

CHAPTER 1

WATER USE AND SERVICE

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8-1-1: **SHORT TITLE:**

This chapter shall be known as the *RATES, RULES AND REGULATIONS FOR THE OPERATION OF THE WATER DEPARTMENT OF THE CITY OF FIRTH, BINGHAM COUNTY, IDAHO*, and may be so cited and pleaded. (Ord. 132, 6-23-1987)

8-1-2: **SCOPE AND REQUIRED USE:**

The Water Department and all customers receiving services from the Water Department, whether inside or outside the City limits, are bound by these rules and regulations of the Water Department.

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The owner or occupant of any house, building or property used for residential, commercial, industrial, governmental or recreational use, or any other purpose, situated within the city which is abutting on or having a permanent right of access to any street, alley or right of way in which there is located a city water line is hereby required to use the city water system; provided, that said city water system is within three hundred feet (300') of any property line where said building to be served is located. (Ord. 132, 6-23-1987; amd. Ord. 219, 11-13-2024)

8-1-3: DEFINITIONS:

The following words and phrases used in this chapter shall have the following meanings unless a different meaning clearly appears from the context:

APPLICANT:	The person or persons, firm or corporation, making application for water services from the Water Department under the terms of these regulations.
CITY:	The legally constituted Municipal government of the City of Firth, Bingham County, Idaho.
CITY COUNCIL:	The legally elected group of members composing the City Council, including the Mayor, or the City of Firth, Idaho.
CUSTOMER OR USER:	A property owner who has been accepted under the terms of these regulations and who receives water services from the Water Department.
SUPERINTENDENT:	The person appointed by the City Council to superintend the affairs of the Water Department.
WATER DEPARTMENT:	The Water Department of the City of Firth, Idaho. (Ord. 132, 6-23-1987; amd. Ord. 197, 2-9-2016)

8-1-4: SERVICE AREA:

The area served by the Water Department shall be all that area included within the corporate limits of the City and such other contiguous and neighboring territory as the City Council shall, from time to time, deem necessary to serve. (Ord. 132, 6-23-1987)

8-1-5: DESCRIPTION OF SERVICE:

A. Supply:

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1. The Water Department will exercise reasonable diligence and care to deliver a continuous and sufficient supply of water to the customer at a reasonable pressure and to avoid so far as reasonably possible any shortage or interruption in delivery.
 2. The Water Department shall not be liable for damage resulting from the interruption in service or from the lack of service. Temporary suspension of service by the Water Department for improvements and repairs will be necessary occasionally. Whenever possible, and when time permits, all customers affected will be notified prior to shutdowns.
- B. Quality: The Water Department will exercise reasonable diligence to supply safe and potable water at all times.
- C. Ownership Of System: All water mains, valves, fittings, hydrants and other appurtenances, except customer service lines, as defined in subsection 8-1-9A of this chapter, shall be the property of the Water Department.
- D. Classes Of Service: The classes of service shall be residential, commercial, standby fire and contract, as further qualified by the number after the class as follows:
1. Inside: Inside City limits.
 2. Outside: Outside City limits.
 - a. Residential Service: Residential services shall consist of all services for domestic purposes, single-family dwellings, homes and Municipal purposes.
 - b. Commercial Service: Commercial services shall consist of those services where water is used for commercial services, such as businesses and multi-family dwellings.
 - c. Standby Fire: Standby fire service shall consist of those services where water is available or used for fire protection only.
 - d. Contract Service: Contract services shall consist of those services for industrial or independent water district purposes under contracts authorized by the City Council.
- E. Special Contracts: When the applicant's requirements for water are unusual or large, such as an independent water district, or necessitate considerable special or reserve equipment or capacity, the Water Department, by authorization of the City Council, reserves the right to make a special contract, the provisions of which are different from and have exceptions to the regularly

- published water rates, rules and regulations. This special contract shall be in writing, signed by the Mayor and City Clerk.
- F. Resale Of Water: Resale of water shall be permitted only under special contract, in writing, between the City Council and the persons, parties or corporation selling the water.
- G. Service Preference: In case of shortage of supply, the Water Department reserves the right to give preference in the matter of furnishing service to customers and interests of the Water Department from the standing of public convenience or necessity. Water service to users outside of the City limits shall at all times be subject to the prior and superior rights of the customers within the City limits. (Ord. 132, 6-23-1987)

8-1-6: APPLICATION FOR SERVICE:

- A. Application Forms: Each applicant for water service shall sign an application form provided by the Water Department giving the date of application, location of premises to be served, the date applicant desires services to begin, purpose for which service is to be used, the address for mailing of the billings, the class and the size of the meter service and such other information as the Water Department may reasonably require. In signing the application, the customer agrees to abide by the rules and regulations of the Water Department. The application is merely a written request for service and does not bind the Water Department to serve.
- B. Deposits And Establishment Of Credit: At the time application for service is made, the applicant shall establish his credit with the Water Department.
 - 1. Establishment Of Credit: The credit of the applicant will be deemed established if the applicant makes a cash deposit with the Water Department to secure the payment of bills for service. The deposit shall be a sum equal to the estimated bill for two (2) months' service, but not less than twenty five dollars (\$25.00).
 - 2. Deposits: At the time the deposit is given to the Water Department, the applicant will be given a receipt for the same. The deposit is not to be considered as a payment on account. In the event the service is discontinued, the deposit will be applied to the closing bill

and any amount in excess of the closing bill will be refunded. The Water Department will not pay interest on any deposit. (Ord. 132, 6-23-1987)

3. Forfeiture Of Deposit: If an account becomes delinquent and it is necessary to turn off the service, the deposit shall be applied to the unpaid balance due. Water service will not be restored to that premises or that customer at different premises until all outstanding bills due the Water Department have been paid and the cash deposit replaced, together with a service charge as provided in the fee schedule passed by the City Council. (Ord. 132, 6-23-1987; amd. 2018 Code)

C. Application Amendments:

1. Customers desiring a material change in the size, character or extent of equipment or operation which would result in a material change in the amount of water used shall give the Water Department written notice of such change prior to the change and the application for service shall be amended.

