of cooking facilities.

Duplex: A building designed, built, rented, or leased for occupancy by two (2) families living independently of each other.

Multiple-Family Dwelling or Apartment House: Any building or portion thereof which is designed, built, rented, leased, let, or hired out to be occupied or which is occupied as the home or residence of three (3) or more families or persons living independently of each other and doing their own cooking within the premises, which shall include townhouses or condominiums.

Trailer House or Mobile Home: Any vehicle used or so constructed as to permit its being used as a conveyance upon the public streets or highways and constructed in such a manner as will permit occupancy thereof as a dwelling or sleeping place for one or more persons.

Auto Court, Motor Court, Travel Trailer Court, Motel, Hotel, etc.: The combination or group of two (2) or more dwelling units occupying a building site or area under one ownership, used for the purpose of furnishing transient living accommodations.

- (e) COMMERCIAL BUILDING: Any structure built for the support, shelter, or enclosure of persons, animals, chattels, or property of any kind or for any type of business or enterprise or for any other purposes not otherwise described or covered above under "DWELLINGS."
- (f) MG shall mean million gallons.
- (g) MGD shall mean million gallons per day.
- (h) PARTS PER MILLION shall mean a weight-to-weight ratio; the parts per million value multiplied by the factor 8.345 shall be equivalent to pounds per million gallons of water.

- (i) **PERSON** shall mean any individual, firm, company, association, society, corporation, group, or other entity.
- (j) **PRIVATE WATER SYSTEM** shall mean a water system serving two (2) or more buildings, residences or properties, constructed by private contract outside of the public right-of-way and remaining under private ownership and jurisdiction and which shall be maintained by said private owners. Private water systems shall be designed, constructed, and maintained by said private owners to the same design, construction, and maintenance standards as are Public Water Systems.
- (k) **PUBLIC WATER SYSTEM** shall mean a water system provided by or subject to the jurisdiction of the City. It shall also include approved water systems within the City boundaries that serve one or more persons and obtain their water supply from the City water system, even though the water system may not have been constructed with City funds. All public water mains shall be located in dedicated public rights-of-way or easements. Public water mains shall be at least six (6) inches in diameter.
- (l) **REPLACEMENT** shall mean any expenditures for obtaining and installing equipment, accessories, or appurtenances which are necessary during the service life of the water system to maintain the capacity and performance for which such works were designed and constructed. The term "operation and maintenance" includes replacement.
- (m) **DOMESTIC WATER USAGE** shall mean water that is used principally for dwellings, business buildings, institutions, and the like.
- (n) **WATER SYSTEM** shall mean a water mainline that conveys potable water to a residence, commercial user, industry or other establishment for consumptive use, irrigation, process or similar uses.
- (o) **SERVICE CHARGE** shall mean the charge levied on all users of the water system for the purpose of repayment of City indebtedness for the construction and installation of the system and for its efficient maintenance and operation. In establishing such rates and charges the City has taken into account the cost and value of the system, operation and maintenance expenses, possible delinquencies, proper allowance for depreciation, contingencies and any amounts necessary to retire all bonds payable from net revenues and the reserve required for these.
- (p) **SERVICE CONNECTION** shall mean a waterline connected to the water main.
- (q) **WATER** shall mean potable water meeting the requirements of the State of Idaho for public water systems.
- (r) **WATER MAIN** shall mean the pipe laid in a street, road, alley, or easement and running approximately parallel to the street, road, alley or easement for the distribution of water to the customers, and which is owned, operated, controlled, and maintained by the City.

- (s) WATER SUPERINTENDENT shall mean the Public Works Superintendent of the City of Dietrich.
- (t) SERVICE LINE shall mean the extension from the building water system to the public water main and is sometimes referred to as the water service connection or water service line.
- (u) WATER DISTRIBUTION AND SUPPLY SYSTEM shall mean all facilities for transporting, pumping, storing, and pressurizing of water, and includes water main as well as the water supply system.
- (v) WATER SUPPLY SYSTEM shall mean an assemblage of wells, pumps, devices, structures, equipment, and tanks for providing water for domestic, commercial, or industrial uses.
- (w) BACKFLOW shall mean the flow other than the intended direction of flow, of any foreign liquids, gases, or substances into the distribution system of the City water supply.
- (x) BACKFLOW PREVENTION DEVICE shall mean a device to counteract back pressure or prevent back siphonage.
- (y) CONTAMINATION shall mean the entry into or presence in a City water supply of any substance which may be deleterious to health and/or quality of the water.
- (z) CROSS-CONNECTION shall mean any physical arrangement whereby the City water supply is connected, directly or indirectly, with any other water supply system, sewer, drain, conduit, pool, storage reservoir, plumbing fixture, or other device which contains or may contain contaminated water, sewage, or other wastes or liquids of unknown or unsafe quality which may be capable of imparting contamination to the City water supply as a result of backflow.
- (aa) WATER METER shall mean a device which is calibrated and constructed to measure the exact amount of water that flows through the device in total gallons. The water meter, when used, shall include the actual meter plus yoke, remote read-out device, and meter box, if required.

## **SECTION 2. CONNECTION TO WATER SYSTEM REQUIRED:**

Every parcel of land or premises within the boundaries of the City of Dietrich that is improved for occupancy after May 1, 1992 by any person or persons, or as a commercial business, shall be connected to the public water system. The owner or person in charge of such land shall make or cause to be made such connection before such land is occupied for a dwelling or commercial building. All charges associated with the laying of pipe, from house or facilities to be served, to the City's water mains and all other costs incurred in connecting said mains shall be borne by the property owner. All such connections to the City's mains shall be properly designed and constructed in conformity with requirements specified by the City. If a parcel of land is not within 300 feet of a water main, connection is optional. The City shall provide the water meter for the

requested connection, but the property owner shall have the meter installed at his expense. The City shall also make the hot tap connection to its mainline, but the property owner shall provide all required excavation, backfill, street repair, and all other service line and connection costs.

### **SECTION 3. REFUSAL OF USE OF SYSTEM:**

The Water Superintendent may prohibit the connection to the public water system for any user that does not comply with the limitations set forth in this Ordinance.

