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AN ORDINANCE FOR THE CITY OF DOVER, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO PRESCRIBING THE RULES, RATES AND REGULATIONS FOR THE CONDUCT AND OPERATION OF THE DOVER SEWER SYSTEM AND CONNECTION THEREWITH: PROVIDING PENALTIES: REPEALING ORDINANCE NO. 144 AND PROVIDING FOR AN EFFECTIVE DATE.

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II. SEWER ORDINANCE

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

CHAPTER 1: PURPOSE

1.1 Short Title: This Ordinance shall be referred to as the "Sewer Ordinance."

1.2 Objectives: The objectives of this ordinance are to:

- A. Prevent the introduction of pollutants into the city sewer system, which will interfere with the normal operation of the system or the use and disposal of the resulting municipal biosolids.
- B. Prevent the introduction of pollutants into the city sewer system which do not receive adequate treatment in the sewer treatment plant, and which will pass through the system into receiving waters or the atmosphere or otherwise be incompatible with the sewer treatment plant.
- C. Improve the opportunity to recycle and reclaim wastewater and biosolids from the sewer treatment plant.
- D. Ensure that the quality of the sewer treatment plant biosolids is maintained at a level which allows its use and disposal in compliance with applicable statutes and regulations.
- E. Protect sewer department personnel who may be affected by wastewater and biosolids in the course of their employment and to protect the general public.

CHAPTER 2: DEFINITIONS

Administrator: The City's designated agent to administer the Sewer System whose duties include but are not limited to review of applications, approval of installations and enforcement of this Ordinance. The Administrator may be the Mayor, a member of Council, a City employee or a contracted agent for the City.

Applicant: Shall mean the person or persons, business or corporation, making application for sewer services from the City of Dover under the terms of this ordinance. The Applicant must be the Owner of the residence or building for which the application is made and responsible for paying all bills for sewer service.

Builder: The builder of the residence/building to be served by the Dover sewer system.

City: Shall mean the legally constituted municipal government of the City of Dover, Bonner County, Idaho.

City Council or "Council": Shall mean the legally elected or appointed group of members comprising the City Council, including the City of Dover Mayor.

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

Customer: See "User".

Easement: A right to cross or otherwise use someone else's land for a specified purpose.

Effluent Sewer Systems: A sewer system that first treats the raw sewage using a septic tank followed by treatment of the septic tank effluent in a centralized sewer treatment plant. The two effluent sewer system types used in Dover are "Septic Tank Effluent Pump" and "Septic Tank Effluent Gravity" sewers (commonly referred to as STEP or STEG, respectively), which use on-lot septic tanks to provide liquid/solid separation. The clarified effluent then moves into the collection system using either a pump (STEP) or gravity (STEG).

Engineer: The Idaho State licensed engineer(s) or engineering firm(s) designated by the City.

Equivalent Residential Unit or "ERU": A unit of measurement equal to a single-family residential unit used to equate commercial, industrial, non-residential, and multi-family residential units to a single-family residential use.

FOG (fats, oils, and grease): Constituent of sewage typically originating from food stuffs (animal fats or vegetable oils) or consisting of compounds of alcohol or glycerol with fatty acids (soaps and lotions).

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: Industrial wastes are the discharges of industrial plants and manufacturing processes.

Interceptor Lines: Sewer lines that receive the wastewater from numerous trunk sewers and convey it to a sewer treatment plant. These are the largest diameter lines in the wastewater system and the furthest downstream in the system.

Main Extension: Refers to all proposed extensions of the wastewater system to serve undeveloped areas within the area of service for the City's sewer system.

Multi-family Residences: A building with multiple living units. This definition includes apartments, condominiums, townhouses, duplexes and triplexes.

Multi-Use Commercial Buildings: A building with multiple uses, such as retail offices, hotel rooms, restaurants.

Occupant: Refers to a person who resides in real property.

Owner: Refers to an individual or entity that owns real property. Owner is Applicant.

Pump Station (or lift station): A mechanical facility used to transport wastewater or elevate the wastewater to a higher elevation under pressure. A pump station includes pumps, controls, panels, wet well, force main, fencing, land and other appurtenances.

