

CITY OF ROBERTS
ORDINANCE NO. 529
SEWER ORDINANCE

AN ORDINANCE RELATING TO THE SEWER SYSTEM OF THE CITY OF ROBERTS, IDAHO; DECLARING ITS PURPOSE TO PROTECT AND IMPROVE THE PUBLIC HEALTH OF ITS CITIZENS; REQUIRING MANDATORY CONNECTION TO THE SEWER SYSTEM, ESTABLISHING USER RATES, ESTABLISHING CONNECTION FEES, ESTABLISHING RULES FOR CONNECTION, ESTABLISHING RATES AND PROCEDURES FOR THE COLLECTION OF DELINQUENT ACCOUNTS OR DISCONTINUANCE OF SEWER SERVICE IN THE EVENT OF DELINQUENCY; PROVIDING FOR PENALTIES FOR VIOLATION OF THIS ORDINANCE; SETTING FORTH THE MANNER IN WHICH ITS PROVISIONS SHALL BE ENFORCED; REPEALING ALL OTHER ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR THE PUBLICATION OF A SUMMARY HEREOF, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Roberts, Idaho, the "City" herein, under and pursuant to the powers vested in it by Idaho Code, in order to promote the public health and welfare, deems it necessary to make and place into effect certain rules and regulations to provide efficient service of the public sewer system of the City; and

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

WHEREAS, the City deems it necessary to protect and improve the public health and general welfare of the citizens of the City to require mandatory connection of homes or other facilities within the City to the public sewer system, and the City has the power to require such mandatory connection, and

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

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

SECTION 1. Rules and Regulations.

(1) Short title. This ordinance shall be known as "Rates, Rules, and Regulations for the Operation of the Sewer System of the City of Roberts, Jefferson County, Idaho", and may be so cited and pleaded.

(2) Scope. The City and all customers receiving services from the City are bound by these rules and regulations of the City of Roberts.

SECTION 2. Definitions of General Terms.

(1) City. Whenever the word "City" is used, it shall mean the legally constituted municipal government of the City of Roberts, Jefferson County, Idaho.

(2) City Council. Whenever the words "City Council" are used, they shall mean the legally elected group of members composing the City Council, including the Mayor, of the City of Roberts, Idaho.

(3) Superintendent. Whenever the word "Superintendent" is used, it shall mean the person appointed by the City Council to superintend the affairs of the City. If not so appointed then the public works director.

(4) Applicant. Whenever the word "applicant" is used, it shall mean the person or persons, firm or corporation, making application for sewer service from the City under the terms of these regulations.

(5) Customer or user. Whenever the words "customer" or "user" are used, it shall mean the owner of a residence, building, or structure who has made application and who has been accepted under the terms of these regulations and who receives sewer service from the City. The term "customer" or "user" shall not include tenants as it shall be the owner's responsibility to apply for service and to pay for service.

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

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

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

(9) Trailer House or Mobile Home: a detached single-family dwelling unit used or so constructed as to permit its being used as a conveyance upon the public streets or highways and constructed in such a manner as will permit occupancy thereof as a dwelling or sleeping place for one or more persons.

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

(11) For the purposes of this ordinance, the term cash includes not only currency, but cashiers check, money order, certified check and debit card if accepted by the City.

SECTION 3. Service Area and Connection Requirement.

(1) Service Area. The area serviced by the City shall be all that area included within the corporate limits of the City of Roberts.

(2) Connection to sewer system required. Every parcel of land or premises within the boundaries of the City of Roberts, improved by new construction for occupancy and occupied or used by any person or persons, or as a commercial business, shall be connected to the public sewer system. The owner or person in charge of such land shall make or cause to be made, such connection within sixty (60) days after receiving official notice from the City to so connect. All charges associated with the laying of pipe from the home or facilities to be served by the City's mains shall be properly designed and constructed in conformity with requirements specified by the City.

SECTION 4. Description of Service.

(1) Supply. The City will exercise reasonable diligence and care to maintain a continuous and sufficient sewer system to the customer at a reasonable pressure and to avoid so far as reasonably possible any shortage or interruption in delivery.

The City shall not be liable for damage resulting from the interruption in service or from the lack of service. Temporary suspension of service by the City for improvements and repairs will be necessary occasionally. Whenever possible, and when time permits, all customers affected will be notified prior to shutdowns.

(2) Quality. The City will exercise reasonable diligence to maintain a safe sewer system at all times.

(3) Ownership of System. All sewer mains, valves, fittings, hydrants and other appurtenances, except "customer service lines", as defined in Section 7, subsection (1) herein, shall be the property of the City of Roberts.

(4) Classes of Service. The classes of service shall be Residential, Commercial, and Contract as follows:

(a) Residential Service. Residential services shall consist of all services for domestic purposes, single family dwellings, homes, and municipal purposes.