### **SECTION 4. INDEPENDENT WATER SERVICE LINE AND METER REQUIRED:**

The Water Mainline and Water Service Line(s) shall be so arranged that there is a separate and independent water service line and meter to each individual building, place of business, or tract of land.

After the effective date of this Ordinance, a separate and independent water service line and meter shall be provided for every new building connecting to the water system of the City. Separate service lines and meters are not required for each trailer space in overnight trailer courts, nor for each cabin in cabin courts; however, separate water service lines and meters are required for trailer houses on individual lots or for long-term trailer rental units in mobile home courts.

### **SECTION 5. WATER SERVICE LINE AND METER MAINTENANCE:**

All water users shall keep their individual water service lines in good repair and shall keep them in such good condition that they shall not allow any leakage from the City's Water System.

### **SECTION 6. INJURY TO OR TAMPERING WITH WATER SYSTEM UNLAWFUL:**

It shall be unlawful to disturb, destroy, damage, adjust, molest, meddle, or otherwise interfere with any portion of the City Water Distribution or Supply System or its appurtenances, located on either public or private property. Should any damage result, either intentionally or unintentionally, from handling or otherwise tampering with said water system, the violator shall pay for all costs incurred in connection with the repairs of said system and/or for any damages that may result from the tampering with said water system.

### **SECTION 7. DUTIES OF THE WATER SUPERINTENDENT REGARDING SERVICE LINES:**

The Water Superintendent of the City is hereby empowered, and it is hereby made his duty, in all cases where there is a public water system within three hundred feet (300') to notify every owner or person in charge of land, or premises, requiring a water service building connection as specified in Section 2 to comply with the provisions of that Section of this Ordinance within ninety (90) days or cease to use or occupy the land. A lessee of land shall be deemed to be in charge.

## **SECTION 8. PERMITS REQUIRED:**

It shall be unlawful to install or alter any water system or service line within the City, or to tap onto or connect to any waterline whether lateral or main, without having first obtained from said City a permit therefore.

An application for a connection to the City Water System shall be made at the office of the Water Superintendent and no connection shall be made to any water main without a valid permit therefore having been issued by the Water Superintendent.

It shall be unlawful for any person to uncover, make any connection with or opening into, use, alter, or disturb any public water mainline or appurtenance thereof, without first obtaining a written permit to perform said work from the Water Superintendent.

## **SECTION 9. EXCAVATION PERMIT REQUIRED:**

No permit shall be granted to do waterline work in any street, alley, or public easement until the applicant has first obtained an Excavation Permit.

## **SECTION 10. SERVICE LINE EXTENSION OR REPAIR PERMIT REQUIRED:**

When any water service line or private water system connected with any public water main is leaking, broken or out of order, on private property (outside of any public right-of-way or easements) the Owner, agent, or tenant of such premises shall repair the same at his own expense. No person shall construct, re-lay, repair, or extend any water service connection or private water system until the person doing said work has obtained the appropriate Water Permit for the same.

It shall be unlawful for any person to extend any private service line beyond the limits of the building or property for which a permit has been given without obtaining a new permit for the desired extension. The existence of a Water Permit shall in no way be construed as making permissible any work for which an Excavation Permit may be required by the City.

## **SECTION 11. INSTALLATION AND MAINTENANCE OF WATER SERVICE LINES:**

The City will construct an appropriately sized waterline at the City's expense which shall run from the mainline to the property line of each individual property owner who executes an agreement with the City for water service (i.e. Water User Agreement) on or before November 1, 1992. All other property owners desiring water service whether for an existing dwelling unit, commercial facility, or a newly constructed facility who has not executed a Water User Agreement with the City for water service on or before June 1, 1993 shall be required to obtain all permits, licenses, etc., required by this Ordinance and shall be required to install his own water service line as explained in the following paragraphs:

When a permit for a water service line has been granted, the water tap at the mainline shall be installed by the property owner at the property owner's expense. The actual service line and all associated excavation, backfill, street repair, and piping shall be completed by the property owner at his expense. Thereafter, or after the water service line has been installed, each water service line within the public right-of-way or easement shall be maintained by the City at its expense and kept within and under its exclusive control and jurisdiction.

All water service lines within any public right-of-way or easement shall be constructed by the property owner requesting the water service, and in any new subdivision they may be installed as part of the construction of the new water distribution system within said subdivision and provided further that said water and service lines are constructed, inspected, tested, and certified as being in conformance with the Idaho Public Works Standards governing the construction of water service lines.

Water Service lines may also be installed by contract in conjunction with city-sponsored projects or when, in the opinion of the Water Superintendent, it is in the City's best interests to have or allow said water service lines to be installed by other than City personnel.

## **SECTION 12. INSTALLATION AND MAINTENANCE OF WATER METERS:**

The City shall provide to all property owners connecting to the water system an appropriately sized water meter, yoke, remote readout, and meter box if required. It shall thereafter be the responsibility of each individual property owner to install this water meter, yoke, and remote readout in accordance with the City Standard Drawings and Specifications and as directed by the Water Superintendent. The water meter remote readout shall be placed on an exterior wall of the building at least 5 feet above the ground and in a location next to a commonly used or maintained entrance way such that the remote readout will be accessible to the City's meter reader at all times during both summer and winter conditions.

If the meter is determined to be malfunctioning by the City after proper inspection by the Water Superintendent, it shall be the City's responsibility to provide the property owner with new water meter and/or remote readout facilities as replacements for the malfunctioning units. It shall thereafter be the owner's responsibility to replace the malfunctioning meter and/or remote readout facilities on his private property and return the displaced meter and/or remote readout facilities to the Water Superintendent.

## **SECTION 13. RIGHT TO REVOKE PERMISSIONS:**

Permission given to connect to the water main shall be upon the express condition that the Water Superintendent may for good cause revoke the same 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.



#### **SECTION 14. WATER SYSTEM CONSTRUCTION, PLANS, SPECIFICATIONS, & INSPECTION:**

All construction or reconstruction of public, private and water service lines shall be in accordance with the Idaho Public Works Standards and subject to inspection by the City.