2. Customers desiring a change in the size, location or number of services shall fill out an amended application. (Ord. 132, 6-23-1987)

8-1-7: **MAIN EXTENSIONS:**

- A. Within City Limits: Water main extensions to areas within the City limits not presently served with water shall be installed under procedures to be established by the City Council. Subdividers for newly partitioned properties will assume all costs of main extensions with the approval of the City Council.
- B. Outside City Limits: Water mains outside the City limits shall be extended only at the expense of the customers served. The main extensions shall become the property of the Water Department at the time installed. The City Council shall determine the size of the main extensions and all extensions shall be of a suitable material approved by the City Council. Extensions outside the City limits shall be installed by the Water Department or by contractors approved by the Water Department. The installation procedures and materials used shall be in accordance with the City and State standards.
- C. Location Of Extensions: The Water Department will make water main extensions only on rights-of-way, easements or publicly owned prop-

erty. Easements or permits secured for main extensions shall either be obtained in the name of the City, along with all rights and title to the main at the time the service is provided to the customers paying for the extensions. (Ord. 132, 6-23-1987)

8-1-8: **EASEMENTS:** Each applicant and user gives and grants to the City an easement and right-of-way on and across his property for the installation of water mains and the necessary valves and equipment in connection therewith. (Ord. 132, 6-23-1987)

8-1-9: **SERVICE CONNECTIONS:**

A. Definitions:

CUSTOMER SERVICE LINE: That part of the piping on the customer's property that connects the service to the customer's distribution system.

SERVICE CONNECTION: That part of the water distribution system which connects the meter to the main and shall normally consist of corporation stop, service pipe, curb stop and box, meter, meter yoke and meter box.

B. Ownership, Installation And Maintenance: The Water Department shall own, install and maintain all services and installation and maintenance shall only be performed by authorized employees of the Water Department. The customer shall own, install and maintain the customer service line.

C. Service Connection Charge:

1. At the time the applicant files for service where no service previously existed, or if he is filing for a change in service size or location, he shall submit with his application the service connection charge.

2. This charge is to cover the actual cost to the Water Department to install the service from the main to, and including, the meter and the meter housing. The service connection charge shall be as determined by the Water Department in the current published water rate schedule.

- D. **Size Of Service:** The Water Department will furnish and install a service of such size and at such locations as the applicant requests, provided such requests are reasonable and that the size requested is one that is listed by the Water Department. The minimum size of service shall be three-fourths inch ($\frac{3}{4}$ "). The Water Department may refuse to install a service line which is undersized or oversized as determined by a study and report of the Superintendent to the City Council.
- E. **Changes In Service Size:** Permanent changes in the size of the service line requested by the customer shall be paid by the customer on the basis of actual cost to the Water Department for making the change.
- F. **Length Of Service:**
1. Where the main is in a public right-of-way, the meter will be placed at the right-of-way line nearest the property to be served for the standard connection fee, provided the length of service line does not exceed the width of the right-of-way.
 2. Where the main is on an easement or publicly owned property, other than designated rights-of-way, the services shall be installed to the boundary of the easement or public property by the Water Department, provided the length of service does not exceed thirty feet (30').
 3. If, in either case cited above, the length of service line to the meter location exceeds the maximum stated, the applicant shall pay the extra cost of the line on the basis of actual cost to the Water Department for labor, materials and equipment, plus fifteen percent (15%).
- G. **Joint Service Connections:**
1. The Water Department may, at its option, serve two (2) or more premises with one connection. On new service connections, the inside diameter of such joint lines shall be sufficient to provide a carrying capacity of not less than the combined capacity of individual service lines of the same size as the meters installed.
 2. Service extensions from an existing service to other occupancies or ownerships than that for which the existing service was intended shall not be permitted nor shall separate residences be permitted to

receive service through one meter, except under special consideration approved by the City Council.