Sanitary Sewer System: A wastewater collection system for transporting sewage from houses, industrial and commercial buildings to treatment or disposal. The sewer pipes are separate from pipes used for storm water drainage. The City of Dover presently operates a sanitary sewer.

Septic Tank: A sewage-treatment system that receives sewage from a building. The wastewater passes into a quiescent zone (a septic tank) where heavy material is removed by settling to the bottom and light material is removed by floating to the top. The clarified effluent discharged from a septic tank is conveyed to the sewer treatment plant for additional treatment and disposal. The floating material as well as the accumulated settled/decomposed solids are periodically removed from a septic tank.

A septic tank consists of:

- A watertight, covered receptacle with inlet and outlet baffles (and access/inspection ports) for treatment of sewage.
- An effluent pump for transporting the effluent to a sewer main (when required). The effluent pump may be located in a separate chamber within a dual chamber septic tank used for sewage treatment or in an external dosing tank.
- An electronic control box for the effluent pump and pump control floats (when required). The control box may not be contained inside the sewage treatment tank or inside the external dosing tank.

Septic Tank Riser: Refers to a specific type of extension that is added to a septic tank for locating and accessing the tank for maintenance.

Septic Tank Riser Lid: Plastic or concrete lid placed on the top of the septic tank riser to seal the septic tank while still allowing maintenance access.

Sewer Connection Fee (or Connection Fee): A fee charged to an Owner as an equitable buy-in for the Owner's use of the City's Sanitary Sewer System and services.

Sewer Department: The sewer department of the City of Dover.

Sewer Main: Sewage collectors for numerous service lines that convey wastewater to larger trunk sewer lines, lift stations and ultimately to the Waste Water Treatment Plant.

Sewer Service Connection: All components of the sewer system from the building to the sewer main (not including the sewer main).

Sewer System: All mains, pipes, and structures through which wastewater is collected and treated including building sewer service lines, septic tanks, sewer mains, pump stations, lift stations, interceptors, storage tanks, treatment plants, and outfalls used or intended for use for the purpose of furnishing sewer service for domestic and commercial use.

Shared Septic Tank: Any Septic Tank servicing two (2) or more ERU's.

Single-family Residences: A detached building designed and used for residential purposes by a single family.

Slug: A short term discharge of flow that is of higher strength or quantity than normal. It is defined as any discharge of water, sewage or industrial waste which in the concentration of any given constituent or the volume of flow exceeds, for any period of duration longer than fifteen (15) minutes, more than five times the average twenty-four (24) hour concentration or flows during normal operation.

Suspended Solids (SS): Small solid particles which remain in suspension in water as a colloid or due to the motion of the water.

Tank Pumping: Refers to an action taken to clean a septic tank by removing the accumulated contents of a Septic Tank. When cleaning the tank, the floating material and settled solids are removed as well as the removal of any debris accumulated on the inlet and outlet baffles.

Trunk Sewer Lines: The main arteries of the wastewater collection system that collect and convey the wastewater from numerous main sewer lines either to a sewer treatment plant, an interceptor sewer or lift station.

User: Occupant and/or Owner who operates a business or resides in a building connected to the Sewer System.

Wastewater Treatment Plant (or WWTP): A facility designed to convert wastewater into an effluent that is sufficiently cleaned so the water can be returned to the water cycle. The City of Dover uses a membrane bioreactor (MBR) to scour and clean the water, allowing the clean water to be returned to the Pend O'reille River.

CHAPTER 3: APPLICABILITY

This ordinance shall apply to all "Customers", "Owners", "Occupants" and "Users" as defined in Section 2 of this ordinance, including but not limited to all subdivisions, single-family residences, condominiums, industrial, commercial, residential, and townhouse developments as well as those contracting such services from the City.

3.1 Service Area: The area served by the Sewer Department shall be the area included within the corporate limits of the City of Dover and any area outside the City limits already served by the Sewer Department on the passage date of this ordinance. The City shall expand the service area outside the City limits only by approval of the City Council. Any new sewer service connection requests outside the City limits may require the Applicant to consent to annexation as a condition of service.

