

ORDINANCE NO. 218

AN ORDINANCE PROVIDING LIMITATION OF WATER SERVICE BY THE CITY OF IDAHO CITY AND TO CERTAIN STRUCTURES.

WHEREAS the CITY OF IDAHO CITY, pursuant to funding of improvements to the City Water System desires to protect potential future costs and riparian buffer strips; and

WHEREAS the City desires to comply with certain criteria of the Farmers Home Administration floodplain preservation requirements;

Be it ordained by the Mayor and City Council of the CITY OF IDAHO CITY, Idaho that:

No water service shall be provided by the CITY OF IDAHO CITY to any new structures built outside the current City limits within twenty-five (25) feet of stream banks or associated with developed motor vehicle parking areas within the twenty-five (25) foot buffer zone.

This Ordinance shall take effect and be in full force on the 12th day of JANUARY, 1993. After its' passage and approval, it shall be published in one issue of the Idaho World, a newspaper of general circulation published within the CITY OF IDAHO CITY, and the official newspaper thereof.

ORDINANCE

Passed by the Council for the CITY OF IDAHO CITY, Idaho,
this 12th day of JANUARY, 1993.

APPROVED:

Raymond G. Robison
RAYMOND ROBISON, MAYOR

ATTEST:

Leslie A. Barkell
LESLIE BARKELL, CITY CLERK

ORDINANCE

ORDINANCE NO. 217

IDAHO CITY, IDAHO

AN ORDINANCE PROVIDING FOR DECLARATION THAT CERTAIN REAL PROPERTY OWNED BY THE CITY OF IDAHO CITY BE HEREBY DEEMED TO BE SURPLUS PROPERTY.

Section 1. PURPOSE: The purpose of this Ordinance is to provide for declaration that certain real property owned by Idaho City, specifically certain cemetery property more particularly described per the legal description attached hereto, be declared surplus.

This Ordinance hereby declares the subject property to be surplus and subject to disposition by the City of Idaho City pursuant to Title 50, Chapter 14, Idaho Code.

This Ordinance shall take effect and be in full force on the 14 day of July, 1992. After its passage and approval it shall be published in one 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 14 day of July, 1992.

APPROVED:

Frank P. Eno

~~RAYMOND ROBISON, MAYOR~~

FRANK P. ENO
Acting Mayor

ATTEST:

Leslie A. Barkell
LESLIE BARKELL, CITY CLERK

APPROPRIATION ORDINANCE # 216

AN ORDINANCE ENTITLED THE ANNUAL APPROPRIATION ORDINANCE FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 1991, APPROPRIATING THE SUM OF \$1,150,572.77 TO DEFRAY THE EXPENSES AND LIABILITIES OF THE CITY OF IDAHO CITY FOR SAID FISCAL YEAR, AUTHORIZING A LEVY OF A SUFFICIENT TAX UPON THE TAXABLE PROPERTY AND SPECIFYING THE OBJECTS AND PURPOSES FOR WHICH SAID APPROPRIATION IS MADE:

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

Section 1: That the sum of \$1,150,572.77 be, and the same is appropriated to defray the necessary expenses and liabilities of the City of Idaho City, Boise County, Idaho for the fiscal year beginning October 1, 1991.

Section 2: The objects and purpose for which such appropriation is made, and the amount of each object and purpose is as follows:

ESTIMATED EXPENDITURES:

GENERAL ADMINISTRATION:

General Administration	\$ 6,383.00
Legal	3,500.00
Professional Services	1,682.00
Other Government Expense	60,200.00
Capitol Outlay	3,000.00

LAW ENFORCEMENT

Administration	20,000.00
Other Law Enforcement Expenses	8,413.77

FIRE DEPARTMENT

Administration Expense	700.00
Other Fire Department Expenses	3,300.00

STREETS AND ROADS

Administration	5,444.25
Maintenance	1,000.00
Lights	3,400.00
Other Street Expenses	15,658.75
Capitol Outlay	4,697.00