Plan and profile drawings shall be prepared for all new water mains (whether public or private) and for all water main extensions, reconstructions, or renovations; and all such plan and profile drawings must be reviewed and approved by the City Engineer and the State of Idaho Division of Environment before any construction work on said waterlines is started.

#### **SECTION 15. RIGHT TO ENTER PREMISES FOR INSPECTION:**

The Water Superintendent and the City representative assigned to read the water meters shall have the right to enter upon any premises connected with the public water system at all reasonable hours to determine that there is compliance with the provisions of this Ordinance. If conflict is noted, the Owner of said premises or his agent shall be directed to alter, repair, or reconstruct said water facilities to conform to the requirements of this Ordinance within fifteen (15) days.

#### **SECTION 16. EXTENSION OF WATER MAINS WITHIN CITY:**

The Water Superintendent shall be authorized to construct, or cause to be constructed, extensions to the water system if any one of the following conditions exists:

- (a) The annual anticipated revenue made available to the City from the Customers to be immediately served by such extension is not less than one tenth (1/10) of the actual cost to the City for the construction of said extension.
- (b) The Water Superintendent declares that the water main extension is needed for the overall benefit and improvement of the entire water distribution system.
- (c) The City approves a contract for the construction of the extension with a party or parties desiring water service. Provided however, that subdividers or developers within or adjacent to the City shall construct at their own expense all water mains within their subdivisions or developments. The above referenced water connection fee will not apply to or be charged against the reconstruction of any existing water service line serving any existing dwelling, building, etc. It is intended that this water connection fee be charged only where a new building is being constructed on previously undeveloped property or where an existing building is being connected to the water system without its property owner having previously executed a Water Subscription Agreement with the City.

## **SECTION 17. SERVICE CALL CHARGE:**

The Water Superintendent may require a service charge in an amount not to exceed the actual cost to the City, for service calls which are only for the convenience and benefit of the customer.

## **SECTION 18. MONTHLY WATER USER FEES:**

- (a) General: Each water user shall be levied a monthly water user fee for the privilege of utilizing water from the City water system. This water user fee shall be levied on all users of the water to cover the actual or estimated cost of operation, maintenance, replacement, and financing of the City's water system facilities. Billings will be levied regularly after November 1, 1992 at intervals set by the City Council, but no more often than monthly. In the event an owner who has signed a Water User Agreement fails to connect to the system, he will be assessed a monthly user fee representing actual usage which shall be estimated using the actual usage for property of like or similar nature.

The actual monthly water user fee to be billed to each property owner or customer shall be determined by the addition of the calculated monthly base rate fee and the calculated monthly water usage fee. A description of the base rate fee and water usage fees to be assessed by this Ordinance shall be described in the subsequent paragraphs of this Section.

- (b) Base Rate Fees: The water base rate fee for each user (or user class) shall be based on the user's potential water consumption in comparison to a standard equivalent connection defined below. Each user (or user class) shall be assigned a number of equivalent connections to be multiplied by a constant monthly water base rate factor to determine the base monthly fee. Special users who consume a flow of water, for which the tabulated equivalent connections below do not apply, shall be individually calculated as provided below. The constant monthly water base rate factor per equivalent connection shall be set by a separate ordinance defining water user connection and usage fees. The monthly user base rate fee is, therefore, calculated by multiplying the number of equivalent connections assessed to each property times the constant monthly water base rate factor (set by a separate water user connection and usage fee ordinance)

1. Equivalent Connection Definition: One equivalent connection shall be defined as a single family dwelling unit or a user who will experience equivalent benefits and monthly water usage. It is estimated that an equivalent user or connection in the City will use approximately 8,500 gallons of water per month. The basic equivalent connection (a single family dwelling unit) shall be subject to revision if population, water usage, and/or other information indicates flow rates significantly different from that defined herein. Revisions to the basic equivalent connection criteria shall normally only be made upon the recommendation of a registered professional engineer.
2. Equivalent Connection Determination: The number of equivalent connections to be assigned each user and/or user class, shall be in

accordance with the following equivalent connection schedule. Assignment of equivalent connections shall apply for one year until the next annual user charge review. Users so indicated or not included in this schedule shall be considered special users and shall be evaluated separately as provided below. Any of the users in the following schedule may be classified as special users if information on their water usage indicates a need to do so. The number of equivalent connections for a single user having more than one classification of equivalent use shall be calculated by adding the sum of all user classifications to a total number of equivalent connections. The minimum monthly water user charge shall be based on one equivalent connection.

3. Special User Definition: For any user whose classification is not detailed on the Equivalent Connection Schedule, the City shall determine his equivalent connection on the basis of the average monthly water usage. The number of equivalent connections shall be determined by dividing the total average monthly flow by a factor of 8,500 gallons per month. This calculated equivalent number of connections may be adjusted by the City after the City has recorded the actual water usage over the first year.

A copy of the list of special users and the special users monthly base rate charge shall be kept on file at all times in the office of the City Clerk.

**EQUIVALENT CONNECT SCHEDULE (1.0 - Minimum)**

Classification	Units	Equivalent Connection
<b>Dwelling Units</b>		
House	Each	1.00
Condominium	Per Unit	1.00
Apartment	Per Unit	1.00
Mobile Home	Each	1.00
Cottage w/bathroom (shower)	Each	0.46
Cottage w/o bathroom (shower)	Each	0.33
Travel Trailer	Each	0.33
<b>Lodging</b>		
Motel	Per Unit	0.46
Hotel	Per Unit	0.46
Rooming House	Per Unit	0.46

Classification	Units	Equivalent Connection
Campground	Per Site	0.20
Overnight Trailer Park (RV Park)	Per Site	0.33
Sanitary Dump Station	Each	1.00
<b>Food &amp; Beverage Facility</b>		
Bar	Per Seat	0.06
Restaurant	Up to 50 Seats	2.00
	Each additional seat	0.06
Drive-In	Each	2.00
Walk-In	Each	2.00
<b>Retail Trade Facilities</b>		
Laundries	Per Machine	0.30
Public Shower	Per Shower	0.20
Service Station	Each	2.00
Stores, Retail		
Large - 1,000 sq. ft. or more	Each	2.00
Small - 1,000 sq. ft. or less	Each	1.00
Store, Grocery	Each	2.00
Car Wash	Per Stall	2.00
Bank	Each	2.00
Garage or Maintenance Shop	Each	2.00
<b>Education &amp; Religion</b>		
Schools	Per Student	0.05
Churches w/Kitchen	Each	3.50
Churches w/o Kitchen	Each	2.50
Masonic Orders, Assembly Halls	Each	1.00