- H. Number Of Service Connections On Premises: The owner of a single parcel of property may apply for and receive as many services as he and his tenants may require, provided his application or applications meet the requirements of the policies, rules and regulations.
- I. Standby Fire Protection Service Connections:
 - 1. Purpose: Standby fire protection service connections of two inch (2") size and larger will be installed only if adequate provisions are made to prevent the use of water from such services for purposes other than fire extinguishing. Sealed fire sprinkler systems with water operated alarms shall be considered as having such provisions. The Water Department may require that a suitable detector check meter be installed in the standby fire protection service connections, to which hose lines or hydrants are connected. All piping on the customer's premises shall be installed in accordance with the Plumbing Code of the State of Idaho.
 - 2. Charges For Service: Charges for standby fire protection service will be stated in the published water rate schedule. No charge will be made for water used in the standby fire protection services to extinguish accidental fires for routine testing of the fire protection system. The customers shall pay the full cost of the standby protection service connection, any required detector check meters, and any required special water meter installed for the service to the standby connection.
 - 3. Violations Of Regulations: If water is used from a standby pipe connection service in violation of these regulations, an estimate of the amount used will be computed by the Water Department. The customer shall pay for the water used at the regular rates, including the minimum charge based on the size of the service connection and subsequent bill rendered on the basis of the regular water rates.
- J. Fire Service Connections Other Than Standby: A service having fire protection facilities on the premises and water for other purposes flowing through the same service connection shall be considered as an ordinary service and metered as such. All water used through that service, regardless of its use, will be charged at the regular rates.
- K. Temporary Service Connections: For water service of a temporary nature, applicants shall be required to pay in advance the estimated

cost of installation and removal of metering equipment and materials, plus a reasonable charge for the use of equipment and material furnished by the Water Department. The applicant shall also pay his water bill in advance and based on an estimate of the quantity to be used, or he shall otherwise establish satisfactory credit.

1. Time Limit: Temporary service connections shall be disconnected and terminated within six (6) months after installation unless an extension of time is granted in writing by the Water Department.

2. Charge For Water Served: Charges for water furnished through a temporary service connection shall be at the established rates set forth in the current water rate schedule.

3. Installation Charge And Deposits: The applicant for temporary service will be required:

a. To pay the Water Department, in advance, the estimated cost of installing and removing all facilities necessary to furnish each service.

b. To deposit an amount sufficient to cover bills for water during the entire period such temporary service may be used, or to otherwise establish credit approved by the Water Department.

c. To deposit with the utility an amount equal to the value of any equipment loaned by the Water Department to such applicant under the terms of subsection K4 of this section.

4. Responsibility For Meters And Installation: The customer shall use all possible care to prevent damage to the meter or to any other loaned facilities of the Water Department. If the meter or other facilities are damaged, the cost of making repairs shall be deducted from the Deposit Fund. If the loaned materials are returned in satisfactory condition and all bills paid, the full amount of the equipment deposit will be returned to the temporary customer at the termination of service.

L. Customer's Plumbing:

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

2. Control Valves: Customers shall install a suitable control valve in the customer service line as close to the meter as possible, the operation of which will control the entire water supply to the premises served. In the event a customer's service is discontinued for any reason, a control valve must be installed, if none exists, as provided by this section.

It shall be a violation of these rules and regulations for the customer to operate, cause or permit unauthorized operation of the meter stop or any appurtenances on the service connection. (Ord. 132, 6-23-1987)

8-1-10: **METERS:**

- A. Ownership: The Water Department will own and maintain all water meters. The Water Department will not pay rent or any other charge for a meter or other water facilities, including housing and connections on a customer's premises.
- B. Installation: Installation of water meters shall be performed only by authorized employees of the Water Department. All meters shall be sealed by the Water Department at the time of installation, and no seal shall be altered or broken except by one of its authorized employees.
- C. Size And Type Of Meter: Applicant may request and receive any size meter regularly stocked or furnished by the Water Department, provided the request is reasonable; and further provided, that the meter is not greatly oversized or undersized, as determined by the Water Superintendent. The Water Department reserves the right to determine the type of meter to be installed.
- D. Location Of Meters: Meters shall normally be placed at the curb or property lines; the meter will be installed wherever the applicant desires within reason, but the location must be approved by the Water Department. The meters will not be located in driveways or other locations where damage to the meter or its related parts may occur.
- E. Joint Use Of Meters: The joining of several customers to take advantage of the single minimum charges and large quantity rates shall be prohibited, except under special contract, in writing, with the City Council.

- F. **Changes In Size Or Location:** If for any reason a change in the size of a meter and service is required, the installation will be accomplished on the basis of a new connection, and the customer's application shall be amended. Meters or services moved for the convenience of the customer will be relocated only at the customer's expense. (Ord. 132, 6-23-1987)

8-1-11: **WATER RATES:** The water rates to be charged for each class of service, including minimum charges, charges for water used over the minimum and service connection charges, shall be in such amounts as established by resolution of the City Council. (Ord. 132, 6-23-1987; amd. 2018 Code)

8-1-12: **NOTICES:**

- A. **Notices To Customers:** Notices from the Water Department to the customer will normally be given in writing and either mailed to or delivered to him at his last known address. Where conditions warrant and in emergencies, the Water Department may notify either by telephone or messenger.
- B. **Notices From Customers:** Notices from the customer to the Water Department may be given by the customer or his authorized representative orally or in writing at the Office of the Water Department in the City Hall, or to an agent of the Water Department duly authorized to receive notices or complaints. (Ord. 132, 6-23-1987)

8-1-13: **BILLING AND PAYMENTS:**

A. **Meter Readings:**

1. **Specified:** Meters will be read and customers billed on the basis of the meter reading to the nearest one hundred (100) gallons.
2. **Accounting:** The Water Department will keep an accurate account on its books of all readings of meters and such account so kept shall be offered at all times, places and courts as prima facie evidence of the use of water service by the customer.

