

CITY OF IDAHO CITY

SUMMARY OF ORDINANCE NO. 190

Ordinance No. 190 of the City of Idaho City provides for and authorizes the Mayor to submit to the U.S. Forest Service a small tract application in order to effectuate an exchange of land between the United States and the City. The proposal of the exchange is for the City to acquire certain parcels of the original Pioneer Cemetery from the United States which now owns the parcels. The Ordinance also limits costs of the exchange to \$200.00 or such other greater amount as authorized by resolution of the City Council, which contains a severability clause and an effective date.

SECTION 2.(a) In order to carry out the legislative intent of Section 1 of this ordinance the Mayor of the City of Idaho City, Idaho, is hereby authorized and pursuant to the provisions of §50-1401 et seq., Idaho Code, to submit to the U.S. Forest Service a small tract application pursuant to the provisions of 16 U.S.C. §521C, and to execute in the name of the City any and all documents necessary to effectuate an exchange of land between the City and the Forest Service. Such documents shall include a grant by the United States to the City of a perpetual right of public ingress and egress over those lands deeded to the United States to allow the free and continuing access to the Pioneer Cemetery by members of the general public.

(c) The specific legal description of the real property to be conveyed to the United States by the City of Idaho City is all the certain lot, piece or parcel of land situated lying and being in Boise County, State of Idaho, and described as follows:

A parcel of land 160 feet in width lying north of and adjacent to the south boundary line of the E $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ section 27, T. 6 N., R. 5 E., B.M., containing 2.38 acres more or less.

(d) The specific legal description of the real property to be conveyed to the City of Idaho city by the United States is described as follows:

Parcel 1

A parcel of land in the E $\frac{1}{2}$ NE $\frac{1}{2}$ NE $\frac{1}{4}$ section 27, T. 6 N., R. 5 E., B.M., Boise County, Idaho, being more particularly described as follows:

Beginning at Corner No. 1 which is the N1/16 corner of section 26 and 27. From Corner No. 1 by metes and bounds.

N'89°08'W., 647.21 ft. along the boundary line between the NW $\frac{1}{4}$ NE $\frac{1}{4}$ section 27 and the SE $\frac{1}{4}$ NE $\frac{1}{4}$ section 27 to Monument CENE 1/64 which is Corner No. 2.
N.0°52'E., 153.97 ft., to Corner No. 3,
S.89°08'E., 399.10 ft., to Corner No. 4,
S.0°52'W., 53.73 ft., to Corner No. 5,
S.89°08'E., 246.89 ft., along the boundary line between sections 26 and 27 to Corner No. 1.

The tract as described contains 1.97 acres more or less.

Parcel 2

A parcel of land in the W $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ section 26, T. 6 N., R. 5 E., B.M., Boise County, Idaho, being more particularly described as follows:

Beginning at Corner No. 1 which is the N1/16 Corner of section 26 and 27 from Corner No. 1 by metes and bounds.
N.0°10'E., 100.24 ft., along the boundary line between section 26 and 27 to Corner 2,
S.89°08'E., 199.05 ft., to Corner No. 3, S.0°52'W., 100.23 ft., to Corner No. 4,
N.89°08'W., 197.83 ft. to Corner No. 1.

The tract as described contains .45 acres more or less.

(e) Administrative costs associated with the exchange of land provided for herein shall not exceed \$200.00 or such other greater amount as authorized by resolution of the City Council.

The full text of the Ordinance is available at the Idaho City City Hall.

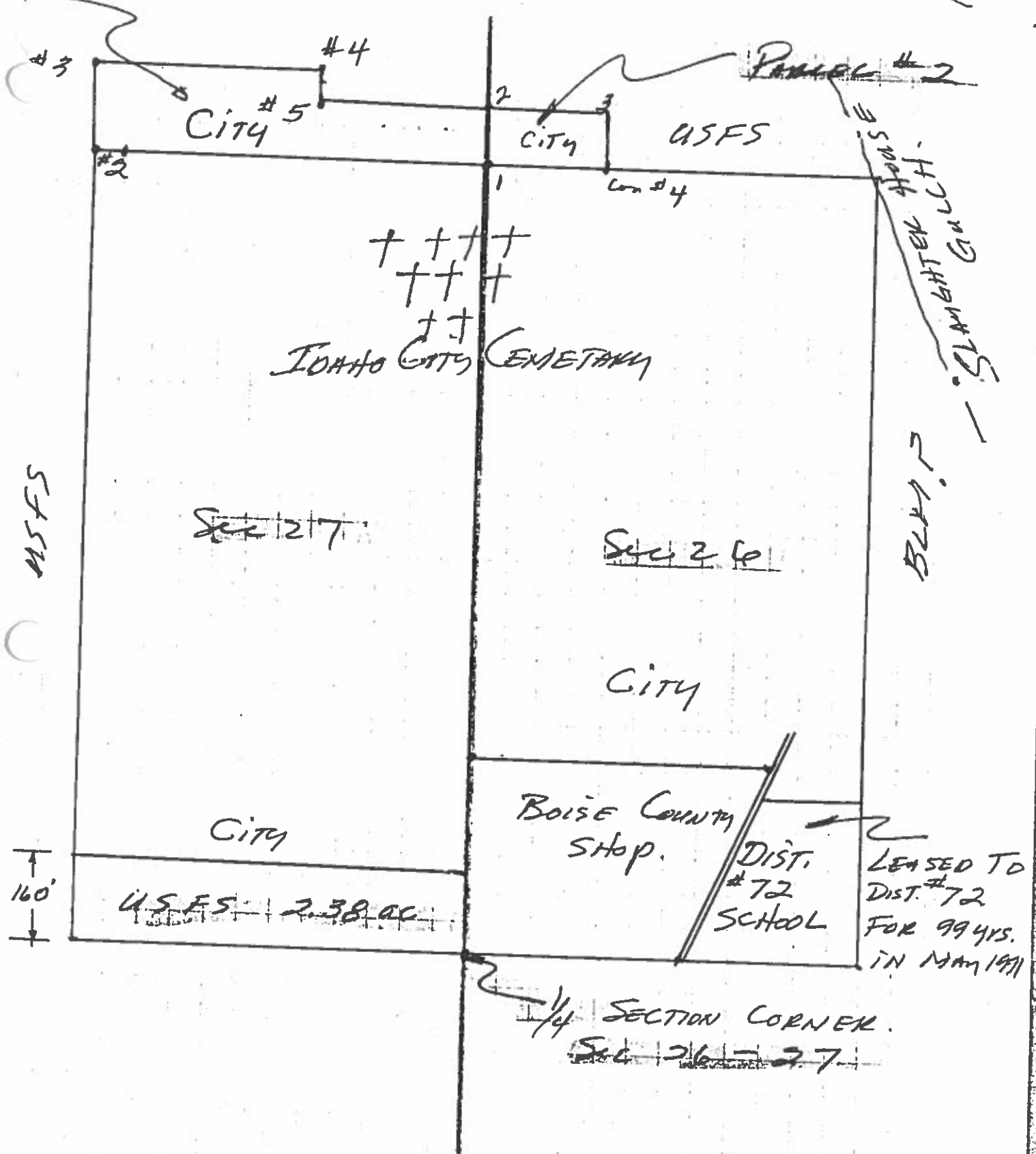
PASSED by the City Council and APPROVED by the Mayor this 16th day of January, 1986.

ATTEST:


Leslie Barkell
City Clerk

PARCEL #1

PARCEL #2



DRAWN MAY 2 1991

PRESENT LAND OWNERSHIP IN AND AROUND IDAHO CITY CEMETARY.

ORDINANCE NO. 189

AN ORDINANCE TO BE KNOWN AS THE ANNUAL APPROPRIATION BILL PROVIDING FOR THE APPROPRIATION OF FUNDS TO DEFRAY THE NECESSARY EXPENSES OF THE CITY OF IDAHO CITY, BOISE COUNTY, IDAHO, FOR THE PERIOD FROM OCTOBER 1, 1985 TO SEPTEMBER 30, 1986.

BE IT ORDAINED BY THE Mayor and the City Council of Idaho City, Idaho:

SECTION I: That there be and is hereby appropriated the total sum of \$932,237.34 out of any money in the Treasury of the City of Idaho City, Idaho to defray the necessary expenses of said City from October 1, 1985 to September 30, 1986, for the following purposes:

GENERAL FUND EXPENDITURES:

General Administration	\$ 24,050.84
Law Enforcement	18,100.00
Fire Department	4,767.00
Reserve Accounts	5,540.46
Federal/State Grants	<u>424,000.00</u>

TOTAL GENERAL FUND \$476,458.30

SEWER FUND EXPENDITURES:

Operation and Maintenance	\$ 12,901.00
Sewer Revenue Bond	13,209.27
Improvement Project (matching funds)	83,159.55
Reserve Account	4,745.36
Federal Grants	<u>298,000.00</u>

TOTAL SEWER FUND \$412,015.18

WATER FUND EXPENDITURES:

Operation and Maintenance	\$ 17,940.00
Water Revenue Bond	6,500.00
Reserve Account	<u>66.86</u>

TOTAL WATER FUND \$ 24,506.86

REVENUE SHARING EXPENDITURES:

Public Buildings	\$ 1,000.00
Ambulance/Emergency services	<u>600.00</u>

TOTAL REVENUE SHARING \$ 1,600.00

SECTION II

That the receipts from the system are hereby appropriated to the sewer fund.