WATER DEPARTMENT

Administration	15,571.00
Repair & Maintenance	5,076.00
Other Water Expense	16,710.00
Bond & Interest	9,969.00
Capitol Outlay	1,000.00
State and Federal Funds	900,000.00

SEWER DEPARTMENT

Administration	15,671.00
Repair and Maintenance	2,000.00
Other Sewer Expense	17,212.00
Bond & Interest	12,985.00
Capitol Outlay	2,000.00

TORT INSURANCE

15,000.00

TOTAL EXPENSES

\$1,150,572.77

Section 3: That a General Tax Levy on all taxable property within the City of Idaho City be levied in an amount allowed by law for general purposes for said city, for the fiscal year beginning October 1, 1991.

Section 4: All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed.

Section 5: This ordinance shall take effect and be in full force upon its passage, approval and publication in one issue of the Idaho World, a newspaper of general circulation in the City of Idaho City, and the official newspaper of said city. This Ordinance was passed 30 day of September, 1991.

APPROVED:

ATTEST:

Raymond G. Robison
RAYMOND G. ROBISON MAYOR

Leslie A. Barkell
LESLIE A. BARKELL CITY CLERK

GENERAL FUND REVENUE

PROPOSED BUDGET 1991-92 f/y

PROPERTY TAXES	18,577.00
5% NON-PROPERTY TAXES	6,000.00
PENALTY & INTEREST	1,000.00
BEER LICENSE	900.00
WINE LICENSES	450.00
LIQUOR LICENSES	675.00
AMUSE/RECREATION LICENSE	40.00
ANIMAL LICENSE	750.00
STATE LIQUOR APPRO.	1,350.00
COURT REVENUE	2,000.00
STATE SALES TAX	2,000.00
STATE REVENUE SHARING	7,000.00
CEMETERY LOTS SOLD	1,000.00
INTEREST EARNED M.M.	600.00
BUILDING RENTAL	500.00
ANIMAL BOARDING	100.00
CASH CARRY OVER	8,000.00
TIMBER SALE	29,036.77
LOTS SOLD	21,000.00
BUSINESS LICENSES	1,200.00
MISC. RECEIPTS	<u>5,000.00</u>
 TOTAL GENERAL FUND REVENUE	 \$107,178.77

TORT INSURANCE\$15,000.00

GENERAL FUND EXPENDITURES

SALARIES	5,000.00
BENEFITS	383.00
WORKMAN COMP/UNEMPLOYMENT	1,000.00
OFFICE SUPPLIES	1,500.00
AUDIT	1,500.00
ADVERTIZING/PUBLISHING	1,500.00
TRAVEL & MILEAGE	100.00
DUES & SUBSCRIPTIONS	1,500.00
PERSONNEL TRAINNING	100.00
TELEPHONE	1,000.00
HEAT, LIGHTS & UTILITIES	8,000.00
BUILDINGS	4,000.00
MISC. SERVICES	4,500.00
CAPITOL OUTLAY	3,000.00
ELECTIONS	2,000.00
ATTORNEY SERVICES	3,500.00
TRANSFER TO STREETS	10,000.00
VISITOR CENTER	12,000.00
PROFESSIONAL SERVICES	1,682.00
POSTAGE	500.00
CEMETERY	12,000.00
TOTAL GENERAL FUND EXPENDITURES	<u>\$74,765.00</u>

TORT INSURANCE\$15,000.00

LAW ENFORCEMENT

SALARIES	18,000.00
BENEFITS	1,377.00
REPAIRS EQUIPMENT	1,000.00
NEW EQUIPMENT	2,000.00
TELEPHONE	600.00
CAR	4,250.00
UNIFORMS	200.00
JAIL SPACE	986.77
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TOTAL LAW ENFORCEMENT