B. Rendering Of Bills:

1. Billing Period: All meters shall be read and bills rendered therefor monthly.

2. Bills For Other Than Normal Billing Period: Opening or closing bills, or bills that for any other reason cover a period containing ten percent (10%) more days or ten percent (10%) less days than in the normal billing period shall be prorated.

3. Bills For More Than One Meter: All meters supplying a customer's premises shall be billed separately, except that where the Water Department has for operating purposes installed two (2) or more meters in place of one, the reading may be combined for billing.

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

D. Failure To Read Meters: In the event that it shall be impossible or impractical to read a meter on the regular reading date, the water consumption shall be prorated on the basis of thirty (30) days per month and the total water consumption for billing purposes for that period shall be estimated.

E. Payment Of Bills: Each bill rendered shall contain the final date on which payment is due. If the bill is not paid by that date, the account shall be considered delinquent, unless other arrangements have been made with the Water Department in writing that specify another due date. (Ord. 132, 6-23-1987)

F. Delinquent Accounts:

1. Delinquent Notice: A reminder of account delinquency shall be sent by the City Clerk to each delinquent account on or about fifteen (15) days after the account becomes delinquent unless the City Clerk, with the approval of the Mayor or Council, determines that such a notice should not be sent.

2. Turn Off Notice: On or about fifteen (15) days after an account becomes delinquent and notice of delinquent account has been

mailed, a turn off notice may be sent to the customer. Said notice shall state a date on which water will be turned off if the delinquent account is not paid in full prior thereto. The City shall be required to give a fifteen (15) day written turn off notice prior to actually terminating the water service to the customer. An account will not be allowed to be more than two (2) months in arrears unless approved by the Mayor or the City Council.

3. Service Turn Off: On the turn off date, the meter reader or other agent of the City shall deliver a written notice to the customer stating that the water service is being turned off until all delinquent amounts have been paid. The meter reader or other agent of the City shall immediately thereafter turn off the services. A delivery to the premises served by the meter shall be considered a delivery to the customer. (Ord. 197, 2-9-2016)

4. Service Charge: In all instances where water has been turned off because of delinquent accounts, a service charge in such amount as established by the City Council, shall be made for the restoration of services and replacement of cash deposit, as stated in subsection 8-1-6B of this chapter, will be required. (Ord. 197, 2-9-2016; amd. 2018 Code)

- G. Installment Payments Of Delinquent Accounts: In cases of extreme hardship, the City shall have the discretion of renewing service to a delinquent account upon receipt of a satisfactory installment plan for the payment of the overdue amount, installment period not to exceed the period of time the account was delinquent. (Ord. 197, 2-9-2016)

8-1-14: **METER ERROR:**

- A. Meter Accuracy: All meters will be tested prior to installation. No meter will be placed in service or allowed to remain in service which is known to have an error in registration in excess of two percent (2%) under conditions of normal operation.

B. Meter Test:

1. Standard Test: Meter tests will be conducted in accordance with standard of practice established by the American Water Works Association. (Ord. 132, 6-23-1987)

2. On Customer Request: A customer may, giving not less than seven (7) days' notice, request the Water Department to test the

meter servicing his premises. The Water Department will require the customer to deposit the testing fee. This fee shall be in such amount as established by the City Council. The deposit will be returned to the customer if the test reveals the meter to over register more than two percent (2%); under the standard test conditions, the deposit shall be retained by the Water Department. Customers may at their option witness any meter tests which they request. (Ord. 132, 6-23-1987; amd. 2018 Code)

3. Water Department Request: If, upon comparison of past water usage, it appears that a meter is not registering properly, the Water Department may at its option test the meter and adjust the charges accordingly if the meter either over registers or under registers. No charge for meter testing will be made to the customer for the meter test under these conditions.

C. Adjustments Of Bill For Meter Error:

1. No Credit, Debit: No credits or debits will be borne by the City or the customer should the tested meter show variance high or low, from the accuracy defined in subsection A of this section.

2. Nonregistering Meters: The Water Department will bill the customer for water consumed while the meter was not registering. The bill will be computed upon an estimate of consumption based either upon the customer's prior use during the same season of the year, or upon a reasonable comparison with the use of other customers receiving the same class of service during the same season and under similar circumstances and conditions. (Ord. 132, 6-23-1987)

8-1-15: **DISCONTINUANCE OF SERVICE:**

A. On Customer Request:

1. Notice: Each customer about to vacate any premises supplied with water service by the Water Department shall give the Water Department written notice of his intentions at least two (2) days prior thereto, specifying the date service is to be discontinued; otherwise, he will be responsible for all water supplied to such premises until the Water Department shall receive notice of such removal.

2. Billing: At the time specified by the customer that he expects to vacate the premises where service is supplied or that he desires to be discontinued, the meter will be read and a bill rendered which is

payable immediately. In no case will the bill be less than the monthly minimum specified in the schedule applying to the class or classes of service furnished.

