

ORDINANCE NO. 144

CITY OF DOVER, IDAHO

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 ORDINANCES NO. 104, 134 AND. 136 AND PROVIDING FOR AN EFFECTIVE DATE.

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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. Provide guidelines to 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. Provide guidelines to 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.

- F. Establish connection fees and monthly use fees for Users who will purchase or who have purchased a sewer connection or who are connected to the Dover Sewer system.

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 service 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.

Biosolids: Organic materials resulting from the treatment of domestic sewage in a treatment facility.

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.

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: The liquid product of a treatment processes.

Effluent Sewer systems: A Sewer system that first treats the raw sewage using a Septic tank followed by treatment of the Septic tank waste/sewage in a Sewer treatment plant. All sanitary sewers in the City of Dover are Effluent Sewer systems. The two Effluent Sewer system types used in City of Dover are "Septic tank Effluent Pump" and "Septic tank Effluent Gravity" sewers (commonly referred to as STEP or STEG, respectively), which use on-site Septic tanks to provide liquid/solid separation. The clarified waste/sewage 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.

Joint Sewer Service Connection: A single Sewer Service Connection shared by two dwelling units

Main extension: Refers to all 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.

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

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

Pump the Tank: Refers to an action taken to remove 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.

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 accessories.

Sanitary sewer: A wastewater collection system for transporting sewage from houses, industrial and commercial buildings to treatment or disposal. The City of Dover presently operates a Sanitary sewer system.

Septic tank:

- 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).

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 sewer services and system.

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 Sewer treatment plant.

Sewer Service Connection: All components of the Sewer system from the building up to, but not including the Sewer main (see Chapter 4.2.D).

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

Sewer treatment plant: A facility designed to convert wastewater into an Effluent that is sufficiently cleaned so the treated wastewater can be returned to the water cycle. The City of Dover uses a membrane bioreactor (MBR) to scour and clean the Effluent, allowing the treated wastewater to be discharged to the Pend Oreille River

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.

Sump pump: A mechanical device used to move liquid from a low spot (typically under a building or in a basement) to a point where the liquid can flow away from the area

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

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 that has connected to, or is required to connect to, or has contracted with the City to connect to the Sewer system.

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 Dover Sewer department shall be all that area included within the corporate limits of the City of Dover and any area outside the City limits already served

by Dover's 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 User outside the City limits seeking service may be required to consent to annexation as a condition of service.

3.2 New Users: All new structures and/or developments within the City shall connect to the Dover 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 Dover 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: Users of the Dover Sewer system are obligated to pay rates and fess as noted within this ordinance and set by resolution. 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 service interruptions. Temporary suspension of service by the Sewer department for improvements and repairs will occasionally be necessary. Whenever possible, and when time permits, all Customers affected will be notified prior to shutdowns.

CHAPTER 4: OWNERSHIP, OPERATION AND MAINTENANCE

4.1 Wastewater Collection, Treatment and Sewage Disposal: All components of the Sewer system from the Sewer main to and including the Sewer treatment plant shall be the property of the City.