\$28,413.77

FIRE DEPARTMENT

SALARIES	650.00
BENEFITS	50.00
EQUIPMENT REPAIRS	2,200.00
MOTOR FUEL	500.00
MISC. EXPENSE	600.00
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TOTAL FIRE DEPARTMENT \$ 4,000.00

STREET FUND REVENUE

STATE HIGHWAY REVENUE	11,000.00
EQUIPMENT	900.00
5% NON-PROPERTY TAX	1,000.00
INTEREST M.M.	500.00
MISC. REVENUE	500.00
TRANSFER FROM GENERAL FUND	10,000.00
M.O. ROADS/BRIDGES	300.00
CASH CARRY	<u>6,000.00</u>
TOTAL STREET FUND REVENUE	30,200.00

STREET FUND EXPENDITURES

SALARIES	4,500.00
BENEFITS	344.25
WORKSMAN COMP/UNEMPLOYMENT	600.00
MOTOR FUEL	1,500.00
MISC. EXPENSE	1,817.00
HEAT, LIGHTS & UTILITIES	400.00
CAPITOL OUTLAY	4,697.00
STREET LIGHTS	3,000.00
STREET MAINTANCE	10,000.00
SNOW REMOVAL	41.75
EQUIPMENT REPAIR	<u>3,300.00</u>
TOTAL STREET EXPENDITURES	30,200.00

WATER FUND REVENUE

SERS FEES	43,726.00
HOOK-UPS	2,000.00
MISC. REVENUE	1,000.00
INTEREST M.M.	700.00
INTEREST DELIQUENT ACCOUNTS	600.00
TURN-ON TURN-off charges	<u>300.00</u>
TOTAL WATER FUND REVENUE	48,326.00

WATER FUND EXPENDITURES

SALARIES	14,000.00
BENEFITS	1,071.00
WORKSMAN COMP/UNEMPLOYMENT	500.00
OFFICE SUPPLIES	1,000.00
TELEPHONE	385.00
PROPERTY REPAIR	3,076.00
POSTAGE	500.00
ELECTRICITY	7,637.00
WATER TESTS	2,500.00
ATTORNEY FEES	1,500.00
AUDIT	1,000.00
BOND/INTEREST	9,969.00
MISC. EXPENSE	1,688.00
CAPITOL OUTLAY	1,000.00
PUBLISHING	500.00
RESERVE PUMP	<u>2,000.00</u>
TOTAL WATER FUND EXPENDITURES	48,326.00

GRANT AND BOND 900,000.00

SEWER FUND REVENUE

SEWERS FEE	44,568.00
MISC. REVENUE	2,000.00
HOOK-UP FEES	2,000.00
INTEREST M.M.	700.00
INTEREST DELIQUENT ACCOUNTS	<u>600.00</u>
TOTAL SEWER FUND REVENUE	49,868.00

SEWER FUND EXPENDITURES

SALARIES	14,000.00
BENEFITS	1,071.00
WORKSMAN COMP/UNEMPLOYMENT	600.00
OFFICE SUPPLIES	1,000.00
POSTAGE	500.00
PUBLISHING	300.00
ATTORNEY FEES	2,000.00
MISC. EXPENSE	2,076.00
COLLECTION AND TRANSMISSION	2,000.00
MAINTANCE AND OPERATION	2,000.00
ENGINEERS SERVICE	2,836.00
CAPITOL OUTLAY	2,000.00
TELEPHONE	300.00
ELECTRICITY	3,000.00
CHLORINE	2,000.00
BOND/INTEREST	12,985.00
TRAVEL & MILEAGE	200.00
AUDIT	<u>1,000.00</u>
TOTAL SEWER FUND EXPENDITURES	49,868.00

ORDINANCE NO. 215 A

IDAHO CITY, IDAHO

AN ORDINANCE PROVIDING FOR METERED SERVICE CHARGES TO WATER USERS OF THE CITY WATER SYSTEM AND FOR THE REPEAL OF ORDINANCE NO. 215.