Classification	Units	Equivalent Connection
<b>Recreation</b>		
Theater	Each	2.00
Game Rooms	Each	1.00
Museums	Each	2.00
Health Center w/Showers	Each	2.00
<b>Professional &amp; Medical</b>		
Doctor's Office	Each	2.00
Medical Clinic w/o Beds	Each	3.00
Additional for Beds	Per Bed	0.50
Professional Office	Each	1.00
Beauty-Barber Shop	Per Chair	0.20
<b>Convention Facilities</b>		
Meeting Room	Each Room	1.00
<b>Manufacturing Facilities</b>		
Miscellaneous	Per 8,500 gal/mo	1.00
<b>Open Class</b>		
Large Irrigated Areas	Per 8,500 gal/mo	1.00
(Larger than 1/2 acre)	Per Acre	2.00

- (c) **Water Usage Fees:** In addition to the monthly base rate fee as defined above in paragraph b, each water user shall be charged a monthly water usage rate that will be calculated by multiplying the number of gallons of water used each month from the meter reading times a gallonage charge. The gallonage charge shall be that rate per 1,000 gallons of water used that shall be set, hereafter, by a separate ordinance defining water user connection and usage fees.
- (d) **Review and Revision of Rates:** The water user connection and usage fees shall, as a minimum, be reviewed annually and when required, updated by Resolutions by the City to reflect actual costs of operation, maintenance, replacement, and financing of the water system.

Any revisions of the user connection and usage fees shall be based on actual operation, maintenance, replacement, and financing expenses, and/or on significant changes in the total number of equivalent users and/or the total daily flow. Revisions due only to changes in expenses and user class shall be made by the City. Revisions involving user's base rate or equivalent connection determination shall normally only be made upon the recommendation of a registered professional engineer. All changes in user charges applicable to this Ordinance shall be computed by the methods outlined herein.

- (e) User Request for Rate Change: Any water user, who feels his user charge is unjust and inequitable as applied to his premises within the spirit and intent of the foregoing provisions, may make written application to the City requesting a review of his user charge. Said written request shall, where necessary, show the actual or estimated average flow water in comparison with the values upon which the charge is based, including how the measurements or estimates were made. Any flow measurements shall be approved in detail by the City and/or its engineer. Review of the request by the City shall determine if it is substantiated or not, including recommended further study of the matter for the City and/or user by a registered professional engineer.

#### **SECTION 19. BILLING PROCEDURE AND PERIODS:**

Accounts shall be charged for water service in accordance with the rate determination found in Section 18 of this Ordinance or as such may here-in-after be amended and revised by the City.

The City shall furnish to each property owner, landlord, tenant, or agent, a monthly or bi-monthly statement of the amount due for water service for that month. The failure of any water user to receive notice or statement will in no way affect the obligation of the user to remit monthly or bi-monthly as required.

The initial billing for premises occupied less than one month shall be charged only for that portion of the month during which the premises were occupied.

#### **SECTION 20. DUE DATE:**

Bills rendered for water service are payable upon receipt and become past due ten (10) days from the date on which rendered. When the past due date falls on a legal holiday or on a day when City offices are not open for business, the next regular business day is considered the past due date. When remittances are made by mail, bills shall be deemed paid on the date of mailing as shown by the postmark.

#### **SECTION 21. DELINQUENT ACCOUNTS:**

When bills are not paid within thirty (30) days from the past due date, the Water Superintendent shall issue an order to shutoff and discontinue water service to such delinquent customers. In case service is discontinued for delinquency, it shall not be restored until the delinquency is paid,

or until arrangements for payment satisfactory to the City Clerk have been made, together with a fee of one hundred dollars (\$100) shall be payable whenever a service trip is made for the purpose of discontinuing service because nonpayment even though an actual shutoff may not actually have occurred.

In the event that a delinquent customer fails to pay his bill within the time set forth above, the City may discontinue City water service and enter upon the property for accomplishing such purposes.

## **SECTION 22. WATER SERVICE DISCONTINUANCE:**

When any property owner, person, firm, business, etc., is going to be vacant, not used, shut down, etc., for an extended period of time, he shall notify the Water Superintendent. Under these circumstances the Water Superintendent shall shutoff the water service to the facilities. When the home, business, etc., is reoccupied, the Water Superintendent shall once again be notified, and he shall restore water service once again to the facilities. Since there is significant potential for freezing and thus damage to the service line in the event of a lengthy shut down period, the property owner shall be responsible at his expense for any water service line repairs that may be needed to repair the water service line that is located on City right-of-way properties and also any associated repairs that are needed on his other private property including the cost of replacing water meter, meter readout, etc., if it becomes necessary to do so. In this case where the water service is discontinued, the property owner shall still be required to pay the monthly water base rate fee even while the property is vacated.

## **SECTION 23. WATER SYSTEM IMPROVEMENT FUND:**

There is hereby established a Water System Improvement Fund to be maintained by the City Clerk in managing the fiscal affairs of the City. All revenues derived from the charging of any fees, charges, rates, etc., as such are set forth herein shall be deposited in said fund and shall be disbursed only for the purposes of paying existing or future indebtedness connected with or relating to maintaining, repairing, studying, controlling, enlarging, extending, enhancing, or improving the Water System of the City.

## **SECTION 24. WATER SYSTEM MATERIALS AND INSTALLATIONS:**

- (a) All water mainlines, valves, fire hydrants, and fitting materials and their installation shall be in accordance with the Idaho Public Works Standards and the applicable Standard Drawings depicting various waterline installation details.
- (b) All water service line materials and their installation shall be in accordance with the Idaho Public Works Standards and the applicable Standard Drawings depicting the various water service line installation details.
- (c) All water system materials shall be of the class, strength, thickness, etc. necessary to accommodate or provide for the depth of cover over the pipe, the anticipated working pressure in the pipe, the type of material and bedding around

the pipe, and the type, magnitude, and extent of the external loads being applied to the pipe.

