

**CITY OF IDAHO CITY, STATE OF IDAHO  
EMERGENCY ORDINANCE  
ORDINANCE NO. 371**

**AN ORDINANCE OF THE CITY OF IDAHO CITY, BOISE COUNTY, IDAHO, AN EMERGENCY ORDINANCE RELATED TO A FAILURE TO REPAIR EXCESSIVE WATER LEAKS; THAT THE ORDINANCE IS IN EFFECT FOR A PERIOD OF NOT MORE THAN ONE HUNDRED EIGHTY-TWO (182) DAYS DUE TO IMMINENT PERIL OF PUBLIC HEALTH, SAFETY, AND WELFARE; AND PROVIDING THIS ORDINANCE BE EFFECTIVE UPON ITS PASSAGE.**

WHEREAS, the City of Idaho City maintains and operates its own municipal water system and the provision of water services is a primary and essential service provided by the City to those customers within its service area now and in the future;

WHEREAS, the City is under an interim moratorium on connections to its municipal water system because of the inadequacy of its water right to serve a current reasonable demand for water;

WHEREAS, the City is aware of excessive use by one or more customers that it has reason to believe is caused by leaks in the customer's building water system that have gone unaddressed despite notice from the City;

WHEREAS, the City's ability to reasonably operate and properly maintain the City's water treatment system has been and continues to be jeopardized by such excessive use;

WHEREAS, the City Council finds that a foreseeable inability to provide water is an imminent peril to the public health, safety, and welfare of the citizens of Idaho City, such that an Emergency Moratorium should be placed on new connections to the water system.

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

**Section 1. FINDINGS.**

- A. An unaddressed water leak that results in excessive use jeopardizes the City's ability to properly and adequately maintain its water system and ensure a safe and adequate water supply for its customers and is an imminent peril to the public health, safety, and welfare of the citizens of the City of Idaho City.
- B. Existing civil and criminal remedies are insufficient to prevent or mitigate damage or inoperability of the city's water system when a customer fails to keep its water lines in good repair as required by the City Code of Idaho City.
- C. Therefore, the City needs clear authority to make necessary repairs when a customer fails to make repairs despite notice and a demand to repair from the City.

**Section 2. AMENDING SECTION 4, CHAPTER 1, TITLE 9 OF THE CITY CODE.** The City Code of Idaho City, Section 9-1-5 be amended as follows:

9-1-5: MAINTENANCE AND REPAIR OF LINES:

A. Responsibility to Maintain and Repair. All customers shall keep their pipe connections and other apparatus in good repair and protected from freezing at their own expense, but no person, except under the direction of the City, shall be allowed to dig into the street, alley, sidewalk, or easement beneath which the lateral and trunk water lines run, or to tap into any such lateral or trunk line in any manner.

B. Demand for Repair. If the City or its designated agent determines, based on excessive use or other evidence, that a building water system is leaking, the City may demand that the customer repair such building water system and customer shall make such repairs or establish that such water system is not in need of repair.

C. Failure to Repair. If the customer fails to make necessary repairs or demonstrate that repair is not necessary after demand for repair has been made, then the City, in its discretion and upon notice to the customer of at least seventy-two (72) hours, may make all corrections and repairs necessary to correct the situation, or terminate running water service to the customer, or both. All costs incurred, including the cost of repairs, shall be the responsibility of the customer and if it is necessary that the city correct the situation or make repairs, the associated cost and charges may be assessed and added to the customer's water bill. Such assessment is in addition to any other penalties provided for a violation of this Chapter.

**Section 3. DURATION.** This emergency ordinance shall be in place for a period of one hundred and eighty-two (182) days following adoption of this emergency ordinance.

**Section 4. SEVERABILITY CLAUSE.** The sections of this ordinance are severable. The invalidity of a section shall not affect the validity of the remaining sections.

**Section 5. EFFECTIVE DATE.** That this emergency ordinance shall be in full force and effect immediately upon the date of its passage.

PASSED BY THE COUNCIL of the City of Idaho City this 3 day of August, 2022.

APPROVED BY THE MAYOR of the City of Idaho City this 3 day of August, 2022.

  
Kenneth Everhart, Mayor

ATTEST:

  
Nancy L Ptak, City Clerk