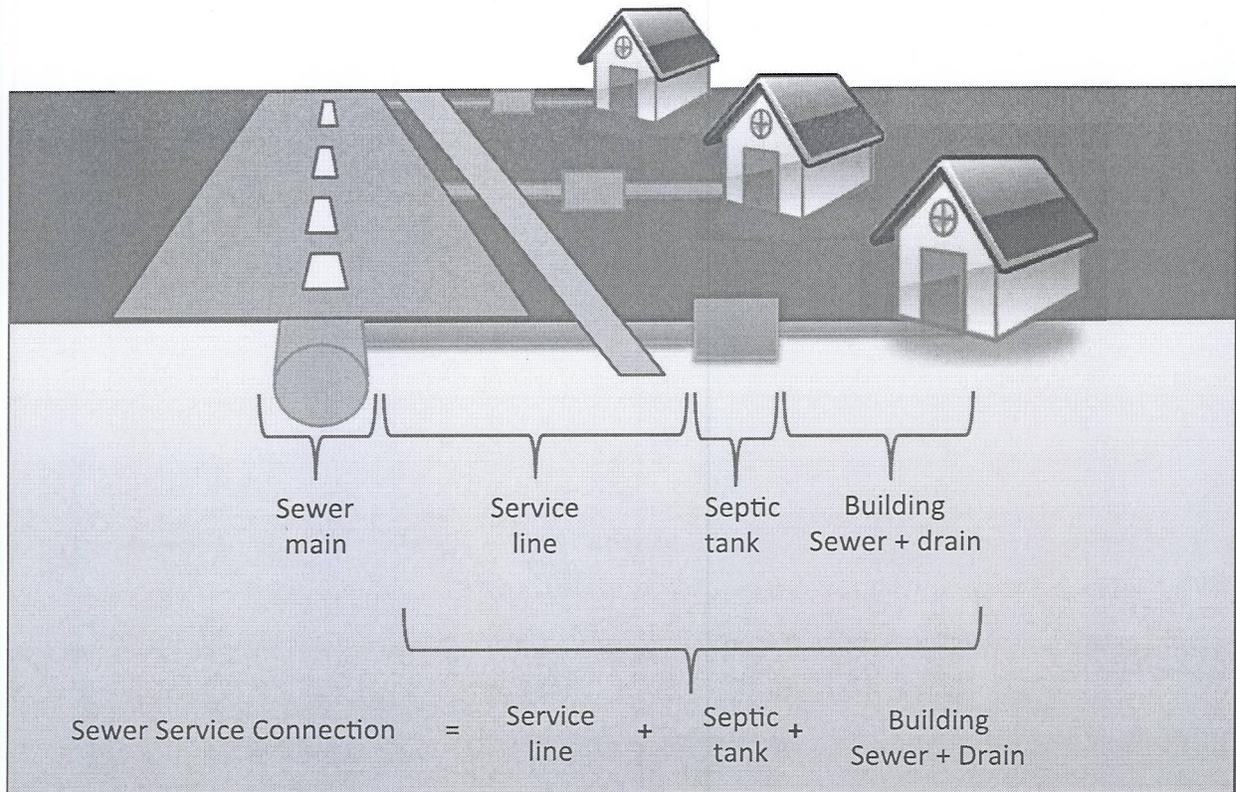
4.2 Sewer Service Connection: The sewer service connection, as shown in 4.2(D), shall be the property of the Owner. All sewer service connections and components shall be maintained and repaired at the Owner's expense. Any requests to move components of the Sewer Service Connection will be reviewed by the City and City Engineer at the Owner's expense. If approved, the costs associated with moving the Sewer Service Connection shall be at the Owner's expense including inspections.

A. Maintenance and Repairs to Sewer Service Connection. A licensed Contractor shall inspect Septic tanks as set by resolution, pump the Septic tank as needed and submit an inspection report to the City. The City may assess a fee against any User who fails to provide a required inspection report, such fee to be determined by resolution of the City Council. All maintenance and repairs to a User's Sewer Service Connection must be done by a licensed Contractor and reported to the City.

B. Non-Conformance. Any non-conforming component of the Sewer Service Connection that requires replacement shall be brought into conformance with this ordinance at the time of repair.

C. Septic tank Lids. Septic tank lids to the access chamber must be visible to allow for maintenance, repair and pumping. Tank lids shall be properly placed and sealed. The Owner is responsible for any costs incurred by the City to locate and/or uncover Septic tank risers and lids.

D. Sewer Service Connection.



CHAPTER 5: RESERVED

CHAPTER 6: SEWER SERVICE USER AGREEMENT

6.1 Sewer Service User Agreement Required: A Sewer Service User Agreement must be signed by the Owner specifying the responsibilities and terms of connection to the City Sewer system. When there is a change in Ownership, the new Owner shall complete a Sewer Service User Agreement.

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

CHAPTER 7: SEWER SERVICE CONNECTION AUTHORIZATION

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

7.2 Residential Connection Required: A separate and independent building sewer service connection shall be required for each residential building, unless a Joint Sewer Service Connection is authorized by the City.

7.3 Joint Sewer Service Connection:

- 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 multifamily units, joint 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.

7.4 Sewer Service Connection Design Criteria: The following standards shall apply to all sewer service connections:

- A. 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 Engineer.
- B. A designed system submitted to the City Engineer shall be made with sufficient capacity to carry all sewage to the sewer. Each toilet, sink, stationary washstand, and every piece of equipment having fluid wastes shall be connected. Connecting a Sump pump to the Sewer service is not allowed.