- (d) All materials must be approved by the City Engineer prior to their installation.

## **SECTION 25. WATER SYSTEM DESIGN:**

- (a) The plans for all waterlines, booster stations, etc. shall be designed, signed, and sealed by a Registered Professional Engineer licensed in the State of Idaho.
- (b) All waterlines, booster stations, etc. shall be designed in accordance with the State of Idaho Division of Environmental Quality requirements.
- (c) Minimum water main size shall be six (6) inch diameter. Larger sizes shall be as required by the City's overall Water System Master Plan or as are needed to provide adequate water carrying capacity for the area (and surrounding developable area) being developed and/or annexed to the City. Minimum building service line size shall be three-quarter (3/4) inch diameter.
- (d) Materials:
  - 1. Standards, Materials Selection: Pipe, fittings, valves and fire hydrants shall conform to the latest standards issued by the AWWA, if such standards exist, and be acceptable to the City. In the absence of such standards, materials meeting applicable Product Standards and acceptable to the City may be selected. Special attention shall be given to selecting pipe materials which will protect against both internal and external pipe corrosion.
  - 2. Packing and jointing materials used in the joints of pipe shall meet the standards of the AWWA and the City. Pipe having mechanical joints or slip-on joints with rubber gaskets is preferred.
- (e) Water Main Design:
  - 1. Pressure: All water mains, including those not designed to provide fire protection, shall be sized after a hydraulic analysis based on flow demands and pressure requirements. The system shall be designed to maintain a minimum pressure of 20 psi at ground level at all points in the distribution system under all conditions of flow. The normal working pressure in the distribution system should be approximately 60 psi and not less than 35 psi.
  - 2. Diameter: The minimum size of water main for providing fire protection and serving fire hydrants shall be six (6) inch diameter. Larger size mains will be required if necessary to allow the withdrawal of the required fire flow while maintaining the minimum residual pressure specified in item 1 above.



3. **Fire Protection:** When fire protection is to be provided, system design should be such that fire flows and facilities are in accordance with the requirements of the State Insurance Services Office.
  4. **Small Mains:** Any departure from minimum requirements shall be justified by hydraulic analysis and future water use, and can be considered only in special circumstances.
  5. **Hydrants:** Water mains not designed to carry fire-flows shall not have fire hydrants connected to them.
  6. **Dead Ends:** Dead ends shall be minimized by looping of all mains whenever practical.
  7. **Flushing:** Where dead end mains occur they shall be provided with a fire hydrant if flow and pressure are sufficient, or with an approved flushing hydrant or blow-off for flushing purposes. Flushing devices should be sized to provide flows which will give a velocity of at least 2.5 feet per second in the water main being flushed. No flushing device shall be directly connected to any sewer.
- (f) **Valves:** Sufficient valves shall be provided on water mains so that inconvenience and sanitary hazards will be minimized during repairs. Valves should be located at not more than 500 foot intervals in commercial districts and at not more than one block or 800 foot intervals in other districts.
- (g) **Hydrants:**
1. **Location and Spacing:** Hydrants should be provided at each street intersection and at intermediate points between intersections as recommended by the State Insurance Services Office. Generally, hydrant space may range from 350 to 600 feet depending on the area being served.
  2. **Valves and Nozzles:** Fire hydrants should have a bottom valve size of at least five (5) inches, one 4½ inch pumper nozzle and two 2½ inch nozzles.
  3. **Hydrant Leads:** The hydrant shall be a minimum of six (6) inches in diameter. Auxiliary valves shall be installed in all hydrant leads.
  4. **Drainage:** Hydrant drains should be open. A gravel pocket or dry well shall be provided unless the natural soils will provide adequate drainage. Hydrant drains shall not be connected to or located within 10 feet of sanitary sewers or storm drains.
- (h) **Air Relief Valves; Valve, Meter and Blow-off Chambers:**
1. **Air Relief Valves:** At high points in water mains where air can accumulate provisions should be made to remove the air by means of hydrants or air

relief valves. Automatic air relief valves shall not be used in situations where flooding of the manhole or chamber may occur.

2. **Air Relief Valve Piping:** The open end of an air relief pipe from automatic valves shall be extended to at least one foot above grade and provided with a screened, downward-facing elbow. The pipe from a manually operated valve should be extended to the top of the pit.
3. **Chamber Drainage:** Chambers, pits or manholes containing valves, blow-offs, meters, or other such appurtenances to a distribution system, shall not be connected directly to any storm drain or sanitary sewer, nor shall blow-offs or air relief valves be connected directly to any sewer. Such chambers or pits shall be drained to the surface of the ground where they are not subject to flooding by surface water or to absorption pits underground.

(i) Installation of Mains:

1. **Standards:** Specifications shall incorporate the provision of the AWWA standards and/or manufacturer's recommended installation procedures.
2. **Bedding:** A continuous and uniform bedding shall be provided in the trench for all buried pipe. Backfill material shall be tamped in layers around the pipe and to a sufficient height above the pipe to adequately support and protect the pipe. Stones found in the trench shall be removed for a depth of at least six (6) inches below the bottom of the pipe.
3. **Cover:** In general, waterlines shall be sufficiently deep so as to provide frost protection. Waterlines shall have at least seven (7) feet of cover (from the top of waterline pipe to the ground or street surface) unless a special design is approved by the City Engineer.
4. **Blocking:** All tees, bends, plugs and hydrants shall be provided with reaction blocking, tie rods or joints designed to prevent movement.
5. **Pressure and Leakage Testing:** All types of installed pipe shall be pressure tested and leakage tested in accordance with the latest edition of AWWA Standard C600.
6. **Disinfection:** All new, cleaned or repaired water main shall be disinfected in accordance with AWWA Standard C601. The specifications shall include detailed procedures for the adequate flushing, disinfection, and microbiological testing of all water mains.