SECTION III

That the receipts from the sewer are hereby appropriated to the water fund.

SECTION IV

That the City Treasurer is hereby ordered and employed and empowered to transfer said funds and when directed by the Mayor and the City Council is hereby authorized to make necessary entries on the city books.

SECTION V

This Ordinance shall take effect and be in full force upon its passage, approval and publication in one (1) issue of the Idaho World, a newspaper of general circulation published within the City of Idaho City and the official newspaper thereof.

PASSED BY THE COUNCIL and approved by the Mayor, this 10th day of September, 1985.

by 
Randy Barrett, Mayor

ATTEST:


Leslie A. Barkell, City Clerk

ORDINANCE NO. 188

AN ORDINANCE OF THE CITY OF IDAHO CITY, BOISE COUNTY, IDAHO, SPECIFYING AND ADOPTING A PLAN FOR THE CONSTRUCTION AND INSTALLATION OF IMPROVEMENTS AND BETTERMENTS TO THE SEWER SYSTEM OF SAID CITY; DECLARING THE ESTIMATED COST; AUTHORIZING THE ISSUANCE AND SALE OF \$70,000 PRINCIPAL AMOUNT OF PARITY LIEN WATER AND SEWER REVENUE BONDS OF 1985; PROVIDING FOR THE DATE, FORM, MATURITIES, AND DESIGNATION OF SAID BONDS; FIXING THE MAXIMUM RATE OF INTEREST ON SAID BONDS; PROVIDING FOR REGISTRATION AND AUTHENTICATION OF SAID BONDS; APPROVING THE SALE OF SAID BONDS; PROVIDING FOR THE COLLECTION, HANDLING, AND DISPOSITION OF REVENUE; ESTABLISHING CERTAIN FUNDS AND ACCOUNTS; AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO

CITY OF IDAHO CITY

Boise County, Idaho

PARITY LIEN WATER AND SEWER REVENUE BONDS OF 1985

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

WHEREAS, the City of Idaho City, Boise County, Idaho (the "City") is a duly incorporated and existing city organized and operating under the laws of the State of Idaho; and

WHEREAS, the City Council (the "Council") of said City is authorized and empowered by Idaho Code Sections 50-1027 through 50-1042 (the "Revenue Bond Act") and the Municipal Bond Law of the State of Idaho, being Idaho Code, Title 57, Chapter 2, to authorize, issue, sell, and deliver water and sewer revenue bonds to finance the acquisition, construction, and installation of improvements and betterments to the water and sewer system of the City; and

WHEREAS, the requisite majority of the qualified electors of the City, at a special election held on September 4, 1984, authorized the issuance of sewer revenue bonds in the principal amount of not to exceed \$70,000; and

WHEREAS, Idaho Code Section 50-1036 authorizes the sale of water and sewer revenue bonds at private sale without giving prior notice thereof and in such manner as the Council may determine; and

WHEREAS, the Council has determined that the public health, safety, comfort, and welfare will be furthered by the sewer construction and improvement project as hereinafter defined; and

WHEREAS, pursuant to Ordinance No. 152, adopted on September 25, 1978, the City has heretofore issued its Water and Sewer Revenue Bonds Series A and B of 1978, payable from the Net Revenues (defined hereinafter) of the City's combined and consolidated municipal water and sewer system; and

WHEREAS, the Council has determined to issue parity lien water and sewer revenue bonds duly authorized by the electors at said election of September 4, 1984, in the amount of \$70,000.

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

Section 1: DEFINITIONS

As used in this Ordinance, the following words shall have the following meanings:

A. Acquisition or acquire includes the opening, laying out, establishment, purchase, construction, securing, installation, reconstruction, lease, gift, grant from the Federal Government, the State, any public body therein or any person or entity, the condemnation, transfer, option to purchase, other contract, or other acquirement, or any combination thereof.

B. Bonds mean the principal amount of \$70,000 City of Idaho City Parity Lien Water and Sewer Revenue Bonds of 1985, herein authorized to be issued, sold, and delivered.

C. Bond Fund means the "City of Idaho City Water and Sewer Revenue Bond Fund" referred to and redesignated in Section 14 of this Ordinance and created by Ordinance No. 152, adopted on September 25, 1978.

D. Capital Improvement Fund means the "City of Idaho City Water and Sewer Revenue Bond Capital Improvement Fund" created by Section 12 of this Ordinance.

E. City Clerk means the de facto or de jure Clerk of the City, or other officer of the City who is the custodian of the seal of the City and of the records of the proceedings of the City, or his/her successor in functions, if any.

F. Cost of Project or any phrase of similar import, means all or any part designated by the Council of the costs of the Project, or interest therein, which costs, at the option of the Council, may include all or any part of the incidental costs pertaining to the Project, including, without limitation:

(1) Preliminary expenses advanced by the City from funds available for the use therefor, or advanced by the Federal or State Government, or from any other source, with approval of the Council, or any combination thereof;

(2) The costs of making surveys, audits, preliminary plans, other plans, specifications, estimates of costs, and other preliminaries;

(3) The costs of appraising, printing, estimates, advice, services of engineers, architects, financial consultants, attorneys at law, clerical help, or other agents or employees;

(4) The costs of contingencies;

(5) The costs of the issuance of the Bonds;

(6) The costs of funding any short-term financing, bond anticipation notes, and other temporary loans appertaining to the Project and of the incidental expenses incurred in connection with such loans;

(7) The costs of any properties, rights, easements, or other interest in properties, or any licenses, privileges, agreements and franchises; and

(8) All other expenses necessary or desirable and appertaining to the Project, as estimated or otherwise ascertained by the Council.

G. Improvement or Improve includes the extension, widening, lengthening, betterment, alteration, reconstruction, or other major improvement, or any combination thereof, of any properties pertaining to the Project or any interest therein, but does not mean general maintenance or repair.

H. Mayor means the de facto or de jure Mayor of the City, or any presiding officer or titular head of the City, or his/her successor in functions, if any.

I. Net Revenues means Revenue of the System after the deduction of Operation and Maintenance Expenses.

J. Operation and Maintenance Expenses or any phrase of similar import, means all reasonable and necessary current expenses of the City, paid or incurred, in operating, maintaining, and repairing the System or in levying, collecting, and otherwise administering the Net Revenues for the payment of the Bonds; and the term includes (except as limited by contract or otherwise limited by law), without limiting the generality of the foregoing:

(1) Engineering, auditing, reporting, legal, and other overhead expenses of the City directly relating and reasonably allocable to the administration of the System;

(2) Fidelity bonds and property and liability insurance premiums appertaining to the System, or a reasonably allocable

share of a premium of any blanket bond or policy pertaining thereto;

(3) Payments to pension, retirement, health, and hospitalization funds and other insurance;

(4) Any taxes, assessments, excise taxes, or other charges which may be lawfully imposed on the City, the System, revenues therefrom, or any privilege in connection with their operation;

(5) The reasonable charges of the fiscal or paying agent, commercial bank, trust bank, or other depository bank appertaining to the Bonds issued by the City or appertaining to the Project, if any;

(6) Contractual services, professional services, salaries, other administrative expenses, the cost of materials, supplies, repairs, and labor, appertaining to the issuance of the Bonds and to the System; and

(7) All other administrative, general, and commercial expenses.

K. Project means the sewer improvement project described in Section 2 hereof and consisting generally of the construction and installation of improvements and betterments to the sewer collection and treatment system of the City.

L. Registered Owner means the purchaser of the Bonds and any subsequent transferees or purchasers of the Bonds.

M. Reserve Fund means the "City of Idaho City Debt Service Reserve Fund" referred to in Section 15 of this Ordinance and created by Ordinance No. 152, adopted on September 25, 1978.

N. Revenue Fund means the "City of Idaho City Water and Sewer Revenue Fund" referred to in Section 13 of this Ordinance and created by Ordinance No. 152, adopted on September 25, 1978.

O. Revenue of the System means all revenues received by the City from its System and may include, at the discretion of the City, moneys derived from one, all, or any combination of revenue sources appertaining to the System including, without limitation, rates, charges, rents, fees, and any other income derived from the operation or ownership of, from the use or services of, or from the availability of or services appertaining to, or otherwise derived in connection with the System or all or any part of any property appertaining to the System, but does not include the receipts of taxes.

P. System means the combined and consolidated municipal water and sewage system of the City, as it now exists, including its assets, real and personal, tangible and intangible, and as it may

later be added to, extended, and improved, and shall include buildings, structures, utilities, or other income producing water and sewer facilities from the operation of or in connection with which the revenues for the payment of the Bonds to be issued hereunder will be derived, and the lands appertaining thereto, including, without limitation, any Improvement to be acquired with the proceeds of the Bonds.