3.2 New Sewer Service Connections: All new structures and/or developments within the City shall connect to the Sewer System when:

A Sewer Main is located within three hundred feet (300') of the property line.

All existing structures within the City shall be connected to the Sewer System that:

- Are served by a private sewage disposal system that has failed; and
- A Sewer Main is located within three hundred feet (300') of the property line

3.3 Obligation for Fees, Waiver and Limitations on Damages: Approved Applicants for sewer services are obligated to pay the assessments, fees, and charges established in this ordinance. The City's failure to exercise a right, power, privilege or remedy shall not preclude exercise at a later date.

The City shall not be liable for damages resulting from the interruption in service. Temporary suspension of service by the Sewer Department for improvements and repairs will occasionally be necessary. Whenever possible, and when time permits, Customer(s) affected will be notified prior to shutdowns.

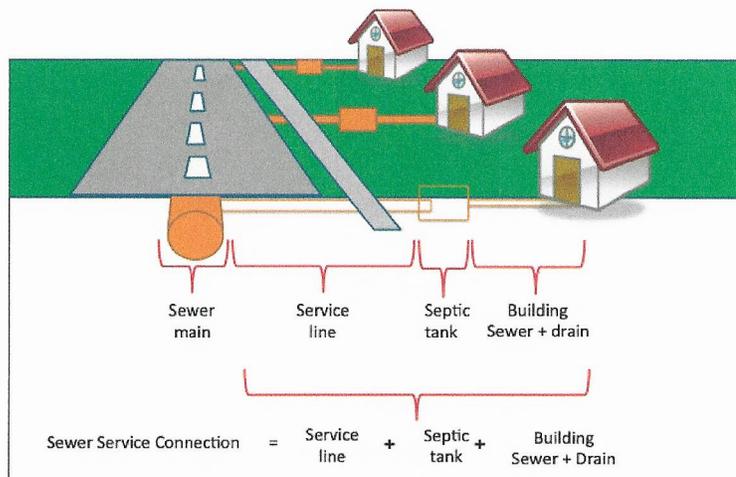
CHAPTER 4: OWNERSHIP, SERVICE AND MAINTENANCE OF SEWER COLLECTION

4.1 Wastewater Collection, Treatment and Sewage Disposal: All components of the Sewer System from the Sewer Main to and including the WWTP shall be the property of the City.

4.2 Sewer Service Connection: The Sewer Service Connection, as shown in Diagram 4.2(D), shall be the property of the Owner. Other than septic tank inspections and pumping, performed by the Sewer Department, all Sewer Service Connections shall be maintained and repaired at the Owner's expense. Any requests to move components of the Sewer Service Connection will be reviewed by the City and City Engineer at the Owner's expense. If approved, the cost to move any component of the Sewer Service Connection shall be at the Owner's expense including inspections, related to the move.

- A. **Maintenance and Repairs To Sewer Service Connection.** The Sewer Department shall inspect any Septic Tank as often as needed, but no less than 5 years for a single family home and no less than 2 years for Shared Septic Tanks. Once inspected, tanks shall be pumped as needed. The cost of Septic Tank inspection and pumping will be at the expense of the Sewer Department via monthly Connection Fee(s) set by resolution. Should any portion of the Septic Tank need repairs or replacing, the Sewer Department will perform such repairs and pass on the actual cost to the Owner of the septic tank. The Owner shall pay all other costs incurred to maintain the Sewer Service Connection. A licensed contractor must do all maintenance and repairs to an Owner's Sewer Service Connection.
- B. **Non-Conformance.** Any non-conforming component of the Sewer Service Connection that requires replacement shall be brought into conformance with this Title at the time of replacement at the Owner's expense.
- C. **Access to Septic Tank Riser Lids.** Septic Tank Riser Lids must be accessible to allow for maintenance, repair and pumping. The term accessible means the Septic Tank Riser Lid is visible to the naked eye. The Owner is responsible for any costs incurred by the City to locate and/or uncover septic tank riser lids. No one, other than a city-designated personnel/contractor, shall be allowed to open and access a Septic Tank. Septic Tank Riser Lids shall be properly replaced and sealed by the Sewer Department. The Owner shall be responsible for any damage or harm caused by unauthorized opening and accessing a Septic Tank and the City may assess a \$300 violation fee for each occurrence.

