

P. 101

ORDINANCE NO. 81-1

Microfilm No. **529631**
 Day July 2010
 At 9:43 O'Clock AM
ARRIE MACE
FREMONT CO RECORDER
 Fee \$0 Deputy
 Recorded at Request of
Arrie Mace

AN ORDINANCE DECLARING ITS PURPOSE TO BE TO PROTECT AND IMPROVE THE PUBLIC HEALTH OF ITS CITIZENS; TO SET REGULATIONS FOR CONNECTION TO SANITARY SEWER; ESTABLISHING DOMESTIC RATES AND COMMERCIAL RATES; ESTABLISH CONNECTION FEES; ESTABLISH RULES FOR CONNECTION; ESTABLISHING BILLING PERIODS; ESTABLISHING BILLING PROCEDURES; ESTABLISHING DUE RATES AND PROCEDURES FOR THE COLLECTION OF DELIQUENT ACCOUNTS; PROVIDING FOR PENALTIES FOR VIOLATION OF THIS ORDINANCE; SETTING FORTH THE MANNER IN WHICH ITS PROVISIONS SHALL BE ENFORCED; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING FOR THE PUBLICATION HEREOF; AND THE ESTABLISHMENT OF AN EFFECTIVE DATE.

WHEREAS, Fremont County, Idaho, the County herein, under and pursuant to the powers vested in it by Title 50, Chapter 3, Section 50-304, Idaho Code, in order to promote the public health and welfare, deems it necessary to make and place into effect certain rules and regulations to provide efficient service of the sewer system in the County and

WHEREAS, the County, pursuant to Section 50-1030(e), Idaho Code, has the power to prescribe and collect rates, fees, tolls or charges for the use of the sewer system of the County, and it is necessary and expedient that such rates, fees, tolls or charges be established to provide for the repayment of County indebtedness for the construction and installation of the system and for its efficient maintenance and operation, and in establishing such rates and charges the County has taken into account the cost and value of the system, operation and maintenance expenses, possible delinquencies, proper allowance for depreciation, contingencies and any amounts necessary to retire all bonds payable from net revenues and the reserve therefor, and

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

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

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF FREMONT COUNTY, IDAHO;

Section 1. Short Title. This ordinance shall be known and may be cited as the "Island Park - Mack's Inn Sanitary Sewer System Ordinance" of Fremont County, Idaho.

Section 2. Connection to Sanitary Sewer Required. Every parcel of land or premises within the boundaries of the Sewer System Improvements, improved for occupancy or commercial use and occupied or used by any person or persons, shall be connected if required by the District Health Department, to the public sanitary sewer system. Flow from inflow (storm drain) into the sanitary sewer system shall neither be required or permitted. The owner or person in charge of such land shall make or cause to be made, such connection within sixty (60) days after receiving official notice from the County to so connect. All charges associated with the laying of pipe from the home or facilities to be served to the County's mains and all other costs incurred in connecting to said mains shall be borne by the property owner. All such connections to the County's mains shall be properly designed and constructed in conformity with requirements specified by the County.

Section 3. Domestic and Commercial Rates.

General - This is a user charge system for a small community which follows model number one in Appendix B of

the Federal Register, dated 9-27-78. This treatment works is primarily flow dependent and will utilize the equivalent user concept. The equivalent user system has been set up based on flow.

A sewer user charge shall be levied on all users of the sewage collection and treatment facilities, to cover the actual or estimated cost of operation, maintenance, replacement and financing of this facility. The user charge system shall distribute these costs to each user or user class in approximate proportion to such users contribution to the total waste water load of such facilities.

Basis for Rates - The sewer user rates for each user (or user class) shall be based on the user's contribution to the total wastewater loading of the treatment facilities in comparison to a standard equivalent user as defined below. Each user (or user class) shall be assigned a number of equivalent users to be multiplied by a constant cost factor to determine the basic user rate. Special users contributing sewage of excessive flow and/or strength, for which the tabulated equivalent users below do not apply, shall be individually calculated as provided below. The constant cost factor shall be set by Resolution of the Fremont County Commission.