Q. Treasurer means the de facto or de jure Treasurer of the City, or his/her successor in functions, if any.

R. 1978 Bonds mean the "Water and Sewer Revenue Bonds, Series A and B of 1978," issued in the original principal amount of \$188,000, as authorized by Ordinance No. 152, adopted on September 25, 1978.

Section 2: THE PROJECT

A. Project Description. The sewer improvement project consists generally of the construction and installation of capital improvements and betterments to the City's sewer treatment system, including sewage treatment plant upgrade and acquisition and construction of appurtenances thereto, and all other costs incidental thereto; together with sites and easements therefor and all appurtenances and machinery necessary or useful for said System (the "Project"). Said Project is more fully described in preliminary plans and specifications prepared by Jerry T. Elliott, P.E., and Loveless Engineering, both of Boise, Idaho, on file at the office of the City Clerk.

B. Project Changes. The Council may make changes in the above-described plans prior to or in the course of actual construction, provided such changes are found necessary and desirable by the Council and that such changes do not substantially affect or alter the plans or the cost of the Project.

C. Costs. All of the cost and expenses of construction and installation will be approximately \$310,000, not to exceed \$70,000 of which shall be paid from the issuance and sale of the Bonds, hereinafter defined, authorized to be issued at a special election held within said City on September 4, 1984. The balance will be realized from other legally available funds, including grant funds from the State of Idaho and other grant funds.

Section 3: BONDS AUTHORIZED

Water and sewer revenue bonds of the City, in fully registered form, designated "City of Idaho City Parity Lien Water and Sewer Revenue Bonds of 1985" (the "Bonds"), in the aggregate principal amount of \$70,000, are hereby authorized to be issued, sold, and delivered pursuant to the laws of the State of Idaho, particularly the Revenue Bond Act and the Municipal Bond Law, as defined hereinabove.

The Bonds shall be in denominations of \$1,000.00 each or integral multiples thereof, shall be dated September 1, 1985, shall be issued only in fully registered form, shall be payable in order of maturity, and shall be substantially in the form set forth in Exhibit "A" attached hereto and by this reference incorporated herein. The Bonds shall be numbered separately in a consecutive series, in the manner and with any additional designation as the Bond Registrar (hereinafter defined) deems necessary for the purposes of identification. The Bonds shall mature on October first of each year and shall bear interest per annum at the rates as set forth in the following schedule:

<u>Maturity Date</u>	<u>Principal Amount</u>	<u>Interest Rate</u>
October 1, 1986	\$ 4,000	6.50%
October 1, 1987	4,000	7.10%
October 1, 1988	4,000	7.50%
October 1, 1989	4,000	7.90%
October 1, 1990	5,000	8.20%
October 1, 1991	5,000	8.50%
October 1, 1992	6,000	8.75%
October 1, 1993	6,000	8.95%
October 1, 1994	7,000	9.15%
October 1, 1995	8,000	9.35%
October 1, 1996	8,000	9.50%
October 1, 1997	9,000	9.65%

Section 4: INTEREST ON BONDS

The Bonds shall bear interest at the above rates payable commencing October 1, 1985, and annually thereafter on the first day of October of each year after their date until the respective maturity dates thereof.

Section 5: PLACE AND MANNER OF PAYMENT

Both principal of and interest on the Bonds are payable in lawful money of the United States of America to the Registered Owner thereof, whose name and address shall appear on the registration books of the City (the "Bond Register") maintained by the Bond Registrar.

The principal of the Bonds is payable to the Registered Owner, upon surrender of the Bonds when due at maturity or prior redemption, at the principal corporate trust office of the Bond Registrar.

Payment of each installment of interest shall be made on its annual due date to the Registered Owner whose name appears on the Bond Register on the 15th day of the calendar month next preceding the interest payment date, at the address appearing on the Bond Register, and shall be paid by check or draft of the Bond Registrar

mailed to such Registered Owner on the due date at such address, or such other address as may be furnished in writing by such Registered Owner to the Bond Registrar.

Section 6: EXECUTION OF BONDS

Without unreasonable delay, the City shall cause definitive bonds to be prepared, executed, and delivered, which bonds shall be lithographed or printed with engraved or lithographed borders. The Bonds shall be signed by the Mayor, countersigned by the Treasurer, and attested by the City Clerk (all of which signatures shall be by facsimile), and the facsimile seal of the City shall be imprinted thereon. The Bonds shall then be delivered to the Bond Registrar for authentication.

Until the definitive bonds are prepared, the City may, if deemed necessary by the Mayor, utilize a temporary bond which shall be type-written, and which shall be delivered to the purchaser of the Bonds in lieu of definitive bonds, subject to the same provisions, limitations, and conditions as the definitive bonds. The temporary bond shall be dated as of the date of the Bonds, shall be in the denomination of \$70,000, shall be numbered T-1, shall be substantially of the tenor of such definitive bonds, but with such omissions, insertions, and variations as may be appropriate to temporary bonds, and shall be manually signed by the Mayor, the Treasurer, the City Clerk, and the Bond Registrar, and shall have the seal of the City impressed thereon.

In case any of the officers who shall have signed or countersigned any of the Bonds shall cease to be such officer or officers of the City before the Bonds so signed or countersigned shall have been authenticated or delivered by the Bond Registrar, or issued by the City, such Bonds may nevertheless be authenticated, delivered, and issued and, upon such authentication, delivery, and issue, shall be as binding upon the City as though those who signed and countersigned the same had continued to be such officers of the City. Any Bond may also be signed and countersigned on behalf of the City by such persons as at the actual date of execution of such bonds shall be the proper officers of the City although at the original date of such Bond any such person shall not have been such officer of the City.

Only such of the Bonds as shall bear thereon a certificate of authentication in the form set forth in Exhibit "A," manually executed by the Bond Registrar, shall be valid or obligatory for any purpose or entitled to the benefits of this Ordinance, and such certificate of authentication shall be conclusive evidence that the Bonds so authenticated have been duly executed, authenticated, and delivered hereunder and are entitled to the benefits of this Ordinance.

Section 7: BOND REGISTRAR

The Idaho First National Bank, Boise, Idaho, is hereby appointed as bond registrar, transfer agent, and authenticating and paying agent, and is herein referred to as the "Bond Registrar." The Bond Registrar shall keep, or cause to be kept, at its principal corporate trust office, sufficient books for the registration and transfer of the Bonds which shall at all times be open to inspection by the City. The Bond Registrar is authorized, on behalf of the City, to authenticate and deliver the Bonds transferred or exchanged in accordance with the provisions of such Bonds and this Ordinance and to carry out all of the Bond Registrar's powers and duties under this Ordinance.

The Bond Registrar shall be responsible for its representations contained in the Certificate of Authentication on the Bonds. The Bond Registrar may become the owner of the Bonds with the same rights as it would have if it were not the Bond Registrar.

The Bonds may be transferred only upon the books for the registration and transfer of bonds, upon the surrender thereof at the principal office of the Bond Registrar, together with a form of transfer duly executed by the Registered Owner or his attorney duly authorized in writing, substantially in the form set forth in the form of bond referred to in Section 3 hereof. Upon the transfer of any bond, there shall be issued in the name of the transferee or transferees a new fully registered bond or bonds of the same aggregate principal amount as the surrendered bond. The new bond or bonds shall bear the same date as the date of the surrendered bond, but shall bear interest from the immediately preceding interest payment date to which interest has been paid or duly provided for.

The Bond Registrar shall not be required to exchange or transfer any bond within fifteen (15) days of an interest payment date or, in the case of any redemption of bonds, within fifteen (15) days of the redemption date.

Section 8: REDEMPTION

The City reserves the right to redeem any or all of the Bonds in advance of maturity on any interest payment date, at par plus accrued interest to the date of redemption, in inverse order of maturity, on any interest payment date. Notice of any intended redemption shall be given not less than thirty (30) nor more than forty-five (45) days prior to the redemption date by first-class mail, postage prepaid, to the Registered Owner of any bond to be redeemed at the address appearing in the Bond Register. The requirements of this Ordinance shall be deemed to be complied with when notice is mailed as herein provided, regardless of whether or not it is actually received by the owner of such bond. Interest on all of such bonds called for redemption shall cease to accrue on the date fixed for redemption unless such bond or bonds so called for redemption are not redeemed upon presentation made pursuant to such call.

Section 9: SALE OF BONDS AUTHORIZED

The sale of the Bonds to Prudential-Bache Securities, Inc., of Boise, Idaho, in accordance with its offer to purchase is hereby accepted and confirmed. The City's financial consultant is hereby authorized and directed to prepare an Official Statement pertaining to the sale of the Bonds prior to the date of sale.

Section 10: CHARGES

The City has established, may from time to time revise, and shall maintain and collect water and sewer rates and charges for furnishing the services of the System to its customers, which rates and charges are, and shall continue to be, uniform as to all persons or properties which are of the same class, which rates and charges shall be collected from the users thereof.

Section 11: PLEDGE OF REVENUES

The Net Revenues of the System are hereby pledged for the payment of the Bonds, as a first charge and lien thereof, equal to and on a parity with the lien created by the 1978 Bonds, and shall be used and applied in the priority provided in Section 13 of this Ordinance.