D. Sewer Service Connection.



CHAPTER 5: RESERVED

CHAPTER 6: SEWER USER AGREEMENT

6.1 Sewer Service User Agreement (“Agreement”) Required: An Agreement must be signed by an Owner specifying the responsibilities and terms of connection to the Sewer System. When there is a change in ownership of real property the new Owner shall complete and sign, an Agreement.

6.2 Obligations: The Agreement is merely a written request for service and does not bind the City to serve.

CHAPTER 7: SEWER SYSTEM CONSTRUCTION AND CONNECTION AUTHORIZATION

7.1 Sewer System Construction Authorization Required: It shall be unlawful for any person to construct a Sewer System within the Service Area of the Sewer System without having first received approval by the City. No excavation in public rights of way or Easements shall be started and no sewer lines shall be installed until authorized by the City.

7.2 Sewer Service Connection Required: It shall be unlawful for any person to connect to the Sewer System without a Sewer Service User Agreement in place with the City. A separate and independent building Sewer Service Connection shall be required for each residential building, unless the City authorizes a joint Sewer Service Connection.

7.3 Joint Sewer Service Connections:

A. The City may allow for joint service lines when the shared connection is between a single family dwelling and an accessory dwelling unit, or accessory building, as defined by the City

of Dover, and is located on the same lot or parcel under single ownership. Should the parcel be divided in such a way to separate the units, separate and independent building Sewer Service Connections for each unit shall be required.

- B. For Multi-family Residences, joint Sewer Service Connections for individual units may be approved where the design and construction is acceptable to the City.
- C. Joint service connections for Planned Unit Developments may be approved where the design and construction is acceptable to the City.
- D. For a Multi-Use Commercial Building, the Sewer Service Connection specifications and ERU designation will be determined by the City or City Engineer.

7.4 Sewer Service Connection and Requirements: Requests for Sewer Service Connections shall be processed in accordance with this Title and the following:

- A. The Owner shall apply to the city for a sewer service; typically done when an Owner submits a building permit application;
- B. The Owner shall submit plans showing the location of any sewer service connection, physical location of the tank and associated components relative to property lines and buildings and any other items as necessary to determine compliance with this Title;

A designed Sewer System Connection request, submitted to the City, shall show sufficient capacity to carry all sewage to the Sewer System. Each toilet, sink, stationary washstand, and every piece of equipment having fluid wastes shall be connected. Only domestic wastewater is allowed to be discharged to the Septic Tank. Connecting a sump pump, foundation drains, roof drains or yard drain/storm water to the Septic Tank is not allowed;

- C. The Administrator shall review the application and may approve or deny the application based on City Standards or request additional information before making a final decision. All components of the Sewer Service Connection shall be installed to a standard set by resolution of the City, or as approved by the City;
- D. After approving the application, construction/installation may proceed. In order to ensure compliance with City standards, the City will inspect the installation and connection prior to covering the work with soil. The City will issue approval once the installation meets City standards;
- E. The right to connect to the system shall be granted only after payment of all applicable fees and execution of a written agreement with the City;

7.5 Sewer System Connection Application Change Request: Applicants shall provide written notice to the City of any material change from the application. A material change is any deviation from the approved application or any modification of the equipment or installation that would affect loading on the sewer system. The written notice describing the change request shall be

provided to the City seven (7) days in advance and the application shall be amended if the change is deemed appropriate by the Administrator.

7.6 Application Denial: The City may deny any application or amendment for good cause. Good cause shall be in the City's sole discretion. The City may consider unpaid fees, unresolved disputes, and the applicant's prior violations of the City's sewer and municipal water ordinances/titles.