(j) Separation of Water Mains, Sanitary Sewers and Storm Sewers:

1. **General:** The following factors should be considered in providing adequate separation:

- a. materials and type of joints for water and sewer pipes;
  - b. soil conditions;
  - c. service and branch connections into the water main and sewerline;
  - d. compensating variations in the horizontal and vertical separations;
  - e. space for repair and alterations of water and sewer pipes; and
  - f. off-setting of pipes around manholes
2. **Parallel Installation:** Water mains shall be laid at least ten (10) feet horizontally from any existing or proposed sewer. The distance shall be measured edge to edge. In cases where it is not practical to maintain a ten (10) foot separation, the reviewing authority may allow deviation on a case-by-case basis, if supported by data from the design engineer. Such deviation may allow installation of the water main closer to a sewer, provided that the water main is laid in a separate trench or on an undisturbed earth shelf located on one side of the sewer at such an elevation that the bottom of the water main is at least 18 inches above the top of the sewer.
  3. **Crossings:** Water mains crossing sewers shall be laid to provide a minimum vertical distance of 18 inches between the outside of the water main and the outside of the sewer. This shall be the case where the water main is either above or below the sewer. At crossings, one full length of water pipe shall be located so both joints will be as far from the sewer as possible. Special structural support for the water and sewer pipes may be required.
  4. **Exception:** The City must specifically approve any variance from the requirements of items 2 and 3, of this Section, when it is impossible to obtain the specified separation distances.
  5. **Force mains:** There shall be at least a ten (10) foot horizontal separation between water mains and sanitary sewer force mains. There shall be an 18 inch vertical separation at crossings as required in item 3 of this Section.
  6. **Sewer manholes:** No water pipe shall pass through or come in contact with any part of a sewer manhole.
- (k) **Surface Water Crossings:** Surface water crossings, whether over or under water, present special problems. The reviewing authority should be consulted before final plans are prepared.
1. **Above-water Crossing:** The pipe shall be adequately supported and anchored, protected from damage and freezing, and accessible for repair or replacement.
  2. **Underwater Crossings:** A minimum cover of five (5) feet shall be provided over the pipe. When crossing water courses which are greater than 15 feet in width, the following shall be provided:

- a. the pipe shall be of special construction, having flexible watertight joints;
- b. valves shall be provided at both ends of water crossings so that the section can be isolated for testing or repair; the valves shall be easily accessible, and not subject to flooding; and the valve closest to the supply source shall be in a manhole; and
- c. permanent taps shall be made on each side of the valve within the manhole to allow insertion of a small meter to determine leakage and for sampling purposes.

(l) Cross-Connections and Interconnections:

1. Cross-connections: There shall be no connection between the distribution system and any pipes, pumps, hydrants, or tanks whereby unsafe water or other contaminating materials may be discharged or drawn into the system.
2. Cooling Water: Neither steam condensate nor cooling water from engine jackets or other heat exchange devices shall be returned to the potable water supply.
3. Interconnections: The approval of the reviewing authority shall be obtained for interconnections between potable water supplies.

(m) Water Services and Plumbing:

1. Plumbing: Water services and plumbing shall conform to relevant local and/or state plumbing codes.
2. Booster Pumps: Individual booster pumps shall not be allowed for any individual service from the public water supply mains.

(n) Sanitary waterlines and waterlines shall, wherever possible, be located on opposite sides of the street. Preferably, waterlines shall be located thirteen (13) feet west or north of the street centerline and the sanitary water at thirteen (13) feet east or south of the street centerline. Where storm drains are needed these shall preferably be located along the street centerline. The above referenced locations and dimensions may be varied to accommodate unusual circumstances.

(o) All drawings shall be on linen or mylar in ink and of such quality that they clearly show the dimensions, locations, sizes, etc. of all facilities represented thereon. All mainlines, valves, fire hydrants, building service lines, etc., shall be clearly shown and identified by name and by station or other means of horizontal location. Waterlines shall be shown in both plan and profile unless the length of said waterline or waterline extension is so short that the City Engineer waives this requirement. If a profile of the waterline is not provided it shall be located in the vertical plane by elevations on the flowline of the pipe at intervals as the City Engineer may require. Drawings shall be drawn on a scale of 1" = 50' unless the amount of detail, topography, etc. necessitates their being drawn on a larger scale (i.e. 1" = 30' to provide the clarity and completeness needed on the drawings.

- (p) The design of all waterlines and all waterline plans must be approved by the City Engineer.

#### **SECTION 26. CROSS-CONNECTIONS:**

No water service connection to any premises shall be installed or continued in the City unless the water supply is protected by backflow prevention devices as may be required by this Ordinance, Idaho Code, and all standards, rules, and regulations of the State of Idaho, the Idaho Division of Environment, and any other Federal, State, County, or City authority or agency thereof. The installation or maintenance of a cross-connection which will endanger the water quality of the potable water supply of the City shall be unlawful and is prohibited. Any such cross-connection now existing or hereafter installed is hereby declared to be a public nuisance and the same shall be abated. The control or elimination of cross-connections shall be in accordance with the Ordinance, Idaho Code, and all standards, rules, and regulations of the State of Idaho, the Idaho Division of Environment, and any other Federal, State, County, or City authority or agency thereof, together with the latest addition of appropriate manuals of standard practice pertaining to cross-connection control enacted by the City and any applicable County, State, and Federal authorities and agencies. The City shall have the authority to establish requirements more stringent than State regulations if it deems that the conditions so dictate.

#### **SECTION 27. USE OF BACKFLOW PREVENTION DEVICES:**

- (a) Backflow prevention devices shall be installed in connection with water service connections or within any premises where, in the judgment of the City, the nature and extent of the activities, or the materials stored on the premises, would present an immediate and dangerous hazard to health and/or be deleterious to the quality of the water should a cross-connection occur; even though such cross-connection does not exist at the time. The backflow prevention devices shall be installed under circumstances including, but not limited, to the following:
1. Premises having an auxiliary water supply that are connected to a lawn irrigation system, swimming pool, or is otherwise not in compliance with Idaho drinking water standards, rules, and regulations of the Idaho Division of Environment, and any other Federal, State, County, or City authority or agency thereof and is acceptable to the City.
  2. Premises having internal cross-connections that are not correctable, or intricate plumbing arrangements which make it impracticable to ascertain whether or not cross-connections exist.
  3. Premises where entry is restricted so that inspections for cross-connections cannot be made with sufficient frequency or at sufficiently short notice to ensure that cross-connections do not exist.
  4. Premises having a repeated history of cross-connections being established or re-established.