Equivalent User - One equivalent user shall be defined as contributing 350 gallons per day of wastewater containing not more than 0.7 pounds of 5-day BOD and 0.7 pounds of suspended solids. The equivalent user flow has been developed from population and sewer usage records which indicate an average single dwelling unit has 3.5 people contributing 100 gallons per day. Standard engineering data indicates 0.2 pounds of 5-day BOD and 0.2 pounds of suspended solids respectively per person per day. The basic equivalent user shall be subject to revision if population, water usage,

sewage volume, and/or other information indicates flow and/or strength significantly different from that defined herein. Revision of the basic equivalent user criteria shall normally be made upon the recommendation of a registered professional engineer.

Equivalent User Schedule - The number of equivalent users to be assigned each user and/or user class, shall be in accordance with the following equivalent user schedule. Assignment of equivalent users shall apply for one year until the next annual user charge review. Users so indicated or not included in this schedule shall be considered special users and shall be evaluated separately as provided below. The information indicates that the strength of sewage contributed by any of the following users is in excess in comparison with the allowable limits listed above, then a surcharge shall be levied against such users as provided below. Any of the users in the following schedule may be classified as special users if information on their contribution flow and/or strength indicates a need to do so. A single user having more than one classification of use shall be the sum of the fees. The minimum user charge shall be one equivalent user.

EQUIVALENT USER SCHEDULE (1.0 minimum)

<u>CLASSIFICATION</u>	<u>EQUIVALENT USERS</u>
Assembly Hall or Lodge (no cafe)	1.00
Bar or Tavern (for each seat)	.06
Barber & Beauty Shops (per chair)	.20
Cafe (up to 50 seats)	2.00
(for each additional 25 seats)	1.00
Cafe, Drive-In, less than 20 inside seats	2.00
(for each additional 20 inside seats)	1.00
Car Washes, per stall	2.00

Churches (single congregation)	2.50
(multiple congregations, for each additional)	2.50
(for churches w/kitchens additional)	1.00
Garage or Maintenance Shop	1.00
Hospitals or Medical Clinics (no beds)	3.00
(additional for each bed)	0.50
Hotels, Motels (per unit)	0.40
or Rooming House (additional per unit with kitchens)	0.20
Office, up to 20 employees	1.00
(for each additional employee)	0.03
Laundramat (up to 10 washers)	4.00
(additional, for each washer)	0.30
Institutions with permanent or temporary residents	1.00
Rest Homes, etc. (plus per resident)	0.30
Service Station	2.00
Single Dwelling Unit (residence, condo- minium, apartment or trailer)	1.00
Store or Business, up to 20 employees	1.00
(each additional employee)	0.03
Supermarkets, Grocery Stores	2.00
(with Butchershop)	1.00
Open Class (per 10,000 gallons/month)	1.00

Surcharge for Excessive Strength - When any user contributes wastewater having an average BOD and/or suspended solids loading in excess of the designated allowable limits hereinafter designated, a surcharge shall be levied against such user. Said surcharge shall be based on the average degree of excess loading, and applied as a percentage of the

basic user charge as provided in the above schedule, or otherwise for special users. The BOD and suspended solids loadings shall be determined from estimates or tests made by County officials or its engineer. The user's surcharge shall be computed by use of the following equation:

$$US = \left\{ \left(\frac{b}{B} - 1 \right) + \left(\frac{s}{S} - 1 \right) \right\} (UMC), \text{ where}$$

"US" represents the user's surcharge to be added to the basic user's charge;

"UMC" represents the basic user's charge computed as provided for above,;

"b" represents the average BOD loading above which is a user's wastewater contribution, expressed in parts per million;

"B" represents the allowable limit of BOD loading above which a user's surcharge shall be levied, hereby designated as being 200 parts per million;

"s" represents the average suspended solids loading of the user's wastewater contribution, expressed in parts per million; and

"S" represents the allowable limit of suspended solids loading above which a user's surcharge shall be levied, hereby designated as being 200 parts per million.

A copy of the list of users surcharged, the characteristics of their sewage, and the surcharge for each shall be kept on file at all times in the office of the County Clerk.