Section 1. PURPOSE: It is hereby declared to be necessary to accommodate the financing of the City Water System to implement certain fee changes as setforth in this Ordinance.

Section 2. This Ordinance on its enactment hereby repeals Ordinance No. 215; said Ordinance 215 heretofore establishing the rates for water users prior to enactment of this Ordinance.

Section No. 3. The following rates are set as of the effective date of this Ordinance for water use by users of the water system of the City of Idaho City, subject to the billing schedule and according to the terms setforth in Idaho City Ordinance No. 213;

Users with ~~1 3/4~~ 1 1/2 inch meters--\$24.00 per month minimum charge, plus \$1.00 per 1,000 gallons over 6,000 gallons of usage in the billing period:

Users with 2 inch meters \$96.00 per month plus \$.75 per 1,000 gallons over 20,000 gallons per billing period.

Designated "Special" users:

Forrest Service Facility flat rate of \$350.00 per month plus \$.75 per 1,000 gallons over 20,000 gallons per billing period.

Shadow Mountain \$376.00 per month plus \$.75 per 1,000 gallons over 20,000 gallons per billing period.

The City Council is hereby authorized to enter into an

individual user contract with any user whose water usage is measured by a 2 inch meter. In the absence of such agreement, whereby such individual user will be listed as a "Special" user, the figure set in this Ordinance shall apply.

This Ordinance shall take affect and be in full force on the 12 day of May, 1992. After its passage and approval it shall be published in one 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 12 day of May, 1992.

APPROVED:

Raymond J. Robison
Raymond Robison, Mayor

ATTEST:

Leslie Barkell by Shirley George
Leslie Barkell, City Clerk Deputy Clerk

ORDINANCE NO. 214

AN ORDINANCE AUTHORIZED BY SECTIONS 19 AND 20 OF THE IDAHO CITY WATER ORDINANCE NO. 213 PROVIDING FOR MONTHLY WATER CONSUMPTION RATES FOR USERS OF CITY WATER.

Be it ordained by the Mayor and Council of the City of Idaho City, Idaho that the Idaho City Water Ordinance, section 20 shall be amended as follows, effective October 1, 1990:

Section 1. WATER USER CONSUMPTION RATES: The monthly water user rates for water service in the City, as hereafter developed in accordance with Sections 19 and 20 of the Idaho City water ordinance No. 213, 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 \$15.00 per month, ^{per equivalent connection}
A surcharge of \$3.00 per month per equivalent connection shall be added when the user's property lies outside the Idaho City limits.

(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.

(C) Equivalent connections for the purpose of determining water user rates are based on the following schedule. All other users will require special appraisal to determine number of equivalent connections charges will be set by separate agreement between the user and the City Council.


	<u>Equivalent Connections</u>
Single Family Residence	1.0
Churches and Lodges	1.0
Restaurants or Bars	1.5
Restaurant and Bar Combination	2.5
Laundromat (per washer)5
Motel, Hotel, Rooming House, etc. (without cooking facilities) per unit	.5
Motel, Hotel, Rooming House, etc. (with cooking facilities), per unit	1.0
Overnight camper or trailer spaces (less than 30 days occupancy), per space5
Mobile Homes and Mobile Home Parks, per space	1.0
Schools	4.0
Forest Service	13.0

Enacted by the Council for the City of Idaho City this 11th day of September, 1990.

