

WATER ORDINANCE NO. 214

AN ORDINANCE OF THE CITY OF CLARK FORK, REPEALING WATER ORDINANCE NOS. 185, 190 & 198, PROVIDING REGULATIONS AND GUIDELINES FOR ADMINISTRATION OF THE WATER SYSTEM OF THE CITY OF CLARK FORK, PROVIDING FOR CONNECTION POLICIES, PROHIBITING CROSS CONNECTION, PROVIDING FOR SYSTEM EXTENSION POLICIES, INSPECTIONS, SPECIAL CHARGES, MONTHLY USER CHARGES AND MONTHLY RATES, PROVIDING FOR PENALTIES, AND PROVIDING FOR AN EFFECTIVE DATE.

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

Section 1. PURPOSES. It is hereby determined and declared to be necessary for protection of the health, safety and welfare of the public which consumes water from the City of Clark Fork Water System that standards be established for use and connection to said system. Additional purposes for this ordinance include equitably apportioning the costs and expenses of maintenance, operation, upkeep and repair of water system components which include supply, storage, treatment and distribution facilities, collecting appropriate charges from owners of benefited lots, lands, property and premises, and when necessary, governing the installation, use and administration of private domestic water systems where a public water system is not available.

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

City. The City of Clark Fork, Bonner County, Idaho, or its authorized or designated officials, agents, or representatives.

City Water Service Line. That portion of an individual water service line that runs from its connection with the public water main to and including the corporation stop and meter box that is installed in the service line, ending at the meter outlet. It will usually be installed within the limits of the public right-of-way or utility easement, and, after installation, it is owned and maintained by the City.

Cross-Connection. Means any physical arrangement whereby the municipal water system is connected, directly or indirectly, with any other non-potable water system, private well, sewer, drain, conduit, pool, storage reservoir, plumbing fixture, or other device which contains, or may contain, contaminated water, sewage, or other waste liquid of unknown or unsafe quality which may be capable of imparting contamination to the municipal water system as a result of back-flow. Bypass arrangements, jumper connections, removable sections, swivel or change-over devices, or other temporary or permanent devices through which, or because of which, back-flow may occur are considered to be cross-connections.

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.

Municipal Water System. Includes all components and facilities of the public water system that is owned, operated and maintained by the City of Clark Fork, Idaho, for domestic and other uses.

Owner. Refers to the property owners, or his duly authorized representative such as developer, etc., who holds legal title to a property that is served or is to be served by the Municipal Water System.

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

Private Fire Service Connection. This is a separate and independent connection from the municipal water main that connects directly to a fire suppression sprinkler system that has been, or is to be installed, in any building for the purpose of fire control within that specific building and said connection is to be for no other purpose.

Private Water Service Line. This is to be the portion of the water service line that runs from the limits of the building being served to the point of connection with the City Water Service Meter.

Private Water System. This is any water system for domestic use, that is not owned, operated and maintained by the City of Clark Fork, within City boundaries.

Property. Refers to all real property, whether privately or publicly owned, within the service limits of the Municipal Water System excluding therefrom lands that have been dedicated for public street or highway rights-of-way.

Public Water Service Line. See City Water Service Line.

Shall. "Shall" is mandatory; "May" is permissive.

Sprinkler Irrigation. Refers to any system for the purpose of watering lawns, gardens, shrubs, trees, etc. as they are normally grown in the out-of-doors or open spaces.

User. Each residence, mobile home or business supplied with water from a meter is considered a separate user; there may be more than one user on a meter.

Water Main. Any pipe line owned by the City for the purpose of transportation and/or distribution of water to serve more than one water service line or user.

Section 3. TO WHOM THIS ORDINANCE IS APPLICABLE. The provisions of this Ordinance shall apply to owners of all property within the corporate limits of the City, any special users outside of the Corporate Limits of the City, including all property owned or occupied by the United States of America, Bonner County, and the State of Idaho.

