

Original

**CITY OF DOVER**  
**Bonner County, Idaho**

**WASTEWATER SERVICES**

**ORDINANCE NO. 47**

AN ORDINANCE FOR THE CITY OF DOVER, BONNER COUNTY, IDAHO, REGULATING AND ADMINISTERING WASTEWATER COLLECTION AND DISPOSAL; PROVIDING FOR DEFINITIONS APPLICABLE TO AND USED IN THE ORDINANCE; PROVIDING AND ASSIGNING MAINTENANCE RESPONSIBILITIES FOR THE SYSTEM; PROVIDING FOR USE OF PUBLIC SEWERS AND MONTHLY USER FEES; PROVIDING FOR CAPITALIZATION FEES; PROVIDING FOR ENFORCEMENT OF THE TERMS OF THE ORDINANCE AND THE RULES AND REGULATIONS OF THE CITY; **PROVIDING FOR ESTABLISHING AND AMENDING FEES LATER ADOPTED BY RESOLUTION**; AND PROVIDING FOR SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION AND THE EFFECTIVE DATE OF THE ORDINANCE AND; PROVIDING FOR OTHER MATTERS RELATING THERETO.

WHEREAS, the CITY, of Bonner County, Idaho (the "CITY") is a duly formed and authorized municipal entity in the State of Idaho, duly formed and authorized by virtue of the laws and constitution of the State of Idaho;

WHEREAS, the CITY, pursuant to Idaho Code Section 50-1027 through 1042, has authority to operate a sewer and wastewater treatment system and facilities to serve its residents, as long as the system is operated for the use and benefit of those served by the system and for the promotion of the welfare and for the improvement of the health, safety, comfort, and convenience of the residents of the CITY;

WHEREAS, the Rocky Point Sewer District has authorized transfer of its system to the CITY, which transfer has been approved by a majority of the qualified electors of the CITY;

WHEREAS, the CITY has commissioned Ruen-Yeager & Associates, Inc., of Sandpoint, Idaho, to prepare a financial analysis of the CITY's sewer system and to define an equitable method of recovering costs of operating, maintaining, replacing and depreciating the existing and expanded sewer system and any improvements or extensions thereof;

WHEREAS, the City Council of the CITY is cognizant of its obligation under Idaho's Revenue Bond Act §50-1027, *et seq.*, to operate its sewer system and collect reasonable rates, fees, tolls and charges with the ultimate goal of attempting to make the sewer system self-supporting.

NOW THEREFORE, BE IT ORDAINED by the Mayor and City Council Members of the City of Dover, Bonner County, Idaho as follows:

## **SECTION I: PURPOSE & APPLICABILITY**

### **A. Purpose**

It is hereby determined and declared to be necessary and conducive to and for the protection of the health, safety, and welfare of the public and inhabitants of the CITY, for the purpose of the elimination of interim sewer systems which includes individual on-site systems, and community septic tank and drainfields and for the purpose of administration of new collectors and treatment facilities to do the following: a) implement the Facilities Plan; b) charge and collect service charges or user fees from all users of the sewerage system, which system and facilities may consist generally of all land, pipe lines, conduits, manholes, cleanouts, pump stations, septic tanks, buildings, lagoons, and irrigation facilities; and c) collect capitalization fees to provide for a portion of the cost of replacement of and/or new collectors, interceptors, and sewage treatment facilities.

### **B. Applicability**

Unless otherwise approved by the City Council, this ordinance shall apply to:

1. All new subdivisions;
2. Construction of new or modified sewerage systems on parcels served by the sewerage system within the CITY; and
3. Parcels lying outside the CITY which agree to participate in a services agreement with the CITY.
4. New construction within the CITY, having direct access either through existing public right of ways or easements, to the sewerage system or when such sewerage system becomes available to a lot or parcel served by a private sewage disposal system needing any type of modification or performing below design/permitted standards.

## SECTION II: DEFINITIONS

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

**Backwater Valve (Device):** A backwater valve is a device installed in a drainage system to prevent reverse flow as required in the Uniform Plumbing Code, Sections 209 and 409.

**Boarding House:** Any building or portion thereof which includes separate bedrooms for rent and common kitchen and/or bathroom facilities.

**BOD<sub>5</sub>:** Biochemical oxygen demand shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20°C, expressed in milligrams per liter (mg/L).

**Bond:** An insurance contract in which an agency guarantees payment in the event of deficiencies covered under a warranty.

**Building Drain:** That part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five feet (5') outside the inner face of the building wall.

**Building Sewer (Service Connection) (Stub) (Service Line):** The extension from the building drain to a point of connection with the public sewer or other place of disposal. The building sewer is not a public sewer and shall be constructed and maintained by the owner(s) of the building sewer according to all applicable standards..

**City:** Refers to the City of Dover, Bonner County, Idaho and its authorized or designated agent, representative or deputy thereto.

**Collector Line (System):** A gravity sewer 8-inch or larger, owned and maintained by the CITY, located in the public right-of-way or easement.

**Combined Sewer:** A sewer receiving both surface runoff and sewage.

**Community Sewer System:** A sewerage system which serves more than two ERs (as defined in this Ordinance) and discharges to a common septic tank and/or drain field.