7.7 Sewer Inspection: The City reserves the right to inspect any related construction and require the exposure of any section of sewer to check compliance with applicable standards. The cost of such inspection services shall be set by resolution by the City Council. Any excavation costs for the purpose of sewer inspection shall be the responsibility of the owner/builder. If the City performs the excavation or contracts the excavation, the cost to the owner/builder shall be based upon the actual cost to the City.

7.8 Expiration of Approval: Work authorized by the City must be commenced within 6 months from the date of authorization. The authorization and approval may be deemed abandoned by the City if the work ceases for a period of sixty (60) days. Before such work can be re-commenced, new authorization shall first be obtained. The City may charge inspection fees to offset additional review and inspection costs.

7.9 Withholding Certificate of Occupancy: Where it cannot be determined by the Administrator that the installation has been completed to the satisfaction of the City, the City or its officers, shall not issue a certificate of occupancy until such time as the property has been brought into compliance with this Title.

7.10 Revocation: The City may revoke any approval that violates the provisions of this Title.

CHAPTER 8: SEWER SYSTEM EXTENSIONS AND MODIFICATIONS

8.1 Purpose: The City shall have the ultimate authority concerning the design of the entire Sewer System including all equipment and materials selection.

No unauthorized person shall uncover, make any connection with, use, alter or disturb any portion of the Sewer System without first obtaining authorization by the City. An extension to any portion of the Sewer System shall be required to follow the requirements as set forth within this Section. No permitted sewer facilities shall become activated until after the City's engineer or designated licensed agent of the City has inspected the sewer for compliance with this Title.

8.2 Extension of Sewer Mains: The City may allow the extension of Sewer Mains whenever, in its sole discretion, such extension is beneficial for the health, welfare or safety of the residents of the City, provided nothing shall require that such extension be made at the City's expense. The City shall require any Customer desiring Sewer Main extension to install, at the Customer's expense, all required infrastructure extending from existing sewer mains to the Customer's property, along the entire frontage of the Customer's property. The City shall only allow Sewer Main extensions where adequate Easements or publicly owned property exists or will be provided.

- A. **Subdivisions:** Sewer Main extensions and upgrades to serve newly partitioned properties shall be provided at property owner/owners expense and with prior approval of the City Council.

8.3 Sewer Main Modification Procedure: Requests for changes or alterations to any Sewer Main(s) that are owned or controlled by the City shall be processed according to the following procedures.

- A. The applicant shall file a written application with the City along with any fees as set forth by Resolution. At minimum the application shall contain the following: (1) Name of organization and location; (2) Contact person; (3) Description of the proposed activities; and (4) Construction quality drawings drawn in conformance with the requirements of this title, stamped by an engineer certified in the state of Idaho to do such work.
- B. The Administrator shall examine the application for completeness. If the application is determined to be incomplete or lacking information, the Administrator will inform the applicant of additional items or information necessary to complete the request.
- C. Once an application has been accepted as complete it may be forwarded to any state or federal agency having authority over the work. Any responses from such agencies may be incorporated and forwarded to the applicant for review.
- D. After agency review, the Administrator shall forward the application, agency comments and other materials to the City Council for consideration at a future City Council meeting.
- E. The City Council may:
 - 1. Accept the application as presented;
 - 2. May accept the work with additional conditions;
 - 3. May request additional information by the applicant, or
 - 4. May deny the request.
- F. The City may require the correction of errors in the plans or specifications prior to, during or after construction. The City may prevent or stop construction when the plans or the work being performed is in violation of City, State or Federal laws.

8.4 Construction Agreement Required: Prior to the construction of any improvements to any part of the Sewer System the applicant shall enter into a construction agreement with the City. The construction agreement shall, at a minimum, set for the timing and duration of the work, require lien releases, and specify whether a surety bond and/or performance bond is required.

8.5 Acceptance of Work: Prior to acceptance of any work extending Sewer Main lines, the City shall receive confirmation that the installation and all work required by the Council has been completed to the City's satisfaction.