Section 4. REQUIRED USE OF SYSTEMS. The owner or occupant of any house, building, or property used for residential, commercial, industrial, governmental or recreational use, or other purpose, situated within the City which is abutting on or having a permanent right of access to any street, alley or right-of-way in which there is located a water line of the City is hereby required to connect his domestic water service line to the City water service line in accordance with the provisions of this Ordinance within one hundred eighty (180) days after the date of official notice from the City that water service is available. If said water line is within three hundred (300) feet of any property line of the building to be served or of a common property line in a multiple building development, it shall be deemed to be abutting. Each property owner desiring to receive service from the Municipal Water System shall be obligated to extend the water main which serves his/her property across the entire frontage of his/her property as a condition of receiving service. The purpose of this requirement is to make service available to subsequent users of adjoining property. This provision shall not obligate current system users to extend the water system to serve future users or nearby new development.

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Section 5. INJURY TO SYSTEMS UNLAWFUL. No person shall maliciously, willfully or negligently break, damage, destroy, cover, uncover, deface or tamper with any structure, pipeline, fire hydrant, fittings, connection, appurtenance, or equipment which is a part of the Municipal Water System. Any person who causes harm or damage to the public water system shall be responsible to reimburse the City for costs of repair. Failure to pay the costs of repair shall be grounds for termination of service.

Section 6. MALICIOUS OR WILLFUL WASTE OF WATER. It shall be unlawful for any water user to waste water or allow it to be wasted by imperfect water stops, valves, leaky joints or pipes that are not under the jurisdiction of the City or to permit the malicious or wasteful consumption of water, having no beneficial purpose, from the municipal water system. Likewise, it shall be unlawful to allow a constant flow of water for animal consumption but rather a quantity of water shall be allowed which will supply the actual needs of the animals having access thereto. Service may be immediately terminated to an account without notice if the leak is so substantial as to constitute an emergency.

Section 7. WATER SERVICE CONNECTION AND WATER SERVICE LINE. All materials and workmanship in the connection to the City water service line shall conform to the following regulations:

A. No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any municipal water main, City water service line or appurtenance thereof without first obtaining written approval from the City.

B. To obtain municipal water services, the owner or his agents shall make written application to the City on a form provided by the City.

C. All costs and expenses, plus any required deposits, incident to the installation of the water service line and the connection to the City water main shall be paid at the time of application by the owner. The water service line shall be installed by the City in accordance with City standards.

D. A separate and independent City water service line and connection may be provided for every building requiring water.

E. The materials of construction of the private water service line and the methods to be used in excavating, placing of the pipe, joining, testing and backfilling the trench, shall all conform to the requirements of the plumbing code adopted by the State of Idaho.

F. The private water service line from the building to the connection with the City water main shall conform to the plumbing code adopted by the State of Idaho. The alignment of the water service line from the outlet of the building to the City water main shall be located such that the distance between the water service line and the septic tank, drain field and/or sewer service line shall not be less than required by Panhandle Health District and Idaho Department of Health and Welfare standards.

G. All water service connection to the City water service line shall conform to the requirements of the state-adopted plumbing code.

H. No person shall make or permit the cross-connection of any private water supply or other source prohibited by state law to a water line that is served by the municipal water system. The City of Clark Fork hereby adopts the Idaho Rules For Public Drinking Water Systems IDAPA 16.01.08.550.07 regarding cross connections. Three (3) copies will be kept on file at City Hall.

I. An applicant for the City water service shall notify the City when connection of the private water service line to the City water service line is ready for inspection of connection only.

J. The installation of a private fire service connection shall comply in all respects to the requirements for a City water service line with the exception that instead of the standard installation charge, the owner or his agent will be required to pay all costs for connection and extension of the facility from the municipal water main which may be installed without a meter. A commercial anti-backflow device must be installed. Any such service shall be subject to inspection by the City at any time to assure that the fire service connection is not being used for any other purpose.

K. The connection of a private fire service connection to the municipal water main shall be made by a plumber holding a valid Plumber's License according to State Plumbing Code.

L. Each property owner shall be responsible for the costs of connection including the costs of the meter and installation charges which must be paid prior to final connection. The meter and installation hardware shall remain the property of the City which shall be responsible for maintenance of such public facilities, unless repairs are made necessary by the reckless, negligent or otherwise wrongful conduct of a private party.

Section 8. POWERS AND AUTHORITY OF CITY AUTHORIZED REPRESENTATIVE. The City, through its authorized representative bearing proper credentials and identification, may be permitted at proper and reasonable hours of the day, upon request by the City, to enter premises or buildings to which water is furnished from the municipal water system for necessary testing. Nothing in this provision shall limit the authority of the City to take such steps as it may deem appropriate to maintain the integrity of the City water system including disconnection of any service reasonably believed to be a source or location of potential contamination.