Special Users - If, in addition to excessive strength, a user is determined to add flow to the lagoon in excess of 10,000 gallons per month, the above formular shall be multiplied by a factor of total flow divided by 10,000 gallons per month. In order to determine the flow of this special user,

the county may monitor sewage and water flow in order to determine total flow. The value of UMC used in the formula above will be the same value as assigned single dwelling units.

A copy of the list of special users, the characteristics of their sewage, and the special user's monthly charge shall be kept on file at all times in the office of the County Clerk.

Review and Revision of Rates - The sewer user charges shall as a minimum, be reviewed annually and updated to reflect actual costs of operation, maintenance, replacement, and financing of the sewage collection and treatment facilities. Any revisions of the user charges shall be based on actual operation, maintenance, replacement, and financing expenses, and/or on significant changes in the total number of equivalent users, the total daily flow, the total daily BOD, and/or the total daily suspended solids. The County may install flow-measuring devices and/or collect wastewater samples at any time in any user's service line to determine actual usage as a basis for revision of the user's charge. Revisions due only to changes in expenses and user class shall be made by the County. Revisions involving user's flow, BOD and/or suspended solids shall normally only be made upon the recommendation of a registered professional engineer. All changes in user charges applicable to this ordinance shall be computed by the methods outlined herein.

User Request for Rate Change - Any sewer user, who feels his user charge is unjust and inequitable as applied to his premises within the spirit and intent of the foregoing provisions, may make written application to the County Commission requesting a review of his user charge. Said written request shall, where necessary, show the actual or

estimated average flow and strength of his wastewater in comparison with the values upon which the charge is based, including how the measurements or estimates were made. Any flow measurements and/or testing of wastewater shall be approved in detail by the County and/or its engineer. Review of the request by the County Commission shall determine if it is substantiated or not, including recommended further study of the matter for the County and/or user by a registered professional engineer.

Section 4. Sewer Connection Fee.

For a period of time up to 80% of the construction on the sewage collection system the costs for connection to that system for individual, a resident, residence apartment trailer, or condominium shall be \$300.00 for each such unit. Thereafter the fee shall be as follows:

<u>Size of Sewer Connection</u>	<u>Connection Fee</u>
4"	\$1,000
8"	\$5,000

Commercial establishments connecting to the sewer system shall be charged for each individual unit \$850.00 per connection. As the consumer price index is constantly changing, the costs stated above shall be reviewed periodically by the Sewer System Board and the County Commissioners and may be changed as needed in view of the then current costs. Costs after the 80% completion of the project shall be determined by the Fremont County Commission by resolution. Connections assessed as special users as set out in special user agreements between the county and commercial and private users in the Macks Inn - Island Park area shall be set in agreement with those special use fees as calculated in the special use agreement. The foregoing fees are for the privilege of connecting to the county sewer and do not include the actual cost of connection to the main from the person's individual residence. All work necessary for making proper connection shall be done to the satisfaction of the supervision of the operator of the

facilities assigned by the County, as shall be paid for by the person desiring such connection. Those people connecting under the \$300.00 rate will have service lines run from the main to the property line. Connection from the property line to the residence is the responsibility of the property owner.

Section 5. Rules Governing Connection Fees.

1. Any applicant for a sewer connection to any lot abutting on a street, alley or other right-of-way containing a main sewer line shall pay the full connection fee therefore.

2. In case two or more dwellings exist on any lot under the same ownership, and if any of such dwellings is located to the rear of the other or if at least 75 feet from the property line abutting on any street, alley or right-of-way containing a main sewer line, the rear dwelling shall be charged one-half the applicable full connection fee where the owner thereof requested only one stub for dwellings on such lot and the same service lateral is used for all such dwellings.

3. Any person owning unimproved real property which does not abut a street, alley or right-of-way containing a main sewer line and who subdivides the same for construction of dwellings, shall install collection lines acceptable to the County and connect the same to an existing County main sewer line at a place to be determined by the County Engineer all at the cost and expense of said subdivider. Each lot shall pay a hook up cost.

Section 6. Sewer System Board.