(b) Commercial Service. Commercial services shall consist of those services where sewer is used for commercial services, such as businesses and multi-family dwellings.

(c) Contract Service. Contract services shall consist of those services for bulk acquisition, industrial, or independent sewer district purposes under written contracts authorized by the City Council.

(5) Special Contracts. When the applicant's requirements for sewer are unusual or large, such as an independent sewer district, or necessitate considerable special or reserve equipment or capacity, the City Council reserves the right to make special contract, the provisions of which are different from and have exceptions to the regularly published sewer rates, rules, and regulations. This special contract shall be in writing, signed by the applicant and approved by the City Council and City Attorney and signed by the Mayor and City Clerk of the City of Roberts.

(6) Resale of Sewer. Resale of sewer shall be permitted only under special contract, in writing, between the City Council and the persons, parties, or corporation selling the sewer.

SECTION 5. Main Extensions.

(1) Within the City limits. Sewer main extensions to areas within the City limits not presently served with sewer shall be installed under procedures to be established by the City Council. Subdividers for newly partitioned properties will assume all costs of main extensions with the approval of the City Council.

(2) Locations of extensions. The City will make sewer main extensions only on rights-of-way, easements, or publicly owned property. Easements or permits secured for main extensions shall be obtained in the name of the City of Roberts, along with all rights and title to the main at the time the service is provided to the customers paying for the extension.

SECTION 6. Services.

(1) Definition. The "service connection" shall be that part of the sewer collection system which connects to the main and shall normally consist of corporation stop, service pipe, curb stop. The "customer service line" shall be that part of the piping on the customer's property that connects the service to the customer's distribution system.

(2) Ownership, installation, and maintenance. The customer shall own, install, and maintain the customer service line. All trenching and laying of the service pipe to be installed as part of the service connection shall be performed exclusively by the applicant, at the applicant's expense, and under such supervision that the City deems appropriate. The applicant shall use materials approved by the City. The City shall connect the "service connection" to the main lines and install related appurtenances.

After installation of the service connection, the City shall own and maintain the entire service connection. Maintenance shall only be performed by authorized employees of the City.

(3) Service connection charge. At the time the applicant files for service where no service previously existed, he shall submit with his application the service connection charge for sewer service. This charge is to include a service connection fee plus the actual cost to the City to connect the service to the main and related appurtenances.

The service connection fee (or charge) shall be established by the City Council by Resolution upon passage of this ordinance and be reviewed from time to time and updated by Resolution of the City Council.

(4) Class of service. A monthly service charge shall be billed for each current hookup connected to the sewer system with the following exceptions:

Multiple users on one hookup. One (1) monthly service charge will be billed for each occupied single-family dwelling, occupied trailer house, occupied mobile home, and occupied unit of a duplex. The City shall determine the number of premises on one connection and shall also determine the number of monthly service charges to be billed. If the number of premises changes, it shall be entirely the responsibility of the owner to promptly notify the City in writing as to the revised number of premises subject to a monthly service charge. This written notice must be received by the City before the last day of the month in which the change has occurred. The City may obligate the Owner in writing for payment of the bill prior to approving new construction. Multiple users of a single line raise issues relative to termination of service. Failure of the owner to notify the City of any increase in the number of premises shall be deemed a misdemeanor and will further authorize the City to proceed civilly for collection of such arrearages.

(5) Changes in service size. Permanent changes in the size of the service line requested by the customer shall be paid by the customer on the basis of actual cost to the City for making the change.

(6) Where the main is on an easement or publicly owned property other than designated rights-of-way, the services shall be installed to the boundary of the easement or public property by the City, provided the length of service does not exceed thirty feet (30).

If the length of service line exceeds the maximum stated, the applicant shall pay the extra cost of the line on the basis of actual cost to the City for labor, materials and equipment plus 15 percent.

(7) Joint Service Connections. The City may, at its option, serve two or more premises with one connection. On new service connections, the inside diameter of such joint lines shall be sufficient to provide a carrying capacity of not less than the combined capacity of individual service lines of the same size.

Service extensions from an existing service to other occupancies or ownerships than that for which the existing service was intended shall not be permitted nor shall separate residences be permitted to receive service except under special considerations approved by the City Council.

(8) Number of service connections on premises. The owner of a single parcel of property may apply for and receive as many services as he and his tenants may require, provided his application or applications meet the requirements of the policies, rules, and regulations. However, the owner shall be required to pay for all services.

(9) Customer's plumbing.

Plumbing Code. The customer's plumbing, which shall include the customer's service line and all plumbing, piping, fixtures, and other appurtenances carrying or intended to carry sewer, sewer or drainage, shall comply with the plumbing code of the State of Idaho.

SECTION 7. Sewer Charges: Review and Revision of Rates.