Section 9. INSPECTION. All connections to or extensions of a service line, previously installed by the City, shall be made in accordance with the requirements of the State of Idaho Plumbing Code for such installations. The connection of any service line to the Municipal system shall be inspected by the City before the installation is backfilled and before the water is turned on for use at the premises.

Section 10. REJECTIONS OR DISAPPROVALS. The City may reject any material or workmanship for non-compliance and upon such order, rejected material shall be removed and replaced with approved material or workmanship. Disapproved workmanship shall cause the removal and replacement of all materials involved, including appurtenances, excavation, backfilling, and other work items.

Section 11. WATER MAIN EXTENSIONS.

A. The cost of extending the municipal water system to serve undeveloped areas within the existing corporate limits, newly annexed areas or areas outside the corporate limits shall be the responsibility of the property owner(s) or agent therefore. It shall be the responsibility of the benefited property owner to bear the cost of installing all necessary fire hydrants and the City water service lines for all extensions of the municipal water system at no expense to the City. Unless a special permit is granted by the City, all municipal water system

SECTION 11. A. (continued)

extensions, including the City water service lines into newly developed areas, shall be installed prior to the construction of any new streets. All water main extensions shall be constructed by the City or its authorized contractor. The City may require prepayment of the costs of line extension.

B. All design and construction of any extensions to the municipal water system shall comply with the City of Clark Fork standard specifications and drawings as are on file in the office of the City Clerk or the Idaho Standards for Public Works Construction (ISPWC) as published by the Association of Idaho Cities, whichever is more restrictive. All system extensions shall comply with applicable standards of state law.

C. The plans for all extensions to the municipal water system shall be prepared and signed by a registered professional engineer as per the licensing requirements of the Idaho Code, and three (3) copies of 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, per Idaho Code. In approving a plan for the extension to the municipal water system, the City reserves the right to stipulate other requirements such as special permit fees as established by resolution, 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 municipal water system until the extension project has been approved by the authorized representative of the City in writing.

D. After the construction of the municipal water system extensions, a registered professional engineer shall certify to the City and the Idaho Department of Health and Welfare in writing that said system extensions were installed according to the approved plans and specifications on file in the office of the City Clerk and to file two (2) sets of "Record Drawings" with the office of the City Clerk. Cost of said certification shall be at no expense to the City. Following certification by the registered professional engineer and acceptance by the City, the entire extension of the municipal water system, including the City water service lines, shall become the property of the City. The installer shall warrant such installation for one year and shall perform capital maintenance during that period. After conclusion of the one-year warranty period, it shall be the City's responsibility to maintain and operate the system thereafter.

Section 12. BASIS FOR USER CHARGES. There is hereby established a system of periodic service charges and fees for the use of and for services rendered by the water system of the City, and such charges and fees shall be as nearly uniform as possible to the different classes of property served by said system. All rates, charges and fees are hereby levied and assessed against each lot, parcel of land, building or property having any water service connection of the City Water System. It is specifically enacted that all property in the City to which public water is available, but is not used by the owner or occupants of said parcel of land, is still subject to user charges under the provisions of this Ordinance, to cover the fixed cost of availability of the water system and the cost of standby fire protection.

Section 13. USER CHARGES AND CONNECTION FEES. All user charges, connection fees, and any deposit required for connection of service shall be set by resolution of the City Council. All monthly water rates will be charged against the property for which the City water service line is installed.

Section 14. MODIFICATION OF USER RATES AND/OR CONNECTION FEES. The City Council of the City of Clark Fork may change or modify the Base Rate, User Charge and/or connection fee as contained in the resolution of rates and fees upon any resolution of the City Council duly passed to become effective on the date as established by said resolution.

Section 15. USER CHARGES; WHEN DUE AND PAYABLE. All user charges shall be due and payable to the City Clerk on the first of each calendar quarter and upon failure to pay the same within thirty (30) days of the first of each quarter, as prescribed, each user shall pay, in addition to the amount due, the sum of Five Dollars (\$5.00).