- B. **Nonpayment Of Bills:** A customer's water service may be discontinued if the water bill is not paid in accordance with the procedures listed in subsection 8-1-13F of this chapter.
- C. **Improper, Unsafe Customer Facilities:** The Water Department may refuse to furnish water and may discontinue services to any premises without prior notice where plumbing facilities, appliances or equipment using water are dangerous, unsafe, or not in conformity with the Plumbing Code of the State of Idaho.
- D. **Water Waste:** Where water is wastefully or negligently used on a customer's premises, seriously affecting the general service, the Water Department may discontinue service if such conditions are not corrected after due notice by the Water Department.
- E. **Service Detrimental To Others:** The Water Department may refuse to furnish water and may discontinue service to any premises where excessive demands by one customer will result in inadequate service to others.
- F. **Fraud Or Abuse:** The Water Department will refuse to continue service to any premises where it is deemed necessary to protect the Water Department from fraud or abuse. Discontinuance of service from one or both of these causes will be made immediately upon receipt or knowledge by the Water Department that the condition or conditions exist.
- G. **Unauthorized Turn On:** Where water service has been discontinued for any reason and the water is turned on by the customer or other unauthorized person, the water may then be shut off at the main or the meter removed. The charges for shutting off the water at the main or removing the meter shall be computed at actual cost to the Water Department, plus fifteen percent (15%) overhead, but not less than fifty dollars (\$50.00). These charges shall be billed to the offending customer and water shall not be furnished to the premises or customer until such charges are paid and the Water Department has reasonable assurance that the violation will not reoccur.
- H. **Noncompliance With Regulations:** The Water Department may, upon five (5) days' notice, discontinue service to a customer's premises

for failure to comply with any of the provisions of these regulations.
(Ord. 132, 6-23-1987; amd. 2018 Code)

8-1-16: RESTORATION OF SERVICE:

- A. Nonpayment: Restoration of service after discontinuance for nonpayment of bills shall be made after payment of current and past due charges plus a restoration charge in such amount as established by the City Council, and posting a deposit as hereinbefore provided.
- B. Discontinuance: Restoration of service after discontinuance of service for unsafe facilities, water waste, fraud, abuse or for noncompliance with any of the policies, rules and regulations will only be made after the irregularity has been corrected and the Water Department has been assured that the irregularity will not reoccur. The restoration charge shall be in such amount as established by the City Council, plus any other charges due or past due that the Water Department may have incurred to correct the irregularity. (Ord. 132, 6-23-1987; amd. 2018 Code)

8-1-17: UNUSUAL DEMANDS:

- A. Arrangements: When an abnormally large quantity of water is desired for filling a swimming pool, log pond or for other purposes, arrangements must be made with the utility prior to taking such water.
- B. Conditions: Permission to take water in unusual quantities will be given only if the Water Department facilities and other consumers are not inconvenienced. (Ord. 132, 6-23-1987)

8-1-18: ACCESS TO PROPERTY: All duly appointed employees of the Water Department, under the direction of the Water Superintendent, shall have free access at all reasonable hours of the day to any and all parts of structures and premises in which water is or may be delivered for the purposes of inspecting connections, the conditions of conduits and fixtures, and the manner and extent in which the water is being used. The Water Department does not, however, assume the duty of inspecting the customer's line, plumbing and equipment, and shall not be responsible therefor. (Ord. 132, 6-23-1987)

8-1-19: RESPONSIBILITY FOR EQUIPMENT:**A. Responsibility For Customer Equipment:**

1. The Water Department shall not be liable for any loss or damage of any nature whatsoever caused by any defect in the customer's line, plumbing or equipment, nor shall the Water Department be liable for loss or damage due to interruption of service or temporary changes in pressure.

2. The customer shall be responsible for valves in his premises being turned off when the water service is turned on.

B. Responsibility For Water Department Equipment: Water Department equipment on the customer's premises remains the property of the department and may be repaired, replaced or removed by the department employees at any time without consent of the customer. No payment will be made to the property owner for the right to install, maintain, replace or remove Water Department equipment on his premises. The property owner must keep vicious dogs or other animals secured or confined to avoid interference with the utility operation and maintenance.**C. Damage To Water Department Equipment:** The customer shall be liable for any damage to equipment owned by the Water Department which is caused by an act of the customer, his tenants, agents, employees, contractors, licensees or permittees. Damage to equipment shall include, but not be limited to, damages by hot water or steam, and damaged meter boxes, curb stops, meter stops and other appurtenances. (Ord. 132, 6-23-1987)**8-1-20: FIRE HYDRANTS:****A. Operation:** No person or persons other than those designated and authorized by the Water Department shall open any fire hydrant belonging to the Water Department, attempt to draw water from it or in any manner damage or tamper with it. Any violation of this regulation will be prosecuted according to law. No tool other than special hydrant wrenches shall be used to operate a hydrant valve. In cases where a temporary service has been granted and received water through a fire hydrant, an auxiliary external valve will be provided to control the flow of water.

- B. Moving Fire Hydrant: When a fire hydrant has been installed in the locations specified by the proper authority, the Water Department has fulfilled its obligation. If a property owner or other party desires to change the size, type or location of the hydrant, he shall bear all costs of such changes. Any changes in the location of a fire hydrant must be approved by the Water Department and the Fire Department. (Ord. 132, 6-23-1987)

8-1-21: **SUSPENSION OF RULES:** No employee of the Water Department is authorized to suspend or alter any of the policies, rules and regulations cited herein without specific approval or direction of the City Council, except in cases of emergency involving loss of life or property or which would place the water system operation in jeopardy. (Ord. 132, 6-23-1987)

8-1-22: **PRIOR ORDINANCES:** The provisions of any prior ordinance of the City that may be in conflict with any of the rules, regulations or provisions herein contained are hereby repealed and superseded. (Ord. 132, 6-23-1987)