5. Premises on which any substance is handled under pressure so as to permit entry into the City water supply, or where a cross-connection could reasonably be expected to occur. This shall include the handling of process waters and cooling waters.
6. Premises where materials of a toxic or hazardous nature are handled in such a way that if back siphonage should occur, a serious health hazard might result.
7. The following types of facilities will fall into one of the above categories where a backflow prevention device is required to protect the City water supply. A backflow prevention device shall be installed at these facilities unless the City and applicable, State, County, and Federal authorities and agencies determine that no hazard exists:
  - (i) Hospitals, mortuaries, clinics
  - (ii) Laboratories, including school laboratories
  - (iii) Metal plating industries
  - (iv) Sewage treatment plants
  - (v) Food or beverage processing plants
  - (vi) Chemical plants using a water process
  - (vii) Petroleum processing or storage plants
  - (viii) Car washes
  - (ix) Dry cleaners

Other premises as specified by the City, where backflow prevention devices are required to protect the City water supply.

- (b) The type of protective device required shall depend on the degree of hazard which exists:
  1. An air-gap separation or a reduced pressure principle backflow prevention device shall be installed where the City water supply may be contaminated with sewage, industrial waste of a toxic nature, or other contaminant which could cause a health or system hazard.
  2. In the case of a substance which may be objectionable but not hazardous to health, a double check valve assembly, air prevention device shall be installed.
- (c) Backflow prevention devices required by this Ordinance shall be installed at the property line of the premises, or at a location designated by the City. The device shall be located so as to be readily accessible for maintenance and testing, and furthermore, where no part of the device will be submerged.
- (d) Backflow prevention devices required by this Ordinance shall be installed under the supervision of, and with the approval of, the City.

- (e) Any protective device required by this ordinance shall be approved by the City, applicable State, County, and Federal authorities and agencies. These devices shall be furnished and installed by and at the expense of the customer.
- (f) Backflow prevention devices installed pursuant to this Ordinance, shall be inspected and tested annually, or more often if necessary. Inspections, tests, and maintenance shall be at the customer's expense and, if requested by the City, by a certified tester retained and paid by the customer. Whenever the devices are found to be defective, they shall be repaired, overhauled, or replaced at the customer's expense. Inspections, tests, repairs, and records thereof shall be accomplished in accordance with all standards, rules, and regulations of this Ordinance, Idaho Code, and all standards, rules, and regulations of the State of Idaho, the Idaho Department of Health and Welfare, and any other Federal, State, County, or City authority or agency thereof by certified testers retained and paid by the customer.
- (g) No underground sprinkling device will be installed without adequate backflow prevention devices at the point from which the water for irrigation is taken from the City water supply.
- (h) Failure of the customer to cooperate in the installation, maintenance, testing, or inspection of backflow prevention devices required by this Ordinance, Idaho Code, and all standards, rules and regulations of the State of Idaho, the Idaho Department of Health and Welfare, and any other Federal State, County, or City authority or agency thereof shall be grounds for the termination of water service to the premises or, in the alternative, the installation of an air-gap separation at the customer's expense.

**SECTION 28. CROSS-CONNECTION INSPECTION:**

- (a) No water shall be delivered to any structure hereafter built within the City or within areas served by City water until the same shall have been inspected by the City for possible cross-connections and been approved as being free of the same.
- (b) Any construction for industrial or other purposes which is classified as hazardous facilities pursuant to Section 28(a)(7) of this Ordinance, where it is reasonable to anticipate cross-connections, or as determined by the City, shall be protected by the installation of one or more backflow prevention devices at the point of service from the City water supply or any other location designated by the City, and applicable County, State, and Federal authorities and agencies.
- (c) Inspections may be made periodically of all buildings, structures, or improvements of any nature now receiving water through the City's system, for the purpose of ascertaining whether cross-connections exist. Such inspections shall be made by the City or applicable County, State, and Federal authorities and agencies.

## **SECTION 29. INSTALLATION PERMITS FOR CROSS-CONNECTION CONTROL DEVICES:**

If cross-connections control device(s) are found to be necessary, the owner of the property served must apply to the City for a specific installation permit.

## **SECTION 30. ADDITIONAL REMEDIES:**

In the event an improper cross-connection is not corrected within the time limits set by the City or in the event the City is refused access to any property for the purpose of determining whether or not cross-connections exist, the City may cease delivery of water to the property until the deficiency is corrected to the City's satisfaction. In addition, the City without waiving any terms of this Ordinance may, but shall not be required to, effect the necessary repairs or installations at the expense of the property owner and refuse delivery of water to the property until the cost thereof shall have been paid. Violations of this Ordinance are hereby declared to be a nuisance, and the City, after notice to the customer or property owner to remove or correct the violation, may prevent, remove, and abate the same at the expense of the party creating or maintaining the same, in which event the City may levy a special assessment as provided in Idaho Code on the land or premises whereon the nuisance is situated to defray the cost or to reimburse the City for the cost of abating the same.

## **SECTION 31. "AS BUILT" DRAWINGS AND ENGINEER'S CERTIFICATION:**

- (a) "As Built" or "Record" Drawings of waterline plans shall be prepared by a Professional Engineer and the "corrected" original drawings or a duplicate mylar copy of the "corrected" original drawing(s) shall be provided to the City.
- (b) "As Built" Plans shall include a "Certification" thereon signed by the Registered Professional Engineer in charge of the work that the "As Built" drawings of the waterlines are true and correct and that he (the Registered Professional Engineer) has inspected the construction of the waterline installation and that the materials and installation of same were all done in conformance with the City Standard Specifications for the Construction of Waterline Improvements.