7.5 Sewer Service Applications: Requests for Sewer Service Connections shall be processed in accordance with this ordinance and the following:

- A. The Owner shall apply for Sewer Service Connection on a form acceptable by the City;
- 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 ordinance;
- C. The Administrator shall review the application and may approve or deny the application based on Dover Septic Tank Standards as adopted by resolution (City Standards) or request additional information before making a final decision;
- D. After approving the application, construction/installation may proceed. In order to ensure compliance, the City will inspect the installation prior to final backfill of pipe and tank. 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 the Sewer Service User Agreement has been signed and received by the City.

7.6 Application Amendments: Applicants shall provide written notice to the City prior to any material change from the application. A material change is any deviation from City standards or any modification of the equipment or installation that would affect loading on the Sewer system. The application shall be amended if the change is deemed appropriate by the Administrator.

7.7 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.

7.8 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.

7.9 Expiration of Approval: Sewer connection work 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.

7.10 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.

7.11 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 the City's Sewer system without first obtaining authorization by the City. An extension for any Sewer main shall be required to follow the requirements as set forth within this section. No sewer shall become activated until after the City's Engineer or designated licensed agent of the City has inspected the sewer for compliance with this ordinance.

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 service to install, at the Customer's expense, a Sewer main, lift station, force main and/or other infrastructure as required, extending from existing Sewer mains to the Customer's property, along the entire frontage of the Customer's property, and any upsizing needed to downstream pipes. The City shall only allow Sewer main extensions where adequate right-of-way, Easement 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 properties Owner/Owners expense and only after obtaining prior approval of the City Council.

8.3 Sewer main Modification Requests: Requests for changes or alterations to any Sewer main shall be processed according to the following procedures.

- A. The Applicant shall file a written request with the City along with any fees as set forth by resolution. At minimum, the request 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 request for completeness. If the request 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 a request 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 request, 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 request 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 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 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 DISCHARGES

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 wastewater collection system, Sewer treatment plant, receiving stream (i.e. the Pend Oreille 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, nature of the sewer treatment process, capacity of the Sewer 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 any sanitary sewer.

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.

Oversize commercial sink Garbage: Any sink Garbage from a commercial kitchen that has not been properly shredded. The installation and operation of any commercial sink grinder equipped with a motor of one horsepower or greater shall be subject to the review and approval of the City. 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.

Pharmaceuticals, prescriptions medications, over-the-counter medications, controlled substances and dietary supplements: Many of these substances cannot be completely removed by the wastewater treatment process.

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 sewage 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 fleshing, 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 (BOD) 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 sewer;
- 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 wastewater collection or treatment plant 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 sewer.

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 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 persons or entities 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. 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 received the final Sewer Service Connection inspection report, the full monthly sewer service fee will be charged. The fee shall be prorated if service is for a period of less than the regular billing period.

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 twelve (12) months of nonpayment of the sewer bill, the premises will be subject to disconnection from the sewer collection system. However, disconnection will not be made before forty-five (45) days after a written notice has been sent by registered 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 forty-five (45) days the unpaid amounts shall be certified by the city clerk 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 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 13 shall be paid in full.

CHAPTER 13: SUSPENSION OF THE RULES, VIOLATIONS AND PENALTIES

13.1 Suspension of Rules. No Administrator 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 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.

13.4 Other: If service is discontinued for unsafe use, fraud, abuse or non-compliance with this ordinance, service will only be resumed after the breach has been corrected and the City has been assured that the breach will not reoccur. The charges for restoring sewer service after discontinuance for unsafe use,, fraud, abuse or non-compliance with this ordinance, shall be set by resolution of the City Council.

CHAPTER 14: SAVINGS

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

CHAPTER 15: REPEAL

Ordinance No. 104, Regulating and Administering Wastewater Collection and Disposal, enacted February 11, 2010; as amended by Ordinance No. 134, enacted August 14, 2014, and as amended by Ordinance 136, enacted December 11, 2104.

CHAPTER 16: EFFECTIVE DATE

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 9th day of June 2016 upon the following roll call vote.

Councilwoman Brockway -AYE
Councilwoman Guthrie -ABSENT
Councilwoman Kubiak -AYE
Councilman Strand -AYE

Approved by the Mayor this 9th day of June, 2016

Attest:

Annie Shaha
Annie Shaha, Mayor

Michele Hutchings
Michele Hutchings, City Clerk