Section 16. DISCONTINUANCE OF WATER SERVICE FOR DEFAULT. The due date of all water service charges shall be the first day of each quarter following the rendering of said service. All bills for water service not paid within thirty (30) days after said due date shall be subject to a late fee of Five Dollars (\$5.00). The City of Clark Fork may discontinue water service to any defaulting customer after fifteen (15) days written notice to said customer. In such event a reconnection fee of Ten Dollars (\$10.00) shall be assessed against said customer upon request for reconnection. Reconnection of water service shall be made following the payment of any reconnection and delinquent water charges and late fees due. The City may accept a contingent payment plan by the user/property owner.

Section 17. CONNECTION/DISCONNECTION OF SERVICES. Should an owner or his agent request a City water service line to be disconnected, the City shall disconnect the same by closing the meter. There will be no charge for this disconnect/reconnect service if it is requested during the City Maintenance Personnel's normal working hours. If the request is made during non-working hours, the owner, or his agent, shall pay to the City a disconnect fee of Twenty-Five Dollars (\$25.00). The owner or his agent must request the City to place the line back in service before the meter is to be reopened. There shall be a charge of Twenty-Five Dollars (\$25.00) for reconnecting the said service.

Section 18. PROPERTY OWNER RESPONSIBILITY. The property owner shall have the ultimate responsibility for any water charges for a property which he owns irrespective of any user or tenant service agreement.

Section 19. SEPARATE ACCOUNTS. A separate account shall be maintained by the City Clerk which shall keep separate all funds collected for water services.

Section 20. DELINQUENCY; NOTICE. All delinquent charges or fees, as provided in this Ordinance, not paid within fifteen (15) days of the date when notice of delinquency is sent, 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 City Clerk shall certify such delinquencies together with all penalties to the Tax Collector of Bonner County, and when so certified the same shall be a lien upon the property, and will be collectible as other taxes. In addition to the above, the City may disconnect the water service line and such corporation stop shall not be opened or placed back into service until all delinquency charges and fees have been paid in full as provided in Section 16 of this Ordinance. All moneys collected by the Bonner County Tax Collector under the provisions of this Section shall be paid over to the City Clerk in the same manner as is required for the payment of other City moneys.

Section 21. WATER SYSTEM FUND. All fees and charges received and collected under authority of this Ordinance shall be deposited and credited to a special fund to be designated as the Water System Fund. The accounts of said fund shall show all receipts and expenditures for the maintenance, operation, upkeep and repair of the domestic water system and any payments into a sinking fund established for the purpose of paying principal of and interest on the water bond indebtedness of the City of Clark Fork which shall from time to time be outstanding. As provided by law, when budgeted and appropriated, the funds and credits to

SECTION 21 (continued)

the account of the Water System shall be available for the payment of the requirements of maintenance, operation, repairs and upkeep of the domestic water system of the City, and to the extent legally available, for payment into a sinking fund established for the payment of the principal of and interest on any water bond indebtedness of the City which shall from time to time be outstanding.

Section 22. UNAVAILABILITY OF MUNICIPAL SYSTEMS. Where the municipal water system is not available under the provisions of this Ordinance, a private water system may be installed, provided that the system complies with all the provisions of this Ordinance. Authority to develop a private water source or system within the City must be expressly granted by the City Council if a private water source is to be used.

A. Before the commencement of construction of a private water system, the owner shall first obtain a written permit from the City. The application for said permit shall be made on a form furnished by the City, which the applicant shall supplement by plans, specifications and other information as may be deemed necessary by the City. A permit and inspection fee of Ten Dollars (\$10.00) shall be paid to the City at the time the application is filed.

B. A permit for a private water system shall not permit the use of the system until the installation is completed to the standards of the City. The City shall be allowed to inspect the work at any stage of construction, and the applicant for the permit shall notify the City when the work is ready for various inspections, and before any underground works are covered.

C. The type, capacities, location and layout of a private water system shall comply with all of the rules and regulations and recommendations of the Department of Health and Welfare of the State of Idaho.

D. At such times as the municipal water system becomes available to the property served by the private water system, the owner or tenant shall make application for connection to the municipal water service. It is mandatory that the private water supply is not connected or cross-connected in any way to the water lines or facilities served by the municipal water system.

E. The owners shall operate and maintain the private water facility in a sanitary manner at all times, and at no expense to the City.

F. No statement contained in this Section shall be construed to interfere with any additional requirements that may be imposed by the Department of Health and Welfare of the State of Idaho.