8.6 As-Built Plans Required: The Applicant shall submit final as-built plans, stamped by an

engineer certified in the state of Idaho for any improvements to the Sewer Main line. As-built plans should, at a minimum, contain vertical elevations and referenced horizontal locations of the service line and plan sets showing physical location within city right-of-way.

CHAPTER 9: PROHIBITED DISCHARGE:

9.1 General Prohibition: No person shall discharge or cause to be discharged any materials, waters or wastes that in the opinion of the City or other applicable regulatory agency will cause harm to the Sewer System, receiving stream (i.e. the Pend O'reille River), or could otherwise endanger life, limb, property or constitute a nuisance.

In forming their 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 sewers, materials of construction of the sewers, nature of the sewer treatment process, capacity of the Waste Water Treatment Plant, and other pertinent factors.

9.2 List of Prohibited Discharges: Prohibited discharges shall include, but are not limited to:

Storm water: No person shall discharge or allow to be discharged any storm water, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to the Sewer System.

FOGs: Any water or waste containing fats, wax, grease, or oils, whether emulsified or not, in excess of one hundred milligrams per liter or containing substances which may solidify or become viscous at temperatures between thirty-two and one hundred fifty degrees Fahrenheit, and which will or may cause obstruction to the flow in a sewer or other interference with the operation of the Sewer System. Any users, whose process may produce FOG or who have a commercial kitchen shall install a proper grease trap that shall be maintained by the Owner.

Commercial garbage: Any commercial garbage that has not been properly shredded. The installation and operation of any commercial grinder equipped with a motor of one horsepower or greater shall be subject to the review and approval of the approving authority. A permit shall be obtained from the State of Idaho plumbing inspector prior to the installation of such commercial garbage grinder unit.

Phenols, odor: Any waters or wastes containing phenols or odor-producing substances in such concentrations exceeding limits which may be established by the approving authority as necessary after treatment of the composite wastewater to meet the requirements of the state, federal or other public agencies of jurisdiction for such discharge to the receiving waters.

Septage: The contents of any tank or other vessel owned or used by any person in the business of collecting or pumping sewage, effluent, septic tank waste, or other wastewater.

Petrochemicals: Any gasoline, benzene, naphtha, fuel oil, paints, stains or any other flammable, volatile or explosive liquid, solid, or gas.

Toxic or poisonous substances: Any waters or wastes containing toxic or poisonous solids, liquids, organic chemicals, or gases in sufficient quantity (either singly or by interaction with other wastes) to damage 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 Waste Water Treatment Plant.

pH: Any waters or wastes having a pH lower than 5.0 or greater than 10.0 or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works.

Solid and high viscosity substances: Solid and/or viscous substances in quantities or of such size capable of causing sewer obstruction or other interference with the proper operation of the sewer such as, but not limited to ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, un-ground garbage, hair and fleshings, entrails, animal wastes, paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.

Other: Materials which exert or cause:

- A. Unusual biochemical oxygen demand or chlorine requirements in such quantities as to constitute a significant load on the sewer treatment plant.
- B. Unusual volume of flow or concentration of wastes constituting "slugs" as defined in Chapter 2.
- C. Unusual concentrations of inert suspended solids or of dissolved solids.
- D. Excessive discoloration (such as, but not limited to dye wastes and vegetable tanning solutions).
- E. Wastes containing substances which are not amenable to treatment or reduction by the wastewater treatment processes employed, or are amenable to treatment only to such degree that the sewer treatment plant effluent cannot meet the requirements of Environmental Protection Agency (EPA) and/or Idaho Department of Environmental Quality (DEQ).

9.3 Dilution of Discharge Not Allowed: No User shall ever increase the use of process water, or in any way attempt to dilute a discharge, as a partial or complete substitute for adequate treatment to achieve compliance with an applicable pretreatment standard or requirement unless expressly authorized by an applicable pretreatment standard or requirement. The City may impose mass limitations on Users, which the City believes may be using dilution to meet applicable pretreatment standards or requirements, or in other cases when the imposition of mass limitations is appropriate.

