AGENDA
McCall City Council
Special Meeting
December 19, 2014 at 3:00 p.m.
McCall City Hall (Lower Level)
Legion Hall
216 East Park Street

The times listed are estimated times only. The Council reserves the right to alter the times as necessary.

WORK SESSION - A Work Session is a Special Meeting of the Council that is generally held in a more informal manner or setting than a business meeting, and where the purposes may be, for example:

1. To study, deliberate or review one or more topics or emerging issues for potential action at a future date,
2. To vet the status of matters that are intended to be presented on the agenda of an ensuing business meeting unless exceptional circumstances apply,
3. To engage in public comment or dialog, or
4. To participate in presentations with City staff or other subject matter experts.

In general, final votes are not taken at a Work Session, but there are commonly procedural votes on the disposition of various matters.

3:00 p.m. **AB 14-245 McCall City Code Title 6 – Utility Services Code Revisions**

5:00 p.m. **ADJOURNMENT**

Americans with Disabilities Act Notice:
The City Council meeting room is accessible to persons with disabilities.
If you need assistance, please contact City Hall at 634-7142.

McCALL CITY COUNCIL 216 East Park Street
AGENDA BILL McCall, Idaho 83638

Number **AB 14-245**

Meeting Date **December 19, 2014**

AGENDA ITEM INFORMATION

SUBJECT:

McCall City Code Title 6 – Utility Services Code Revisions

WORK SESSION

Department Approvals	***Initials***	***Originator or Supporter***
Mayor / Council		
City Manager		
Clerk		
Treasurer		
Community Development		
Police Department		
Public Works	PB	Originator
Golf Course		
Parks and Recreation		
Airport		
Library		
Information Systems		
Grant Coordinator		

COST IMPACT:	N/A
FUNDING SOURCE:	
TIMELINE:	Early 2015

SUMMARY STATEMENT:

McCall City Code (MCC) Title 6 - Utility Services was written in 1993. This entire section of code needs to be completely revised and updated. Public Works has previously presented several versions of revisions to this code section.

In the last 20 years, industry, engineering and regulatory standards have changed dramatically. In addition newer products and materials offer longer service life and ease of installation. Public Works would like a mechanism to adopt changes to utility specifications without needing approval from City Council.

Revisions to the current MCC Title 6 are needed now before increased new development takes place, to bring our code up to standard and to address situations that are unique to McCall. Chapter 4 of Title 6 is now incorporated within Chapters 1 and 3. A more detailed review of the proposed changes will be presented at the City Council Work Session.

The current MCC Title 6 and the proposed new Title 6, Chapters 1, 2, and 3 are attached for Council review.

RECOMMENDED ACTION:
For review and discussion purposes only.

RECORD OF COUNCIL ACTION

MEETING DATE	***ACTION***
January 19, 2012	AB 12-14, Discussion on revising Title 6
March 20, 2012	AB 12-60, Review first draft of revisions to Title 6
May 24, 2012	AB 12-60, Review of additional revisions to Title 6
August 23, 2013	AB 13-146, Discussion of Title 6 revisions, will serves & water/wastewater policies

Title 6
UTILITY SERVICES
Chapter 1
WATER USE AND SERVICE

6-1-010: PURPOSE:

It is hereby determined and declared to be necessary and conducive to and for the protection of the health, safety and welfare of the public and inhabitants of the city, and for the purpose of controlling the use and connection to, and for providing an equitable distribution of the costs and expenses of maintenance, operation, upkeep and repair of the entire municipal water system which includes the water supply, water storage and water distribution facilities of the city, to charge and collect service charges or fees upon all lots, lands, property and premises served or benefited by the municipal water system of the city, which system and facilities consist generally of all wells, storage reservoirs, transmission mains, structures, buildings, chlorination facilities, valves, service connections, service meters, fittings, mechanical equipment and all other facilities as required for the furnishing and distribution of water as a public system to the citizens of the city; and to provide for the control, use and administration of the installation of private domestic water systems where a public water system is not available.

6-1-020: DEFINITIONS:

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

AUTHORIZED WATER USER: Any person making authorized and proper use of the municipal water system and/or the water delivered thereby and who has made application for water service and such application has been granted and has paid for such service, water, and all fees required. An authorized water user may be an owner, his tenant by lease or rental, a developer, etc.

CITY: Refers to the city of McCall, Valley County, Idaho, or its authorized or designated agent, representative or deputy thereto.

CITY TREASURER: The City Treasurer of the City.

CITY WATER SERVICE LINE: That portion of any individual water service line that runs from its connection with the public water main to, and including, the corporation stop, valve box and meter that is installed in the service line. It will usually be installed within the limits of the public right of way or utility easement and, after approved installation, it is to be owned and maintained by the city.

EQUIVALENT CONNECTION: The service to a typical residential house on an individual lot that is occupied by an average single-family dwelling is designated as one equivalent connection. All other connections are prorated in relation to equivalent connections based on the estimated usage of or benefit derived from the service.

MASTER WATER PLAN: Any document which the city of McCall has accepted by official action of the city council which describes or otherwise indicates an overall view of proposed future water system needs, minimum water main sizing, and/or minimum water main spacing and routing.

MONTH: The period between scheduled water meter readings. The city will, as nearly as possible, schedule the water meter readings thirty (30) days apart.

MULTIPLE BUILDING DEVELOPMENT: Includes the various types of developments that would have common or joint ownership areas such as condominiums, townhouses, mobile home parks or courts, shopping centers, professional offices, etc.

MUNICIPAL WATER SYSTEM: Includes all components and facilities of the public water system that are owned, operated, or maintained by the city of McCall, Idaho, for domestic and other uses.

OVERSIZED MAIN: Any water main which is required to have a larger inside diameter than is necessary based on the estimated flow of the service area for which the main is being installed.

OWNER: Refers to the property owner that is served by the municipal water system or desires to be served by the municipal water system.

PUBLIC WORKS DIRECTOR: The Public Works Director of the City.

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

PRIVATE FIRE SERVICE CONNECTION: A separate and independent connection from the municipal water main that connects directly to a sprinkler system or fire control device that has been, or is to be, installed in any building for the purpose of fire control within the specific building and said connection is to be for no other purpose.

PRIVATE WATER SERVICE LINE: The portion of the water service line that runs from the building being served to the point of connection with the water meter.

PRIVATE WATER SYSTEM: Any water system for domestic use that is not owned, operated, and maintained by the city of McCall, Idaho.

PROPERTY: Refers to all property, whether privately or publicly owned, within the service limits of the municipal water system excluding therefrom lands that have been dedicated for public street or highway rights of way.

PUBLIC WATER SERVICE LINE: See definition of City Water Service Line.

SHALL/MAY: "Shall" is mandatory; "may" is permissive.

SPRINKLER IRRIGATION: Refers to any system for the purpose of watering lawns, gardens, shrubs, trees, etc., as they are normally grown in the out of doors or open spaces.

SUPERINTENDENT: The superintendent of the city waterworks is the individual appointed by the city council to be in charge of, and oversee, the water system; he/she shall, under the direction of the public works director, have charge of the municipal water supply system. The superintendent's duties shall include, but not be limited to: maintenance, operation, supervision, and/or inspection of all additions or modifications. The superintendent shall report, on a regular basis, to the public works director the condition of the municipal water system.

UNAUTHORIZED WATER USER: Any person who makes any use of the municipal water system or the water delivered thereby who is not an authorized water user or who improperly or illegally uses the water system, or who causes damage or injury to the system in any fashion.

UNIFORM PLUMBING CODE: The most currently adopted edition of the uniform plumbing code.

WATER MAIN: Any pipeline owned by the city for the purpose of transportation and/or distribution of water to serve more than one water service line or user.

6-1-030: APPLICATION OF CHAPTER; CITY AUTHORITY:

A. Application: The provisions of this chapter shall apply to all property within the corporate limits of the city, and any special users outside of the corporate limits of the city, including all property owned or occupied by the United States of America, the state of Idaho, and Valley County.

B. City Authority: The water system for the supply of the city shall be under the sole and exclusive control of the mayor and council, who may, from time to time, direct the construction of such works, placing of mains, service pipes and fire hydrants, as the necessities of the city may require.

6-1-040: USE OF CITY WATER REQUIRED:

A. Connection To City System: 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 cease using any other water system and at his expense to connect such building directly with the city water in accordance with the provisions of this chapter, within sixty (60) calendar days after the date of official notice from the city to do so; provided, however, that said city water is within three hundred feet (300') of any property line where said building to be served is located.

B. Disconnection Of Private System Required: At such time as the municipal water system becomes available to the property served by the private water system, and the owner or tenant connects his property to municipal service as required, it is mandatory that the private water supply is not connected or cross connected in any way to the water lines served by the city water system. The disconnection of the private water supply line shall be inspected and approved by the superintendent or his designated representative.

6-1-050: APPLICATION FOR WATER SUPPLY:

A. Application Required: Whenever any person desires to obtain a supply of water from the city waterworks, he/her shall apply to the public works department for service and agree to be governed by such rules and regulations not inconsistent with this chapter, as may be prescribed by the mayor and city council for the control of the water supply.

B. Contents Of Application; Grant Of Application:

1. New Construction: The applicant must state the location, type of building, and uses therein, and fully and truly state the purpose for which the water is to be used, and shall furnish a set of floor plans showing all water uses and a site plan if the water is to be used for irrigation. If the application is granted, the public works department may authorize the extension, at the expense of the applicant, and at no expense to the city, the service pipe and meter tile, meter yoke, meter tile lid, curb stop and any other fittings that are necessary to install service to the inside line of the curb at the point most convenient for supplying the applicant.

2. Existing Water Service: In the case of an existing water service connection, if the real property or improvement is sold or otherwise transferred, the person entitled to possession shall make application to the municipal billing department to transfer the account, and shall supply the department with all information requested by the department.

3. Third Party Billing: After establishing an account for water service, a property owner may direct that a third party, such as a property management company, or a tenant, receive the billing for water, sewer, and solid waste collection services. The third party to whom the billings are sent shall also execute such documentation as is necessary to confirm the billing information. In the event such an account becomes delinquent, the municipal billing department shall send a delinquency notice to the billing recipient, and

the owner, at the addresses contained in the agreements. The city will charge a third party billing account setup fee which must be paid at the time of the application. The fee will be set by resolution of the city council. The third party billing agreement shall also provide that the property owner remains primarily responsible for charges assessed to the account, and further, that all unpaid charges constitute a lien against the real property. An owner may appoint an agent, to act for the owner, to establish an account, receive billings, or do anything else an owner may do, or be required to do, pursuant to this code.

C. Street Paving: In cases where street paving is contemplated, the abutting property owners must either connect their premises with the water mains before the trench is backfilled or pay the cost of service from the main to curb if made thereafter.

6-1-060: POINT OF LIABILITY FOR MAINTENANCE:

A. User Responsibility: All users shall have the responsibility of, and be liable for, and shall pay for, all costs and expenses of maintaining their own water service line(s) extending from the property improvement to a point of connection to the water meter yoke. This point of connection may be inside or outside of the meter pit depending on the length of the meter yoke tail. The city's responsibility for maintenance of the individual user service line(s) extends from the point of connection at the water main to the point of connection of the yoke to the property improvement service line.

B. Damage To Water System: Responsibility for damage to the city water system is as outlined in subsection of this chapter.

C. Non-conflicting Provisions: This section shall not be construed to be in conflict with section 6-1-330 of this chapter.

6-1-070: WATER SERVICE CONNECTIONS AND WATER LINES:

All materials and workmanship in the installation of private water service lines and connections to the city water service line shall conform to the following regulations:

A. Permit Required: No person other than one authorized by the city shall uncover, make any connections with or opening into, use, alter, or disturb any municipal water main, city water service line or appurtenance thereof without first obtaining a written permit from the city. The permit is not to be used until all water installation charges and fees have been paid in full.

B. Application For Permit; Fees: To obtain municipal water service, the owner or his agent shall make application on a special form furnished by the city. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the city and requested by the city. A permit and inspection fee as established by resolution of the city council shall be paid to the city at the time the application is filed. The owner or his agent shall pay assessment fees to the city at the time the application is filed. The amount of the assessment fees will vary depending on the

equivalent residential unit (ERU) rating, or other rating established by the city engineer for the user in question. The assessment fees shall be as established by resolution of the city council.

C. Service Line Installation: The owner may request permission from the city to install the water service line, including tap to the city water main, city stop valve, service line, valve, meter vault and cover under private contract. Such installation shall be in conformance with the plumbing code as adopted by the city. When installation of a water service line and appurtenances causes damage to any property, public or private, other than the owner's property, the owner shall be responsible for all repair costs including, but not limited to, repair to streets, sidewalks, curbs, gutters, sewer lines, irrigation facilities, storm drains, lawns, fences, gas lines, other water mains, telephone lines and electrical lines.

D. Old Private Service Lines: Old private water service lines may be used in connection with new buildings only when they are found, on examination and being tested as required by the city, to meet all requirements of this chapter.

E. Conformance With Building And Plumbing Codes; Inspection:

1. The materials of construction of the private water service line and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench shall all conform to the requirements of the building and plumbing codes as have been or may be adopted by the city.

2. The private water service connection to the city water service line shall conform to the requirements of the building and plumbing codes as adopted by the city.

3. All connections to or extensions of the service line, as previously installed by the city, or under its authorization, shall be made in accordance with the requirements of the uniform plumbing code for such an installation. The connection of the service line shall be inspected by the city plumbing inspector before the installation is backfilled and before the water is turned on for use at the premises.

F. Service Line Size And Location:

1. The private water service line from the building to the connection with the city water service line shall not be smaller than a three-fourths inch (3/4") inside diameter pipe and shall be laid in a trench of such depth so that the minimum cover over the pipe from the finished grade shall be three feet (3').

2. The alignment of the private water service line from the outlet of the building to the city water service line shall be reasonably straight and shall be located such that the distance between the water service line and the sewer service line shall be a minimum of ten feet (1O').

G. Cross Connection Prohibited: No person shall make or permit the cross connection of any private water supply to a water line that is served by the municipal water system[3].