(1) Setting, Review, and Revision of Rates. The sewer user charges shall be established by Resolution by the Council upon the passage of this ordinance. These charges shall be reviewed from time to time and updated by Resolution of the Council, to reflect actual costs of operation,

maintenance, replacement, and financing of the sewer system and their facilities. Any revisions of the user charges shall be based on actual operation, maintenance, replacement, and financing expenses and the total sewer usage. Revisions due only to changes in expenses and user class shall be made by the City. All changes in user charges applicable to this ordinance shall be computed by the methods outlined herein.

SECTION 8. Notices.

(1) Notices to customers. Notices from the City to the customer will normally be given in writing and either mailed or delivered to him at his last known address. Where conditions warrant and in emergencies, the City may notify either by telephone or messenger.

(2) Notices from customer. Notices from the customer to the City may be given by the customer or his authorized representative orally or in writing at the clerk's office in the City Hall or to an agent of the City duly authorized to receive notices or complaints.

SECTION 9. Billing and Payments.

(1) Rendering of bills.

(a) Billing period. All bills shall be rendered monthly.

(b) Bills for other than normal billing period. Opening or closing bills, or bills that for any other reason cover a period containing 10 percent more days or 10 percent fewer days than in the normal billing period shall be prorated.

(2) Disputed bills. When a customer disputes the correctness of a bill, he shall deposit the amount of the disputed bill at the time the complaint is lodged, to preclude discontinuance of service pending final settlement of the bill or bills. Subsequent bills shall be paid or placed on deposit in a similar manner. Failure of the customer to make such a deposit shall warrant discontinuance of service as provided under subsection (6) of this section.

(3) Payment of bills. Each bill rendered shall contain the final date on which payment is due. If the bill is not paid within Thirty (30) days of that date, the account shall be considered delinquent.

(4) Delinquent accounts.

(a) Delinquent notice. A reminder of account delinquency may be sent, at the discretion of the City Clerk, to each delinquent account on or about ten (10) days after the account becomes delinquent.

(b) Late Charges. Ten (10) days after an account becomes delinquent, late charges shall be assessed. Delinquent account late charge shall be established by the Council by Resolution upon the passage of this ordinance and be reviewed from time to time and updated by Resolution of the Council.

(c) Turn-off notice. On or about Thirty (30) days after an account becomes delinquent, a turn-off notice may be sent to the customer. Said notice shall state a date (on or about Sixty (60) from due date)on which water/sewer service will be turned off if delinquent

account is not paid in full prior thereto.

(d) Service turn-off. On the turn-off date, the agent of the City of Roberts shall deliver a written notice to the customer stating that the sewer service is being turned off until all delinquent amounts have been paid. The agent of the City shall immediately thereafter turn off the service. A delivery to the premises shall be considered a delivery to the customer.

(e) Service charge. In all instances where sewer has been turned off because of delinquent accounts, a service charge shall be made for the restoration of services. The service charge for restoration of delinquent accounts shall be established by the Council by resolution upon the passage of this ordinance and be reviewed from time to time and updated by Resolution of the Council after consideration of the relative cost of such efforts.

(5) Installment payment of delinquent accounts. In cases of extreme hardship, the Mayor or City Council shall have the discretion of renewing service to a delinquent account upon receipt of a satisfactory installment plan for the payment of the overdue amount.

SECTION 10. Discontinuance of Service.

(1) On customer request. Each customer about to vacate any premises supplied with sewer service by the City shall give the City written notice of his intentions at least two days prior thereto, specifying the date service is to be discontinued; otherwise, he will be responsible for all sewer service supplied to such premises until the City shall receive notice of such removal.

At the time specified by the customer that he expects to vacate the premises where service is supplied or that he desires to be discontinued, a bill will be rendered which is payable immediately. In no case will the bill be less than the monthly minimum specified in the schedule applying to the class or classes of service furnished.

(2) Nonpayment of bills. A customer's sewer service may be discontinued if the sewer bill is not paid in accordance with the procedures listed in Section 10, subsection (4) of these rules and regulations.

Nonpayment of sewer service charges. If said sewer service charges are not paid when due by any such person, firm, or corporation whose premises are served or who are subject to the charges herein provided, sewer service provided to that customer by the City of Roberts City may be discontinued because of the default in the payment of the sewer service charges.

(3) Improper customer facilities.

(a) Unsafe facilities. The City may refuse to furnish sewer and may discontinue services to any premises without prior notice where plumbing facilities, appliances, or equipment using sewer are dangerous, unsafe, or not in conformity with the plumbing code of the State of Idaho.

(b) Cross connections. A cross connection is defined as any physical connection between the City's system and another sewer supply. The Idaho State Health Division and the U.S. Environmental Protection Agency prohibit cross connections.