Section 23. FIRE HYDRANTS. It shall be unlawful for any person, except one duly authorized by the City, to open, close, operate, turn on, turn off, interfere with, attach any pipe or hose to, or connect anything with, any fire hydrant or auxiliary valve belonging to the City. Further, it shall be unlawful for any person to obstruct the access to any fire hydrant by placing around or thereon any stone, brick, lumber, dirt, or other material, or to willfully or carelessly injure the same. No one shall use hydrants without City approval.

Section 24. PENALTIES.

A. Any person found to be violating any provision of this Ordinance shall be served by the City with written notice stating the nature of the violation and providing a reasonable time limit, but in any event, not to exceed ninety (90) days, for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

B. Any person who shall continue any violation beyond the time limit provided for in this Section, shall be guilty of a misdemeanor, and upon conviction thereof shall be subject to a fine not exceeding \$300.00, or imprisonment for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.

C. 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, including attorney fees and court costs.

Section 25. REPEALER CLAUSE. All ordinances or resolutions or parts thereof in conflict herewith are hereby repealed and rescinded, including Ordinance Numbers 185, 198 and 190, (Ordinance #190 being that ordinance adopted on 7/15/91 that relates to water and not Ordinance #190 that relates to streets).

Section 26. SEVERABILITY CLAUSE. If any section, paragraph, sentence or provisions hereof or the application thereof to any particular circumstances shall ever become 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 27. EMERGENCY CLAUSE. There is hereby reserved to the City the right to temporarily discontinue or restrict the quantity of water delivered to all users of the system in the event of a need arising from:

A) Repair, maintenance, improvement or replacement of components of the water supply or distribution system; or

B) Emergencies, acts of God, or other circumstances beyond the reasonable control of the City.

This Ordinance shall be in full force and effect after its passage, approval and publication according to law.

PASSED AND ADOPTED BY THE Mayor and the City Council of the City of Clark Fork under suspension of the rules, this 11th day of May, 1998.

Linda V. Reed

Linda Reed, Mayor

CITY COUNCIL MEMBERS

Brian Cantrell
Mike McDaniel
Art Ratcliff
Tom Shields

YES	NO	ABSENT	ABSTAIN
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ATTEST:

Elizabeth Parenti
Elizabeth Parenti, City Clerk

SUMMARY OF CLARK FORK WATER ORDINANCE
ORDINANCE NO. 214

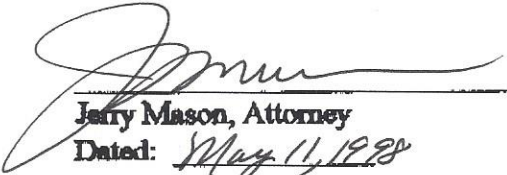
The City of Clark Fork, Idaho hereby gives notice of the adoption of Clark Fork Ordinance No. 214, an ordinance regulating and administering the water system of the City of Clark Fork. The ordinance contains the following provisions: a statement of purpose; definitions of terms used in the ordinance; a paragraph regarding to whom the ordinance is applicable; required use of the water system; unlawful injury to the water system; malicious or willful waste of water; installation of water service lines and connections to the City line; powers and authority of city-authorized representative; inspections; rejections or disapprovals of material or workmanship; water main extensions; establishment of base rate, user charges, connection fees and modification of same; discontinuance of water service for default; connection/disconnection of services; property owner responsibility; separate bank account; delinquencies; water system fund; provisions for areas where water system is unavailable; fire hydrants; provides penalties for violation including fines, infractions and misdemeanor criminal penalties; provides repeal of conflicting ordinances including ordinance #198; provides severability; provides emergency clause to allow City to temporarily discontinue or restrict quantity of water delivered; and provides that the ordinance shall be effective following its passage on May 11, 1998 and publication which is accomplished by this summary. The full text of the Clark Fork Water Ordinance is available at City Hall in Clark Fork.

Dated this 11th day of May, 1998

Elizabeth Parenti
City Clerk

STATEMENT OF LEGAL ADVISER

I, Jerry D. Mason, am the City Attorney for the City of Clark Fork, Idaho. I have examined the summary of the Clark Fork Water Ordinance dated May 11, 1998 and find it to be a true and complete summary of said ordinance which provides adequate notice to the public of the contents thereof.



Jerry Mason, Attorney

Dated: May 11, 1998