H. Notify City For Inspection: The applicant for the city water service line permit shall notify the city when the connection of the private water service line to the city water service line is ready for inspection.

I. Excavations Guarded; Restoration: All excavations for all water service installations shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the city or the entity having jurisdiction over the disturbed property.

J. Private Fire Service Connection: The installation of a private fire service connection shall comply in all respects to the requirements for a city water service line and the owner, or his agent, will be required to pay all costs for connection and extension of the facility from the municipal water main. The connection of a private fire service connection shall be made in accordance with international fire code.

K. Connections Made By Plumber: The connection of the private water service line to the public water service line to the municipal water main shall be made by a plumber holding a valid state plumber's license.

L. Meter, Stop Valve And Stopcock:

1. A separate and independent city water service meter and stop valve shall be provided for every authorized water user.

2. To each service pipe there shall be attached at the inside line of the curb a stopcock and key box which shall be paid for by the water user and be under the exclusive control of the superintendent of the waterworks.

6-1-080: REJECTION OF MATERIALS OR WORKMANSHIP:

The city may reject any materials or workmanship for cause and upon such, the rejected material shall be removed and replaced with approved material. Disapproved workmanship shall cause the removal and replacement of all materials involved, including appurtenances such as excavations, backfilling and other work items.

6-1-090: BACKFILLING AND SURFACE REPAIR:

A. Owner Responsibility; Costs: All backfilling and surface repair required by a water service installation shall be the owner's responsibility.

B. Work Under Private Contract: When the owner has the water service installation done under private contract, the costs for surface repair shall be the owner's responsibility and shall not be included in any fee, charge or rate imposed by the city.

C. Conformance With Special Specifications; Inspection And Approval: All surface repair and backfilling shall conform to special specifications promulgated by the city for water line installation and shall be subject to inspection by and approval of the city.

6-1-100: RIGHT OF ENTRY FOR INSPECTIONS OR TESTING:

A. Free access to all places supplied with water, at all reasonable hours, shall be allowed the public works director, water superintendent, assistant water superintendent, city engineer, or their designee to examine the apparatus, the amount used, and the manner of use of the same, and any water user violating any of the rules and regulations controlling the water supply shall be subject to penalty as provided for in section 6-1-360 of this chapter.

B. The city through its authorized representative bearing proper credentials and identification shall be permitted, during proper and reasonable hours of the day, to enter all properties, premises or buildings to which water is furnished from the municipal water system for testing or for any other purpose necessary for the proper administration of the water system in accordance with the provisions of this chapter. Also, the city through its authorized representative bearing proper credentials and identification shall be permitted to enter all private properties through which the city holds a duly negotiated easement for the purpose of, but not limited to, inspection, observation, repair, and maintenance of any portion of the municipal water system lying within said easement. All entry and subsequent work, if any, on said easement shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

6-1-110: WATER MAIN EXTENSIONS:

A. Permit Required: No extensions of service pipes shall be made without first obtaining a permit therefor from the public works department, and each building shall have separate service pipes.

B. Compliance With City Policies; Responsibility For Costs: All proposed extensions of the municipal water system to serve undeveloped areas within the existing corporate limits, newly annexed areas or areas outside the corporate limits shall comply with existing water system extension policies and with the overall master plan for the city's municipal water supply system. Costs for all extensions to any property shall be the responsibility of that property owner or his agent. Cost for water service extensions within the property for which the extension is requested shall also be the responsibility of the owner or his agent. When it is necessary to install oversized mains as part of an extension, the cost of all oversized lines may be the responsibility of the owner or his agent. Such water line extensions, public or private, shall be extended to the farthest boundary of the development project or property to be served by the extension.

C. Fire Hydrants And Service Lines: It shall also be the property owner's or his agent's responsibility to install all necessary fire hydrants and city water service lines for all extensions of the municipal water system at no expense to the city. Unless a special permit is granted by the city, all municipal water system extensions, including the city water service lines, to newly developing areas shall be installed prior to the construction of any new streets.

D. Approval Of Plans: All design and construction of any extensions to the municipal water system shall comply with the official specifications as adopted by the city for the water distribution system. The plans for all extensions to the municipal water system shall be prepared and signed by a registered professional engineer as per the licensing requirements of the Idaho Code and said plans shall be filed with the city. In approving a plan for extension to the municipal water system, the city reserves the right to stipulate other requirements such as a special permit fee, rights of way limits, sequence of construction, time limits for having existing service disrupted, the provision of surety guaranteeing completion and other similar measures as may be required to protect the public. No work shall commence on any such extension of the municipal water system until the extension project has been approved by the city and the state of Idaho department of environmental quality.

E. Certification By Engineer: After the construction of the municipal water system extensions, it shall be the obligation of the owner, or his agent, to have a registered professional engineer verify to the city that the said system extensions were installed in accordance with the approved plans and specifications on file in the office of the city engineer. Following certification by the registered professional engineer and acceptance by the city, the entire extension of the municipal water system, including the city water service lines, shall become the property of the city and it shall be the city's responsibility to maintain and operate the system thereafter.

F. Work Done By Contractor: The installation of all public water systems shall be performed and completed by a contractor possessing a valid state of Idaho public works license with the proper endorsement for the work.

6-1-120: ASSESSMENT AND OTHER FEES:

A. Assessment Fees: Notwithstanding any of the provisions of this chapter, any person or property owner who has not otherwise paid for, or contributed proportionately toward, the costs and expenses of constructing a water line, whether that construction has been performed by the city, a local improvement district or a private entity, or combination thereof, and who subsequently desires to connect to the city water system, shall be required to pay, in addition to the monthly user charges of section 6-1-190 of this chapter, an additional connection charge which shall be known and referred to as the "water assessment fee". The water assessment fee shall be computed on an "equivalent residential unit", or "ERU", basis.

B. Fee Set By City Council: The water assessment fee for each parcel of ground connected to a water main shall be established and set by the city council. The water assessment fee may be different for residential, commercial, and industrial uses and may be different for differing uses within those three (3) classifications depending upon the considerations referenced above but shall be as consistent as possible under similar factual circumstances. The water assessment fee shall be assessed in terms of single-family equivalent connections.

C. Meter Fee: The city shall establish and charge a meter fee from all users initiating new water service or changing water meter size to cover the costs of the city providing, installing and maintaining a water meter into the meter box provided by the water user.

D. Adaptor Fee: The city shall establish and charge a fee for providing the fittings necessary to install a size of meter not equivalent to the size of the meter setter (i.e., "yoke") previously installed by the developer, owner or user. A different sized meter will be installed only at the request of the user.

E. Other Fees: The city shall establish and charge a fee to any user's water account for repair of damages to the water meter and its appurtenances including, but not limited to, the lid, padlocks, valves, and transmitters.

6-1-130: COOPERATIVE OR REIMBURSEMENT AGREEMENTS:

6-1-140: BASIS FOR AUTHORIZED WATER USER CHARGES:

A. System Established: There is hereby established a system of periodic service charges and fees for the authorized use of, and for service rendered by the municipal water system of the city, and which charges and fees shall be as near as possible, uniform as to the different users served by said municipal water system. The rates, charges, and fees provided by this chapter are hereby levied and assessed against the authorized water user or owner, and his property, having any water service connection with the municipal water system of the city.

B. Property Subject To Charges: It is specifically enacted that all improved property in the city to which the municipal water system is available, but is not used by the owner or occupier of said parcel of land, is still subject to user charges under the provisions of this chapter to cover the cost of standby fire protection facilities and other benefits.

6-1-150: WATER USER AND EQUIVALENT CONNECTION APPRAISAL:

Each user and parcel being subject to water user charges as provided for hereinabove shall be appraised and assessed for the purpose of establishing the equivalent connection rating and the monthly service charge or fee, to be charged or assessed to and against the property. In making such appraisement and assessment, there shall be taken into consideration the estimated volume of water to be used, the uniformity of the use of the water, the standby benefits of the water system for fire protection and for other factors so as to as nearly as possible fix the rate,

charge or fee upon the same relative basis as is imposed upon other like property within the city that has the municipal water service available.

6-1-160: CONNECTION TO CITY WATER SYSTEM OUTSIDE CITY LIMITS:

In order to obtain municipal water system service to parcel(s) which are either partially or entirely outside of the corporate city limits the following provisions must be complied with:

A. There shall be an application form which shall provide that the applicant will agree to the terms and conditions required by this section as a consideration for obtaining such service. The city council shall establish an application fee by resolution or as recommended by the public works director given the amount of staff review required for processing the application. The application form shall specify the legal description of the parcel(s) for which service is being applied, the name and address of the legal owner(s) of the parcel(s) and purpose of the requested service.

B. A completed application must be filed with the public works department.

C. Following the filing of a completed application and the payment of the application fee, the public works director shall then review the circumstances presented by the application in accordance with the terms and conditions and regulations of this chapter as are relevant to the application and which shall also include a review of the effect the granting of the application will have on the ability of the municipal water system to provide an acceptable level of service to developed parcels with existing service within the city limits which shall not be compromised.

D. The public works director, or his designee, shall then review the findings and recommendations with the applicant for comment.

E. The public works director shall then submit the application and a report of recommendation(s) to the city council regarding the application.

F. The city council, in the exercise of its discretion may either grant or deny the application after review of the application and the report of recommendation(s) of the public works director.

G. In the event the council grants the application it shall include as a condition that the legal owner(s) of the parcel(s) shall enter into an "agreement for the extension of domestic water service outside the city limits" (hereinafter in this section referred to as the "agreement") which agreement form shall provide that the legal owner(s) of the parcel(s) agree that the provisions of the city's ordinances, regulations, and policies, and inspection fees, which appertain to the regulation, control and use of its domestic water system including hookup, service fees as apply to terms of the "agreement" and which form shall also provide that the owner(s) of the parcel(s) agree to the annexation into the city of the parcel(s) serviced; and the council may also impose such other conditions of granting the application as are reasonable to assure the protection of the level of service to developed parcels within the

city limits and to assure that the proprietary funds of the city domestic water service are not used for the extension and/or enlargement of the system which conditions shall also be included in the "agreement". The water user of the parcel(s) serviced pursuant to a granted application under this section shall be considered a user and subject to the terms and conditions of the "agreement" so long as the property being served remains outside of the corporate limits of the city.

H. Notwithstanding subsection E of this section, if the requested connection is for a residence, or a multi-family residence not exceeding four (4) residential units, and if water service is readily available to the affected parcel without extension of service, then, if the public works director deems it in the best interests of the city to do so, said connection may be authorized by the public works director without action by the city council. If the director declines to approve the connection, the request will proceed to the city council for final decision.

6-1-170: DISPUTE RESOLUTION; BOARD OF ADJUSTMENT:

The board of adjustment, as established in title 2. chapter 7 of this code, shall be delegated the duty of hearing disputes, objections, appeals, or requested adjustments by an authorized water and/or sewer user related to water and/or sewer user accounts, statements, fees, and/or permits including, but not limited to, nonpayment and shutoff of water service (pretermination hearing), assessment fees, connection fees, wastewater discharge permits, monthly user charges or other fees established by this title regarding water and sewer use and service. The board of adjustment shall conduct hearings according to the procedures set forth in title 2. chapter 7 of this code.

6-1-180: PURPOSE OF MONTHLY WATER USER CHARGE:

The monthly water user charge is established to cover operation and maintenance costs of the system, and to provide a fund to pay for repairs and replacements of the system, increase efficiencies, meet state of Idaho or federal requirements, or redemption of bonds that have been used to finance system improvements, all as a part of the city's responsibility to provide adequate domestic water service and facilities for the city. The monthly water user charge as described herein, or as amended, shall be effective immediately upon acceptance and passage of this chapter, or an amending ordinance, and monthly user charge billing under the rates described herein shall begin at the end of the first calendar month following acceptance of this chapter. For new connections, the water user charge is to begin when the connection to the city service line has been inspected and approved or within sixty (60) days after the city service line has been installed, whichever is the earliest.

6-1-190: MONTHLY RATES:

A. User Fees:

1. All owners who receive or have the right to receive the benefit of the municipal water system shall, in return for said benefit, pay monthly user fees as established by

resolution of the city council. The monthly user fee shall be based on the amount of water used and the amount of fire and health protection provided by the municipal water supply system.

2. Monthly fixed cost fees and user fees shall be established by resolution of the city council.

3. Each owner will pay a monthly user fee based on the quantity of water used. Each owner shall pay, as full compensation for the benefits derived from the municipal water supply system, the fees as established by resolution of the city council. Should an owner request a city water service line to be disconnected, for any reason, there shall be no fee paid to the city. However, the owner must request the city to place the line back in service. There will be a charge as established by resolution of the city council associated with the reactivation of the existing service line. All monthly water rates will be charged against the property for which the city water service line is installed. The owner of record is liable for that amount, which must be paid before the water service is resumed. In the event an owner leaves an unclaimed balance in his account, that amount shall be kept for six (6) months after which time it shall revert to the enterprise fund of the city.

B. Fees For Water Use:

1. The fees for water use shall be as established by resolution of the city council.

2. In case a water meter fails to register correctly the water used, the owner shall pay for the water on the basis of the average reading of the meter for the previous three (3) months. Water meter installation fees shall be as follows:

   a. For all meters installed, the fee shall be set by resolution of the city council. All installed meters shall be property of the city.

   b. Meter adapter and radio read transmitter units fees as established by resolution of the city council.

C. Private Fire Service:

1. Available only on flat rate when used for fire protection only; owner to install all lines to the city mains at their expense. All connections to be supervised by the city and to conform to city requirements and the uniform plumbing code. The flat rate fees shall be as established by resolution of the city council.

2. All private fire service lines shall be equipped with sealed gate valve or thermal automatic openings.

3. Private fire service lines shall be used for fire control only. Any other use is unlawful.

D. Number Of Equivalent Residential Units Per Use: Assessment fees for new water users, other than single-family residential, shall be based on the number of equivalent residential

units (ERUs) listed in table ? of this section, unless other acceptable means of determining ERUs are used. Other acceptable means may include the uniform plumbing code "fixture unit" method or examination and analysis of historical consumption records of similar facilities within or outside the city of McCall.