The City shall establish, revise, maintain, and collect charges sufficient, with other revenues received, after taking into consideration anticipated delinquencies, to provide Net Revenues equal to not less than 1.25 times the sum of the combined aggregate amount of the principal of and interest on the Bonds, together with principal of and interest on the 1978 Bonds, which shall become due the next succeeding fiscal year.

Section 12: CAPITAL IMPROVEMENT FUND

There is hereby created a fund to be known as the "City of Idaho City Water and Sewer Revenue Bond Capital Improvement Fund," or such other designation conforming to banking requirements or good accounting practices, herein called the "Capital Improvement Fund," into which shall be deposited all of the proceeds of the sale of the Bonds, to be used and applied for the payment of a portion of the cost and expenses of the construction and installation of the Project, including the payment of the principal of and interest on all outstanding bond anticipation notes or other interim financing, if any. Any interest earnings on moneys invested from the Capital Improvement Fund shall be deposited into the Bond Fund, hereinafter defined. The City's share of any liquidated damages or other moneys paid by defaulting contractors or their sureties will be deposited into said Capital Improvement Fund to assure the completion of the Project.

When the Project has been completed and all costs related thereto have been paid in full, any balance remaining in the Capital

Improvement Fund will be deposited into the Bond Fund described by Section 14 of this Ordinance.

Section 13: REVENUE FUND

There has heretofore been created, by Ordinance No. 152, adopted on September 25, 1978, a fund to be known as the "Water and Sewer Revenue Fund," which is hereby redesignated "City of Idaho City Water and Sewer Revenue Fund," or such other designation conforming to banking requirements or good accounting practices, herein called the "Revenue Fund," which shall be maintained by the Treasurer and into which the Revenue of the System shall be deposited forthwith upon its receipt.

A. Use of Revenues: The Revenue of the System shall be used for the payment of the following obligations in the following order of priority:

(1) First Charge and Lien: The costs of Operation and Maintenance Expenses.

(2) Second Charge and Lien: The principal of and interest on the Bonds and the 1978 Bonds by payment into the Bond Fund.

(3) Third Charge and Lien: To establish and maintain the Reserve Fund; and

(4) To administer surplus funds.

B. Surplus Funds: Funds remaining in the Revenue Fund after having been applied to designated funds for the purposes provided in this Section shall constitute surplus funds and may be used for the purposes set forth in Section 16 of this Ordinance.

Section 14: BOND FUND

There has heretofore been created, by Ordinance No. 152, adopted on September 25, 1978, a fund known as "The City of Idaho City Water and Sewer Revenue Bonds Interest and Sinking Fund," which is hereby redesignated "City of Idaho City Water and Sewer Revenue Bond Fund," or other designation conforming to banking requirements or good accounting practices, herein called the "Bond Fund," which shall be maintained by the Treasurer and into which shall be deposited, in addition to all amounts required by Ordinance No. 152, the following described revenues:

A. The amount, in equal monthly installments, sufficient to fully pay the Bonds together with interest thereon within twelve (12) years from their date, shall be accumulated into the Bond Fund on or before the 10th day of each month. The moneys herein allocated shall be used solely to pay currently maturing installments of principal of and interest on the Bonds, and to redeem outstanding bonds prior to their stated maturity, as provided in Section 8 of this Ordinance.

B. If the City for any reason shall fail to make such monthly deposit, then an amount equal to the deficiency shall be set apart and deposited in the Bond Fund out of the Net Revenues in the ensuing month or months, which amount shall be in addition to the regular monthly deposit required during such succeeding month or months.

Section 15: DEBT SERVICE RESERVE FUND

There has heretofore been created, by Ordinance No. 152, adopted on September 25, 1978, a separate account in the Bond Fund known as the "Reserve Account," which is hereby redesignated the "City of Idaho City Debt Service Reserve Fund," or other designation conforming to banking requirements and good accounting practices, herein called the "Reserve Fund," which shall be maintained by the Treasurer.

A. Deposits. The Treasurer shall, on or before the 15th day of September in each year, commencing in 1986, deposit from the Revenue Fund into the Bond Fund an amount which, together with all moneys theretofore deposited in the Revenue Fund pursuant to the provisions of Ordinance No. 152, shall be sufficient to accumulate, within five (5) years, an amount at least equal to the average combined interest and principal requirements for any future fiscal year on all bonds payable from the Bond Fund, including the Bonds of this issue and the 1978 Bonds.

B. Deficiencies or Withdrawals. Whenever any moneys are withdrawn from the Reserve Fund to pay the principal of or interest on the Bonds, or if a deficiency exists in such Fund, the amount so withdrawn or the amount of such deficiency shall be restored by the reinstatement of the annual reserve deposits as set forth in paragraph A of this Section, until there has been restored therein the gross amount provided heretofore in subdivision A of this Section.

C. Refunding. In the event refunding bonds are ever issued, the amount set aside into the Reserve Fund to secure the payment of the Bonds may be used to retire bonds or may be held in the Reserve Fund to secure payment of the refunding bonds issued, to refund the outstanding refunding bonds, or may be held in the Reserve Fund to secure the payment of any other issue or series of bonds payable out of the Bond Fund and issued on a parity with the Bonds and the 1978 Bonds.

D. Investments. All moneys in the Reserve Fund may be kept in cash or deposited in institutions permitted by law in an amount in each institution not greater than the amount insured by any department or agency of the United States government, or may be invested and reinvested in any legal investment permitted for City moneys maturing not later than the last maturity date of any outstanding bonds. Interest earned on any such investment shall be deposited into the Bond Fund.

Section 16: SURPLUS FUNDS

Funds remaining in the Revenue Fund after having been applied to or designated funds for the purposes provided in Section 14 A of this Ordinance shall constitute surplus funds and may be used for any of the following purposes:

- A. To pay the costs of unusual or extraordinary maintenance of or repair to the System;
- B. To pay the principal of and interest on any subordinate lien obligations which may have been issued to provide water or sewer facilities in or for the City;
- C. To improve, extend, enlarge, or replace any water or sewer facilities;
- D. To acquire or construct additional water or sewer facilities in or for the City;
- E. To call or redeem prior to their fixed dates of maturity any such bonds which have been issued to provide water or sewer facilities in or for the City; and
- F. For any other lawful purpose.

Section 17: ADDITIONAL BONDS OR OTHER OBLIGATIONS

A. Limitations Upon Issuance of Parity Obligations. Nothing contained in this Ordinance shall be construed in such a manner as to prevent the issuance by the City of additional bonds or other additional obligations payable from the Net Revenues on a parity with, but neither prior nor superior to, the lien of the Bonds herein authorized; provided, however, that before any such additional parity bonds or other additional parity obligations are authorized or actually issued:

(1) The City is not, and has not been, in default as to any payments required by the provisions of this Ordinance for a period of not less than twelve (12) months immediately preceding the issuance of such additional parity bonds or other additional parity obligations.

(2) The Net Revenues of the System for the past twelve (12) consecutive months immediately preceding the year of the issuance of such additional parity obligations shall have been sufficient to pay the Operation and Maintenance Expenses of the System for said past twelve (12) months, and, in addition, sufficient so that the Net Revenues for such preceding year equal an amount representing 125% of the annual principal and interest requirements of the outstanding Bonds and any other obligations of the City payable from the Net Revenues of the System, plus the average annual principal and interest requirements of the

bonds or other obligations proposed to be issued, provided, this limitation may be waived or modified by the written consent of the Registered Owners of 75% of the principal amount of the Bonds;

(3) A written certification by the City engineer or an independent engineer, if requested, that the 125% Net Revenue requirement of subsection (2) above has been satisfied, shall be obtained and filed with the City, which certification shall be conclusively presumed to be accurate in determining the right of the City to authorize, issue, sell, and deliver said additional bonds or other additional obligations on a parity with the Bonds authorized herein.

B. Parity Bonds to Complete Project. In the event grant funds, plus the proceeds of the Bonds provided for in this Ordinance, are insufficient to complete the Project, then parity bonds may be issued to complete the Project, and the restrictions set forth in this Section pertaining to the issuance of parity bonds shall not apply.

C. Subordinate Lien Bonds. No provision of this Ordinance or of any instrument appertaining thereto shall be deemed to limit or restrict the power of the City to issue bonds, notes or warrants, or to make pledges of the revenues which shall be subordinate as to the lien of the Bonds and which shall provide for compliance with the current provisions hereof prior to the application of any funds to said subordinate purpose.

D. Refunding. The restrictions with respect to the issuance of parity obligations shall not apply if such additional parity bonds proposed to be issued are for the sole purpose of refunding outstanding water and sewer revenue bonds.

Section 18: INVESTMENTS

Surplus funds in any of the Funds set forth in this Ordinance may be invested in securities as permitted by law.

Section 19: NON-ARBITRAGE

The proceeds of the sale of the Bonds shall not be used directly or indirectly to acquire any securities or obligations, the acquisition of which would cause the Bonds to be arbitrage bonds within the meaning of Section 103(c) of the Internal Revenue Code of 1954, as amended, and a Certificate stating that the Bonds are not arbitrage bonds within the meaning of said Section 103(c) will be provided to the purchaser at the time of the delivery of the Bonds.