**Contractor:** Any person, firm, or corporation licensed by the State of Idaho as a public works contractor.

**Council:** The City Council of the CITY.

**Developer:** A person, firm, joint venture, partnership, or corporation which is the owner of land and is developing the land.

**DEQ:** The State of Idaho, Department of Health and Welfare, Division of Environmental Quality, or its successor in function, if any.

**Dry Sewer System:** A conventional gravity sewage collection system installed in a subdivision where sewage is temporarily discharged to on-site systems instead of to the sewer collection system.

**Easement:** The right to use land owned by someone other than the CITY.

**Effluent:** Liquids discharged from a properly functioning septic tank.

**Engineer:** The engineer(s) or engineering firm(s) (or the duly authorized employee or representative thereof) contracted or otherwise designated by the CITY to advise the CITY with respect to wastewater services.

**Equivalent Residence or ER:** The basic unit of measurement utilized by the CITY to establish relative wastewater disposal requirements of various property uses, with one (1) Equivalent Residence or "ER" being defined as one (1) typical single-family residence. The number of ERs attributable to a particular use shall be determined according to Section IV of this Ordinance.

**Facilities Plan:** The former Rocky Point Sewer District facilities as duly transferred to the City of Dover and the approved wastewater treatment system to be constructed in 1999.

**Garbage:** Solid waste from the domestic and commercial preparation, cooking and dispensing of food, and from the handling, storage, and sale of produce.

**Industrial Wastes:** Any discharge from industrial manufacturing processes, trade, or business as distinct from sanitary sewage.

**Inspector:** The CITY Engineer, or other CITY duly authorized agent or representative.

**Interceptor:** A sewer line, either gravity or lift station and force main, which primarily conveys waste from collection systems to a treatment facility, and which normally does not have service taps.

**LID:** LID shall mean any assessment district formed for the purpose of financing improvements to the sewer system of the City based upon assessments against the

property benefitted.

**May:** “May” is permissive; “Shall” is mandatory.

**Motel and Hotel:** A building or group of buildings on the same premises either detached or in connected rows, containing sleeping or dwelling units, and designed for or occupied with an ordinary rental period not exceeding two weeks.

**Multi-Unit Dwelling:** A building containing a unit or combination of units with individual bath and kitchen facilities whether occupied or not. This definition includes apartments, condominiums, townhouses, and duplexes, triplexes, etc., and individual mobile home lots in a mobile home park (public or private).

**Natural Outlet:** Any outlet into a watercourse, pond, ditch, lake, or other body of surface or groundwater.

**O & M Charges:** Charges for the payment of the costs of operating and maintaining the sewer system of the City.

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

**pH:** The logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

**Properly Shredded Garbage:** The wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half ( $\frac{1}{2}$ ”) in any dimension.

**Public Sewer:** A sewer in which all owners of abutting properties shall have equal rights and which is controlled by public authority, located in public rights-of-way or easements. This definition specifically excluded service connections and building sewers.

**Pump Station:** A basin equipped with electrical pumps to elevate wastewater to a higher elevation and includes pumps, controls, panels, a wet well, fencing, land, and other appurtenances.

**Residential Buildings:** Residential buildings shall include the following types of buildings and structures; single-family residences, duplexes, triplexes, apartment houses, motels, hotels, trailer courts, manufactured/mobile home parks, and multi-unit dwellings.

**Sanitary Sewer:** A sewer which carries sewage and to which storm, surface, and ground waters are not intentionally admitted.

**Septage:** The contents removed from septic tanks, vault toilets, grease traps, and holding tanks.

**Septic Tank:** An individual treatment system consisting of a baffled tank in which sewage is broken down by anaerobic bacterial activity.

**Service Connection:** See Building Sewer.

**Service Connection Permit (Sewer Permit):** The written approval given by the CITY for connection to the sewerage system.

**Service Line:** See Building Sewer.

**Sewage:** A combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments together with such ground, surface and storm water as may be present.

**Sewage Treatment Plant:** Any arrangement of devices and structures used for treating sewage.

**Sewer:** A pipe or conduit for carrying sewage.

**Sewer Permit:** See Service Connection Permit.

**Sewerage System:** All sewerage collection systems, community septic tank and drain field systems, pump stations, interceptors, treatment systems, and appurtenances that are utilized or will be utilized to collect, transport, treat, and dispose of sewage.

**Sewer User:** Any individual, firm, company, association, society, corporation, or group who has connected to or is required to connect to or has contracted with the CITY to connect to the public sewerage system.

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

**Single-Family Residence:** A building or condominium unit designed and used exclusively for residential purposes by one family. This definition shall also include guest houses, manufactured/mobile homes, RVs, and trailers used for residential purposes, and other separate living quarters having private restroom(s), kitchen, and sleeping facilities.

**Sludge:** Any discharge of water, sewage, or industrial waste which in concentration of any given constituent or in quantity of flow exceeds more than five (5) times the average twenty-four (24) hour concentration of flows during normal operation for any period of duration longer than fifteen (15) minutes.

**Storm Drain:** (sometimes termed storm sewer) A sewer which carries storm and surface water drainage, but excludes sewage and industrial wastes, other than unpolluted water such as cooling water.