E. Pass-Through Charge To User: The United States environmental protection agency has required the state of Idaho to test drinking water and the state of Idaho through the department of environmental quality, has passed the cost of such testing down to local governmental and private water suppliers. The city must pass the cost of such testing to the water users. Therefore, each water user shall be charged a monthly water assessment of twenty five cents ($0.25) until the department of environmental quality amends or retracts this testing charge.

6-1-200: PAYMENT OF USER CHARGES; LATE FEE:

All water charges shall be due and payable to the municipal billing department fifteen (15) days after the date of the billing statement. Upon failure to pay the same, within the time allowed, the water user shall pay, in addition to the amount due, a late payment penalty as set by resolution of the city council.

6-1-210: DELINQUENCIES; CITY PROCEDURE:

A. Termination Of Service; Notice: Each month the municipal utility billing department shall furnish each water user a statement of the amount due for water and sewer and other charges for the preceding month or up to the time that the meter has been read; and if any water user does not pay the billing within fifteen (15) days from the date of the statement, the water user's account shall be delinquent. Water users shall be notified by regular mail of this delinquency and if the bill is not paid in full within ten (10) days after service of this notification on the water user, the right to water shall cease and terminate unless the owner requests a pretermination hearing before the board of adjustment. Should the water user not request a pretermination hearing, or if an adverse decision is rendered against the owner after a pretermination hearing, the city may require the owner to pay the delinquent water bill attributable to the use, plus a turnon charge as a condition of resumption of water service, and in the event the water meter has been removed, a fee must be paid as a condition of resumption of water service. No allowance will be made for nonuse for less than one month. All corrections as to the charge and all abatements shall be made under the direction of the board of adjustment and shall be certified by the chief financial officer.

B. Right To Hearing:

1. The city, in its delinquency notice to all water users and owners, shall inform them in writing of their right to a pretermination hearing before the board of adjustment in accordance with title 2. chapter 7 of this code. If a pretermination hearing is requested by any water user, the city will not discontinue water service to any water user prior to a fair and impartial hearing before the board of adjustment.

2. Provided, however, the city shall not initially deny or discontinue water service to any water user because of any delinquent water bill on that premises that is attributable to the prior owner. However, any and all unpaid water charges shall be a lien against the property as provided below. The city may initially deny water service to any water user who requests service at a new location when that water user has a delinquency at any previous location or premises. Provided, further, that the city shall not initially deny water service to any water user for whatever reason without informing the water user of the right to a hearing before the bord of adjustment on the issue of whether the city can initially deny water services. In the case of an initial denial of water service, the city is not required to provide water service pending a hearing. However, a hearing upon request of a water user initially denied water service shall be held as expeditiously as possible and held in the manner and accordance with the procedures for pretermination hearings before the board of adjustment.

C. Lien Imposed: Where allowed by law, all delinquent charges or fees, as provided by this section, not paid after the final determination of the delinquent account, shall be imposed as a lien against and upon the property or premises against which such charge or fee is levied or assessed; and the city clerk shall, at the time of certifying the city taxes, certify such delinquencies together with all penalties to the tax collector of Valley County, and when so certified, the same shall be a lien upon the property. All monies collected by the clerk under the provisions of this section shall be paid over to the city treasurer in the same manner as is required for the payment of other city monies.

D. Security Deposit: Upon application for new service, or upon reconnection for existing service which was terminated for nonpayment, the city may require a water user to pay a deposit in an account to be determined in accordance with policies established by resolution of the city council.

6-1-220: TURNING ON WATER AFTER TURNOFF FOR NONPAYMENT:

If any person, after the water has been turned off from the premises on account of nonpayment of fees, or for failure to pay other charges assessed to the owner, or for other violation of the rules and regulations pertaining to the water supply, shall turn on or permit to be turned on, or use or permit the water to be used without authority, he/she shall be subject to the penalties provided for in section of this chapter.

6-1-230: AUTHORITY TO AMEND REGULATIONS:

Nothing herein contained shall prohibit the mayor and council from amending, altering, or adding to the provisions of this chapter in relation to the water supply or the rules of same which may be adopted in conformity therewith. Provided, that no alteration in water rates shall apply to any charge upon, or contract made with, an owner under this chapter until after the expiration of the time for which such charge was made or contract entered into. Hereafter when, and/or if, the mayor and city council deem it advisable to alter the water or installation rates or charges as in this chapter recorded, such changes shall be made by resolution.

6-1-240: WATER FUND:

All fees and charges received and collected under the authority of this chapter shall be deposited and credited to a fund to be designated as the water fund within the utility enterprise fund. The accounts of said fund shall show all receipts and expenditures for the maintenance, operation, upkeep, and repair of the domestic water system and any payments into a sinking fund established for the purpose of paying principal of and interest on the water indebtedness of the city which shall from time to time be outstanding. As provided by law, when budgeted and appropriated, the funds and credits .to the account of the water fund shall be available for the payment of the requirements for the maintenance, operation, repairs, and upkeep of the domestic water system of the city, and to the extent legally available, for payment into a sinking fund established for the payment of the principal and interest on any water bond indebtedness of the city which shall from time to time be outstanding.

6-1-250: PRIVATE WATER SYSTEMS:

Where the municipal water system is not available under the provisions of this chapter, a private water system may be installed; provided, that the system complies with all the provisions of this chapter.

A. Permit Required; Fee: Before commencement of construction of a private water system, the owner shall first obtain written permit from the city. The application for said permit shall be made on a form furnished by the city, which the applicant shall supplement by plans, specifications and other information as may be deemed necessary by the city. Review and inspection fees shall be established by resolution of the city council.

B. Inspection Of System: A permit for a private water system shall not permit the use of the system until the installation is completed to the satisfaction of the city. The city shall be allowed to inspect the work at any stage of construction and the applicant for the permit shall notify the city when the work is ready for various inspections and before any underground works are covered. The applicant shall be responsible for payment of all applicable inspection fees prior to issuance of a building permit.

C. Compliance With State Regulations: The type, capacities, location and layout of a private water system shall comply with all of the rules and regulations and recommendations of the state of Idaho department of environmental quality.

D. Mandatory Connection With City Water When Available: The owner or occupant of any house, building or property used for residential, commercial, industrial, governmental or recreational use, or 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 cease using any other water system and at his expense to connect such building directly with the city water in accordance with the provisions of this chapter, within sixty (60) days after the date of official notice from the city to do so;

provided, however, that the city water is within three hundred feet (300') of any property line where said building to be served is located. At such time as the municipal water system becomes available to the property served by the private water system, and the owner or tenant connects his property to municipal service as required, it is mandatory that the private water supply is not connected or cross connected in any way to the water lines served by the municipal water system.

E. Conduct Of Private System; Health And Safety: The owners shall operate and maintain the private water facility in a manner conducive to public health and safety at all times, and at no expense to the city.

F. Provisions Additional To State Regulations: No statement contained in this section shall be construed to interfere with any additional requirements that may be imposed by the state of Idaho department of environmental quality or department of health and welfare.

6-1-260: WATER LINE DEVELOPMENT:

The primary cost and responsibility for water line development shall be that of the owner, subdivider or developer. It shall be the owner's, subdivider's or the developer's responsibility to purchase and lay water lines from the present water supply to the proposed project and to the boundary of the project farthest from the original water supply line, including frontage roads.

6-1-270: WATER PLANS ADOPTED:

The city shall, from time to time and as necessary, update the water system master plan in order to provide adequate water supply to the city of McCall.

6-1-280: PRESSURIZED IRRIGATION SYSTEM:

A. System Required; Waiver:

1. In addition to the requirements of this chapter pertaining to the domestic water system and its use, every residentially zoned lot, parcel, or piece of land upon which a residential unit will be constructed, after the effective date hereof, shall construct, install, or connect to a pressurized irrigation system. In the case of residential subdivision developments, a pressurized irrigation system shall be constructed and installed at the same time as the domestic water lines, but not in the same trenches. There shall be no cross connections between the domestic water lines and the irrigation water lines that do not comply with chapter 3 of this title.

2. Provided, however, the requirements of this section may be waived upon proof that any particular lot, parcel or piece of land does not have water rights in an existing irrigation district.

B. Standards: The city engineer is hereby authorized and directed to establish standards for pressurized irrigation systems and all pressurized irrigation systems shall comply with those standards. However, those pressurized irrigation systems under the ownership and operation and maintenance responsibility of an irrigation district shall comply with the standards of that irrigation district.

C. Joint Use Connection Of Irrigation And City Systems:

1. Restrictions: No subdivision, or building, lot, or parcel of land located within that subdivision, which subdivision, building, lot, or parcel of land, has a common landscape sprinkler irrigation system being supplied landscape irrigation water from a source other than the city's domestic water system, shall be allowed to also connect its landscape sprinkler irrigation system to the city's domestic water system as a secondary source for "shoulder season" use. Provided however, all buildings, lots, or parcels of land, within the subdivision connected to the common landscape sprinkler irrigation system may be allowed one joint use point of connection to the city's domestic water system which connection shall have an approved backflow prevention device. This joint use connection shall only be to provide irrigation water during the time when the common landscape irrigation system has no supply of water. However, a joint use connection shall not be allowed if the subdivision, building, lot or parcel is supplied irrigation water from a ground water well. The off-on control valve of this joint use connection shall be under the control of the water superintendent.

2. Fees: For water assessments on irrigable common areas included in a subdivision, the applicant must pay the portion of the water assessment fee designated for city water supply and storage.

6-1-290: CITY NOT LIABLE FOR SHORTAGE:

The city shall not be held liable for damage to any person or property by reason of stoppage or other interruption of the water supply, caused by scarcity of water, lack of pressure, accident to works or mains, alterations, additions, or repairs or from other unavoidable causes.

6-1-300: LAWN SPRINKLING AND WATER USE RESTRICTIONS:

A. Lawn And Garden Sprinkling:

1. Sprinkling To Cease During Fire: The city may curtail nondomestic use of water during a state of emergency, as determined by the public works director. No fountain attachment shall be of greater than three-fourths inch (3/4") in diameter unless otherwise approved by the city engineer, and there shall be a stopcock to each fountain attachment and the same shall be under the control of the superintendent of waterworks. Any person violating any of the provisions of this section shall, upon conviction thereof, be subject to penalty as provided in section of this chapter.

2. Sprinkling Hose Size: In any time of scarcity of water, whenever it shall, in the judgment of the mayor and council, be necessary and they shall so direct, the mayor shall, by proclamation, limit the use of water for other than domestic purposes; and in his/her discretion provide that lawn sprinklers and hydrants shall be used only on alternate days in certain designated localities and any person violating the provisions of this section or of any proclamation made by the mayor of the city shall, upon conviction thereof, be subject to penalty as provided in section of this chapter.

B. Water Use Restricted: Watering troughs for animals shall not be allowed a constant flow of water but shall be allowed to use such quantity as shall supply the actual needs of the stock having access thereto, nor shall continuous streams of water be permitted to flow from hydrants, faucets, or stops over wash basins, water closets, or urinals.

6-1-310: POSTHOLE DIGGING:

No utility poles or other posts shall be located within four feet (4') of any water service pipe, nor within six feet (6') of any main pipe.

6-1-320: FIRE HYDRANTS:

A. Authority To Operate: It shall be unlawful for any person, except one duly authorized by the city, to open, close, operate, turn on, turn off, interfere with, attach any pipe or hose to or connect anything with any fire hydrant or auxiliary valve belonging to the city.

B. Damaging Hydrants: It shall be unlawful for any person to injure any fire hydrant by any means, including, but not limited to, wilfully or carelessly running any vehicle against a fire hydrant, or drawing or attempting to draw water therefrom.

C. Penalty: A violation of this section shall be a misdemeanor, and shall, upon conviction thereof, be punishable by a fine and/or imprisonment, as well as any other available civil, administrative, and/or criminal remedies and penalties, including restitution for all damages done to said hydrant.

6-1-330: PROTECTION OF PIPES AND METERS:

All water users shall keep their pipes, connections and other apparatus in good repair and protected from frost at their own expense. All water users shall provide and maintain a four foot by four foot (4' x 4') clear access, centered on the water meter lid, to the water meter serving their lot. However, no person, except under the direction of the superintendent of waterworks, shall be allowed to dig into the street or sidewalk for the purpose of laying, removing, or repairing any service pipe.

6-1-340: WASTE OF WATER OR INJURY TO WATER SYSTEM:

A. Waste Prohibited: It shall be unlawful for any water user to waste water or allow it to be wasted by imperfect water stops, valves or leaky pipes that are not under the jurisdiction of

the city, or to permit the malicious or wilful consumption of water, having no beneficial use. The city, based on meter readings, will make a determination of where water has been wasted and shall notify the user of that determination. It shall then be the user's responsibility to make the necessary repairs, or to institute actions that will correct the situation within ten (10) days of the city's notification to the user. All costs incurred, including the cost of wasted water and any repairs, shall be the responsibility of the user and if it is necessary that the city correct the situation or make repairs, the cost and charges therefor may be assessed and added to the owner's water bill.

B. Damage Or Injury To System: No person shall maliciously, wilfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, pipeline, fire hydrant, fitting connection appurtenance or equipment which is a part of the municipal water system.

6-1-350: USERS LIABLE FOR VIOLATION:

If any owner shall permit any person from any other premises, or any unauthorized user to use or obtain water from his premises or water fixtures, whether inside or outside of his buildings, the water supply of such owner may be cut off; and such unauthorized person shall, for taking said water, be liable to a fine, plus costs. Any user or owner suspected of having violated the provisions of this chapter, other than nonpayment of user fees, assessments, or charges for repairs, shall be notified of the violation and be notified that if the violation is not corrected within ten (10) days, the water superintendent shall shut off his water; provided, however, in the event of an emergency, the water superintendent may shut off the water without notification.

6-1-360: PENALTIES:

A. Notice Of Violation; Responsibility For Remedy: Any person found to be violating any provisions of this chapter, other than for nonpayment of a water bill, shall be served by the city with a written notice stating the nature of the violation and providing ten (10) days for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations and if necessary make all corrections and repairs to the system or pay for same if the city has to make the correction or repair.