ATTEST:

APPROVED:


City Clerk


Raymond G. Robison, Mayor
Mayor, Idaho City, Idaho

ORDINANCE # 213

AN ORDINANCE PROVIDING FOR REGULATIONS PERTAINING TO THE DEVELOPMENT, CONSTRUCTION, USE AND SERVICE OF A CITY WATER SYSTEM; FOR A SYSTEM OF CHARGES AND FEES AGAINST THE PROPERTY AND PERSONS THEREBY BENEFITTED; FOR THE COLLECTION OF SAID CHARGES AND FEES; FOR PENALTIES AND TERMINATION OF SERVICE FOR NONPAYMENT; FOR REQUIREMENT OF DEPOSIT OR WRITTEN GUARANTEE OF PROPERTY OWNER AT THE CITY'S DISCRETION FOR ALTERNATE DAY LAWN WATERING UPON ORDER OF THE MAYOR AND PENALTIES FOR VIOLATION; FOR THE REPEAL OF ORDINANCE NUMBERS 186, 196, 200, AND 203.

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

Section 1. 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 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 customers.

Section 2. 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 3. DEFINITIONS: Unless the context specifically indicates otherwise, the meaning of terms used in this Ordinance shall be as follows:

Applicant: "Applicant" means any potential customer who applies for service from a utility and either has no previous service from that utility or has not had service with that utility within the most recent sixty days.

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 customer's water service connection.

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

Customer: Any individual, firm, company, association, society, corporation or group who has applied for, been accepted and is currently connected to the water system.

Deposit: Any payment held as security for future payment or performance that is reimbursable after the customer establishes good credit.

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

Good Credit: Payment by a customer for the most recent twelve consecutive month period of all undisputed bills due the City before the City's dispatch of personnel to the customer's

premises as allowed by the rules to leave a 24-hour notice or to terminate service.

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.

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

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

Section 4. CUSTOMERS LIABLE FOR VIOLATION: No customer 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 customer 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 customer.

Section 5. MAINTENANCE AND REPAIR OF LINES: 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. 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.

Section 6. POINT OF LIABILITY FOR MAINTENANCE: All customers 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 customer's property line or until they reach City water lines, whichever point is reached last. This liability of the customer 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 customer's water service connection, and not

thereafter, with the customer 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 5, 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 customer is liable.

Section 7. CITY NOT LIABLE FOR DAMAGE OR SHORTAGE:

The City shall not be held liable for damages to any customer by reason of stoppage, blockage, back-up or other interruption of 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 8. 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 9. 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 10. CONSTRUCTION OF ORDINANCE: This Ordinance shall be construed to fully and effectively 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, it is the intention of the City to preserve any and all parts of said Ordinance wherever possible.

Section 11. INJURY TO WATER SYSTEM UNLAWFUL: It shall be a misdemeanor for any unauthorized person to maliciously, wilfully 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) an industrial use permit.

1. An application for a general permit shall be completed 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 judgment 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 customer permits shall be applied for by the owner or his agent by letter to the City accompanied by an executed copy of the industrial customer agreement together with any plans, specifications or other information considered pertinent in the judgment of the City. Industrial customer 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 customer 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 customer and the customer shall be held harmless for injury or death to any City authorized representative and the City shall indemnify the customer 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 customer and growing out of the work, except as such may be caused by negligence or failure of the customer 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 premises 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 extension 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 customer charges, metered 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 customer 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. CHARGES FOR WATER USE. The monthly customer rates for water service in the City, as hereafter developed in accordance with Section 19 of this Ordinance, are based on a metered or flat rate as determined by present expenses plus additional capital improvement, depreciation or replacement charges, and operating costs of the water system facilities. Customers will be billed each month. If a metered rate is used, charges shall be based on actual consumption measured by monthly meter readings. When meter readings are impossible due to snow coverage, billings will be an estimate based on history of usage. Water consumption rates will be determined by the City Council by separate ordinance.

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

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 judgment 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 be 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 FIVE HUNDRED DOLLARS (\$500.00) 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 CUSTOMER CHARGE: All industrial customer charges shall be established by separate agreement between each separate industry and the City.

Section 27. SPECIAL WATER CUSTOMER 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 customer. The customer will be considered a special customer 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 customer, including industrial customers, the special customer may be charged a supplemental monthly customer 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 customer service. Such charges shall be twenty percent (20%) higher than for City customers. Any request for service outside the City limits shall also be accompanied by a written request for annexation to the City.