**Stub:** See Building Sewer.

**Subdivision:** A subdivision is as defined in the Zoning Ordinance of the CITY.

**Suspended Solids (SS):** Solids that either float on the surface of, or are in suspension, in water, sewage or other liquids, and which are removable by laboratory filtering.

**Trailer Court or Mobile Home Park:** A trailer court or mobile home park is an area or site of land upon which two or more trailers are placed and maintained for dwelling purposes either on a permanent or semi-permanent basis. Each living unit shall constitute one living unit.

**Users:** See Sewer User.

**UPC - Uniform Plumbing Code:** The uniform plumbing code as adopted by the State of Idaho, Department of Labor and Industrial Services.

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

**Wet Sewer System:** A conventional gravity sewage collection system which receives raw sewage.

### **SECTION III: CONSTRUCTION, OWNERSHIP, OPERATION & MAINTENANCE RESPONSIBILITIES**

#### **A. Sewer Construction and Administration Policies**

Expansion of the sewerage system, including but not limited to extension of collection lines and expansion of sewer treatment facilities, shall be at the discretion of the City Council.

All service connections and building (house) sewers connecting with the public sewer shall be constructed, installed and connected in such a manner as necessary to insure a permanent and sanitary sewer, water tight throughout. The pipe, fittings, septic tank and pump stations used in the installation shall be installed to effectively minimize infiltration of ground and surface waters and shall meet or exceed all applicable regulatory standards, be approved in writing by the CITY, be equal in quality and compatible with the pipe fittings, septic tank and pump stations used in the public sewer system and as elsewhere specifically defined. Location of all facilities and use of easements by those other than the CITY shall be so as to not impede maintenance of the sewerage system. Accessible clean out piping is required. Gravity building sewers shall not be less than four (4) inches in diameter.

Whenever the public sewerage system is available to new construction or becomes available to a lot or parcel served by a private sewage disposal system needing any type of modification or performing below design/permitted standards, a direct connection shall be made to the public sewer from the private system and any private sewage disposal systems shall be by-passed and abandoned. If the private system contains a septic tank, such tank can be considered for use in the CITY system if it is in conformance with size and material types used in the CITY system. Inspection by the CITY with written approval must be attained for this consideration; otherwise, such septic tank shall be abandoned and filled with suitable material. Under normal circumstances, this shall require pumping of the existing system prior to filling with suitable material. The connection shall be made with a building sewer and service connection sufficient to carry all sewage to the public sewer and each toilet, sink, stationary wash stand and every piece or type of equipment having fluid wastes shall be connected unless with the written consent of the CITY.

A separate and independent building sewer line shall be provided for each building, for connection with the public sewer system; provided that when feasible this requirement may be waived upon submission of alternate plans approved by and thereafter constructed under the supervision of the CITY. Each property or building connected must obtain the service connection permit and must pay the service connection fee as provided elsewhere in this Ordinance. Included with the application for permit shall be a permanent easement of twenty (20) feet width extending from the property line along the alignment of the service connection pipe to and including twenty (20) feet beyond the septic tank for construction, operation and maintenance of the sewer lateral, septic tank and/or individual septic tank pump station. A twenty foot (20') permanent easement shall be provided by the Owner(s) prior to construction.

If a building sewer is to serve more than one property or building by joint

agreement of the owners, an approved document insuring that all properties involved shall have perpetual use of the building sewer, and having provisions for maintenance and for access for repair purposes, shall be signed by the recorded owners. This document shall be notarized and recorded with the County Recorder and shall be referred to as an easement.

If a building sewer is to serve three (3) or four (4) buildings (houses), a minimum of six (6) inch pipe shall be used, with six (6) inch cleanouts extending to within twelve (12) inches of the ground surface at all wye connections and at changes in direction or slope as required by the CITY.

If more than four (4) buildings are to be connected to a single building sewer and septic tank, the CITY shall require plans and specifications prepared by a Registered Professional Engineer to be submitted to the CITY for approval, showing the size, type and slope of pipe to be installed as well as size, type, construction of septic tank with pump station as required. Upon approval of the plans by the City Council, the CITY may issue the permit.

Building sewers servicing single family residences shall be of four (4) inch pipe. All building sewers serving multiple dwellings, apartment, duplexes, triplexes, commercial establishments, schools, or any building other than single family residences shall be six (6) inch pipe or larger.

Parallel water and sewer lines, whenever possible shall be laid at least ten (10) feet apart horizontally. Wherever it is necessary for water and sewer lines to cross each other, the crossing shall be made at an angle of ninety (90) degrees, and the sewer shall be located at least eighteen (18) inches below the water line which shall be sleeved according to all applicable regulations.

The slope of a building sewer is subject to approval of the CITY. Building sewers shall be laid so that the flow line will be at a depth of not less than thirty (30) inches from the ground line.

The issuance or granting of a permit or approval of plans and specifications, unless as allowed elsewhere in this ordinance, and approved in writing by the CITY, shall not be deemed or construed to be a permit for, or an approval of, any violation of any provisions of this Ordinance. No permit presuming to give authority to violate or cancel the provisions of this Ordinance shall be valid, except insofar as the work or use which it authorizes is unlawful.