B. Penalty Imposed; Discontinue Service: Any person who shall continue any violation beyond the time limit provided for in this section, shall be guilty of a misdemeanor and, on conviction thereof, shall be subject to penalty as provided in section of this code, and shall have his water service terminated. Each day in which such violation shall continue shall be deemed a separate offense.

C. Liability To City For Loss Or Damage: Any person violating any of the provisions of this chapter shall become liable to the city for any expense, loss, or damage occasioned the city by reason of such violation and, for other than nonpayment of water bill violations, may have their water supply terminated after the above ten (10) day notice period has expired.

D. Cumulative Penalties: These penalties shall not be construed to be exclusive but shall be construed to be cumulative of, and in addition to, any other penalties provided for in this code or the criminal code of the state of Idaho. As an example, a person stealing water could be criminally charged with theft or a person injuring the water system could be criminally charged with malicious injury to property. For all criminal violations relating or pertaining to the water system, the notice provisions provided for in this chapter shall not apply.

Chapter 2
CROSS-CONNECTION CONTROL

6-2-010-: PURPOSE:

This chapter is adopted for the benefit of consumers receiving their water supply from the city by protecting the water supply system of the city from actual or potential pollution or contamination through cross-connections.

6-2-020: DEFINITIONS:

BACKFLOW: The flow, in the opposite direction from that intended, of any foreign substance which may enter the water supply system or of any contaminated or polluted water.

BACKFLOW PREVENTION DEVICE: An approved device which counteracts back pressure and/or prevents back siphonage. A reduced pressure principle backflow prevention device, a double check valve assembly, a pressure or atmospheric vacuum breaker shall be considered approved if it has successfully passed the performance tests of the University of Southern California engineering center or other testing laboratories acceptable to the city and the state of Idaho department of environmental quality.

CITY: The city of McCall or any authorized agent thereof.

CONTAMINATION: The infiltration of either solids, liquids or gases into the water supply system which does constitute public health hazard.

CROSS-CONNECTION: Any physical arrangement whereby the water supply system is connected either directly or indirectly with any unapproved water supply, sewer, drain, conduit, pool, storage reservoir, plumbing fixture or other device which contains or may contain any substance capable of pollution or contamination.

CUSTOMER: Any persons and/or premises receiving water from the city water supply system.

POLLUTION: The infiltration of either solids, liquids or gases into the water supply system which, although not constituting a public health hazard, does impair the water quality with respect to taste, odor, color or turbidity.

WATER SUPPLY SYSTEM: The potable water supply system provided by the city of McCall.

6-2-030: PROTECTION AGAINST CROSS-CONNECTIONS:

No water service or fire sprinkler system connection shall remain or be installed to any customer unless the water supply system is adequately protected against cross-connection by backflow prevention devices commensurate with the degree of hazard that either does or

potentially may exist. The installation or maintenance of a cross-connection which may endanger the water supply system quality shall be unlawful and is prohibited. Any such cross-connections now existing or hereafter installed shall be abated. The control or elimination of cross-connections shall be in accordance with this chapter, the most current pacific northwest section - American water works association cross connection control manual for accepted procedures and practices, and the Idaho regulations for public drinking water systems, section 01-8601.04, dated July 1985, or subsequent revisions, together with any other publications pertaining to cross-connection control approved by the director of the state department of environmental quality.

6-2-040: USE OF BACKFLOW PREVENTION DEVICES:

A. Installation Requirements; Certain Circumstances: Backflow prevention devices shall be installed, if possible, within the confines of the affected building in a readily accessible location with adequate clearances for maintenance and testing. If the preceding installation is not possible, the device shall be installed in an accessible, aboveground, locked, heated, enclosure adjacent to the structure. The structure shall be situated above seasonal high ground water, shall contain a floor drain, shall provide adequate room for testing and maintenance and shall protect the device against freezing. Backflow prevention devices shall be installed under any circumstances included in, but not limited to, the following:

1. Premises housing an auxiliary water supply that has not been approved by the city for its quality and protection.

2. Premises having intricate plumbing arrangements which make it difficult to ascertain whether or not cross-connections exist.

3. Premises where entry is restricted so that inspections for cross-connections could not be made during reasonable hours, at sufficiently short notice to assure that cross-connections do not exist.

4. Premises where any substance handled under pressure could enter into the water supply system. This shall include the handling of process and cooling waters.

5. Premises having a repeated history of cross-connections being created or recreated.

B. Types Of Facilities Requiring Devices:

1. The following types of facilities shall fall into one of the above categories where a backflow prevention device is required to protect the water supply system unless the city and the state department of environmental quality determine that no hazard exists:

   a. Sewage treatment plants.

   b. Laboratories.

c. Food processing plants.

d. Chemical or other industrial plants.

e. Hospitals, mortuaries, clinics.

f. Agricultural chemical storage, formulation and distribution facilities.

g. Petroleum processing or storage plants.

h. Car washes.

i. Other facilities specified by the city and the state department of environmental quality.

2. Certain public facilities present potential sources of cross-connections. All of the following facilities and any others the city specify shall be required to install backflow prevention devices as required by the city.

a. Schools.

b. Movie theaters.

c. Recreation and sports grounds.

d. Restaurants.

e. Stores (wholesale or retail).

C. Types Of Devices For Use: The type of backflow prevention device required for a particular situation shall be commensurate with the degree of hazard presented. The following guides shall be used:

1. Where the water supply system could be contaminated as a result of cross-connection, an air-gap separation or a reduced pressure backflow prevention device shall be installed.

2. Where cross-connection could result in pollution of the watersupply system, either of the above devices or a double check valve assembly shall be used.

3. Back siphonage, such as from irrigation sprinkler systems, may be prevented by the use of either atmospheric vacuum breakers or pressure vacuum breakers, as directed by the city and the state department of environmental quality.

D. Stagnant Water; Double Check Valve Assembly: Facilities having plumbing arrangements connected to the water supply system, where the water remains stagnant for prolonged periods of time, shall be required to install a double check valve assembly.

6-2-050: SUPERVISION AND INSPECTION:

A. Supervision; Expense: Backflow prevention devices required by this chapter shall be installed under the supervision of and with the approval of the city. Such installations shall be completely at the customer's expense.

B. Inspection And Testing:

1. Inspecting Firm; Customer's Expense: Backflow prevention devices installed prior to the effective date hereof, shall be inspected and tested by a testing firm of the customer's choice that is qualified and approved by the city to inspect and test said devices. This work shall be at the customer's expense and the results forwarded to the city. Any protection device installed prior to the effective date hereof that is not approved by the city shall be replaced by an approved device, at the customer's expense.

2. Replacement Of Faulty Parts: Annual inspection and testing of all installed backflow prevention devices shall be carried out by a qualified and approved testing firm of the customer's choice. Any parts found faulty shall be replaced. All inspection, testing and parts replacement data shall be forwarded to the city. All of this work shall be carried out at the customer's expense.

3. Frequency Of Testing: When the city considers it necessary, because of the degree of hazard involved should any cross-connection occur, inspection and testing may be more frequent than annually.

4. Right Of Entry Allowed: During reasonable hours, all customers shall permit entry of the city to inspect for cross-connections.

5. Newly Constructed Premises; Compliance Required: No water service shall be supplied to any newly constructed premises until the said premises has successfully passed the city inspection for cross-connections and complies with this chapter.

C. Verify Need For Cross-Connection: Inspection shall be made bythe city waterworks department to verify requirement of a cross-connection control device. Inspection shall be made by the city waterworks department after the device has been installed and prior to its certification. Request for inspection shall be the responsibility of the customer.

D. Final Determination: The McCall water department shall make the final determination regarding cross-connections.

6-2-060: VIOLATIONS AND PENALTIES:

A. Grounds For Termination Of Water Service:

1. The following shall be grounds for termination of water service to a customer:

a. Failure to install, maintain, inspect and test any backflow prevention device required by this chapter.
b. Refusal of access, during reasonable hours, to any property for the purpose of determining whether or not cross-connections exist.
c. Any owner who refuses to comply with current procedures and practices required by this chapter.

2. Only upon the customer's complete compliance with this chapter shall the service be resumed.

B. Penalty Imposed: Any customer who violates or refuses to comply with this chapter shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall for each offense be subject to penalty as provided in section 1-4-1 of this code.

Chapter 3
SEWER USE AND SERVICE

6-3-010: POLICY AND PURPOSE:

A. Declaration Of Policy:

1. It is hereby declared that the city owns and operates both a municipal water system and a municipal wastewater system. It is the policy of the city to operate the sewer system and the water system in conjunction, one with the other, for the mutual benefit of the residents of the city.

2. Additionally, due to the integral nature of the requirement of water to operate the sewer system, violation of the sewer provisions may require termination of water service and to efficiently enforce these sewer provisions, such water terminations is specifically authorized and is the policy of the city.

B. Purpose: It is hereby determined and declared to be necessary and conducive to and for the protection of the health, safety and welfare of the public and inhabitants of the city, and for the purpose of controlling the use and connection to and for providing an equitable distribution of the costs and expenses of maintenance, operation, upkeep and repair of the entire sewer system which includes the sewer collection system and sewage disposal facilities of the city.

1. To charge and collect service charges or fees upon all lots, lands, property and premises served or benefited by the sewer syst4e4m of the city, which system and facilities consist generally of all pipelines, conduits, catch basins, manholes, cleanouts, sewer mains, intercepting sewer, outfall sewers, lift stations, pumps, structures, mechanical equipment and facilities for the treatment and disposal of swage or sewage byproducts.

2. To provide for industrial cost recovery from all industrial users; and

3. To provide for the control, use and administration of the installation of private sewage disposal systems where a public sanitary sewer is not available.

6-3-020: DEFINITIONS:

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

ACT: The federal water pollution control act entitled public law 92-500, and its amendments of 1972, as administered by the United States environmental protection agency (EPA).

BOD: Biochemical oxygen demand (BOD shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at twenty degrees centigrade ($20^{o}C$), expressed in milligrams per liter (mg/l).

BUILDING DRAIN: That part of the lowest horizontal piping of a drainage system which receives the discharge of sanitary waste inside the walls of the building and conveys it to the building sewer, beginning five feet (5') outside the inner face of the building wall.

BUILDING SEWER: The extension from the building drain to the point of connection with the public sewer.

CITY: The city of McCall, Valley County, Idaho, or its authorized or designated agent, representative, or deputy thereto.

COMBINED SEWER: A sewer receiving both stormwater runoff and sanitary sewage.

FLOW: The volume of sewage being discharged into the sewage system from all sources including domestic, commercial and industrial uses and infiltration (WW).

GARBAGE: Solid wastes from the domestic and commercial preparation, cooking and dispensing of food, and from the handling, storage and sale of produce.

INDUSTRIAL USERS: Any nondomestic user with an indirect discharge of effluent into a POTW by means of pipes, conduits, pumping stations, force mains, constructed drainage ditches, surface water intercepting ditches, and all constructed devices and appliances appurtenant thereto. This term includes federal, state, and local facilities as part of the regulated community, since such entities are subject to federal pretreatment regulations.

INDUSTRIAL WASTES: The liquid wastes from industrial manufacturing processes, trade or business as distinct from sanitary sewage.

MULTIPLE BUILDING DEVELOPMENT: Includes the various types of developments that would have common or joint ownership areas such as condominiums, townhouses, mobile home parks or courts, shopping centers, etc.

NATURAL OUTLET: Any outlet into a watercourse, pond, ditch, lake or other body of surface or ground water.

OWNER: A person owning real property which is, or proposes to be connected to the sewage system.

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

pH: The logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution with a pH value of 7 being neutral.

PRETREATMENT: The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to, or in lieu of, introducing such pollutants into the POTW. This reduction or alteration can be obtained by physical, chemical, or biological processes; by process changes; or by other means, except by diluting the concentration of the pollutants unless allowed by an applicable pretreatment standard.

PRIVATE LIFT STATION: Privately owned and operated pump station positioned in the sewer system at which wastewater is pumped to a higher level.

PROPERLY SHREDDED GARBAGE: The wastes from the preparation, cooking and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half inch (1/2") in any dimension.

PUBLIC SEWER: A sewer in which all owners of abutting properties have equal rights, and is controlled by public authority.

SANITARY SEWER: A sewer which carries sanitary sewage and to which storm, surface and ground waters are not admitted.

SERVICE CONNECTION: The point at which the building sewer connects to the public sewer.

SEWAGE OR WASTE MATTER: A combination of the water carried wastes from residences, business buildings, institutions and industrial establishments.

SEWAGE TREATMENT PLANT OR WASTEWATER TREATMENT FACILITY: Any devices
and system used in the storage, treatment, recycling and reclamation of municipal sanitary sewage or industrial wastes of a liquid nature to implement section 201 of the act. Also termed a "publicly owned treatment works" (POTW).

SEWER: A pipe or conduit for carrying sewage.

SEWER USER: Any individual, firm, company, association, society or corporation or group who has connected to the sewer system.

SHALL/MAY: "Shall" is mandatory. "May" is permissive.

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

STORM DRAIN (Sometimes Termed STORM SEWER): A sewer which carries storm and surface waters and drainage, but excludes sanitary sewage and industrial wastes, other than unpolluted water such as cooling water.

SUPERINTENDENT: The person designated by the city of McCall, to supervise the operation of the POTW, who is charged with certain duties and responsibilities by this chapter, or duly authorized representative.

SUSPENDED SOLIDS: Solids, organic or inorganic, that either float on the surface of, or are in suspension in water, sewage, or other liquids, and which are removable by laboratory filtering as prescribed in "Standard Methods For The Examination Of Water And Waste Water" and referred to as nonfilterable residue.

WASTEWATER SYSTEM: All facilities for collecting, pumping, treating of sewage and disposal of treated effluent.

WATERCOURSE: A channel in which a flow of water occurs, either continuously or intermittently.

WINTER AVERAGE: The average domestic water consumption from approximately November 15 to approximately March 15 as quantified by water meter readings.

6-3-030: APPLICATION OF CHAPTER:

The provisions of this chapter shall apply to all property within the corporate limits of the city, and any special users outside of the corporate limits of the city, including all property owned or occupied by the United States of America, Valley County, and the state of Idaho.