Section 28. MONTHLY CUSTOMER CHARGES; WHEN DUE AND PAYABLE; APPLICATION OF PAYMENTS: All monthly water charges shall be due and payable from the customer to the City Clerk within fifteen (15) days of the issuance of the bill for services. In the case of new construction, a monthly charge will begin when the service connection has been inspected and approved or when the building being served is substantially completed, whichever is the latest date. Upon the customer's failure to pay the monthly charges within fifteen (15) days as prescribed, the water bill will be considered delinquent. A customer may obtain an extension of the specified time for payment from fifteen (15) days to thirty (30) days upon

certification in writing to the City Clerk that payment within the time specified creates a hardship due to the particular date on which he or she receives funds. A customer's payment will be applied first to the oldest balance of that customer's account.

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 customer 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 customer'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 customer be unable to provide any type of running water service within 48 hours of notification of the interruption, then the City may at its discretion provide a pro-rata reduction in the charge for water service during any such month in which the running water service is not available; provided that total usage does not exceed the base usage.

Section 30. DELINQUENCY NOTICE; PENALTIES FOR NONPAYMENT; TERMINATION OF SERVICE; ACTIONS FOR COLLECTION; LIENS; RESTRICTIONS ON FUTURE SERVICE: If a customer has not paid his monthly charges within fifteen (15) days of issuance of

the bill for service as required by Section 28 above, it shall be deemed delinquent and a penalty charge of ONE DOLLAR \$1.00 or ten percent (10%) of charges due, whichever is greater, shall be added to the customer's charges. Interest shall thereafter accrue on the past due balance at a rate of ten percent (10%) per annum. In the event of a delinquent account, the City may then proceed with any or all of the following courses of action which the City in its discretion determines to be appropriate:

(A) Termination of Service: If the amount of the customer's delinquent account is equal to or greater than the lesser of \$25 or two monthly service charges, then the City may provide the customer with written notice that the City intends to terminate running water service to the customer, which notice must be mailed at least seven calendar days prior to termination and which notice shall include the following information: that the grounds for termination are nonpayment of delinquent bills; the date for termination; actions the customer may take to avoid or delay termination including filing a physician's certificate as to the existence of a medical emergency or the filing of an informal or formal complaint concerning the termination with the City Council; and a statement of the City's willingness to make payment arrangements to assist customers having difficulty paying their utility bill. Upon such notice and an additional diligent attempt by the City to provide oral notice of termination to the customer at least 24 hours prior to actual termination, the City may terminate running water service to the customer. Water

service will be restored upon payment in full of the customer's delinquent account or when agreement is reached as to a payment arrangement.

(B) Collection Action: The City may commence a legal action against the customer to collect all amounts due and owing, plus penalties and interest assessed. The City shall be entitled to recover its attorney's fees incurred, if any, in the event it prevails in such action.

(C) Lien: The City shall notify the customer of the delinquency (in the event the City elects to terminate service under subsection (A) above, such written notice of intent to terminate shall also serve as a delinquency notice under this provision). All delinquent charges or fees, as provided by this Ordinance, not paid after the final determination of the customer's account may 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 collectible as other taxes.

(C) Restrictions on Future Service: Any customer 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. DEPOSIT OR GUARANTEE:

(A) The City may require a deposit from any current customer or applicant for service or a written guarantee from the owner if a tenant is the customer or applicant, with evidence that the customer or applicant is likely to be a credit risk or to damage the water system of the City.

(B) A deposit required as a condition of service shall not exceed one-sixth the amount of reasonably estimated billing for one year at rates then in effect. This estimate is to be based upon the use of service at the premises during the prior year or upon the type and size of customer's equipment using the City's service. The City shall provide the applicant an opportunity to pay the deposit in two installments. The applicant shall be allowed to pay one-half of the deposit amount at the time of application, with the remaining installment payable in one month.