The issuance of a permit upon plans and specifications shall not prevent the CITY from thereafter requiring the correction of errors in said plans and

specifications or from preventing construction operations being carried on thereunder when in violation of this Ordinance or of any other Ordinances of the CITY.

It shall be unlawful for any person to construct a sanitary sewer main within the jurisdiction of the CITY without first having made formal application to the CITY and received written approval and having complied with all regulations of the CITY and regulatory agencies. The right to hook into the system shall be granted only by written agreement with the CITY, which shall have the discretion to accept or deny applications based upon compliance with this Ordinance and the existing and anticipated availability of capacity at the treatment facility and in the collector system. Sewer construction and administration policies are described in more detail as follows:

1. Unless approved otherwise by the City Council, all new subdivisions shall install collection systems and connect to an existing sewer line whether the development is adjacent to a public sewer or not. As a minimum, the City Council may require a dry sewer system to be installed in new subdivisions. The CITY may allow a payback program for developers on a case-by-case basis for sewer system extensions and over sizing in excess of 10-inch sewer.
2. All developments requiring a septic tank and drain field permit from the Panhandle Health District, or the appropriate agency, for the modification of, or installation of, a new on-site sewer system shall install a dry sewer line (stub) from the building sewer between the building and septic tank to the public right-of-way and shall install a magnetic locator at the end of the line. An unspliced trace wire of 14 gauge (minimum) stranded insulated copper for locating pipes shall be buried, six inches above the pipe. Both ends shall be accessible. A magnetic locator shall be installed at the clean out lid on the septic tank. An as-built drawing of the dry sewer shall be provided to the CITY with in fifteen (15) days of completion of construction.
3. Plans for development of extensions of sewerage systems shall be submitted to the CITY and DEQ, along with the application for services. Said plans shall be approved if in compliance with the CITY's standards and such study for compliance with the CITY's standards by the CITY's Engineer shall be at the developer's expense. Developers or land owners are required to furnish and maintain, free of charge to the CITY, suitable and accessible rights-of-way and/or easements for construction, operation, and maintenance of new, existing or future sewer systems. The CITY reserves the right to require full or part-time inspection of any

related construction and/or the development to expose any section of sewer to check compliance with applicable standards. The cost of such inspection and/or excavation shall be at the expense of the developer. No sewer lines shall be constructed within the CITY's jurisdiction until final construction drawings and specifications have been approved by the CITY and DEQ and written authorization has been obtained from the CITY and DEQ. No excavation shall be started until the required CITY fees have been paid and County or City permits have been obtained.

4. No building permits will be issued for new or existing development connecting to new sewerage systems in public rights-of-way or easements until the ownership of the sewer lines and appurtenances are or can be dedicated to the CITY free and clear of all liens and encumbrances.
5. The developer shall provide a bond or other guarantee approved by the CITY to cover all repair of new public sewer systems for a period of one year after written acceptance of the CITY.
6. The CITY may adopt connection fees for new service connections or extensions of public sewer. Such fees shall be adopted by a City Council resolution or amendment of this ordinance.

**B. Ownership and Operation of Facilities**

Policy: It shall be the basic policy of the CITY that all sewer mains and trunk sewers located in public rights-of-way or dedicated easements to the CITY for such purposes shall be public sewerage facilities. These sewerage facilities shall, if the same are accepted in writing by the CITY, be owned, operated, and maintained by the CITY. Building sewers, service lines, service stubs, transfer and individual pump stations and collection system(s) located in developments with private roadways or outside the city limits, shall be installed, owned, and maintained by individual Users, except at the option of the CITY. The CITY shall be granted an easement for the repair, replacement, and operation of any pump stations if the same are accepted in writing by the CITY. Unless otherwise authorized in writing from the CITY, such easements shall be kept free of all structures, both permanent and temporary, paving and all non-grassy vegetation so as to provide clear and unencumbered access to maintain and operate the sewerage system. The CITY is not responsible to repair or replace landscaping within the easements, other than to leave the site cleaned and graded. The treatment facility shall be constructed, owned, operated, and maintained by the CITY. The CITY may, at its option, delegate such maintenance and operation responsibilities as it deems proper to such third parties as it may choose and

these third parties shall be entitled to payment from the Users of the public sewers within the CITY to the same extent as the CITY would have been had it performed the services. The home owner/tenant shall make the septic tank available for pumping if necessary. Diagnoses of septic problems and improper usage of the system shall not be provided a remedy by the CITY (i.e.; a diaper or foreign object blocking the inlet shall be the responsibility of the user. A charge may be made for pumping/ disposal.). The homeowner shall be responsible for any costs the CITY incurs to uncover the septic tank. CITY maintenance of the septic tank shall be limited to pumping and not include repair or replacement of the tank unless such repair or replacement is caused by the CITY. Homeowners/tenants are responsible to notify the CITY if septic tank pumping or other maintenance is required between regular CITY maintenance. Home owners who have a garbage disposal installed may be charged for excessive pumping of the septic tank. (garbage disposals "fill-up" septic tanks with improper waste and are not advised for use with the same.)