This chapter shall work in conjunction with chapter 2, "Sewer Pretreatment", of this title. If requirements, limitations, or applications conflict, the more stringent shall be enforced or applied.

6-3-040: CITY AUTHORITY:

The wastewater system for the city shall be under the sole and exclusive control of the mayor and city council, who may from time to time direct the construction, expansion, extension, repair and maintenance of the wastewater system owned and operated by the city as the necessity of the city may require. The cost of maintenance and repair of the city wastewater system may be paid out of the enterprise fund.

6-3-050: SUPERINTENDENT OF WASTEWATER:

A. Office Created: There is hereby created the office of a superintendent of wastewater, who shall, under the direction of the public works director and the mayor and council, have charge of such works, mains, laterals, trunk lines, treatment plant, connection of service pipes and conduits, and all other matters pertaining to the city wastewater system. The

superintendent shall report to the public works director monthly, or as often as required, the condition of the wastewater system and make such recommendations as the nature of the service may require.

B. Duties: The wastewater system shall be kept in repair by the superintendent of wastewater and no other person, unless authorized by him, shall work on or operate said system or any part thereof. It shall be the superintendent's duty at all times to maintain said system in such a working condition that the sewage of the city is efficiently and sanitarily carried from the premises of the users of said system and processed in the wastewater treatment plant owned and operated by the city.

6-3-060: RULES AND REGULATIONS:

A. Adoption: The city shall have the authority to adopt by resolution such rules and regulations as it shall deem appropriate for the operation, maintenance, repair, replacement, upgrade or extension and charges for said use of the sewer system and wastewater treatment facility as are not inconsistent with the provisions of this chapter.

B. Amendment: Nothing herein contained shall prohibit the mayor and council from amending, altering or adding to the provisions of this chapter in relation to the sewer service supplied by the city in regard to rates, charges, expansion, alteration, repair or any other matter related to the sewer system, as changed conditions may require from time to time.

6-3-070: AUTHORITY OF CITY AUTHORIZED REPRESENTATIVES:

A. Right Of Entry: The city, through its authorized representatives, bearing proper credentials and identification, shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling and testing in accordance with the provisions of this chapter. The city shall have no authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper or other industries beyond that point having a direct bearing on the kind and source of discharge to the public sewers or natural waterways.

B. Observe Safety Rules; Liability Restrictions: While performing the necessary work on private properties referred to in the preceding subsection, the authorized representative of the city shall observe all safety rules applicable to the premises established by the sewer user and the sewer user shall be held harmless for injury or death to any city authorized representative and the city shall indemnify the sewer user against loss or damage to its property by any authorized city representative and against liability claims and demands for personal injury and property damage asserted against the sewer user and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the sewer user to maintain safe conditions as required in this chapter or as reasonably required by prudent standards.

C. Access To Easements: The city, through its authorized representatives bearing proper credentials and identification, shall be permitted to enter all private properties through which the city holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair and maintenance of any portion of the sewer works lying within said easement. All entry and subsequent work, if any, on said easement shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

6-3-080: REQUIRED USE OF SEWERS:

A. Connection To Public Sewer: The owner or occupant of any house, building or property used for residential, commercial, industrial, governmental or recreational use, or 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 public sewer of the city is hereby required to cease using any other method of disposing of sewage, waste or polluted water, and at his expense to connect such building directly with the public sewer in accordance with the provisions of this chapter, within sixty (60) days after date of official notice from the city to do so; provided, however, that said sewer is within three hundred feet (300') of any property line of the building to be served or common property line in a multiple building development.

B. New Subdivision Or Development: The owner or developer of a new subdivision or development whether subdivided or not shall, at his expense, construct the necessary extensions of the public sewer system to provide public sewer facilities for each lot or building area in his subdivision. Additionally, the owner or developer shall have the responsibility, at his expense, of installing the main sewer line to the boundary in his development which is farthest away from the point at which initial connection is made to the existing city sewer main.

C. Prohibited Wastes: It shall be unlawful for any person to place or deposit in any unsanitary manner on public or private property within the city, or in any area under the jurisdiction of the city, any human or animal excrement, garbage or other objectionable waste.

D. Discharge Of Sewage To Natural Outlet: It shall be unlawful to discharge to any natural outlet within the city, or in any area under the jurisdiction of the city, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this chapter.

E. Privies And Septic Tanks: Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facilities intended or used for the disposal of sewage.

6-3-090: REGULATIONS FOR USE OF PUBLIC SEWERS:

The use of the public sewers of the city shall be in accordance with the following regulations:

A. Discharge Of Surface Waters:

1. No person shall discharge or cause to be discharged from any connection any stormwater, surface water, ground water, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer.

2. Stormwater and all other unpolluted drainage shall be discharged to sewers that are specifically designated as storm sewers, or to a natural outlet approved by the city and the entity having jurisdictional authority over the natural outlet. Industrial cooling water or unpolluted process waters may be discharged, complying with the requirements of section 308 of the act and on approval of the city and the entity having jurisdictional authority over the natural outlet, to a storm sewer or natural outlet.

B. Prohibited Discharges:

1. No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers: solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works such as, but not limited to, ashes, cinders, sand, concrete, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.

2. No person shall discharge or cause to be discharged substances, materials, waters or wastes if it appears likely, in the opinion of the city, that such wastes can harm either the sewers, wastewater treatment process, or equipment, have an adverse effect on the receiving stream or can otherwise endanger life, limb, public property or constitute a nuisance. In forming its opinion as to the acceptability of these wastes, the city will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant and other pertinent factors.

C. City Authority:

1. If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in subsection 82 of this section, and which, in the judgment of the city, may have a deleterious effect upon the sewage works, processes, equipment or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the city may:

   a. Reject the wastes;

b. Require pretreatment to an acceptable condition for discharge to the public sewers;

c. Require control over the quantities and rates of discharge; and/or

d. Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of section of this chapter.

2. If the city permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be at the owner's expense and subject to the review and approval of the city and subject to the requirements of all applicable codes, ordinances, and laws. (Ord. 04-1105, 10-5-2004)

D. Grease, Oil And Sand Interceptors: Grease, oil and sand interceptors shall be provided at the owner's expense when, in the opinion of the city, they are necessary for the proper handling of liquid wastes containing grease or any flammable wastes, sand or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the city and shall be located as to be readily and easily accessible for cleaning and inspection. Each user for which an interceptor is required shall, in the discretion of the superintendent or designee: 1) install and/or use a grease interceptor which shall serve only that user, or 2) enter into a written agreement or permit with the city of McCall establishing comparable best management practices.

E. Maintenance Of Pretreatment Facilities: Where preliminary treatment or flow equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense. If, in the opinion of the city, maintenance by the owner of the pretreatment facility is inadequate, the owner shall provide a maintenance schedule to the city for review and approval. Upon approval of the maintenance schedule, the owner shall commence with the scheduled maintenance and provide documented proof of the maintenance activity to the city.

F. Manhole Installation: When required by the city, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling and measurement of the wastes. Such manhole, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the city. The manhole shall be installed by the owner at his expense, and shall be maintained by him so as to be safe and accessible at all times.

G. Measurements, Tests And Analyses: All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made in this chapter shall be determined in accordance with the latest edition of "Standard Methods For The Examination Of Water And Wastewater", published by the American Public Health Association, and shall be determined at the control manhole provided or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole

in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb and property.

H. Special Agreements: No statement contained in this chapter shall be construed as preventing any special agreement or arrangement between the city and any industrial entity whereby an industrial waste of unusual strength or character may be accepted by the city for treatment, subject to payment therefor by the industrial entity.

I. Notice Of Violation; Remedial Action: Any property owner or sewer user violating the provisions of this section shall, upon notice by the city, immediately install such preliminary treatment through separators, traps and/or chemical, physical or biochemical processes as will make and assure that the sewage contributed from such property or premises will meet the requirements of this chapter.

6-3-100: PERMISSION TO DISCHARGE OBJECTIONABLE WATER OR WASTES:

A. Review And Approval: The admission into the public sewers of any water or wastes having:

Biochemical oxygen demand (BOD) greater than three hundred milligrams per liter (300 mg/I),

Chemical oxygen demand (COD) greater than nine hundred milligrams per liter (900 mg/I),

Suspended solids in excess of three hundred milligrams per liter (300 mg/I), shall be subject to the review and approval of the city.

B. Pretreatment Provided By Owner: Where necessary, in the opinion of the city, the owner shall provide, at his expense, such pretreatment as may be necessary to reduce the BOD to three hundred milligrams per liter (300 mg/I), the COD to nine hundred milligrams per liter (900 mg/I) and the suspended solids to three hundred milligrams per liter (300 mg/I). Plans, specifications and any other pertinent information relating to proposed preliminary treatment facilities shall be submitted for the approval of the city and of the Idaho department of environmental quality, and no construction of such facilities shall be commenced until said approvals are obtained in writing.

6-3-110: BUILDING SEWERS AND SERVICE CONNECTIONS:

All materials and workmanship in the installation of building sewers and service connections shall conform to the following regulations:

A. Permit Required: No unauthorized person shall uncover, make any connections with or opening into, use, alter or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the city. The permit shall not be issued until all sewer assessment charges and other applicable fees have been paid in full.

B. Classes Of Permits: There shall be two (2) classes of building sewer permits: 1) a general permit for residential and commercial sewer service, and 2) industrial user permits for sewer service to establishments producing industrial wastes.

1. General Permits: The owner or his agent shall make application to the public works department for general permits. The permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the city at the time the application is filed. Also, the owner or his agent shall pay to the city, at the time the permit is issued, an assessment fee, which shall be established by resolution of the city council; and
2. Industrial Permits: Industrial user permits shall be applied for by the owner or his agent by letter to the city council accompanied by an executed copy of the industrial user agreement together with any plans, specifications, or other information considered pertinent in the judgment of the city. Industrial user permits shall be approved by the city council based on recommendation by the public works director. Approval shall be contingent upon the availability of excess capacity in the sewage treatment plant, the provisions of this chapter and any other considerations the city council deems appropriate. The amount of the permit, inspection fee, and assessment fee for an industrial wastes sewer service will vary with each permit and shall be established by the city at the time of application. The owner shall pay all fees at the time the permit is issued.

C. Costs Borne By Owner; Liability: All costs and expense incident to the installation and connection of the building sewer and service connection shall be borne by the owner. The owner shall indemnify and hold harmless the city from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer and the marking of the service connection for same to the public sewer.

D. Separate Connections For Each Building: A separate and independent building sewer and service connection shall be provided for every building. Any exception to this requirement shall conform with uniform plumbing code.

E. Old Building Sewers: Old building sewers may be used in connection with new buildings only when they are found, on examination and being tested as required by the city, to meet all requirements of this chapter.

F. Conformance With Building And Plumbing Codes: The materials of construction of the building sewer and service connections, and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench, shall all conform to the requirements of the building and plumbing codes as have been or may be adopted by the city.

G. Pipe Size; Building Sewer Grade And Slope: All building sewers shall meet the requirements of the international building code or uniform plumbing code.

H. Connecting Surface Water Drainage To Building Sewer: No person shall make connection of roof downspouts, exterior foundation drains, areaway drains or other sources of surface runoff or ground water to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.

I. Service Connection Requirements: The service connection to the public sewer shall conform to the requirements of the international building code and uniform plumbing code as adopted by the city.

J. Notify City For Inspection: The applicant for the building sewer permit shall notify the city when the connection of the building sewer to the public sewer is ready for inspection.

K. Guarding Excavations: All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the city.

L. Work Done By Contractor: The connection of the building sewer service to the public main sewer shall be made by a public works contractor having a valid state of Idaho license for this specialty work. (Ord. 04-1105, 10-5-2004)

6-3-120: INDUSTRIAL USERS:

All industrial users of the sewer system shall comply with any applicable requirements of sections 204(b), 307 and 308 of the federal water pollution control act. There shall be two (2) classes of industrial users: a) major contributing industry, and b) minor contributing industry.

A. Contributing Industries Defined: The contributing industries are defined as follows:

MAJOR CONTRIBUTING INDUSTRY: One that:

1. Will contribute greater than ten percent (10%) of the design hydraulic flow of the treatment works.

2. Will contribute greater than ten percent (10%) of the design pollutant loading of the treatment works.

3. Has in its waste a toxic pollutant in toxic amounts as defined in standards issued under section 307(a) of the act.

4. Has significant impact, either singly or in combination with other contributing industries, on the sewer system or the quality of its effluent.

MINOR CONTRIBUTING INDUSTRY: All industries not included in the "major contributing industry" classification as defined in this subsection.

B. Requirements:

1. Monitoring Wastes: All major contributing industries' wastes shall be monitored by the city or industry on a regular basis at intervals not less than monthly, and more frequently as the characteristics of the specific industrial discharge may dictate. Minor contributing industries shall be monitored by the city or industry as the characteristics of the specific industrial discharge may dictate as determined by the city.

2. Reports To City: All major contributing industries shall submit to the city on the first day of the months of June and December, a statement in writing regarding specific actions taken to achieve full compliance with the requirements of section 307 of the act.

3. Report Changes In Flow Or Characteristics: Each contributing industry shall report any substantial (exceeding .10 percent) change in flow or characteristics of wastewater being discharged into the sewer system. The report shall include quantity and quality of effluent and duration and frequency of discharge.

6-3-130: INSPECTION AND APPROVAL OF CONNECTIONS:

No connection of any kind to a public sewer line shall be made and no sewage permitted to flow through such connection except pursuant to inspection of and approval issued by the city. See section 6-3-110 of this chapter for sewer permits, inspection fees, inspection notices, etc.

6-3-140: REJECTION OF MATERIALS OR WORKMANSHIP:

The city may reject any material or workmanship for cause and, upon such order, rejected material shall be removed and replaced with approved material. Disapproved workmanship shall cause the removal and replacement of all materials involved, including appurtenances, excavation, backfilling, and other work items.