Section 20: COVENANTS

For the protection and security of the Bonds, it is covenanted and agreed to and with the Registered Owner of the Bonds from time to time, that the City will perform the following covenants:

A. Construct Project. It will commence the construction and completion of the Project and continue the same with all practical dispatch and in a sound and economical manner.

B. Operate System. It will operate the System in an efficient and economical manner and prescribe, revise, and collect such charges in connection therewith so that the services, facilities, and properties of the System may be furnished at the lowest possible cost consistent with sound economy and prudent management.

C. Good Repair. It will operate, maintain, preserve, and keep the System and every part hereof in good repair, working order, and condition.

D. Preserve Security. It will preserve and protect the security of the Bonds and the rights of the Registered Owner thereof.

E. Collect Revenues. It will collect and hold in trust the revenues and other funds pledged to the payment of the Bonds and apply such revenue or other funds only as provided in this Ordinance.

F. Service Bonds. It will pay and cause to be paid punctually the principal of the Bonds and the interest thereon on the date or dates and at the place or places and in the manner mentioned in the Bonds, and in accordance with this Ordinance.

G. Pay Claims. It will pay and discharge any and all lawful claims for labor, materials, and supplies which, if unpaid, might by law become a lien or charge upon the Revenue of the System, or any part of said Revenue of the System, or any funds in the hands of the Treasurer, prior or superior to the lien of the Bonds or which might impair the security of the Bonds, to the end that the priority and security of the Bonds shall be fully preserved and protected.

H. Encumbrances. It will not mortgage or otherwise encumber, sell, lease, or dispose of the System or any part thereof, nor enter into any lease or agreement which would impair or impede the operation of the System or any part thereof necessary to secure adequate revenues for the payment of the principal of and interest on the Bonds, nor which would otherwise impair or impede the rights of the Registered Owner of the Bonds with respect to such revenues or the operation of the System without provisions for the retirement of the Bonds then outstanding from the proceeds thereof.

I. Insurance. It will procure and keep in force insurance upon all buildings and structures of the System and the machinery and equipment therein, which are usually insured by entities operating

like property, in good and responsible insurance companies. The amount of the insurance shall be such as may be required to adequately protect it and the Registered Owner of the Bonds from loss due to any casualty, and in the event of any such loss, the proceeds shall be used to repair or restore the System or for the payment of the Bonds issued under this Ordinance.

J. Fidelity Bonds. It will procure suitable fidelity bonds covering all of its officers and other employees charged with the operation of the System and the collection and disbursement of revenues therefrom.

K. Engineers. It will employ consulting engineers of acknowledged reputation, skill, and experience in the improvement and operation of the System for any unusual or extraordinary items of maintenance, repair, extensions, or betterments as shall be required from time to time, all reports, estimates, and recommendations of such consulting engineers to be filed with the Clerk and furnished to the Registered Owner of the Bonds issued hereunder, upon request.

L. Accounts. It will keep proper and separate accounts and records in which complete and separate entries shall be made of all transactions relating to the System, and it will furnish complete operating and income statements upon request.

M. Delinquencies. It will not furnish water or sewer service to any customer whatsoever free of charge, and it shall not later than sixty (60) days after the end of each calendar year, take such legal action as may be reasonable to enforce collection of all collectible delinquent accounts.

Section 21: AMENDMENTS

A. The City from time to time and at any time may adopt an ordinance or ordinances supplemental hereto, which ordinance or ordinances thereafter shall become a part of this Ordinance, for any one or more of all of the following purposes:

(1) To add to the covenants and agreements of the City in this Ordinance, other covenants and agreements thereafter to be observed, which shall not adversely affect the interests of the Registered Owner of the Bonds, or to surrender any right or power herein reserved.

(2) To make such provisions for the purpose of curing any ambiguities or of curing, correcting, or supplementing any defective provisions contained in this Ordinance, or any ordinance authorizing future bonds in regard to matters or questions arising under such ordinances as the Council may deem necessary or desirable and not inconsistent with such ordinances and which shall not adversely affect, in any material respect, the interest of the Registered Owner of the Bonds.

Any such supplemental ordinance may be adopted without the consent of the Registered Owner of the Bonds at any time outstanding, notwithstanding any of the provisions of subsection B of this Section.

B. With the consent of the Registered Owner of not less than 75% in aggregate principal amount of the Bonds at the time outstanding, the Council may adopt an ordinance or ordinances supplemental hereto for the purpose of adding any provisions to or changing in any manner or eliminating any of the provisions of this Ordinance or of any supplemental ordinance; provided, however, that no such supplemental ordinance shall:

(1) Extend the fixed maturity of the Bonds, or reduce the rate of interest thereon, or extend the time of payments of interest from their due date, or reduce the amount of the principal thereof, or reduce any premium payable on the redemption thereof, if applicable, without the consent of the Registered Owner of the Bonds so affected; or

(2) Reduce the aforesaid percentage of the Registered Owners required to approve any such supplemental ordinance, without the consent of the Registered Owners of the Bonds then outstanding.

It shall not be necessary for the consent of the Registered Owner under this subsection B to approve the particular form of any proposed supplemental ordinance, but it shall be sufficient if such consent shall approve the substance thereof.

C. Upon the adoption of any supplemental ordinance pursuant to the provisions of this Section, this Ordinance shall be deemed to be modified and amended in accordance therewith, and the respective rights, duties, and obligations of the City under this Ordinance and the Registered Owner of the Bonds outstanding hereunder shall thereafter be determined, exercised, and enforced thereunder, subject in all respects to such modification and amendments, and all terms and conditions of any such supplemental ordinance shall be deemed to be part of the terms and conditions of this Ordinance for any and all purposes.

D. Any Bonds executed and delivered after the execution of any supplemental ordinance adopted pursuant to the provisions of this Section may have a notation as to any matter provided for in such supplemental ordinance, and if such supplemental ordinance shall so provide, new bonds so modified as to conform, in the opinion of the Council, to any modification of this Ordinance contained in any such supplemental ordinance, may be prepared and delivered without cost to the Registered Owner of any affected Bonds then outstanding, upon surrender for cancellation of such Bonds.

Section 22: VALIDITY OF ISSUANCE

The Bonds are issued pursuant to the Revenue Bond Act, being Idaho Code Sections 50-1027 through 50-1042. This recital is conclusive evidence of the validity of the Bonds and the regularity of their issuance.

Section 23: REGISTERED OWNERS' REMEDIES - RECEIVER

By action or suit in equity, the Registered Owners or subsequent owners of the Bonds may, in the event of a material violation of any of the foregoing covenants, cause the appointment of a receiver, which receiver may enter and take possession of the System and any Net Revenues for the payment of the Bonds, prescribe fees to be derived from the System, and collect, receive, and apply all Net Revenues of other moneys pledged for the payment of the Bonds in the same manner as the City might do in accordance with the obligations of the City.

Section 24: ORDINANCE A CONTRACT

The provisions of this Ordinance shall constitute a contract between the City and the Registered Owners so long as the Bonds hereby authorized remain unpaid.

Section 25: DETERMINATION

The Council does hereby find, determine, and declare that it is essential to the public interest, welfare, and convenience of the City and the inhabitants thereof to undertake the Project and to construct the improvements, with said Project being paid for in part by the issuance of the Bonds in conformity with the Idaho Code.

The Project shall conform to the description contained in this Ordinance and ratified and approved by the qualified electors of the City, at a special election held on September 4, 1984, for which proper notice was given and all votes duly canvassed.

Section 26: SEVERABILITY

If any one or more of the covenants or agreements provided in this Ordinance to be performed on the part of the City shall be declared by any court of competent jurisdiction to be contrary to law, then such covenant or covenants, agreement or agreements, shall be null and void and shall be deemed separable from the remaining covenants and agreements in this Ordinance and shall in no way affect the validity of the other provisions of the Ordinance or of the Bonds.

Section 27: REPEALER

All prior ordinances inconsistent herewith are hereby repealed and shall, to the extent of such inconsistency, have no further force or effect.

Section 28: PUBLICATION

This Ordinance, or a summary thereof in compliance with Section 50-901A, Idaho Code, shall be published once in the official newspaper of the City, and shall take effect immediately upon passage, approval, and publication.

DATED this 20th day of August, 1985.

CITY OF IDAHO CITY
Boise County, Idaho



Mayor

ATTEST:



City Clerk

(S E A L)

ORDINANCE NO. 187

AN ORDINANCE OF THE CITY OF IDAHO CITY, CHAPTER 4 OF TITLE VI PROHIBITING THE CREATION OF MAINTENANCE OF A NUISANCE; PROVIDING PENALTIES AND ABATEMENT; AND PROVIDING AN EFFECTIVE DATE.

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

NUISANCES.

Section 1. Nuisances prohibited. The creation or maintenance of a nuisance is prohibited.

Section 2. Notice to abate nuisance. Whenever the Mayor, City Clerk, or Police Chief finds that a nuisance exists, he shall cause to be served upon the owner, agent, or occupant of the property on which the nuisance is located, or upon the person causing or maintaining the nuisance, a written notice to abate or to request a hearing as provided in Section 7.