9.4 Remedies For Prohibited Discharges: If any waters or wastes are discharged to the Sewer System, containing substances that are prohibited in this section, the City may:

- A. Reject the wastes or otherwise prohibit such discharge into the system;

- B. Require pretreatment to an acceptable condition for discharge to the public sewers;
- C. Require control over the quantities and rates of discharge;
- D. Require payment to cover the added cost of handling and treating wastes not covered by existing taxes or wastewater charges. If the City permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the City and subject to the requirements of all applicable codes, ordinances, and laws; and/or
- E. Seek enforcement and legal remedies contained in this chapter for violations of the limitations and provisions of this ordinance.

9.5 Pretreatment: Where required, in the opinion of the City, to modify or eliminate wastes that are harmful to the structures, processes or operation of the Sewer System the Owner of the facility shall provide at his/her expense such preliminary treatment or processing facilities as may be determined by the city is required to render the facility's wastes acceptable for admission to public sewers.

CHAPTER 10: SEWER CONNECTION FEE

10.1 Calculation of Connection Fee: The Owner of any property connected to Sewer System shall pay a Connection Fee as an equitable buy-in to the Sewer System. Sewer connection fees shall be assessed for new construction, or when a change in use by a User results in additional wastewater being generated, or when historical use warrants an assessment. The Sewer Connection Fee shall be equal to the number of equivalent residential units (ERUs) attributable to the User multiplied by the single-family residence sewer connection fee. The Sewer Connection Fee will be set by resolution of the City Council.

The basis for the Connection Fee for those Owners connecting to the Sewer System is to charge the value of the system capacity that the User will absorb at that point in time. The value of the system is determined by first calculating the gross replacement value of the system using an engineering cost index to determine present day replacement cost of the system components. Unfunded depreciation and outstanding loan or bond principal is then subtracted from the gross replacement value to determine the net replacement value of the system. The final connection fee is then determined by dividing the net system replacement value by the number of users the system can support, as measured in ERUs.

10.2 ERU Assessment: The number of ERUs for a sewer User shall be set by resolution of the city council.

10.3 Excessive discharge: 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 ERU 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 concentration above 250 milligrams per liter.

10.4 ERU adjustment: The City reserves the right to adjust the number of ERUs assigned to a User (both with respect to collection of additional connection fees and with respect to the assessment of monthly charges) in the case of a change in use by a particular User. Examples of changes in use include but are not limited to, alteration to an existing structure, or increases in flow, biochemical oxygen demand, and/or suspended solids. The notice of adjustment shall be provided in writing to the User and/or Owner.

CHAPTER 11: RATES, BILLINGS AND PAYMENTS

11.1 Utility Rates and Fees. Sewer rates and fees will be set by resolution of the City Council.

11.2 Billing: Bills for Sewer Service shall be rendered at the end of each billing period and are payable upon the due date noted on the bill. When a connection fee is paid, a monthly inactive fee will be charged. Once the City has inspected and approved a sewer connection to the City's Sewer System, the full monthly sewer service fee will be charged.

11.3 Payments: Responsible Party: the property Owner shall be the responsible party for all sewer costs including the monthly bills. At the Owners written request, monthly bills may be sent to an agent or Tenant. Failure to pay a bill by the billing due date indicated on the bill shall render the account delinquent. Should a check for payment be returned for insufficient funds, the payer shall be charged a return check fee, to be set by resolution of the City, and the account will be deemed delinquent if the billed is not paid by the billing due date.

11.4 Disputed Bills: Any User who believes the charges imposed by the City may be in error may appeal to the City Council. The appeal, in written form, shall be made to the City Clerk within thirty (30) days from the date the charges were billed to the Owner. The appeal shall be placed on an upcoming agenda for City Council's decision. Council's final, written decision will be sent to the Owner.

CHAPTER 12: DELINQUENT ACCOUNTS

12.1 Delinquent Notice: A Sewer Service bill not paid by the due date is considered delinquent. A reminder of account delinquency may be sent, at the discretion of the City.

12.2 Delinquency Penalties: Delinquent accounts shall be assessed a monthly late fee, in an amount to be set by resolution of the City Council. In addition, the past due amount, including late fees, shall bear interest at a rate to be set by resolution of the City Council.