6-3-150: SEWER LINE EXTENSIONS:

A. Compliance With Master Plan: All proposed extensions of the municipal sewer system to serve undeveloped areas within the existing corporate limits, newly annexed areas or areas outside the corporate limits shall comply with the overall master plan for the municipal sewer system, unless otherwise authorized by the public works director.

B. Owner Responsible For Costs; Exception: Costs for all extensions which lie outside the boundary limits of the property for which the extension is requested shall be the responsibility of that property owner or his agent. Cost for sewer extensions within the property for which the extension is requested shall also be the responsibility of the owner or his agent. Sewer extensions shall be required to extend to the farthest boundary of the development. When it is necessary to install oversized lines as part of an extension, the owner may request a reimbursement agreement per section_____of this code.

C. Newly Developed Areas: Unless a special permit is granted by the city, all municipal sewer system extensions into newly developing areas shall be installed prior to the construction of any new streets.

D. Compliance With City Specifications: All design and construction of any extensions to the municipal sewer system shall comply with the official specifications for sewer system extensions as adopted by the city.

E. Preparation And Filing Of Plans: The plans for all extensions to the sewer system shall be prepared and signed by a registered professional engineer as per the licensing requirements of the Idaho Code. Construction may not commence until plans have been approved by the Idaho department of environmental quality as required by the Idaho Code. In approving a plan for extension to the municipal sewer system, the city reserves the right to stipulate other requirements such as a special permit fee, rights of way limits, sequence of construction, time limits for having existing service disrupted, the provision of surety guaranteeing completion and other similar measures as may be required to protect the public. No work shall commence on any such extension of the municipal sewer system until the extension project has been approved by the city.

F. Certification By Registered Engineer: After the construction of any municipal sewer system extensions, it shall be the obligation of the owner, or his agent, to have a registered professional engineer certify to the city and to the Idaho department of environmental quality that the said system extensions were installed in accordance with the approved plans and specifications on file with the respective agencies. Following certification by the registered professional engineer and acceptance by the city, the entire extension of the municipal sewer system shall become the property of the city and it shall be the city's responsibility to maintain and operate the system thereafter.

G. Connections Made After Extension Accepted: If it is necessary for the city to permit a sewer service connection and/or sewer service line at any time after the extension has been originally accepted by the city, the owner or his agent shall be required to pay the sewer assessment fee as well as the standard permit and inspection fees as may be established by the city for such purposes. The owner or agent is responsible for all costs associated with installation of the sewer service connection to the sewer main and the sewer service line.

H. Work Done By Contractor: The installation of all public sewer systems shall be performed and completed by the contractor possessing a valid state of Idaho public works license with the proper endorsement for the work. (Ord. 04-1105, 10-5-2004)

6-3-160: BACKFILLING:

Backfilling of building sewers and service connections within the limits of public rights of way or easements shall conform to special specifications promulgated by the Valley County

highway district, for sewer installation, and shall be subject to inspection by and approval of the Valley County highway district.

6-3-170: SEWER AND WATER PLANS ADOPTED:

A. Adoption Of Plans: The "2007 city of McCall wastewater treatment plan facility plan update" is adopted as the official planning document for the city of McCall wastewater treatment system. The "sewer master plan update" is adopted as the official planning document for the city of McCall sanitary sewer collection system.

B. Treatment Requirements: Wastewater collection, treatment, and disposal will comply with state of Idaho department of environmental quality and United States environmental protection agency rules and regulations.

6-3-180: ASSESSMENT AND OTHER FEES:

A. Sewer Assessment Fee: Notwithstanding any of the provisions of this chapter, any person, firm, partnership, corporation or association or property owner who has not otherwise paid for, or contributed proportionately toward, the costs and expenses of constructing a sewer line, whether that construction has been performed by the city, a local improvement district or a private entity, or combination thereof, and who subsequently desires to connect to the city sewer system, shall be required to pay, in addition to the required connection charges of subsection 6-3-230(b) of this chapter and the monthly user charges of section 6-3-240 of this chapter, an additional connection charge which shall be known as an "assessment fee". The assessment fee shall be computed on an "equivalent residential unit", or "ERU" basis.

B. Fee Set By City Council: The sewer assessment fee for each parcel of ground connected to a trunk sewer line shall be established and set by the city council. The sewer assessment fee may be different for residential, commercial, and industrial uses and may be different for differing uses within those three (3) classifications depending upon the considerations of effluent quality but shall be as consistent as possible under similar factual circumstances. The sewer assessment fee shall be assessed in terms of equivalent residential units.

C. Wastewater Treatment Assessment Fee: A treatment fee shall be required for every sewer user initiating sewer service, changing use of a property already connected to sewer or increasing the discharged wastewater flow.

6-3-190: COOPERATIVE AND REIMBURSEMENT AGREEMENTS:

6-3-200: SEWER CHARGE APPRAISAL:

If the user or owner disputes a sewer connection fee or monthly user charge, the user or owner may request a hearing before the board of adjustment pursuant to the procedures set forth in __ of this code pertaining to the board of adjustment in order that the parcel being subject to sewer connection, charge, periodic user charge, or other fees as provided for in section 6-3-

230 of this chapter be appraised and assessed by the board of adjustment for the purpose of establishing the equivalent connection rating, the sewer connection charge, the inspection fee, the monthly service charge or other fees to be charged or assessed to and against such property. In making such appraisement and assessment, there shall be taken into consideration the area of land being served and the amount of flow (Q), the biochemical oxygen demand (BOD), the suspended solids (SS) and any other pertinent components of the wastes that the user is contributing to the system so as to establish, as nearly as possible, the rate, charge or fee for each property on the same relative basis as is imposed upon like property and uses within the city that has or will receive the sewer service. This procedure may also be used to determine the initial charges set forth herein or to change or modify the initial charges.

6-3-210: FINAL APPROVAL OF SCHEDULE OF CHARGES:

The city council has the power to approve, confirm, modify or amend any charge, rate or fee provided by this chapter and the decision of the city council shall be final. Upon final approval of the city council, the same shall then and there be in effect and a copy thereof shall be filed in the office of the city clerk.

6-3-220: BASIS FOR SEWER CHARGES:

A. System Of Charges Established: There is hereby established a system of assessment fees, user charges, permit, review and inspection fees, periodic service charges and other fees for the use of, and for service rendered by the sewer works of the city. The rates, charges, and fees provided by this chapter are hereby levied and assessed against each lot, parcel of land, building or property having any connection with the sanitary sewer works of the city or otherwise discharging sanitary sewage, industrial wastewater or other liquids directly into the sanitary sewer works of the city. The rates, charges, and fees shall be billed to and paid by the owner of each lot, parcel of land, building, or property served by the sewer system.

B. Properties Subject To Charges: It is specifically enacted that all property in the city to which a public sewer is available and is required to connect to the sewer as required in section 6-3-080 of this chapter, but is not used by the owner or occupier of said parcel of land, is still subject to user charges under the provisions of this chapter.

6-3-230: WASTEWATER USER FEES AND ASSESSMENT FEES:

The monthly sewer user rates for sanitary sewer service in the city are based on gallons of water used as determined by the water meter readings. Residential homeowners' sanitary sewer user charges will be based on the actual water recorded for monthly water meter readings during the period of the year from approximately November 15 to the following March 15. For the following eight (8) month period, the average monthly reading for the period of November 15 to the following March 15, termed the "winter average", shall be the basis for the monthly sewer user charge. However, if the actual water use recorded for any billing period between March 15 and November 15 is less than the preceding "winter average", the sewer user charge will be based on the actual water use. Also, provided, however, where there is a new owner, a new occupancy, or a change in occupancy, such as in the case of sale or new residence construction or sales of existing residences, between

November 15 and March 15, the sewer user charge shall be based on the average winter residential water use in the city which is six thousand five hundred (6,500) gallons per month unless the current water meter reading is less than six thousand five hundred (6,500) gallons. In this case, the sewer user charge will be based on actual metered water use. All other users such as commercial and industrial shall be based on their monthly water consumption. The user charges may be reviewed annually. The user charge system is based on the following:

A. Monthly Service Charges:

1. The minimum sewer charge shall be as established by resolution of the city council.

B. Number Of Equivalent Residential Units Per Use: The wastewater assessment fees for all new sewer users, other than single-family residential, shall be based on the number of equivalent residential units (ERUs) listed in table 2 of this section, unless other acceptable means of determining ERUs are used. Other acceptable means may include the uniform plumbing code "fixture unit" method or examination and analysis of historical consumption records of similar facilities within or outside the city of McCall.

6-3-240: SEWER CONNECTION REQUIREMENTS; FEES AND CHARGES:

A. Permit Required; Fees:

1. Application For Permit: To obtain municipal sewer service, the owner or his agent shall make application to the city. The permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the city.

2. Permit And Inspection Fee: A permit and inspection fee shall be paid to the city at the time the permit is issued. Also, the owner or his agent shall pay to the city, at the time the permit is issued, an assessment charge in the amount as provided for in section 6-3-230 of this chapter. The amount of the permit and inspection fee shall be as established by resolution of the city council.

B. Assessment Charges: The owner, or his agent, of all properties connecting to the public sewer of the city under the terms of this chapter shall pay an assessment charge as established by resolution of the city council for each equivalent connection or fraction thereof as may be assigned to the property by the city in accordance with section 9-4-18 of this chapter.

C. Materials And Construction Methods: The materials of construction of the sewer service line and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling of the trench and surface replacement shall all conform to the requirements of specifications and codes as have been or may be adopted by the city.

D. Separate Connection For Each Building: A separate and independent city sewer service connection shall be provided for each building.

E. Notify City For Inspection: The applicant for the city sewer service connection shall notify the city plumbing inspector when the connection of the sewer service connection and line to the public sewer main is ready for inspection.

6-3-250: SPECIAL CHARGES; SEWER INSPECTIONS; SEPTIC TANK WASTE DUMPING:

A. Connection To City Sewer System Outside City Limits: In order to obtain municipal sewer system service to parcel(s) which are either partially or entirely outside of the corporate city limits the following provisions must be complied with:

1. The applicant shall make application to the public works director. Any agreement to provide sewer service outside the city limits shall provide that the applicant will agree to the terms and conditions required by this section as a consideration for obtaining such service. The city council shall establish an application fee by resolution or upon the recommendation of the public works director given the amount of staff review required for processing the application. The application shall specify the legal description of the parcel(s) for which service is being applied, the name and address of the legal owner(s) of the parcel(s) and purpose of the requested service.

2. Application must be filed with the public works department.

3. Following the application and the payment of the application fee, the public works director shall then review the circumstances presented by the application in accordance with the terms and conditions and regulations of this chapter as are relevant to the application and which shall also include a review of the effect the granting of the application will have on the ability of the municipal sewer system to provide an acceptable level of service to developed parcels with existing service within the city limits which shall not be compromised.

4. The public works director shall then review the findings and recommendations with the applicant for comment.

5. The public works director shall then submit the application and a report of recommendation(s) to the city council regarding the application.

6. The city council, in the exercise of its discretion may either grant or deny the application after review of the application and the report of recommendation(s) of the public works director.

7. In the event the council grants the application it shall include as a condition that the legal owner(s) of the parcel(s) shall enter into an "agreement for the extension of domestic sewer service outside the city limits" (hereinafter in this section referred to as the "agreement") which agreement form shall provide that the legal owner(s) of the parcel(s) agree that the provisions of the city's ordinances, regulations and policies which appertain to the regulation, control and use of its domestic sewer system including hookup, service fees, and inspection fees, apply as terms of the "agreement" and which

form shall also provide that the owner(s) of the parcel(s) agree to the annexation into the city of the parcel(s) serviced; and the council may also impose such other conditions of granting the application as are reasonable to assure the protection of the level of service to developed parcels within the city limits and to assure that the proprietary funds of the city domestic sewer service are not used for the extension and/or enlargement of the system which conditions shall also be included in the "agreement".

8. The sewer user of the parcel(s) serviced pursuant to a granted application under this section shall be considered a user and subject to the terms and conditions of the "agreement" so long as the property being served remains outside of the corporate limits of the city.

9. Notwithstanding subsection A5 of this section, if the requested connection is for a residence, or a multi-family residence not exceeding four (4) residential units, and if sewer service is readily available to the affected parcel without extension of service, then, if the public works director deems it in the best interests of the city to do so, said connection may be authorized by the public works director without action by the city council. If the director declines to approve the connection, the request will proceed to the city council for final decision.

B. Sewer Line And Facility Inspection Fee: A fee shall be established and charged for inspection of sanitary sewer lines and facilities installed by any entity other than the city of McCall. The fee shall be approved by the city council.

C. Septic Tank Waste Dumping Fee: A fee shall be established and charged for dumping septic waste into the city of McCall wastewater treatment plant. The fee shall be approved by the city council.

6-3-260: BILLING AND PAYMENT OF MONTHLY CHARGES:

All monthly sewer charges shall be due and payable from the owner to the finance department between the first and tenth day of each month for billing from the previous cycle. For new construction, the monthly user charge shall be computed from the date the service connection has been inspected and approved or when the building being served is substantially completed, whichever is the latest date. For new residential construction completed during the eight (8) lawn sprinkling months, the monthly sewer user charges shall be based on the use of six thousand five hundred (6,500) gallons per month or actual use, whichever is less.

6-3-270: DELINQUENCIES; CITY PROCEDURE:

A. Termination Of Water Service For Nonpayment: If a sewer user has not paid the billing within fifteen (15) days from the date of the statement, it shall be deemed delinquent. The city shall follow the procedure set forth in section 9-1-21 of this title for termination of water services, and shall cause the water supplied to said sewer user to be turned off from the premises, the city taking notice that, without water, the sewer system of the user cannot be used and shutting off the water is the only way to prevent the use of the sewer for nonpayment; provided, if the charges are not paid within ten (10) days after the

delinquency notice, and if no penalty is due for nonpayment of water charges, an additional penalty as set by resolution of the city council will be added to the account and must be paid to restore service.

B. Lien Against Property: Where allowed by law, all delinquent charges or fees, as provided by this chapter, not paid after the final determination of the sewer user's account shall be imposed as a lien against and upon the property or premises against which such charge or fee is levied or assessed, and the city clerk shall, at the time of certifying the city taxes, certify such delinquencies together with all penalties to the tax collector of Valley County, Idaho, and when so certified, the same shall be a lien upon the property. All monies collected by the clerk under the provisions of this section shall be paid over to the city treasurer in the same manner as is required for the payment of other city monies.