The City will not permit any cross connection and will discontinue service to any persons or premises where a cross connection exists. Service will not be restored until the cross connection is eliminated. Customers using sewer from one or more sources in addition to receiving sewer from the City on the same premises shall maintain separate systems for each; and the City's sewer supply facilities shall be separated from any and all other systems by an air gap of not less than one foot, or if in the ground, by not less than five feet.

(4) Service detrimental to others. The City may refuse to furnish sewer and may discontinue service to any premises where excessive demands by one customer will result in inadequate service to others.

(5) Fraud or abuse. The City will refuse or discontinue service to any premises where it is deemed necessary to protect the City from fraud or abuse. Discontinuance of service from one or both of these causes will be made immediately upon receipt of knowledge by the City that the condition or conditions exist.

(6) Unauthorized turn-on. Where sewer service has been discontinued for any reason and the sewer is turned on by the customer or other unauthorized person, the sewer may then be shut off at the main. The charges for shutting off the sewer at the main shall be computed at actual cost to the City plus 15 percent overhead. These charges shall be billed to the offending customer, and sewer shall not be furnished to the premises or customer until such charges are paid and the City has reasonable assurance that the violation will not re-occur.

(7) Noncompliance with regulations. The City may, upon five days notice, discontinue service to a customer's premises for failure to comply with any of the provisions of these regulations.

SECTION 11. Restoration of Service.

Restoration of service after discontinuance for nonpayment of bills shall be made after payment of current and past due charges plus a service charge and posting a deposit as hereinbefore provided.

Restoration of service after discontinuance of service for unsafe facilities, sewer waste, fraud, abuse, or for noncompliance with any of the policies, rules, and regulations will only be made after the irregularity has been corrected and the City has been assured that the irregularity will not re-occur. The service charge as herein provided shall be in addition to any other charges due or past due that the City may have incurred to correct the irregularity.

SECTION 12. Access to Property.

All duly appointed employees of the City, under the direction of the Public Works Director, shall have free access at all reasonable hours of the day to any and all parts of structures and premises in which sewer is or may be delivered for the purposes of inspecting connections, the conditions, and the manner and extent in which the sewer is being used. The City does not, however, assume the duty of inspecting the customer's line, plumbing, and equipment, and shall not be responsible therefor.

SECTION 13. Responsibility for Equipment.

(1) Responsibility for customer equipment. The City shall not be liable for any loss or damage of any nature whatsoever caused by any defect in the customer's line, plumbing, or equipment; nor shall the City be liable for loss or damage due to interruption of service. The customer shall be responsible for valves on his premises being turned off when the sewer service is turned on.

(2) Responsibility for City equipment. City equipment on the customer's premises remains the property of the City and may be repaired, replaced, or removed by the City employees at any time without consent of the customer. No payment will be made to the property owner for the right to install, maintain, replace, or remove City equipment on his premises. The property owner must keep vicious dogs or other animals secured or confined to avoid interference with the utility operations and maintenance.

(3) Damage to City equipment. The customer shall be liable for any damage to equipment owned by the City which is caused by an act of the customer, his tenants, agents, employees, contractors, licensees, or permittees. Damage to equipment shall include but not be limited to breaking of seals and locks, and other appurtenances.

SECTION 14. Penalties.

Any person violating any of the provisions of these rules and regulations, shall, upon conviction thereof; be punished as a misdemeanor, described by Idaho Statute and as amended from time to time.

SECTION 15. Suspension of Rules.

No employee of the City is authorized to suspend or alter any of the policies, rules, and regulations cited herein without specific approval or direction of the City Council, except in cases of emergency involving loss of life or property or which would place the sewer system operation in jeopardy.

SECTION 16. Easement.

Each applicant and user gives and grants to the City of Roberts an easement and right-of-way on and across his property for the installation and maintenance of sewer mains and the necessary valves and equipment in connection therewith.

SECTION 17. Prior Ordinances.

All prior Sewer Ordinances for the City of Roberts are hereby repealed and superseded.

SECTION 18. Constitutionality, Saving Clause.

If any clause, sentence, paragraph, section, or portion of this ordinance for any reason shall be adjudged invalid by a court of competent jurisdiction, such judgment shall not affect, impair, or invalidate the remainder of this ordinance, but shall be confined in its operation to the clause, sentence, paragraph, section, or portion of this ordinance directly involved in the controversy in which the judgment is rendered.

SECTION 19. Ordinance Authorization.

This Ordinance shall be in full force and effect immediately upon its passage and publication of a Summary of this Ordinance according to law, the Council dispensing with the rule that ordinances must be read on three different days, all as provided by law.

Signed in open session in authentication of its passage this 9th day of September 2009.

Gary L. Mitchell
Mayor Gary Mitchell

ATTEST:

Gale Scrivner

Gale Scrivner
City Clerk