12.3 Disconnection For Failure To Pay: After six (6) months of nonpayment of the sewer bill, the premises will be subject to disconnection from the sewer collection system. Disconnection shall be completed by one of the following:

1. Shutting off water to the building
2. Shutting off the septic tank pump
3. Shutting the sewer valve
4. Plugging the septic tank pipe

Disconnection will not be made before thirty (30) days after mailing a written notice by certified mail to the owner. If the premises are disconnected, a new Sewer Connection Fee shall be purchased prior to reconnecting to the system.

12.4 Certification To County: The City may enforce the payment of sewer rates and penalties by placing a lien on the parcel served. The City shall inform the User via mail that within thirty (30) days the unpaid amounts shall be certified by the Dover City Clerk or City Treasurer to the Bonner County Tax Assessor of Idaho and shall be assessed as a tax lien against the property. As provided by law, the tax lien shall be collected and paid over to the City in the same manner as other taxes are assessed, collected and paid to the City, including any fees or costs associated with the delinquency.

12.5 Remedy: To avoid disconnection from sewer service, the Customer must pay all amounts due or request a payment extension or satisfactory installment plan to allow additional time to bring the account up to date. If the extension or installment plan is not granted, the Customer may appeal to the City Council. The appeal, in written form, shall be made to the City Clerk. The appeal shall be placed on an upcoming agenda for City Council's decision. Council's final, written decision will be sent to the Owner.

For inactive sewer accounts that become past due, before a building permit is issued, the delinquent amount including all delinquency penalties as outlined in Chapter 12 shall be paid in full.

CHAPTER 13: SUSPENSION OF THE RULES, VIOLATIONS AND PENALTIES

13.1 Suspension of Rules. No employee of the Sewer Department is authorized to suspend or alter any of the policies, rules or regulations cited herein without specific written approval or written direction of the City Council, except in cases of emergency involving loss of life or property or which would place the Sewer System in jeopardy.

13.2 Violators Liable For Damages: 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, including cleanup costs, by reason of such violation. The City may file a civil action and take any and all action at law or equity to enforce the provisions of this chapter, including injunctive relief, abatement and removal of any conditions prohibited by this ordinance.

13.3 Infraction: Any person or entity violating any provision of this ordinance shall be subject to the immediate termination of water and/or sewer service to the property and an infraction fee of \$300 will be imposed. If the violation includes fraud and/or malicious abuse, the City may file a misdemeanor charge. Alternatively, the City may file a civil action to recover damages.

13.4 Other: If service is discontinued for unsafe facilities, fraud, abuse or non-compliance with any of the policies, rules and regulations herein, service will only be resumed after the irregularity has been corrected and the City has been assured that the irregularity will not reoccur. The charges for restoring sewer service after discontinuance for unsafe facilities, fraud, abuse or non-

compliance with any of the policies, rules and regulations shall be set by resolution of the City Council.

III. SAVINGS, REPEAL AND EFFECTIVE DATE

Saving Clause. The sections of this Ordinance are severable. Should any provision of this ordinance be declared invalid by a court of competent jurisdiction, such declaration shall not affect the validity of the remaining provisions.

Repeal of Prior Ordinance. Upon publication of this Ordinance, the following ordinance is repealed in its entirety:

Ordinance No. 144, an ordinance for the City of Dover, a Municipal Corporation of the State of Idaho, regulating and administering wastewater collection and disposal, enacted June 9, 2016.

Effective Date. This Ordinance shall be effective upon publication in one (1) issue of the Bonner County Daily Bee.

Enacted as an ordinance of the City of Dover, Idaho on the 29th day of Aug. 2019 upon the following roll call vote.

Councilwoman Brockway	<u>Aye</u>
Councilwoman Evans	<u>Aye</u>
Councilman Goodvin	<u>Absent</u>
Councilman Strand	<u>Aye</u>

Approved by the Mayor this 29th day of Aug., 2019

Annie Shaha

Annie Shaha, Mayor

Attest Michele Hutchings

Michele Hutchings, City Clerk