C. Use At New Location: The owner of any property leaving a delinquency in sewer fees at any location shall not be entitled to the use of the sewer system at any new location until all fee delinquencies are paid.

D. Sewer Fund: All fees and charges received and collected under the authority of this chapter shall be deposited and credited to a fund to be designated as the sewer fund within the utility enterprise fund. The accounts of said fund shall show all receipts and expenditures for the maintenance, operation, upkeep and repair of the sanitary sewer system and any payments into a sinking fund established for the purpose of paying principal of and interest on the sewer indebtedness of the city which shall from time to time be outstanding. As provided by law, when budgeted and appropriated, the funds and credits to the account of the sewer fund shall be available for the payment of the requirements for the maintenance, operation, repairs and upkeep of the sanitary sewer system of the city, and to the extent legally available, for payment into a sinking fund established for the payment of the principal and interest on any sewer bond indebtedness of the city which shall from time to time be outstanding.

6-3-280: DISCONNECTION OF SERVICE FOR NONPAYMENT:

A. Discontinue Sewer And Water Service: The provisions of this chapter shall apply to all property served with sanitary sewer within and outside the corporate limits of the city, including all property owned or occupied by the United States of America, Valley County, and the state of Idaho, and in case of nonpayment or delinquency, the wastewater superintendent is, after the city has complied with the provisions of section 9-4-28 of this chapter, hereby authorized and directed to disconnect and/or plug the sewer connection with the sewer system of McCall and direct the water superintendent to terminate the water supply to the property.

B. Penalty For Turning On Water: If any person, after the water has been turned off from the premises on account of nonpayment of rates or other violation of this chapter or the rules and regulations pertaining to the sewer service, shall turn on or permit to be turned on or use or permit the water to be used, without authority, he/her shall be guilty of a

misdemeanor and, on conviction thereof, shall be subject to penalty as provided in section of this code for each offense.

6-3-290: SEWER SYSTEM FUND:

A. Fund Established; Purpose: All fees and charges received and collected under authority of this chapter shall be deposited and credited to a special fund to be designated as the sewer system fund. The accounts of said fund shall show all receipts and expenditures for the maintenance, operation, upkeep, and repair of the sewer works and any payments into sinking funds as may be established for the purpose of:

1. Paying principal of and interest on the general obligation or revenue sewer bonds of the city which shall from time to time be outstanding;

2. Other special funds as may be established by the city council.

B. Disposition Of Funds And Credits: As provided by law, when budgeted and appropriated, the funds and credits to the account of the sewer system fund shall be available for the payment of the requirements for the maintenance, operation, repairs and upkeep of the sewer works of the city and, to the extent legally available, for payment into a sinking fund established for the payment of the principal of and interest on the general obligation sewer bonds of the city which shall from time to time be outstanding.

6-3-300: RECEIPT AND DISBURSEMENT OF MONIES:

All monies collected by the finance department under the provisions of this chapter shall be paid, received, disbursed, and accounted for as directed by the city council.

6-3-310: PRIVATE SEWAGE DISPOSAL SYSTEMS:

Where a public sanitary sewer is not available under the provisions of this chapter, the building sewer shall be connected to a private sewer disposal system complying with the provisions of this chapter and in accordance with the following special provisions. Private home association lift station(s) BMP requirements are included under this section.

A. Permit Required; Permit And Inspection Fee: Before commencement of construction of a private sewage disposal system, the owner shall first obtain a written permit from the city. The applicant shall provide plans, specifications and other information as may be deemed necessary by the city. Review and inspection fees shall be established by resolution of the city council.

B. Inspection And Approval By City: Building permits for any structure to be served by an approved private sewage disposal system shall not be issued until the installation is completed to the satisfaction of the city engineer. The city shall be allowed to inspect the work at any stage of construction and the owner shall notify the city when the work is

ready for final inspection and before any underground works are covered. The applicant shall be responsible for payment of all applicable inspection fees prior to issue of a building permit.

C. Compliance With State Regulations: The type, capacities, location and layout of a private sewage disposal system shall comply with all of the rules and regulations and recommendations of the Idaho department of environmental quality, Idaho department of health and welfare and/or the Central district health department. No septic tank or cesspool shall be permitted to discharge to any natural outlet.

D. Connection To Public Sewer When Available: At such time as a public sewer becomes available to property served by a private sewage disposal system, a direct connection shall be made to the public sewer in compliance with this chapter and any septic tank, cesspool or similar private sewage disposal facilities shall be abandoned and filled with suitable material and all appropriate fees paid.

E. Operation In Sanitary Manner: The owners shall operate and maintain the private sewage disposal facility in a sanitary manner at all times and at no expense to the city.

F. Septic Tank Pumpings; Disposal And Fee: Septic tank pumpings shall not be deposited in any manhole, cleanout or sewer opening. The pumpings may be dumped at the sewage treatment plant at a point designated by the city. The number of gallons dumped and the nature of the wastes shall be provided to the plant operator prior to dumping. A fee for the septic tank dumping shall be determined by the city council.

G. Additional State Requirements: No statement contained in this section shall be construed to interfere with any additional requirements that may be imposed by the department of environmental quality or department of health and welfare of the state of Idaho.

H. Private Lift Station Best Management Practices (BMP) Requirements: The owner shall operate and maintain the private lift station equipment, and building structure(s), to the city of McCall requirements as defined by this section. Federal, state and local laws may also apply.

1. Maintenance And Repairs: Maintenance and repairs are to be conducted in a timely manner on all pumps, building structures, and electrical equipment; records are to be retained for a minimum of three (3) years. The superintendent can request records at any time.

2. Operational Procedures: Operational procedures are to be submitted in writing to the superintendent or designee for approval to operate lift station. The lift station is to be operated in accordance with the approved procedures. No changes are permitted without prior approval from the superintendent or designee.

3. Emergency Notification Requirements: Significant equipment failures, sewer line backups or any sewer overflows are to be reported immediately to the city of McCall

wastewater treatment plant (POTW) twenty four (24) hour telephone number, (208) 888-2191.

4. Insurance: Insurance is to be carried by the lift station owner at the owner's expense. Coverage will cover hazards of fire, lightning, flood, explosion, or unavoidable casualty.

5. Right Of Entry: The city of McCall retains the rights of entry to any private lift station site and/or access any associated equipment during any time; for inspection purposes and/or to take the appropriate action to prevent a permit violation; as defined by POTW NPDES permit requirements and/or prevent public health/safety issues.

6-3-320: MAINTENANCE OF LINES; CONTRACTOR LICENSE:

A. Maintenance Of Lines; Digging In Streets: All users of the sewer system shall keep their pipe connections and other apparatus in good repair and protected from freezing at their own expense, but no person, except under the direction of the public works department, shall be allowed to dig into the street, alley, sidewalk or easement beneath which the lateral and trunk line sewers run or to tap into any such lateral or trunk line in any manner.

B. Work By Contractor, License Required: Any contractor excavating within the limits of the public right of way shall possess a valid public works contractor's license for that specialty.

6-3-330: POINT OF LIABILITY FOR MAINTENANCE:

A. User Responsibility: All users shall have the responsibility of, and be liable for, and shall pay for, all costs and expenses of maintaining their own sewer lines extending from their property improvement (i.e., house or building) until such sewer lines pass the vertical plane of the user's property line. This maintenance liability of the user includes ensuring that the entire sewer service line from the property line to the sewer main is clear and free from obstructions. The city shall be responsible for the structural repair of the portion of the sewer service line located in the public right of way or outside the property which the sewer service is serving.

B. Nonconflicting Provisions: This section shall not be construed to be in conflict with section 6-3-320 of this chapter, which states that no person shall be allowed to dig into the street, alley, sidewalk or easement beneath which the lateral and trunk line sewers run or tap into any such lateral or trunk line in any manner without the public works department's authorization. Any such person must also obtain permission from other entities holding jurisdiction over the public right of way or the easement grantor to perform work within the street, alley, sidewalk, or easement for which the user is liable.

6-3-340: USERS LIABLE FOR VIOLATION:

No user of the city sewer service shall permit or allow any person from any other premises or any unauthorized person to discharge sewage into said system and the permit to connect

with the sewer system shall be limited to the person and the premises designated in the permit. Any violation of this section by either the permit holder or an unauthorized person shall be deemed a misdemeanor. Any such violations shall be grounds for the superintendent to withhold sewer service, without notice of termination of service, and the superintendent may require the water superintendent to terminate water service. In appropriate circumstances the superintendent may require that a separate service connection is put in for each user.

6-3-350: CITY NOT LIABLE FOR DAMAGE OR SERVICE INTERRUPTION:

The city shall not be held liable for damages to any sewer user or his property by reason of a stoppage or other interruption of his water supply or sewer disposal service caused by scarcity of water, accidents to the works, alterations, additions, or repairs to the sewer or water system or from other unavoidable causes beyond the control of the city.

6-3-360: INJURY TO SEWER SYSTEM UNLAWFUL:

A. Damaging Property: No unauthorized person shall maliciously, wilfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the sewer works.

B. Depositing Garbage: It shall be unlawful for any person to deposit any garbage, rubbish, sod, lawn clippings and yard debris, construction materials, dead animals or any substance, liquid or solid, having a tendency to obstruct the flow of the sewer in any manhole, cleanout or sewer opening, or which is prohibited by any other portion of this chapter, the pretreatment regulations in chapter 2 of this title, or any state or federal regulation.

6-3-370: PENALTIES:

A. Notice Of Violation; Responsibility For Remedy: Any person found to be violating any provisions of this chapter, other than for nonpayment of a sewer bill, shall be served by the city with a written notice stating the nature of the violation and providing three (3) working days for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations and if necessary make all corrections and repairs to the system or pay for same if the city has to make the correction(s) or repair(s).

B. Penalty Imposed: Any person who shall continue any violation, beyond the time limit provided for in this section shall be guilty of a misdemeanor and, on conviction thereof, shall be subject to a fine not exceeding one thousand dollars ($1,000.00) or imprisonment not exceeding thirty (30) days, or both such fine and imprisonment, for each violation. Each day in which such violation shall continue shall be deemed a separate offense.

C. Liability To City For Loss Or Damage: Any person violating any of the provisions of this chapter shall become liable to the city for any expense, loss, or damage occasioned by the city by reason of such violation and, for other than nonpayment of sewer bill violations, may have their sewer and water supply terminated after the above three (3) working day notice period has expired.

D. Cumulative Penalties: These penalties shall not be construed to be exclusive but shall be construed to be cumulative of, and in addition to, any other penalties provided for in this code or the criminal code of the state; as an example, a person injuring the sewer system could be criminally charged with malicious injury to property. For all violations initially charged as a criminal violation, the notice provisions provided for in this chapter shall not apply.

CURRENT MCC TITLE 6

Chapter 1
GENERAL PROVISIONS

6-1-010: DEFINITIONS:
6-1-020: CRIMINAL PENALTIES:
6-1-030: CIVIL REMEDY:
6-1-040: SEVERABILITY:

6-1-010: DEFINITIONS:

The following words whenever used in this Title shall have the following meanings:

CITY TREASURER: The City Treasurer of the City.

CUSTOMER: (A) For all purposes, a person who has contracted with the City for utility service; and

(B) Where a contract has not been entered into, those persons who are or would be beneficiaries of the service, and thus ought to have executed such a contract; and

(C) For enforcement purposes, the owner of the premises, and the occupant of the premises.

PERSON: Includes any natural person and also any other legal entity, such as but not limited to associations, partnerships, joint ventures and corporations, and a county and the State. Where an offense is committed by a person who is not a natural person, the natural person(s) (if any) who directed the commission of the offense, and the natural person(s) physically performing the acts constituting the offense, are jointly and severally subject to prosecution, rates and penalties.

PREMISES: The building, or buildings, or part thereof, to which a utility service is furnished, and the land associated with such building or buildings, also land to which water service is provided whether or not a building is present; service is provided to each dwelling unit as a separate connection, and to each business or commercial unit as a separate connection.

PUBLIC WORKS DIRECTOR: The Public Works Director of the City.

The singular includes the plural, and the masculine, feminine and neuter include each other. (Ord. 632, 7-28-93)

6-1-020: CRIMINAL PENALTIES:

A violation of this Title is a misdemeanor punishable as prescribed in Title V of the McCall City Code. (Ord. 632, 7-28-93)

6-1-030: CIVIL REMEDY:

In addition to, and not exclusive of the criminal remedy provided by this Ordinance, any person violating any of the provisions of this Title and by such violation causing the City additional costs to collect, transmit and treat sewage produced within the City's sewer service area, or causing the City to be subjected to civil penalties imposed by State or Federal agencies, or causing the City to lose, or jeopardize the holding of, any permit for the use of the Payette River in conjunction with its sewerage treatment system, shall be subjected to the full remedies available to the City pursuant to State and Federal law. (Ord. 632, 7-28-93)

6-1-040: SEVERABILITY:

If any one or more sections or provisions of this Title, or the application thereof to any person, firm, corporation or circumstance, shall ever be held by any court of competent jurisdiction to be invalid, the remaining provisions of this Title and the application thereof to persons, firms, corporations or circumstances other than those to which it is held to be invalid shall not be affected thereby, it being the intention of the City Council to enact the remaining provisions of this Title notwithstanding such invalidity. (Ord. 632, 7-28-93)

Chapter 2 WATER SERVICE

6-2-010: EXTENSION OF WATER SERVICE:
6-2-020: REQUIRED CONNECTION:
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6-2-040: WATER FROM OTHER SOURCES:
6-2-050: WATER MAIN - CONNECTION:
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6-2-070: EXTENSION OF CONNECTION:
6-2-080: CONNECTION - PRIVATE INSTALLATION:
6-2-090: CONNECTIONS - SPECIFICATIONS:
6-2-100: CONNECTION - PRIVATE - SPECIFICATIONS:
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6-2-270: UNLAWFUL PRACTICES:
6-2-280: OBSTRUCTIONS AND INJURIES:

6-2-010: EXTENSION OF WATER SERVICE:

Under no circumstances will city water service be extended outside the city of McCall corporate limits, except as a condition of annexation. City water service shall be extended to lots or parcels within the city of McCall corporate limits only if the following conditions are met:

(A) The city engineer shall evaluate the proposed water main extension and the intended service area, and certify that the city's water system can support, with adequate flows and pressures, the proposed demands for the sizes and types of construction and fire exposure within the intended service area.