"Person" includes for purposes of this ordinance any individual, firm, corporation, trust, any other organized group, or any government.

Section 3. Contents of notice to abate. The notice to abate shall contain:

1. An order to abate the nuisance or request a hearing as provided by Section 7 within a stated time which shall be reasonable under the circumstances.

2. Location of nuisance if stationary.

3. Description of what constitutes the nuisance.

4. Statement of act or acts necessary to abate the nuisance.

5. Statement that if the nuisance is not abated as directed and no request for hearing is made within the time prescribed, the City will abate it and assess the cost against such person.

Section 4. Method of service. The notice to abate shall be served personally, where practical, by certified United States Mail, or by posting such notice to abate on the premises. Return of service shall be made as provided by law for returns of personal service.

Section 5. Abatement by municipality. If the person so notified neglects or fails to abate the nuisance as directed, the Mayor, or other officers initiating the notice, may cause the nuisance to be abated, keeping an accurate account of the expense incurred. The expense account shall be fully itemized, verified and filed with the City Clerk. Such expenses shall be paid by the municipality.

Section 6. Collection of cost of abatement. The Clerk shall mail a statement of the total cost to the person failing to abide by the notice to abate and if the amount shown by the statement has not been paid within one month, he shall pursue the levy of an assessment as provided by Idaho Code, Sections 50-334 and 50-1008.

Section 7. Request for hearing. Any person ordered to abate a nuisance may have a hearing with the City Council as to whether a nuisance exists. A request for a hearing must be made in writing and delivered to the officer ordering the abatement within notice, or it will be conclusively presumed that a nuisance exists and it must be abated as ordered.

At the conclusion of the hearing, the City Council shall render a written decision as to whether a nuisance exists. If it finds that a nuisance exists, it must be ordered to be abated within an additional time which must be reasonable under the circumstances.

Section 8. Nuisance defined. Whatever is injurious to the senses, or an obstruction to the free use of property, so as essentially to interfere with the comfortable enjoyment of life or property, is a nuisance. For purposes of this ordinance nuisances are:

1. All diseased animals running at large.
2. Carcasses of animals not disposed of within twenty-four hours after death as provided by law.
3. Accumulations or refuse or garbage.
4. All noxious weeds and other rank growth upon public or private property.
5. Dense smoke, noxious fumes, gas and soot, or cinders, in unreasonable quantities.
6. All unnecessary noises and annoying vibrations.

7. Obstructions and excavations affecting the ordinary use by the public of streets, alleys, sidewalks or public grounds except under such conditions as are provided by ordinance.

8. Accumulations of discarded or junked items creating an unsightly appearance.

9. All abandoned, unattended or discarded ice boxes, refrigerators or other container which has a door or lid, snap lock or other locking device which may not be released from the inside, upon public or private property.

10. Any unreasonable or unlawful condition or use of premises or of building exteriors which by reason of its appearance, as viewed at ground level from public streets or from neighboring premises, is detrimental to the property of others.

11. Allowing disabled, partially assembled or disassembled motor vehicle to remain upon public or private property for more than thirty (30) days.

12. All places in such a state of disrepair as to constitute a fire hazard, an attractive nuisance or a hazard of any sort.

Section 9. Penalty. Anyone violating any of the provisions of this ordinance after a notice to abate is served and any appeal is exhausted shall, upon conviction be guilty of a misdemeanor. Every day any condition is allowed to exist which is in violation of this ordinance shall be a distinct and separate offense.

Section 10. Repealer. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 11. Saving clause. If any section, provisions, or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section provisions, or part thereof not adjudged invalid or unconstitutional.

Section 12. When effective. This ordinance shall be in effect after its final passage, approval and publication as provided by law.

PASSED by the Council of Idaho City, Idaho, this 28th
day of May, 1985.

APPROVED by the Mayor of Idaho City, Idaho, this 28th
day of May, 1985.

APPROVED:

Randy Smith
MAYOR

ATTEST:

Dat Leeds
CITY CLERK

ORDINANCE # 186

AN ORDINANCE PROVIDING FOR REGULATIONS PERTAINING TO THE DEVELOPMENT, CONSTRUCTION, USE AND SERVICE OF A WATER SYSTEM; FOR A SYSTEM OF CHARGES AND FEES AGAINST THE PROPERTY AND PERSONS THEREBY BENEFITED AND THE FIXING OF SAID CHARGES, FEES AND RATES; FOR THE COLLECTION OF SAID CHARGE FEES; FOR PENALTIES: THE REPEAL OF ORDINANCE NUMBER 160.

This Ordinance shall be cited as the Idaho City Water Ordinance.

Section 1. USERS LIABLE FOR VIOLATION: No user of the City water service shall permit or allow any person from any other premises or any unauthorized person to connect into said system, and the permit to connect with the water system shall be limited to the person and the premises designated in the permit. Any violation of this Section by either the permit holder or an unauthorized person shall be deemed a misdemeanor. Any such violations shall be grounds for the City to withhold water service until a separate service connection is put in for each user.

Section 2. MAINTENANCE OF LINES: All users of the water system 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.

Section 3. POINT OF LIABILITY FOR MAINTENANCE: All users shall have the responsibility of, and be liable for, and shall pay for, all costs and expenses of maintaining their own water lines extending from their property until such water lines pass the vertical plane of the user's property line or until they reach City water lines, whichever point is reached last. This liability of the user shall include the entire water service connection apparatus and plumbing equipment and materials. Thus, the City's end point of liability for maintenance shall be at such point as the City service line connects to the user's water service connection, and not thereafter, with the user having complete responsibility for the water service connection to the City water lines.

This Section shall not be construed to be in conflict with Section 2,

which states that no person shall be allowed to dig into the street, alley, sidewalk or easement beneath which the lateral trunk water lines run, or to tap into any such lateral or trunk line in any manner without the City's direction and authorization, in that such person shall still have to contact the City to obtain its permission to perform work within the street, alley, sidewalk or easement for which the user is liable.

Section 4. CITY NOT LIABLE FOR DAMAGE OR SHORTAGE: The City shall not be held liable for damages to any water user by reason of a stoppage, blockage, back-up or other interruption of his water service caused by accidents to the works, alterations, additions or repairs to the water system or from other causes that are beyond the reasonable and prudent control of the City.

Section 5. CITY MONEYS: All moneys collected by the City Clerk under the provisions of this Ordinance shall be paid, received, disbursed and accounted for as directed by the City.

Section 6. AUTHORITY TO AMEND REGULATIONS: Nothing herein contained shall prohibit the City from amending, altering or adding to the provisions of this Ordinance in relation to rates, charges, expansion, alteration, repair or any other matter related to the water system, as changed conditions may require from time to time.

Section 7. CONSTRUCTION OF ORDINANCE: This Ordinance shall be construed to fully and effectually carry out the purposes and intent thereof, and if any part or portion thereof be declared invalid, or the application thereof to any person, circumstance or thing is declared invalid, the validity of the remainder of this Ordinance and the applicability thereof to any person, circumstance or thing shall not be affected thereby, and it is the intention of the City to preserve any and all parts of said Ordinance wherever possible.

Section 8. PURPOSE: It is hereby determined and declared to be necessary and conducive to and for the protection of the health, safety and welfare of the public and inhabitants of the City, and for the purpose of controlling the use and connection to and for providing an equitable distribution of the costs and expenses of maintenance, operation, upkeep and repair of the entire water system which includes the water collection system and water pumping facilities of said City, to charge and collect service charges or fees

upon all lots, lands, property and premises served or benefited by the water system of the City, which system and facilities consist generally of all pipe lines, conduits, water mains, pumps, structures, mechanical equipment and facilities for the treatment and distribution of water; to provide for industrial cost recovery from all industrial users.

Section 9. DEFINITIONS: Unless the context specifically indicates otherwise, the meaning of terms used in this Ordinance shall be as follows:

Building Water System: All pipe lines, conduits, fixtures and other facilities within a building and extending to such point as the City service line connects to the user's water service connection.

City: Refers to the City of Idaho City, Idaho.

Flow: The volume of water being recorded through a water meter.

Multiple Building Development: Includes the various types of developments that would have common or joint ownership areas such as condominiums, townhouses, mobile home parks or courts, shopping centers, etc.

Owner: A person owning real estate which is, or proposes to be, connected to the water system.

Person: Any individual, firm, company, association, society, corporation, or group.

Service Connection: The point at which the building connects to the public water system.

Shall: "Shall" is mandatory. "May" is permissive.

Watercourse: A channel in which a flow of water occurs, either continuously or intermittently.

Water System: All pipe lines, conduits, water mains, pumps, structures, mechanical equipment and facilities for the treatment and distribution of water.

Water User: Any individual, firm, company, association, society, corporation, or group who has connected to the water system.

Section 10. TO WHOM ORDINANCE APPLICABLE: The provisions of this Ordinance shall apply to all property within the boundaries of the City, including all property owned or occupied by the United States of America, the State of Idaho, Boise County, and the City of Idaho City.

Section 11. INJURY TO WATER SYSTEM UNLAWFUL: No unauthorized person

shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the water system.