## **SECTION 32. SUBDIVISION DEVELOPER'S OR PROPERTY OWNER'S RESPONSIBILITY FOR WATERLINES:**

- (a) The Owner or Developer of any piece of property or tract of land is responsible for the construction of the waterline (or for the waterline costs) along any of the property sides or frontages of the property along which a waterline is needed for the overall completeness and continuity of the City's water main system. If it is a large tract of land, the Owner or developer shall also be responsible for the necessary and required system of waterlines within the interior of the tract of land.

The Owner or Developer of any piece of property shall construct all needed waterlines (of the approved size) within and along all sides or frontages of any piece of property prior to the time any building constructed thereon is occupied



or utilized unless "phased" construction of the water main system is specifically allowed or provided for in the Annexation or Development Agreement. In lieu of actually constructing said required waterline or waterlines, the property owner or developer may deposit adequate monies with the City to fully cover the cost(s) of said required waterline construction.

- (b) The Owner or Developer of any property or subdivision will normally be responsible only for the cost of up to a six (6) inch diameter waterline. The additional cost of providing a waterline of a size greater than six (6) inches will normally be a City responsibility. The City will reimburse the Developer for the extra cost of the additional waterline size (over the 6-inch diameter size referenced above) as set forth in the Annexation or Development Agreement between the Developer and the City. Provided further, however, that if any proposed subdivision or development is of such size or magnitude that it requires or necessitates a water main size larger than a six (6) inch diameter line or if the type of development is such as to produce a water flow in excess of the capacity of a six (6) inch diameter waterline, then the Owner or Developer of said subdivision or development shall be responsible for the entire cost of whatever size of waterline is needed to accommodate his development.
- (c) If the Owner or Developer owns or is developing the property on only one side (as compared to both sides) of any street, alley, or easement where a waterline is located or required, he (or they) shall be responsible for only one-half (1/2) of the cost of said waterline while the property owner on the other side of said street, alley, or easement shall be responsible for the other half of the cost of said waterline construction. However, in the absence of any mutual agreement between the property owners, the City may participate with the first Owner or Developer to the extent of paying for one-half (1/2) the cost of a six (6) inch diameter waterline across said referenced property frontage. The second property owner will thereafter be responsible for reimbursing the City for his half of the costs of this waterline construction at the time he (the Second Property Owner or Developer) begins to develop or build upon his property that is adjacent to the waterline installed by the First Property Owner.

Provided further, however, that if the waterline construction is for an area or a development that is Outside-of-the-City-Limits or if the length of the waterline construction in which the City would be participating (as referred to above) exceeds five hundred (500) lineal feet, the City may decline to participate in the cost of said waterline construction except to pay for the extra cost differential between the size of waterline required to serve the development and the actual size of line that the City designates shall be installed to meet the requirements of its Water System Master Plan. When this situation or set of circumstances exists, the property owner or developer who first initiates or actually begins the development of his property, shall be responsible for "front-ending" the entire cost of the waterline construction and for actually constructing said waterline. The second (or other) property owner(s) will thereafter be responsible for reimbursing the property owner for his (or their) share of the costs of the waterline along his (or their) frontage at the time he (or they, the other adjacent property owners or developers) begin(s) to develop or build upon his (or their) property adjacent to the waterline installed by the first property owner. In the absence of any

agreement between the first property owner or developers covering the cost of said waterline(s) the referenced other adjacent property owners or developers shall pay to the City the amount of \$12 per lineal foot (or such other amount as the City may hereinafter establish and adopt by Ordinance) for the length of waterline across his (or their) frontage. The City, in turn, will reimburse this same amount to the first party, which reimbursement shall be deemed adequate and appropriate compensation for his (or their) share of the cost of said waterline.

### **SECTION 33. CITATION; APPEARANCE:**

Whenever it is determined by any police officer or other duly authorized officer that any person or persons have violated any provisions of this Ordinance, the said officer shall provide in quadruplicate and serve upon such person or persons a written citation containing a notice to appear in a designated court of competent jurisdiction within the City of Dietrich, Idaho. This citation shall contain the name and address of the person charged, the offense charged, the time and place when and where the offense charged occurred, and the time when the person charged shall appear in said court, and such other pertinent information as may be necessary; and such person or persons shall appear in said court within five (5) days after such citation is issued and served. The issuance of a citation shall not be the exclusive method of summoning offenders hereunder.

### **SECTION 34. FAILURE TO APPEAR UNLAWFUL:**

It shall be unlawful for any person or persons to fail to neglect to appear in response to and as required by the citation regardless of the disposition of the charge upon which such citation was originally issued. Appearance in court shall be deemed complied with upon appearance by the person cited or his attorneys.

### **SECTION 35. PENALTIES:**

Any person violating any provision of this Ordinance shall be guilty of a misdemeanor, and upon conviction thereof, may be punished by a fine of not more than \$300 or by imprisonment for not more than thirty (30) days or by both such fine and imprisonment. Each day said violation occurs shall be a separate offense.

### **SECTION 36. LIABILITY:**

This Ordinance shall not be construed to hold the City responsible for any damage to any water user by reason of a stoppage or interruption of the water supply caused by scarcity of water, accidents to works, or mains, alterations, additions, repairs, or from other unavoidable causes to persons or property. The City shall also not be held liable for damage to persons or property by reason of the inspection or testing herein, or the failure to inspect or test or by reason of approval of any cross-connections.

**SECTION 37. SEVERABILITY:**

In the event that any provision or clause of this Ordinance shall be found invalid or unenforceable for any reason, such invalidity or unenforceability shall not affect the validity of the remaining portions of this Ordinance, and the same shall remain in full force and effect.

**SECTION 38. EFFECTIVE DATE:**

This Ordinance shall be in full force and in effect from and after its passage and approval, and publication of a summary of this Ordinance under Idaho Code, Section 50-902, the City dispensing with the rule providing that ordinances be read on three (3) different days, all as provided by Law.

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The full text of Ordinance No. \_\_ is available at City Hall and will be provided to any citizen upon personal request during normal business hours.

Dated this 8th day of September, 1992.

CITY OF DIETRICH  
LINCOLN, COUNTY, IDAHO

By *Jeannette R. Knowles*  
MAYOR

ATTEST:

By *Ina Lee Green*  
CITY CLERK