#### **SECTION IV: USE OF PUBLIC SEWERS AND MONTHLY USER FEE**

##### **A. Applicability**

This Ordinance shall apply to all "Sewer Users", as identified in Section IB and defined in Section II of this Ordinance, including but not limited to all subdivisions, single-family residences, condominiums, industrial, commercial, residential, recreational vehicle, and townhouse developments as well as those contracting such services from the CITY.

##### **B. Use of Public Sewers**

The use of the treatment facility, public sewers, and collector systems of the CITY shall be in accordance with the following regulations.

1. No unauthorized person shall uncover, make any connection with or opening into, use, alter or disturb any public sewer without first obtaining a written permit from the CITY. The applicant shall supply such plans, specifications, easements and other information as deemed necessary by the CITY. No sewer permit shall become effective until after the CITY representative has inspected the completed building (house) sewer and/or service connection and before any underground portions are covered.

A permit issued by the CITY shall expire by limitation and become null and void if the work authorized by the permit is not commenced within one (1) year from the date of such permit, or if the work authorized by such permit is suspended or abandoned at any time after the work commences

for a period of sixty (60) days. Before such work can be recommenced, a new permit shall first be obtained. Hook-up fees may be transferred between such permits, although the CITY may charge additional inspection fees to offset additional review and inspection costs.

2. No person shall discharge or cause to be discharged any stormwater, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer.
3. Stormwater and all other unpolluted drainage shall be discharged in accordance with CITY and/or Bonner County Stormwater Ordinances.
4. No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:
  - a. Septic tank septage (solids pumped from septic tanks).
  - b. Any gasoline, benzene, naphtha, fuel oil, or any other flammable or explosive liquid, solid, or gas.
  - c. Any waters or wastes containing phosphorus in excess of adopted CITY and county standards toxic or poisonous solids, liquids, organic chemicals, or gases in sufficient quantity (either singly or by interaction with other wastes) to injure or interfere with any sewage disposal process, constitute any hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the sewage treatment plant.
  - d. Any waters or wastes having a pH lower than 5.5 or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works.
  - e. Solid or viscous substances in quantities or of such size capable of causing obstruction to flow in sewers or other interference with the proper operation of the sewage works such as, but not limited to ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, un-ground garbage, whole blood, paunch manure, hair and fleshings, entrails, animal wastes, paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.
5. Wastes, in particular fats, oils, and grease (FOG), shall not be discharged by non-residential sewer Users at concentrations in excess of 150 mg/L. Restaurants, delicatessens, schools, and other non-residential sewer Users that produce FOG shall reduce their grease FOG output to 150 mg/L. The CITY may sample the effluent from non-

residential Users to check for compliance at the expense of the CITY. If the User fails to meet the 150 mg/L requirement, the User will be retested no sooner than two weeks, but within one month of the violation at the expense of the sewer User on a continuing monthly basis until compliance with the standard is achieved.

Non-residential users, whose process may produce FOG and who have a commercial kitchen, shall install a proper grease trap and shall maintain the same. Floor drains in a commercial enterprise shall have a sand and grease interceptor installed and maintained.

6. No person shall discharge or cause to be discharged the following described substances, materials, and wastes if it appears likely in the opinion of the CITY that such wastes can harm either the sewers, treatment facility or equipment, have an adverse effect on the receiving stream or groundwater or can otherwise endanger life, limb, public property, or constitute a nuisance. In forming its opinion as to the acceptability of these wastes, the CITY will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage disposal process, capacity of the sewage disposal system, and other pertinent factors. The substances prohibited are those listed as hazardous wastes by the Environmental Protection Agency (EPA) in the EPA priority pollutant list, or other substances deemed unacceptable by the CITY, the Panhandle Health District, or DEQ.

### **C. Sewer User Charges for Operation, Maintenance, and Replacement of the Sewerage System**

1. Purpose: There is hereby established a system of periodic service charges and fees in order to equitably impose upon all Sewer Users of public sewerage systems, the costs and expenses of maintenance, operation, replacement and other expenditures of the sewerage system. The said service charges and fees for purposes of computation shall be set by the City Council, adopted by resolution and based upon:
  - a. the volume and content of the effluent discharged into the sewerage system of the CITY, and
  - b. the actual and expected costs and expenses of maintenance, operation, replacement, upgrading and repair of the sewerage system, such charges and fees being determined to be the benefit derived by each building, structure or User of the collector system and treatment facility.
2. Equivalent Residence: The CITY shall assign to each User an Equivalent Residence (ER) factor for the purpose of determining that User's LID Assessment, Capitalization Fee, and O&M Charge. One Equivalent Residence, hereinafter referred to as "ER", shall be defined as the sewage flow from one typical single family residence. The

estimated average sewage flow from one typical single family residence is **250** gallons of sewage per day, **0.37** pounds of biochemical oxygen demand (BOD<sub>5</sub>) per day, and **0.37** pounds of suspended solids (SS) per day.