Section 12. BUILDING WATER SYSTEMS AND SERVICE CONNECTIONS: All materials and workmanship in the installation of building water systems and service connections shall conform to the following regulations, and shall meet the certification requirements as set forth in Section 17.

(A) No unauthorized person shall uncover, make any connections with or opening into, use, alter or disturb any public water system or appurtenance thereof without first obtaining a written permit from the City. The permit is not to be issued until all water connection charges and fees have been paid in full.

(B) There shall be two (2) classes of building water permits: (1) A general permit for residential and commercial water service, and (2) industrial user permit for water service.

1. General permits shall be applied for by the owner or his agent on a form provided by the City Clerk. The permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgement of the City at the time the application is filed. Also, the owner or his agent shall pay to the City, at the time the application is filed, a hookup fee, as set by Section 25 of this Ordinance.

2. Industrial user permits shall be applied for by the owner or his agent by letter to the City accompanied by an executed copy of the industrial user agreement together with any plans, specifications or other information considered pertinent in the judgement of the City. Industrial user permits shall be approved by the City based on recommendations by the Engineer for the City. Approval shall be contingent upon the availability of excess capacity in the water system, the provisions of this Ordinance and any other considerations the City deems appropriate. The amount of the permit, inspection fee and hookup fee for an industrial water service will vary with each permit and shall be established by the City at the time of application.

3. Any industrial user who requires standards of water quality that are in excess of the federal and state minimum quality standards shall

assume the responsibility for attaining those standards, and shall bear any and all costs involved in increasing the water quality to those standards.

(C) All costs and expense incident to the installation and connection of the building water system and service connection shall be born by the owner, including the costs of the vault, meter, and other fixtures within the vault. The owner shall indemnify and hold harmless the City from any loss or damage that may directly or indirectly be occasioned by the installation of the building water system and the making of the service connection for same to the public water system.

(D) The service connection to the water system shall conform to the requirement of the Uniform Building and Plumbing Codes, latest editions, as adopted by the State of Idaho.

(E) Any meter and/or vault which is to be installed by the owner shall be approved by the City prior to installation.

(F) The applicant for the building water permit shall notify the City when the building water system is ready for inspection and connection to the water system.

(G) All excavations for building water system installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the City.

Section 13. POWERS AND AUTHORITY OF CITY AUTHORIZED REPRESENTATIVE:
The City, through its authorized representative bearing proper credentials and identification, shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling and testing in accordance with the provisions of this Ordinance.

While performing the necessary work on private properties referred to in the preceding paragraph, the authorized representative of the City shall observe all safety rules applicable to the premises established by the water user and the water user shall be held harmless for injury or death to any City authorized representative and the City shall indemnify the water user against loss or damage to its property by any authorized City representative and against

liability claims and demands for personal injury and property damage asserted against the water user and growing out of the work, except as such may be caused by negligence or failure of the water user to maintain safe conditions as required in this Ordinance or as reasonably required by a prudent man standard.

The City, through its authorized representative bearing proper credentials and identification, shall be permitted to enter all private properties through which the City holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair and maintenance of any portion of the water works lying within said easement. All entry and subsequent work, if any, on said easement shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

Section 14. INSPECTION: No connection of any kind to a public water line shall be made and no water shall be permitted to flow through such connection except pursuant to inspection of and approval issued by the City. See Section 12 for water permits, inspection fees, inspection notices, etc.

Section 15. REJECTIONS OR DISAPPROVALS: The City may reject any material or workmanship for cause and, upon such order, rejected material shall be removed and replaced with approved material. Disapproved workmanship shall cause the removal and replacement of all materials involved, including appurtenances, excavation, backfilling and other work items.

Section 16. BACKFILLING: Backfilling of building water systems and service connections within the limits of public rights of ways or easements shall conform to special specifications promulgated by the City for water system installation, and shall be subject to inspection by and approval of the City.

Section 17. WATER LINE EXTENSIONS: All proposed extensions of the City water system to serve undeveloped areas within the existing city boundaries shall comply with this Ordinance. Owners or agents of property outside the City limits requesting service shall execute a contract incorporating by reference this Ordinance. Costs for all extensions which lie outside the boundary limits of the property for which the extension is requested shall be the responsibility of that property owner or his agent. Cost for water system extensions within the property for which the extension is requested shall also be the

responsibility of the owner or his agent. The City may, if it has uncommitted funds in its water construction account, participate in a portion of the costs of any oversized water lines. When it is necessary to install oversized lines as part of an extension, the costs of all oversized lines will normally be the responsibility of the owner or his agent.

Unless a special permit is granted by the City, all City water system extensions into newly developing areas shall be installed prior to the construction of any new streets.

All design and construction of any extensions to the City water system shall comply with the official specifications for water system extensions as adopted by the City.

The plans for all extensions to the water system shall be prepared and signed by a registered professional engineer as per the licensing requirements of the Idaho Code. Two (2) copies of the said plans shall be filed with the City. Two (2) copies of the plans shall be filed with the Idaho Department of Health and Welfare for their review and approval as required by the Idaho Code. In approving a plan for extension to the City water system, the City reserves the right to stipulate other requirements such as a special permit fee, rights of way limits, sequence of construction, time limits for having existing service disrupted, the filing of a performance bond and other similar measures as may be required to protect the public. No work shall commence on any such extension of the City water system until the extension project has been approved by the City.

After the construction of any City water system extensions, it shall be the obligation of the owner, or his agent, to have a registered professional engineer certify to the City and to the Idaho Department of Health and Welfare that the said system extensions were installed in accordance with the approved plans and specifications on file with the respective agencies. Said certification shall include, but not be limited to, the date and time the registered professional engineer observed the water line testing and the method that was used during the tests. Data collected through the tests shall be submitted with the certification. Following certification by the registered professional engineer and acceptance by the City, the entire extension of the City water

system, including the City water service lines, shall become the property of the City and it shall be the City's responsibility to maintain and operate the system thereafter.

If it is necessary for the City to permit a water service connection and/or water service line at any time after the extension has been originally accepted by the City, the owner or his agent shall be required to pay the water hookup fee as well as the standard permit and inspection fees as may be established by the City for such purposes.

Section 18. WATER LINE REIMBURSEMENT: In the event a water line is extended pursuant to Section 17 so that the water system is available to an owner or agent of property who has not paid for such extension, the City shall either:

(A) Require said owner or agent to participate in his pro rata costs of extension, or

(B) Require said owner or agent to reimburse the party paying for the extension a prorated share of the extension cost, if connection to the extended line is made within 10 years of extension.

Prorated contributions under this Section shall be decided by the City's engineer based upon (1) the total costs of the water line extension, and (2) the size and location of the property.

Section 19. BASIS FOR WATER CHARGES: There is hereby established a system of connection charges, permit and inspection fees, industrial user charges, periodic service charges and other fees for the use of, and for service rendered by the water works of the City, and which charges, rates and fees shall be, as near as possible, uniform as to the different classes of property served by said water system. The rates, charges and fees provided by this Ordinance are hereby levied and assessed against each lot, parcel of land, building or property having any connection with the water system of the City. The rates, charges and fees shall be billed to and paid by the owner of each lot, parcel of land, building or property served by the water system.

It is specifically enacted that all property in the City to which the City water system is available, but is not used by the owner or occupier of said parcel of land, is still subject to user charges under the provisions of this Ordinance.

All charges and fees under this Ordinance may be modified by the City and shall be reviewed biannually.

Section 20. WATER USER CHARGES AND CONNECTION FEES: The monthly water user rates for water service in the City, as hereafter developed in accordance with Section 19 of this Ordinance, are based on a flat rate as determined by present expenses plus additional capital improvement, depreciation or replacement charges, and operating costs of the water system facilities. Residential homeowners' water user charges will be based on a flat rate charge per dwelling. Multiple living units user charges shall be based on a flat rate per living unit. All other users such as commercial and industrial shall be based on the number of equivalent connections associated with that business. Any change in use shall be subject to application of appropriate fees under this Ordinance. The property owner or agent shall notify the City of any change in use. The user charge system is based on the following:

(A) The water user charge shall be \$7.00 per month per equivalent connection.

(B) The water user charge for a portion of a month shall be the same as for a full month, and shall not be prorated except as specified elsewhere in this Ordinance.

(C) An equivalent connection shall be defined as one (1) single dwelling residential unit with approximately twenty-one (21) fixture units as defined in the Uniform Building Code.

(D) The water user charges are based on the following schedule. All other users will require special appraisal and will be computed on an individual basis.

Single Family Residence.....	\$ 7.00
Churches and Lodges.....	\$ 7.00
Restaurants or Bars.....	\$10.50
Restaurant and Bar Combination.....	\$17.50
Laundromat (per washer).....	\$ 3.50
Motel, Hotel, Rooming House, etc. (without cooking facilities), per unit.....	\$ 3.50

Motel, Hotel, Rooming House, etc. (with cooking facilities), per unit.....	\$ 7.00
Overnight camper or trailer spaces (less than 30 days occupancy), per space.....	\$ 3.50
Mobile Homes and Mobile Home Parks, per space.....	\$ 7.00
Schools.....	\$32.00
Forest Service.....	\$118.90

Section 21. TERMINATION OF SERVICE: When premises are to be vacated, and without human occupancy, temporarily or permanently, the owner may request that service be terminated. Such requests must be in writing and delivered to the City Clerk on or before the 10th day of the month of termination. Persons requesting termination after the 10th day of the month shall be charged for that entire month.