The County shall appoint five property owners from the Macks Inn - Island Park area to serve on a sewer system board. The members of this committee shall be chosen from people who own property in the Macks Inn - Island Park area

and who are connected to the sewage system. These people will be responsible for supervising the operator and operation and maintenance of the facility. In addition, they will make recommendations yearly to the County concerning user charges to be assessed by the County. All funding obtained from connection fees for this sewer system shall be under the direction of the sewer board and used for paying debts of the sewer system and for paying operation and maintenance expenses associated with the sewer system. This board will be responsible for making sure that the sewer system remains self-sufficient.

Section 7. Billing Periods.

All regular billing periods shall be on a yearly basis, unless otherwise determined in individual cases by the County. Due to the recreational nature of a large part of the Macks Inn - Island Park area, and due to the fact that individual sewage flow cannot be monitored, except at great expense, all buildings occupied and connected to the sewer system shall be assessed as if they were occupied full time. If no occupancy occurs during the year, the user can apply to the County for consideration in not being charged sewer fees during that year that the residence is not occupied. If a person should petition for waiver of the operation and maintenance fee associated with non-occupancy of the facility, a disconnect fee of \$30 shall be assessed against the property and a reconnect fee of \$30 shall be assessed at a time of reconnection. In addition at the County's option, the service from the main may be disconnected to that facility.

Section 8. Billing for Use of the Dump Station and Trailer Dump Station.

Billing for use of the dump station and trailer dump station shall be set by resolution by the County Commission. These fees shall be assessed yearly with the trailer dump

station and dump station open for use as set by the sewer system board. The rate shall be based on a cost based on BOD for dumping at the dump station at the plant and based on a per use rate for the trailer dump station on the main highway.

Section 9. Billing Procedures and Due Date.

Bills for sewer service will be mailed or otherwise delivered to users yearly. Bills for sewer service may be combined with billings for other County services. The owner of each building connected to the sewage collection system shall be deemed primarily liable for the payment of sewer. Acceptance by the County of payment from a tenant shall not constitute a waiver by the County of the owner's primary liability for charges not paid by the tenant. Bills shall be due within fifteen (15) days of the date of mailing or other delivery. When the fifteenth day falls upon a legal holiday or on a day when County offices are not open for business, the next regular business day is considered as a final due date. Where remittances are made by mail, bills shall be deemed paid on the date of mailing as shown by the postmark. A delinquency charge of ten (10) percent shall be added to each delinquent bill for each period of thirty days delinquency or fraction thereof.

Section 10. Delinquent Account.

When bills are not paid within sixty (60) days after the due date, the County may collect the same in any lawful manner, and may issue a tax lien against the property of such delinquent customers.

Section 11. Metered Service.

Whenever the County shall deem it appropriate and in the best interests of the County and its citizens to require a user to have the sewer and/or water service to his facilities

metered to more appropriately determine the amount of service provided such user by the system, the Commission may by resolution require the said user to install a meter and/or meters which will accurately measure the service provided; and the County may further establish by resolution the rates to be charged for such service as will properly pay the fair share of the services provided such user. The cost of the meter and its installation shall be borne by the user.

Section 12. Penalties for Violation.

Any person who shall violate any provision of this ordinance upon conviction shall be deemed to be guilty of a misdemeanor, and shall be fined not to exceed \$100.00 or be imprisoned for not to exceed thirty (30) days, or be both fined and imprisoned. Any violation of any or all provisions of this ordinance for any one day shall constitute a separate offense. In addition to such fine and imprisonment, such person shall be liable for any expense incurred by the County in enforcing this ordinance.

Section 13. Enforcement Upon Violation of Ordinance
or Any Amendment Thereto.

The proper local authorities of the County or State, in addition to other remedies, may institute any appropriate action or proceedings to correct or abate any violations of this ordinance.

Section 14.

The sewer use fee shall not be assessed against connections to the sewer system which are not placed in service. Only those connections which are connected to residences or installation thereby placing them in service shall be assessed the user charge as spelled out above.

Section 15.

All ordinances and parts of ordinances in conflict herewith are hereby repealed.

Section 16.

This ordinance shall take effect immediately upon its passage, approval and publication.

DATED: Jan 13, 1981

James Lillmore
Chairman of the Board

Edward Tilkhan
Member of the Board

Frank T. Tanner
Member of the Board

ATTEST:

Darlene Calonge
Fremont County Clerk