8-1-23: **PENALTY:** Any person violating any of the provisions of these rules and regulations shall, upon conviction thereof, be guilty of a misdemeanor and subject to penalty as provided in section 1-4-1 of this Code. (Ord. 132, 6-23-1987; amd. 2018 Code)

CHAPTER 2

BACKFLOW AND CROSS CONNECTIONS

SECTION:

- 8-2-1: Definitions
- 8-2-2: Cross Connection Prohibited
- 8-2-3: Use Of Backflow Prevention Devices
- 8-2-4: Periodic Inspections
- 8-2-5: Compliance With Regulations
- 8-2-6: Failure To Remove Cross Connections
- 8-2-7: Penalty

8-2-1: **DEFINITIONS:** The terms "backflow", "cross connections", "department", "health hazards", "person" and "public water system", as used in this chapter, shall be defined and shall be given the meanings given to said terms in the Idaho Rules for Public Drinking Water Systems ("regulations" herein). (Ord. 127, 2-2-1982; amd. 2018 Code)

8-2-2: **CROSS CONNECTION PROHIBITED:** The existence of any cross connection which can or may permit the entrance of any unsafe substance into the City public water system by any person owning or in control of property within the City limits is prohibited. (Ord. 127, 2-2-1982)

8-2-3: **USE OF BACKFLOW PREVENTION DEVICES:**

- A. **When Required:** Whenever, in the judgment of the City or the department, or the nature and extent of the activities conducted or the materials stored on premises within the City limits, a health hazard or potential health hazard relating to the City public water system and/or deleterious effect to the quality of the water in the City public water system is presented should a cross connection occur, the owner and the person in control of such premises shall install an approved backflow protection device as required by the regulations. (Ord. 127, 2-2-1982; amd. 2018 Code)

- B. Specified Facilities: The following facilities are deemed by the City to present a health hazard or potential health hazard arising from potential cross connections:
1. Sewage treatment plants;
 2. Chemical or other industrial plants;
 3. Agricultural chemical storage, formulation and distribution facilities;
 4. Petroleum storage facilities;
 5. Mortuaries;
 6. Hospitals;
 7. Piers and docks;
 8. Laboratories;
 9. Food processing plants;
 10. Tank truck fill stations;
 11. Car washes; and
 12. Such other facilities as may be specified by the City. (Ord. 127, 2-2-1982)

8-2-4: PERIODIC INSPECTIONS:

- A. Required: The facilities listed or specified in accordance with section 8-2-3 of this chapter shall conduct inspections and testing of the devices installed in compliance with this chapter at intervals of not less than one year by a testing service certified by the department, the results of which shall be submitted to the City not less than annually.
- B. Administrative Inspections: The facilities listed or specified in accordance with section 8-2-3 of this chapter may be periodically inspected by the City to ensure that such facility is in compliance with this chapter. Such inspections shall be made as regular administrative visits pursuant to an established schedule. Whenever the

City has probable cause to believe a violation exists in a facility, an inspection may be made of such facility outside of the regularly established schedule. (Ord. 127, 2-2-1982)

8-2-5: **COMPLIANCE WITH REGULATIONS:** The City is hereby empowered to take any lawful measures necessary or proper to assure that it, as a water supplier, and the persons subject to its jurisdiction, are in compliance with the applicable State and Federal laws and regulations concerning cross connection control, including, but not limited to, the power to enter private land, the power to install backflow prevention devices at the City's expense and to recover that expense from the owner or person in control of the offending property, and the power to enforce this chapter by appropriate police or judicial action. (Ord. 127, 2-2-1982)

8-2-6: **FAILURE TO REMOVE CROSS CONNECTIONS:** The City shall not be obligated to install or maintain any service connection to any facility in which a cross connection is known to exist and has not been expeditiously installed in accordance with the provisions of this chapter. (Ord. 127, 2-2-1982)

8-2-7: **PENALTY:** Any person who shall wilfully violate this chapter by refusing to eliminate a cross connection or potential cross connection presenting a health hazard to the community, with knowledge that such cross connection does or potentially may exist, shall be guilty of a misdemeanor and, upon conviction thereof, shall be subject to penalty as provided in section 1-4-1 of this Code. If the City, department or other appropriate government authority has notified such person that a cross connection does actually exist, every calendar day following such notice that the cross connection is not eliminated shall constitute a separate offense under this section. (Ord. 127, 2-2-1982; amd. 2018 Code)

CHAPTER 3

SEWER SYSTEM REGULATIONS

SECTION:

- 8-3-1: Short Title
- 8-3-2: Connection To Sanitary Sewer Required
- 8-3-3: Domestic And Commercial User Charges (Inside City)
- 8-3-4: Sewer Connection Fee
- 8-3-5: Rules Governing Connection Fees
- 8-3-6: Metered Service
- 8-3-7: Billing Procedures And Due Date
- 8-3-8: Delinquent Accounts
- 8-3-9: Penalty

8-3-1: **SHORT TITLE:** This chapter shall be known and may be cited as the *SANITARY SEWER SYSTEM ORDINANCE OF THE CITY OF FIRTH, IDAHO*. (Ord. 130, 2-11-1986)

8-3-2: **CONNECTION TO SANITARY SEWER REQUIRED:** Every parcel of land or premises within the boundaries of the City, improved for occupancy and occupied or used by any person or persons, shall be connected to the public sanitary sewer system. Inflow (storm drain) sources, or groundwater infiltration into the sanitary sewer system, shall neither be required nor 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 City to so connect. All charges associated with the laying of pipe from the homes or facilities to be serviced to said mains shall be borne by the property owner. All such connections to the City's mains shall be properly designed and constructed in conformity with requirements specified by the City. (Ord. 130, 2-11-1986)

8-3-3: **DOMESTIC AND COMMERCIAL USER CHARGES (INSIDE CITY):**

A. Scope:

1. This is a user charge for a small community which follows model number one in appendix B of the Federal Register, dated September 27, 1978. This treatment work is primarily flow dependent and will utilize the equivalent user concept.