3. **Charges:** Charges for operation, maintenance, repair, replacement, insurance, and administration of the treatment facility and collection system, and a reasonable reserve therefor (O&M charges), shall be estimated by the CITY, and a budget shall be adopted on a yearly basis. The total O&M charges shall be allocated on an equal basis (adjusted for multiple ERs) to all parcels within the CITY which are connected to, or which are required to be connected to the collector system and/or treatment facility or which contract with the CITY for such services. Within thirty (30) days after the beginning of the fiscal year, the City Clerk shall calculate the O&M charges and bring such information before the City Council at the next regular meeting. Such charges are to be set at a level which will completely fund the operating budget, payment(s) and reserve by dividing the budget by the number of users and by the number of remaining months to determine the appropriate quarterly rate. The City Council shall act within forty-five (45) days of the clerk bringing such rate information to the City Council.

All Sewer Users, as defined within this Ordinance, shall be charged an appropriate User charge at such time as sewerage service by main, interceptor, or collector commences. As provided in Section III A, all residential, commercial, public, or industrial Users that have a public sewer service line installed in public rights-of-way or easements directly adjacent to the development property line, shall connect to the sewer within one (1) year after the sewer service line becomes available. This includes all units in a multi-unit dwelling, all units in a P.U.D., and all trailers or manufactured/mobile homes in a trailer or mobile home park. Failure to connect to the sewer according to Section III A within the one-year period shall subject said development to a penalty equal to one hundred dollars (\$100.00) per month per ER unless there is an approved extension of time by the CITY.

4. **Billing and Payment:** O&M charges shall be billed on a quarterly or more frequent basis as determined by the CITY, and payments shall be due within fifteen (15) days of billing. The owner and/or occupant of any such premises using the sanitary sewer system shall be jointly and severally liable for all fees and charges assessed by the CITY. Such charges shall become a lien upon and against the property against which the charge or fee is levied to the extent permitted by law in the State of Idaho. In the case of non-payment or delinquency in the payment of the sewer charges or the fees imposed, the CITY is authorized upon ten (10) days notice to the owner, occupant, or person in charge of the premises, to disconnect and plug the sewer system, and such

sewer shall remain disconnected until such fees, including a reconnecting fee of two hundred fifty dollars (\$250.00) has been paid to the CITY. All fees herein shall be at the discretion of the CITY. Said fees shall be set by Resolution or Amendment of this Ordinance.

5. Delegation: The CITY hereby reserves the right to delegate administration, performance of operation and maintenance, and User charge collections to such other third party as may be deemed appropriate in the discretion of the CITY.
6. Equivalent Residence (ER) determination and charges: The number of ERs attributable to the particular User shall be determined as follows:
  - a. A single family residence, each unit in a multi-unit dwelling, and each mobile home in a public and private mobile home park shall be assessed the cost for one (1) ER.
  - b. Each unit in a commercial building which includes at least one (1) restroom or otherwise discharges into the building sewer system, shall be assessed one (1) ER.
  - c. Businesses that employ more than fifteen (15) employees may be assessed one (1) ER per fifteen (15) employees.
  - d. The charges for special Users, other than single family residences (Item 6a, above), shall be directly proportional to the waste produced from the special User to that from a single family residence, except that no charge shall be less than that for one ER. The charge for special Users shall be calculated using the table on the following page and rounded to the nearest 0.5 Ers:

<u>RESIDENTIAL</u>	<u>ERs</u>
Single Family Dwelling	1 per unit
Duplex/Multi-Family	1 per unit
Apartments	1 per unit
Mobile Home	1 per unit

<u>COMMERCIAL</u>	<u>ERs</u>
Office Space	0.04 per 100 sq. ft.
Retail Sales	0.02 per 100 sq. ft.
Factories (no showers)	0.04 per 100 sq. ft.

Factories (w/showers)	0.12 per employee
Warehouse	0.16 per 1000 sq. ft.
Laundromats (self service)	0.75 per washing machine
Bar or Tavern	0.08 per seat
Hotel or Motel (no kitchen)	0.51 per unit
Hotel or Motel (w/kitchen)	0.63 per unit
Theaters	0.01 per seat
Bowling Alley	0.39 per lane
Hospital	0.98 per bed
Institution (other than hospital)	0.49 per bed
School (w/meal preparation)	0.07 per student and staff
School (no meal preparation)	0.05 per student and staff
Restaurant (full service dining)	0.08 per seat
Restaurant (take-out, fast-food)	0.08 per seat or parking space
Bakeries (retail)	0.08 per seat or parking space
Laundry (dry-cleaning and pro)	0.75 per washing machine
Funeral Homes	0.02 per sq. ft.
Grocery Markets (w/garbage disposal)	0.02 per sq. ft.
Churches	1 ER
Car Wash	3 Bays = 1.7 ERs
<b>NOTE:</b> Rounded to Nearest 0.5 ER	

- e. Miscellaneous: Any use not covered by the above classifications shall have its ER factor determined by the CITY on an individual basis, in such a manner as to approximate potential wastewater service requirements. Further, the CITY shall have the authority, but not the obligation, to adjust ER factors according to particular special circumstances; provided, however, that ER factors will not be reduced based upon claims of seasonal use or vacancy of a particular User, upon physical size of the building thereon, or solely upon the number of toilet facilities within or persons using a particular building.
- f. Any User that discharges industrial wastes or produces a flow,

biochemical oxygen demand, or suspended solids loading in excess of 5% of the average dry weather sewage flow measured at the main interceptor shall have its ER allocation calculated by the CITY. No quantity discounts shall be allowed and the CITY may assess a surcharge on waste flows with biochemical oxygen demand or suspended solids concentrations above 250 milligrams per liter.