(C) Interest will be payable on all deposited amounts at the rate of six percent (6%). Interest will accrue from the date the deposit or deposit installment is made until the deposit is refunded or applied to the customer's utility bill. Interest will not accrue on a deposit or deposit installment if:

i. Service is terminated temporarily at the request of a customer who leaves the deposit with the utility for future use as a deposit, or

ii. Service has been permanently terminated and

the utility has been unsuccessful in its attempt to refund a deposit.

(D) Return of Deposit. The deposit, with accrued interest, will be refunded promptly by the City or applied to the customer's bill when the customer establishes and maintains good credit. Upon termination of service, the deposit, if any remains, with accrued interest, shall be credited to the final bill. The balance of the deposit remaining, if any, shall be returned promptly to the customer.

Section 32. 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 33. LAWN AND GARDEN WATERING: Upon order by the Mayor to be posted at four (4) public locations in the City of Idaho City, customers shall water their laws and gardens on alternate dates only, as follows:

Even days - East side of Main Street

Odd days - West side of Main Street

Violation of this section after one verbal or written notice shall constitute a misdemeanor.

Section 34. 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 35. REPEALER CLAUSE: All ordinances and resolutions or parts thereof in conflict herewith are hereby repealed and rescinded. Specifically, Ordinance Numbers 186, 196, 200 and 203 are repealed.

Section 36. 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 37. EFFECTIVE DATE: This Ordinance shall take effect and be in full force on the 1st day of October, 1990. After its passage and approval, a summary shall be published 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 11th day of September, 1990.

APPROVED:

Raymond H. Robison
Raymond Robison, Mayor

ATTEST:

Leslie A. Bartell
City Clerk

CITY OF IDAHO CITY
SUMMARY OF ORDINANCE NO. 213
IDAHO CITY WATER ORDINANCE

ORDINANCE NO. 213 OF THE CITY OF IDAHO CITY, IDAHO, REPEALS THE PRIOR IDAHO CITY WATER ORDINANCE NO. 186 AND THOSE ORDINANCES WHICH AMENDED NO. 186, SPECIFICALLY NOS. 196, 200 AND 203.


LIKE THE PRIOR IDAHO CITY WATER ORDINANCE, ORDINANCE NO. 213 PROVIDES FOR REGULATIONS PERTAINING TO THE DEVELOPMENT, CONSTRUCTION, USE AND SERVICE OF A WATER SYSTEM AS WELL AS FOR A WATER SERVICE HOOK-UP AND WATER USE AND FOR COLLECTION OF SAID FEES. TERMINATION OF SERVICE MAY RESULT IN THE EVENT OF NON-PAYMENT.

ORDINANCE NO. 213 ADDITIONALLY PROVIDES FOR A REQUIREMENT OF A DEPOSIT FOR CERTAIN WATER USERS WHO HAVE NOT ESTABLISHED GOOD CREDIT. IT CREATES A SEPARATE ORDINANCE WHICH WILL SET RATES FOR CUSTOMER WATER USE WHICH WILL EITHER BE A METERED RATE FOR A ACTUAL CONSUPTION OR A FLAT RATE.

ORDINANCE NO. 213 ALSO PROVIDES THAT THE CITY MAY DEMAND THAT A USER REPAIR A LEAKING BUILDING WATER SYSTEM AND IF THE CUSTOMER DOES NOT RESPOND, THE CITY MAY MAKE SUCH REPAIRS AT CUSTOMERS EXPENSE.

VIOLATION OF ORDINANCE NO. 213 CONSTITUTES A MISDEMEANOR.

THE EFFECTIVE DATE OF ORDINANCE NO. 213 IS October 1, 1990.


LESLIE A. BARKELL
CITY CLERK

PUBLISHED IN THE IDAHO WORLD, IDAHO CITY, IDAHO, SEPTEMBER 19, 1990.