2. A sewer user charge shall be levied on all users of the sewage collection and treatment facilities, for the purpose of allocating among such users the costs of operation, maintenance, replacement and financing of this facility in approximate proportion to each such user's contribution to the total wastewater load of such facilities.

B. Basis For User Charge:

1. The sewer user charge 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.

2. The sewer user charge for each user shall be in accordance with the equivalent user schedule established below. The sewer user charge for a single user having more than one classification of use shall be determined by adding together the equivalent users for each classification. The user charge for special users contributing sewage of excessive flow and/or strength, for which the tabulated equivalent users below do not apply, shall be individually calculated users provided below. The monthly fee to be paid by each user shall be computed by multiplying the sewer user charge for each user by a constant monthly cost factor, which shall be as set by the City Council. The minimum sewer user charge shall be one equivalent user.

C. Equivalent User: One equivalent user shall be defined as contributing three hundred fifty (350) gallons per day of wastewater containing not more than 0.7 pound of 5-day biochemical oxygen demand and 0.7 pound 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 one hundred (100) gallons per day. Standard engineering data indicates 0.2 pound of 5-day biochemical oxygen demand and 0.2 pound 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 is significantly different from that defined herein. Revision of the basic equivalent user criteria shall normally only be made upon the recommendation of a registered professional engineer.

- D. **Equivalent User Schedule:** The number of equivalent users which shall comprise the sewer user charge for each user and/or user class, shall be in accordance with the following equivalent user schedule in the absence of flow information. 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. If and when 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.

EQUIVALENT USER SCHEDULE
1.0 Minimum

Classification	Equivalent Users
Assembly hall or lodge (no cafe)	1.00
Bar tavern (for each seat)	0.06
Barber and beauty shops (per chair)	0.20
Bowling alley (per lane)	0.50
Cafe, drive-in, less than 20 inside seats	2.00
For each additional 20 inside seats	1.00
Cafe, up to 50 seats	2.00
For each additional 25 seats	1.00
Car washes, per stall	2.00
Churches:	
For churches with kitchen additional	1.00
Multiple congregations for each additional	2.50
Single congregation	2.50

Classification	Equivalent Users
Garage or maintenance shop	1.00
Hospitals or medical clinics (with no beds)	3.00
For each additional bed	0.50
Hotels, motels (per unit)	0.38
Or rooming house (additional per unit with kitchen)	0.20
Institutions with permanent or temporary residents	1.00
Rest homes, etc. (plus per resident)	0.30
Laundromat, up to 10 washers	4.00
Each additional washer	0.30
Office, up to 20 employees	1.00
For each additional employee	0.03
Open class per 10,000 gallons per month	1.00
Schools, no cafeteria, per student	0.02
With cafeteria, per student	0.0281
Seminary (per student)	0.014
Service station	2.00
Single dwelling unit (residence, apartment or trailer)	1.00
Store or business, up to 20 employees	1.00
Each additional employee	0.03
Supermarkets, grocery	2.00
With butcher shop	1.00
Swimming pools, per average person	0.06
Trailer parks:	
Overnight trailers	0.38
Permanent resident trailers	1.00
Sanitary waste dump station	5.00

E. Surcharge For Excessive Strength:

1. When any user contributes wastewater having an average biochemical oxygen demand 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 apply to sewage strength in excess of two hundred milligrams per liter (200 mg/L) of biochemical oxygen demand and two hundred milligrams per liter (200 mg/L) of total suspended solids. Said surcharge is based only on operation and maintenance costs for the current year's City budget as determined in the user charge system. Said surcharge shall be levied against the user in excess of the charge provided in the charge system schedule. The proportion of the operating and maintenance costs (O&M costs) shall be distributed as follows:

Flow = 60%

Biochemical oxygen demand = 20% x costs of operations and maintenance

Total suspended solids = 20% x costs of operations and maintenance

2. The biochemical oxygen demand and total suspended solids loading shall be determined from the tests averaged over the period made by City officials or the City Engineer. The monthly user surcharge shall be computed by use of the following equations:

Biochemical oxygen demand/\$month = Total flow/month x
Biochemical oxygen demand - 200 x 20% x Equivalent users
operations and maintenance

Tested	
200	10,500

Where:

Flow is in gallon

Biochemical oxygen demand tested is in ppm or mg/L

200 is the allowable limit in ppm or mg/L

Equivalent users operations and maintenance in ppm or mg/L

Total suspended solids/\$month = Total flow/month x Total suspended solids - 200 x 20% x Equivalent users operations and maintenance

<u>Tested</u>	<u></u>
200	10,500

Where:

Flow is in gallon

Total suspended solids tested is in parts per million or milligrams per liter

200 is in parts per million or milligrams per liter

Equivalent users operations and maintenance in parts per million or milligrams per liter

3. A copy of the list of user surcharge, the characteristics of their sewage, and the surcharge for each shall be kept on file at all times in the Office of the City Clerk.