7. Revisions to User Charge and Appeals to User Charge: Revisions to User charges shall be based upon projected operation, maintenance, capital reserve, replacement, and other sewer related expenses and/or a change in the total number of equivalent Users, total daily biochemical oxygen demand, total daily suspended solids, and/or total daily flow to the public sewerage system. Any User may appeal the ER factor or User charge to the CITY. A notice of appeal shall be submitted to the City Clerk at least fifteen (15) days prior to a regular City Council meeting. The COUNCIL shall have the power to approve, amend, or deny the appeal and the decision of the COUNCIL shall be final. The User charge may be reviewed annually and updated to reflect actual costs.
8. The CITY reserves the right to adjust a particular ER factor from time to time (both with respect to collection of additional capitalization fees and with respect to an assessment of greater or lesser O&M charges) in the case of a change in use or discharge of a particular User. The CITY may negotiate the ER calculation for a new connection and adjust the value after a reasonable period to verify actual use (typically one year).

## **SECTION V: CAPITALIZATION FEES**

### **A. Applicability**

All new development within the CITY that requires sewage disposal and those previously unconnected Users that are required to connect to the CITY collectors and/or the treatment facility and those contracting such services from the CITY. The CITY may, at its discretion, waive applicability for certain developments that are not planned for sewer collectors.

### **B. Basis for Determining Capitalization Fees**

1. The CITY shall collect from all new Users applicable under this section, the appropriate capitalization fee for existing platted lots at the time the application for service is approved, and for existing developed parcels

prior to connecting to the sewer system; this money shall be placed in a special fund for utilization by the CITY for sewer, interceptor, collection, and treatment system construction.

2. For new plats in subdivisions and modifications and extensions of previously approved plats, the capitalization fees shall be paid or a financial guarantee acceptable by the CITY shall be provided.
3. The capitalization fee shall be equal to the number of ERs calculated in Section IV of this Ordinance times the capitalization fee for a single family residence. In no case shall the capitalization fee be less than that for one single family residence (one ER). The capitalization fee for a single family residence (one ER) is hereby set at \$3,500.00. An additional fee in the amount of \$250.00 shall be submitted concurrently to offset inspection costs.
4. The capitalization fee and other fees associated with the sewerage system may be adjusted at any time by the CITY by a resolution of the City Council. As a minimum, the fees should be reviewed and adjusted as needed in conjunction with reviews of operations and maintenance charges as specified in Section IV C3 of this Ordinance and may be adjusted at any time at a meeting of the City Council.
5. The CITY reserves the right to adjust a particular ER factor (both with respect to collection of additional capitalization fees and with respect to assessment of greater or lesser O&M charges) in the case of a change in use or discharge of a particular User. The CITY may negotiate the ER calculation for a new connection and adjust the value after a reasonable period to verify actual use (typically one year).

### **C. Sewer System Depreciation Fee**

The CITY shall collect from new Users an applicable system depreciation fee. The fee shall be based on an equitable buy-in to collectors and other system capital improvements installed by previous LIDs, the CITY, or others. Policies for establishing the basis for the fee shall be adopted by the City Council.

1. The value of the system is determined each year by taking the original construction cost of each major capital improvement to the system and determining the cost to replace that improvement in that particular year. This is accomplished by determining the Engineering News Record Construction Cost Index (ENR-CCI) in the year that the improvements were made and the year that the Fee is being determined. The ENR-CCI

for the year that the Fee is being calculated is divided by the ENR-CCI for the year in which the improvements were made. This value is then multiplied by the original cost for the improvements. The value obtained is the estimated cost to replace the improvements at the time the Fee is calculated. The gross value to replace the system shall be adjusted by subtracting the remaining bond principal to be retired and the unfunded depreciation to obtain the net value. The remaining bond principal to be paid for bond retirement is determined from the bond retirement schedule each year. The remaining bond interest is not subtracted from the gross system value.

2. The unfunded depreciation is figured from the date of implementation of the New User Charge Ordinance. The basis for determining the yearly depreciation is to distribute the original cost of the improvement uniformly over the life of the improvement. The life of each improvement to the collector system is assigned as follows:
  - a. Collection and Interceptor System . . . . . 50 years
  - b. Pump Stations . . . . . 20 years
  - c. The cumulative unfunded depreciation from the date of implementation of the User Charge Ordinance to the year that the Fee is being determined for is subtracted from the gross system value, along with the remaining bond principal to obtain the net system value. The following is the equation for determining the net system value of any system component or combination of system components:
    - d. Net system value = (gross system value) -
    - e. (remaining bond principal) - (cumulative unfunded depreciation)
    - f. The Sewer System Depreciation Fee is then determined by dividing the net system value by the design capacity of the system component expressed in equivalent residential Users (ERs). The design capacity of the system component is determined by the CITY's Engineer based upon the CITY's policy and sound engineering practices.
    - g. The owner or agent of all properties connecting to the public sewer system shall pay a Sewer System Depreciation Fee per equivalent residence (ER) or fraction thereof as may be assigned to the property by the CITY for the value of sewer collector service. A

copy of the Fee and calculations for the period from is attached as Exhibit A.