Section 22. EMERGENCY SHUT-OFF: Whenever the owner or occupant shall request emergency shut-off of the building water system at other than normal working hours (between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday), a charge of \$25.00 shall be levied against the property, and said charge or charges shall be paid in addition to the normal billing for the month in which the water was shut off.

Section 23. RENEWAL OF SERVICE: Applications for renewal of service must be in writing to the City Clerk and shall be accompanied by a fee of \$35.00. Renewal of service after an emergency shut-off as noted in Section 22 shall be done at no charge, providing that said renewal is scheduled at the convenience of the City.

Section 24. WATER CONNECTION, PERMIT AND INSPECTION: To obtain City water service, the owner or his agent shall make application on a special form furnished by the City. The permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgement of the City. A permit and inspection fee shall be paid to the City at the time the application is filed. Also, the owner or his agent shall pay to the City, at the time the application is filed, a connection charge in the amount as provided for in Section 25. The amount of the permit and inspection fee shall be determined by the City.

The materials of construction of the water service line and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling of the trench and surface replacement shall all conform to the requirements of specifications and codes as have been or may be adopted by the City.

The applicant for the City water service connection shall notify the City when the connection of the water service connection and line to the public water main is ready for inspection.

Section 25. WATER CONNECTION CHARGE: The owner, or his agent, of all properties connecting to the water system of the City under the terms of this Ordinance shall pay a water connection charge of FOUR HUNDRED DOLLARS (\$400.00) for each equivalent connection or fraction thereof as may be assigned to the property by the City. Such charge is based upon the actual City water system capital costs of providing water service divided by the number of projected connections.

Section 26. INDUSTRIAL USER CHARGE: All industrial user charges shall be established by separate agreement between each separate industry and the City.

Section 27. SPECIAL WATER USER CHARGE FOR OUTSIDE THE CITY BOUNDARY: The City may permit the use of the water system by individual properties that are partially or entirely outside the City limits. Each request for such service must be approved by the City and all regulations of this Ordinance must be complied with by such special water user. The water user will be considered a special user as long as the property being served remains outside the City. In addition to all other charges and fees as are required to be paid by any water user, including industrial users, the special water user may be charged a supplemental monthly user charge that will be to reimburse the City for any other costs to the City that are attributable to administering, operating and/or maintaining the said special water user service. Such charges shall be twenty percent (20%) higher than for City users. Any request for service outside the City limits shall also be accompanied by a written request for annexation to the City.

Section 28. MONTHLY USER CHARGES; WHEN DUE AND PAYABLE: All monthly water charges shall be due and payable from the owner to the City Clerk between the first and tenth day of each month for billing from the previous cycle. For new construction, this would be when the service connection has been inspected and approved or when the building being served is substantially completed, whichever is the latest date. Upon failure to pay the same, as prescribed, each user shall pay, in addition to the amount due, a penalty charge of ONE DOLLAR (\$1.00) or ten percent (10%) of charges due, whichever is greater.

Section 29. INTERRUPTION OF WATER SERVICE: Whenever water service to a building water system is interrupted due to leaks, weather hazards (i.e., freeze-ups) or other causes, the water user shall notify the City Clerk of said condition within 48 hours of its discovery.

(A) Upon such notification, the City shall determine the location of the cause of interruption in relation to the meter. It shall be the water user's responsibility to rectify any problems occurring or resulting past the City's end point of liability as defined in Section 3.

(B) Should repairs be impossible due to weather conditions, lack of parts or other causes, and should the City or water user be unable to provide any type of running water service within 48 hours of notification of the interruption, then there shall be no charge for water service during any calendar month in which the running water service is not available.

(C) Should alternative running water (i.e., garden hose service, etc.) be provided to the premises, whether obtained by the City, the water user or any other person, then the monthly water rate shall be one-half ($\frac{1}{2}$) of the normal rate for the affected premises during any calendar month such service is necessary.

Section 30. DELINQUENCY NOTICE: If a water user has not paid his monthly charges by the tenth of the month, it shall be deemed delinquent. The City shall notify the water user of the delinquency, and if the charges are not paid within ten (10) days after the delinquency notice, an additional penalty of ONE DOLLAR AND FIFTY CENTS (\$1.50) or fifteen percent (15%) of charges due, whichever is greater, will be added to the account. All delinquent charges or fees, as provided by this Ordinance, not paid after the final

determination of the water user's account shall be imposed as a lien against and upon the property or premises against which such charge or fee is levied or assessed, and the Clerk shall certify such delinquencies together with all penalties to the Tax Collector of Boise County, Idaho and when so certified the same shall be a lien upon the property and will be collectable as other taxes.

The owner of any property leaving a delinquency in water fees at any location shall not be entitled to the use of the water system at any new location until all fee delinquencies are paid.

Section 31. WATER SYSTEM FUND: All fees and charges received and collected under authority of this Ordinance shall be deposited and credited to the Water System Fund. The accounts of said Fund shall show all receipts and expenditures for the maintenance, operation, upkeep and repair of the water system and any payments into sinking funds as may be established for the purpose of:

(A) Paying principal and interest on the water bonds of the City which shall from time to time be outstanding.

(B) Water System capital improvement fund for future expansion, upgrading or reconstruction on the water system.

(C) Administrative expenses that are incurred in the operation and administration of the water system.

(D) Other special funds as may be established by the City.

As provided by law, when budgeted and appropriated, the funds and credits to the account of the water system fund shall be available for the payment of the requirements for the maintenance, operation, repairs and upkeep of the water system of the City, and for payment into the sinking fund established for the payment of the principal of and interest of the water bonds of the City which shall from time to time be outstanding.

Section 32. PENALTIES: Any person found to be violating any provision of this Ordinance shall be guilty of a misdemeanor.

Any person violating any of the provisions of this Ordinance shall become liable to the City for any expense, loss or damage occasioned by the City by reason of such violation.

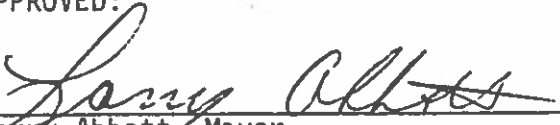
Section 33. REPEALER CLAUSE: All ordinances and resolutions or parts thereof in conflict herewith are hereby repealed and rescinded. Specifically, Ordinance Number 160 is repealed.

Section 34. SAVINGS CLAUSE: If any section, paragraph, sentence or pro-circumstance shall ever be held invalid or unenforceable, such holding shall not affect the remainder hereof, which shall continue in full force and effect and applicable to all circumstances to which it may validly apply.

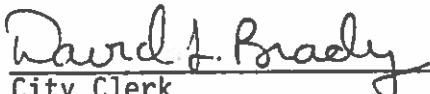
Section 35. EFFECTIVE DATE: This Ordinance shall take effect and be in full force upon its passage, approval and publication in one (1) issue of the Idaho World, a newspaper of general circulation published within the City of Idaho City and the official newspaper thereof.

PASSED BY THE COUNCIL FOR THE CITY OF IDAHO CITY, IDAHO, THIS 26th DAY OF March, 1985.

APPROVED:


Larry Abbott, Mayor

ATTEST:


City Clerk



ORDINANCE NO. 185

AN ORDINANCE ESTABLISHING THE FEES FOR PURCHASE OF A GRAVESITE IN PIONEER CEMETERY, AND ESTABLISHING THE PURPOSES FOR WHICH SAID FEES MAY BE USED.

BE IT ORDAINED by the Mayor and Council of the City of Idaho City, Boise County, Idaho:

Section I. FEES. That the fees for purchase of a gravesite in Pioneer Cemetery shall be \$200.00 if purchased for the burial of a resident of Boise County; and \$300.00 for the burial of a person not a resident of Boise County. Said fees shall be for the purchase of said gravesite only; however the City shall provide, upon request, the opening and closing of the gravesite at no additional cost.

Section II. USE OF FUNDS. All fees collected for the purchase of gravesites in Pioneer Cemetery shall be set aside in the General Fund to be used for maintenance, upkeep, opening and closing of gravesites, and for any other expenses that shall be incurred by the City in the operation of Pioneer Cemetery.

Section III. SAVINGS CLAUSE. If any section, paragraph, sentence or pro-circumstance shall ever be held invalid or unenforceable, such holding shall not affect the remainder hereof, which shall continue in full force and effect and applicable to all circumstances to which it may validly apply.

SECTION IV. EFFECTIVE DATE. This Ordinance shall take effect and be in full force upon its passage, approval and publication in one (1) issue of the Idaho World, a newspaper of general circulation published within the City of Idaho City and the official newspaper thereof.

PASSED BY THE CITY COUNCIL and approved by the Mayor, this 24th day of January, 1985.

By Larry Abbott
Larry Abbott, Mayor