- F. Special Users: If, in addition to excessive strength, a user is determined to add flow to the lagoon in excess of ten thousand (10,000) gallons per month, the above formula shall be multiplied by a factor of total flow divided by ten thousand (10,000) gallons per month. In order to determine the flow of this special user, the City may monitor sewage and water flow in order to determine total flow. The value of user's monthly charge computed in the formula above will be the same value as assigned single dwelling units.

"UMC" represents the basic user's monthly charge computed as provided for above.

- G. Review And Revision Of User Charges: The sewer user charges shall, as a minimum, be reviewed annually and updated to reflect each user's actual contribution to the wastewater load of the sewage collection and treatment facilities. Any revision 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 biochemical oxygen demand and/or the total daily suspended solids. The City 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 City. Revisions involving user's flow, biochemical oxygen demand 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 chapter shall be computed by the methods outlined herein.

- H. User Request For Change In User Charge: 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 City Council 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 City and/or its Engineer. Review of the request by the City Council shall determine if it is substantial or not, including recommended further study of the matter for the City and/or user by a registered professional engineer. (Ord. 130, 2-11-1986)

8-3-4: SEWER CONNECTION FEE:

- A. Specified: The sewer connection fee shall be in such amount as established by the City Council.
- B. Special Connections: Any special connections not covered by the established schedules, including users outside the City, shall have connection fees set by the Mayor and the City Council in each individual situation.
- C. Scope Of Fees; Inspections: The foregoing fees are for the privilege of connecting with the City sewer, and all work necessary for making proper connection shall be done to the satisfaction of and under the supervision of the City inspector and shall be paid for by the person desiring such connection; and further, such person shall pay a permit fee and inspection fee in such amounts as established by the City Council. (Ord. 130, 2-11-1986; amd. 2018 Code)

8-3-5: RULES GOVERNING CONNECTION FEES:

- A. Full Connection Fee: 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 therefore pay the full connection fee.

- B. Multiple Dwellings: In case wherein two (2) or more dwellings exist on any lot under the same ownership, and if any such dwellings are located to the rear of the other or if at least seventy five feet (75') 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 ($\frac{1}{2}$) 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.
- C. Business Blocks, Shopping Centers: In any "business block", or shopping center containing more than one adjoining business or commercial establishment under one ownership, where more than one such establishment is connected with the same lateral but separate applications for service are made and separate billings requested, one of such establishments shall pay the applicable full connection fee, and each additional establishment shall pay one-half ($\frac{1}{2}$) the applicable connection fee required for connection of similar size.
- D. Unimproved Real Property: 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 at his own cost all collection lines acceptable to the City and connect the same to an existing main sewer line at a place to be determined by the City Council and all at the cost and expense of said subdivider. Each lot shall pay a hookup cost. (Ord. 130, 2-11-1986)

8-3-6: **METERED SERVICE:** Whenever the Council shall deem it appropriate and in the best interests of the City 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 Council may by resolution require the said user to install a meter and/or meters which will accurately measure the services provided; and the Council 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. (Ord. 130, 2-11-1986)

8-3-7: **BILLING PROCEDURES AND DUE DATE:** Fees assessed for metered water, Municipal collection and sanitation services and sewage collection and treatment, shall be combined in one monthly bill and shall be mailed or otherwise delivered to the property

owners or their designated agents monthly in the month following that month for which the service was rendered. The owner of each premises utilizing such services shall be deemed liable for the payment of such fee. Acceptance by the City of payment from a tenant shall not constitute a waiver by the City of the owner's liability for charges for such services which were not paid by the tenant. The fee assessed for such services shall be due within fifteen (15) days of the date of mailing, or other delivery, or each monthly billing. When the fifteenth day falls upon a legal holiday, or on a day when the City offices are not open for business, the next regular business day is considered as the final due date. Where remittances are made by mail, assessed fees shall be deemed paid on the date of mailing as shown by the postmark. A delinquency charge of ten percent (10%) shall be added to each delinquent bill for each period of thirty (30) days delinquency or fraction thereof. Failure to receive a billing for services rendered does not excuse the user from liability for services rendered. (Ord. 197, 2-9-2016)

8-3-8: **DELINQUENT ACCOUNTS:** When assessed fees are not paid within fifteen (15) days after the due date, the City may collect the same in any or all such services to a delinquent customer. In a case where one or more such services is discontinued for delinquency, it shall not be restored until such delinquency is paid in full, or arrangements for payment have been made and approved by the City. In addition, a fee in such amount as established by the City Council shall be assessed for restoring service that has been discontinued for delinquency. (Ord. 197, 2-9-2016; amd. 2018 Code)

8-3-9: **PENALTY:** Any person who shall violate any provision of this chapter, upon conviction thereof, shall be deemed to be guilty of a misdemeanor, and shall be subject to penalty as provided in section 1-4-1 of this Code. Any violation of any or all provisions of this chapter 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 City in enforcing this chapter. (Ord. 197, 2-9-2016; amd. 2018 Code)