3. It is hereby required that at a minimum beginning one year following passage of this Ordinance and every year thereafter, the City Council of the CITY shall meet and shall calculate the Sewer System Depreciation Fee to be charged by the CITY pursuant to the foregoing formula for that particular year. The calculation of Fees shall be made pursuant to the formula specified in this Ordinance, and shall not be based upon any budgetary needs except for the mandate that the sewer system shall be self-supporting.

**D. Reserve Fund**

Reserve Fund for Sewer Collector Depreciation and Treatment Facility: There is hereby created a reserve fund dedicated to the preliminary engineering, design, and construction of collectors, interceptors, pump stations, sewer treatment facilities, and obligations for the treatment facility. Funds derived from the charge of the capitalization fee and collection depreciation fee shall be placed in this dedicated reserve fund. The money so reserved may only be utilized for preliminary engineering, design and construction of collectors, interceptors, pump stations, sewer treatment facilities, and obligations for the treatment facility and money from said reserve fund is not to be utilized for regular operation and maintenance of the sewerage system, except that up to five percent (5%) of the annual receipts can be utilized to administer the capitalization fee and collector depreciation program.

**SECTION VI: REPEALER CLAUSE**

Other ordinances or resolutions of the CITY, or parts thereof, in so far as they are in conflict with this Ordinance, are repealed and rescinded. Further, this also applies to all ordinances adopted by the Rocky Point Sewer District and duly transferred to the CITY. Ordinance Number 1, as adopted by the Rocky Point Sewer District, is repealed in its entirety.

**SECTION VII: SEVERABILITY CLAUSE**

If any section, paragraph, sentence, or provision hereof or the application thereof to any particular 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 in which it may validly apply.

**SECTION VIII: CHANGE IN FEES BY RESOLUTION**

The CITY reserves the right to establish and/or change fees by resolution at a regular

City Council meeting.

**SECTION IX: UNIFORM CODES**

Uniform Codes, as adopted by City of Dover Ordinance #9, and as amended, shall also apply to development and construction occurring under this ordinance.

**SECTION X: ENFORCEABILITY CLAUSE**

Any person, or firm, co-partnership, association or corporation by and through a member, representative or agent, or who shall violate any provision of this Ordinance or shall fail or neglect, or refuse to obey any lawful order of the CITY or its duly appointed agent, or who shall maliciously damage or destroy any facility or property, real or personal, of said CITY shall be deemed guilty of a misdemeanor and shall be subject to a fine not exceeding Three Hundred Dollars (\$300.00) for any offense of to imprisonment in the county jail not to exceed thirty (30) days or both, and to such costs as the court may assess. A separate offense shall be deemed committed for each day during or on which a violation occurs or continues.

The issuance or granting of a permit or approval of plans and specifications shall not be deemed or construed to be a permit for, or an approval of, any violation of any provisions of this Ordinance. No permit presuming to give authority to violate or cancel the provisions of this Ordinance shall be valid, except insofar as the work or use which it authorizes is lawful.

The issuance of a permit upon plans and specifications shall not prevent the CITY from thereafter requiring the correction of errors in said plans and specifications or from preventing construction operations being carried on thereunder when in violation of this Ordinance or of any other Ordinances of the CITY.

The CITY shall enforce and seek remedies for breaches of the terms of this Ordinance, as provided by the Laws of the State of Idaho.

**SECTION XI: EFFECTIVE DATE**

This Ordinance shall be in full force and effect upon publication of a summary of this Ordinance according to law in the Bonner County Daily Bee, a newspaper of general distribution in the region of Idaho in which the CITY is located, and it is hereby designated as the Official Newspaper for publication of this Ordinance.

Passed and adopted as an Ordinance of the CITY OF DOVER, Idaho, on this 25<sup>th</sup> day of MARCH, 1999.

Paul Randy Curless  
Paul Randy Curless, Mayor

ATTEST:

Connie Hinkle, Clerk

I, the undersigned, City Clerk of the City of Dover, of Bonner County, Idaho, hereby certify that the foregoing Ordinance is a full, true, and correct copy of an Ordinance duly adopted at a regular meeting of the City Council, duly and regularly held at the regular meeting place thereof on March 11, 1999, of which meeting all members of said Council had due notice and at which a majority thereof were present; and that at said meeting said Ordinance was adopted by the following vote:

AYES, and in favor thereof, Council members:

NAYS, Council members:

ABSENT, Council members:

ABSTAIN, Council members:

I further certify that I have carefully compared the same with the original Ordinance on file and of record in my office; that said Ordinance is a full, true, and correct copy of the original Ordinance adopted at said meeting; and that said Ordinance has not been amended, modified, or rescinded since the date of its adoption, and is now in full force and effect.

IN WITNESS WHEREOF, I have set my hand and affixed the official seal of the CITY on this 25 day of March, 1999.

By Ruth Guthrie  
Clerk 12/08/06

Connie Hinkle, City Clerk

(SEAL)