(B) The cost of said evaluation and certification, the costs for fire hydrant tests (evaluating flow and pressure), recalibration of the city hydraulic model to incorporate the new calibration data and "record drawings" of the finished construction shall be borne by the applicant, unless the water extension project is initiated by the city. (Ord. 754, 4-12-2001)

6-2-020: REQUIRED CONNECTION:

Every premises located within three hundred feet (300') of a city water main must connect to the city water system. (Ord. 632, 7-28-1993)

6-2-030: SEPARATE CONNECTION:

Every separate premises supplied with city water shall have its own separate connection with the city water line and every separate premises not complying with this requirement shall be made so to comply within six (6) months. It shall be unlawful for any person, whose premises is supplied with city water, to furnish water to additional persons or premises after six (6) months subsequent to the effective date of this chapter. (Ord. 632, 7-28-1993)

6-2-040: WATER FROM OTHER SOURCES:

No service connections shall be allowed from the City mains to any premises supplied with water from any other sources, unless it be shown that the City will receive reasonable return on its investment and then only on special permission, in writing, by the Public Works Director, which permission shall be revocable at any time. No connection, temporary or permanent, shall be permitted between the City water supply system and any other source of water supply whatsoever. (Ord. 632, 7-28-93)

6-2-050: WATER MAIN - CONNECTION:

After receipt of a properly filled out application under Section 6-4-010 of this City Code, and of the executed contract under Section 6-4-020 of this City Code, the Public Works Director shall cause the premises described in the application, if the same abut upon a main, to be connected with the said main by a service pipe extending at right angles from the main to the property line. Included in such service connection thus constructed shall be a "City curb cock", placed within the line of the street curb, and the said connection shall thereafter be maintained by and remain the property of the City. (Ord. 632, 7-28-93)

6-2-060: CONNECTION:

A standard service connection which shall be supplied by the City to the consumer, shall be of three-quarter inch ($^3/_4$") nominal internal diameter, extending from the main to the property line, and including the necessary tap or shut off, tapping saddle, pipe, fittings, City curb cock and curb box, meter and meter box where latter is necessary. Where connections of greater capacity are required for any purpose, all excess costs of service shall be charged to the consumer, and the sum paid into the working fund of the Public Works Department. (Ord. 632, 7-28-93)

6-2-070: EXTENSION OF CONNECTION:

In case of application for water service upon premises not abutting upon a City main, the City may lay its service connection from the main toward the premises a distance equal to the distance from the main to the property line at right angles therefrom, but in no case a distance greater than forty feet (40'), and there permit connection to be made with a union to a private water main laid and maintained by the owner of the premises desired to be served; or, the City may, in the discretion of the Mayor and City Council, and upon payment into the working fund of the Public Works Department by the applicant, of a sum sufficient to cover one-half ($^1/_2$) of the cost thereof, extend the service main toward the premises of the applicant along and beneath the street, alley or highway of the City, but not elsewhere, to a total distance of not exceeding three hundred feet (300'). The payment by the applicant of such portion of the cost of such extension shall in no way vest in such person any ownership therein. (Ord. 632, 7-28-93)

6-2-080: CONNECTION - PRIVATE INSTALLATION:

If convinced that he is properly equipped to safely do the work, so that the City is not likely to suffer loss thereby, the Public Works Director may permit the owner of any premises to make his own connections with a service connection, within the property line, and shall require a deposit to insure the character of the work done in the amount required by resolution of the Council to be returned to the said owner upon the satisfactory completion of the work. (Ord. 632, 7-28-93)

6-2-090: CONNECTIONS - SPECIFICATIONS:

All persons connecting to the City owned service connection or laying their own private water mains thereto are required to use approved galvanized standard pipe, up to and including two inch (2") in nominal internal diameter, and cast iron water main conforming to the specifications of the Public Works Director in the case of larger sizes. All such private lines shall be laid not less than four feet (4') below the surface of the ground and an equal distance below the established grade of any street where the grade has been established. If any such private main be laid in a street or highway where no grade has been established, and such grade is established at some later date, but no City water main is by that time constructed, the Public Works Director may require the consumers using such private main at the time to relay such private main in such manner as to protect it from frost damage. (Ord. 632, 7-28-93)

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6-2-100: CONNECTION - PRIVATE - SPECIFICATIONS:

The portion of all service connections provided by the consumer for private water mains laid as permitted by this Chapter shall, before water is turned on thereto, conform in all respects with the following requirements:

The pipes shall be so located and equipped that each supply to a separate building or premises shall be controlled by separate stop-and-waste cock of approved type and construction satisfactory to the Public Works Director, which stop shall be properly protected against frost, have extension handle if necessary, and be so placed as to completely drain all pipes and fixtures served thereby; or if sags or depressions necessarily occur in such pipes, they shall each be provided with an additional stop-and-waste cock or other suitable means for properly draining each and every one of them. Where no fixture exists between the property line and the basement or cellar of a building, the stop-and-waste cock may be placed within such basement or cellar, provided such basement or cellar is not less than six feet (6') in clear height, and is provided with adequate stairways or other suitable means of ready access thereto; and provided further, that where such basement or cellar is enclosed only with wooden walls, the said stop-and-waste cock shall be placed at least twelve inches (12") below the surface or floor thereof, and provided with an extension handle, and be properly protected against frost. Stop-and-waste cocks on premises fronting on ungraded streets shall be placed at least six feet (6') inside the property line of said premises. Connection between the privately owned lines or service connections shall in all cases be made with a suitable union. Every existing service connection or branch service not already equipped as required by this Section shall forthwith be made to so conform at the expense of the owner. (Ord. 632, 7-28-93)

6-2-110: CONNECTION - INSPECTION:

Whenever the owner of any premises connected with the City water supply system, shall desire to use the water, he shall request the City Treasurer to have the water turned on and service begun. The owner shall leave his portion of the trench containing the service connection open until the same has been properly inspected, and the water turned on, when he shall immediately and properly cover the said pipe. All new construction and/or alterations, additions to existing facilities shall install and maintain in good working order "water saving devices". Water closets using a maximum of four (4) gallons per flush will be required and a shower head reduction device for all showers will be required. (Ord. 632, 7-28-93)

6-2-120: FIRE PROTECTION SERVICES - SPECIFICATIONS:

Any property owner or tenant may install a fire protection service, which must receive the approval of the Public Works Director and no charge shall be made for water actually used therein for fire extinguishment. The connection for such fire service system shall be made outside of the meter installation, and between the meter and the main, and any person who shall make or permit to be made any tap or connection from a fire main for any other purpose, shall be guilty of a misdemeanor. The Public Works Department may at its discretion require all outlets on such fire service system to be properly sealed, and if any such seal shall be broken in use in fire extinguishment, it shall at once be reported to the Public Works Director for re-sealing, for which a charge shall be made in the amount set from time to time by the Council by resolution. If on inspection unsealed and unreported outlets are discovered, there shall be assessed against the owner or tenant thereof a penalty in the amount set from time to time by the Council by resolution, or the water service to the premises may be disconnected. (Ord. 632, 7-28-93)

6-2-130: UNAUTHORIZED CONNECTIONS - MISDEMEANOR:

When water has been shut off from any premises, either upon the application of the owner thereof, or for nonpayment of water charges, or for any other cause, it shall be a misdemeanor for any person to again connect such premises with the City water supply system except when specifically authorized so to do by the Public Works Director. The Public Works Director may cause the water to be shut off at the main, or may remove a portion of the service connection in the street. In addition to the penalty provided in the McCall City Code for violations of its provisions, the Public Works Department may charge to and collect from the owner of the premises so illegally connected, the whole cost of the disconnection and the reconnection, and a penalty in the amount set from time to time by the City Council by resolution for shutting off and turning on the water, the whole of such penalty and charges to be paid before the water is again turned on. (Ord. 632, 7-28-93)

6-2-140: UNAUTHORIZED CONNECTIONS - PENALTY:

If any person shall make, procure or maintain any unauthorized connection between any City water main and the meter appertaining to the service connection, such person shall be deemed guilty of a misdemeanor. The water on such premises shall be shut off, and shall not be again turned on until the best adjustment possible shall have been made for the water so illegally consumed, insofar as the same can be approximately determined, and the charges for such water, and all penalties incurred, have been fully paid. (Ord. 632, 7-28-93)

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6-2-150: USING WATER FROM OTHER CONNECTIONS - MISDEMEANOR:

Where water has been shut off from any premises for lack of payment of charges or penalties, or for any other cause and the person occupying such premises shall proceed to take water from any other premises connected with the City water supply system, such person taking water, and any person permitting such taking of water, will be deemed guilty of a misdemeanor. (Ord. 632, 7-28-93)

6-2-160: RETURNING WATER TO MAINS PROHIBITED:

No ice machine or cold storage plant shall at any time be connected in any manner with the City water supply system, so that water which has been used in any part of such machine or plant will or may be returned after use into the City mains; all water so used shall be at once discharged into the sewers or other approved place of disposal. (Ord. 632, 7-28-1993)

6-2-170: METER REQUIRED:

All water service connections shall be metered with a water meter at or near the curb stop between the curb stop and the improvements on the premises, in a meter pit meeting the standard established by the Public Works Department, and equipped with a remote electronic data transmission device.

(A) The City shall install meters on all existing services not currently metered. The owner of the premises to which the service is provided or to be provided shall permit City crews to enter the premises for purposes of making the installation at a reasonable time during City working hours; any owner who fails to cooperate with the City in this regard shall, at the option of the City, be subject to:

1. Disconnection of the service; or

2. Billing for the water service at twice the average bill for users of the same class and/or to prosecution.

(B) All construction to which a service connection is made after the effective date hereof shall be equipped at the owner's expense with:

1. A water meter meeting City specifications located in the meter pit; and

2. A remote, electronic data transmission device also meeting City specifications.

Such specifications shall be obtained from the Public Works Director.

(C) All water use connections or taps to the user service shall be drawn downstream (on the user side) of the meter, including, but not limited to, lawn irrigation. Existing taps on services positioned upstream of the meter shall be modified at owner expense to comply with this subsection.

(D) Cross-connections are strictly prohibited, and any service with a cross-connection or potential cross-connection shall be protected by a backflow prevention device acceptable to the Public Works Director.

(E) The water service connection between the curb stop and the place of use by the customer is the property of the customer; provided, that the City owns and is responsible for maintenance of the meter and meter pit. The City owns and is responsible for connections between the meter and the curb stop in the standard configuration where the curb stop and the meter are proximate to each other. The water service connection between the City curb cock and the meter pit is the property of the owner of the real estate under circumstances where a meter is located within a structure or at a location interior to the premises as is common to facilitate delivery to more than one unit in a multi-unit development on an individually metered basis. The owner's water connection property shall be maintained by that owner. (Ord. 717, 10-9-1997)

6-2-180: METER - INSPECTION AND REPORT:

It shall be the duty of the Public Works Director to report in writing to the City Treasurer all premises inspected by him where City water is used or about to be used within forty eight (48) hours after such inspection. Such report shall contain the name of the owner, the house number of the premises and the street name, and the name of the plumber performing the work.

The Public Works Director shall make sure that stop-and-waste cocks have been so placed as to thoroughly drain all pipes and fixtures on any such premises. (Ord. 632, 7-28-1993)

6-2-190: METERS - READINGS:

The Public Works Director shall make monthly readings of water meters. However, during the months of October to March, inclusive, the readings shall be made at the discretion of the Public Works Director. It shall be the duty of the City Treasurer to keep suitable accounts with all consumers of water, a separate account for each separate service or premises, and to enter therein all charges and penalties accrued. (Ord. 632, 7-28-93)

6-2-200: METERS - GENERAL:

All meters shall be and remain the property of the City and shall not be removed from the service except for test or repair, replacement or abandonment or discontinuance of the service. All meters shall be so located and maintained as to be readily accessible at all reasonable hours for reading, inspection or repair. (Ord. 632, 7-28-93)

6-2-210: METERS - DAMAGE BY OCCUPANT - REPAIR:

In cases where a meter has been lost, injured or broken by or through the carelessness or negligence of the owners or occupant of the premises served, such meter shall be properly repaired or restored under the direction of the Public Works Director, and the costs thereof shall be charged against the owner or occupant of the premises. In case of nonpayment of such charges, the water shall be turned off, and not turned on until the cost of repairs and the penalty for shutting off and turning on water has been paid. (Ord. 632, 7-28-93)

6-2-220: PLUMBERS - COMPLIANCE:

No person other than licensed plumbers and authorized City employees shall possess or use any street key for the purpose of shutting off the City curb-cock, and all plumbers shall leave the said City curb-cock shut off on all premises which are newly connected with the City water supply system, and in the condition in which it was found in all other cases. On the completion of his work, each plumber shall promptly report the same to the Public Works Director. This shall not be construed to in any way relieve any plumber from making the necessary applications, and from complying in all respects with the other requirements of this Chapter. In case of the failure of any plumber to properly conform to the requirements of this Chapter, the Public Works Director may cause the same to be remedied, and shall cause the costs of the same, together with any fees or penalties which may have accrued thereon, to be charged to the property owner, and no water shall be turned into the water lines of the said property until such costs and charges have been paid in full. (Ord. 632, 7-2893)

6-2-230: WATER TURNED OFF DURING FIRES:

It shall be unlawful for any person to use water for irrigating or sprinkling during the progress of any fire in the City except for the protection of property from fire, and sprinkling shall be immediately stopped when the fire alarm is sounded, and not be resumed until the signal "fire out" is given. (Ord. 632, 7-28-93)

6-2-240: REPAIRING MAINS WITHOUT NOTICE:

The water may be at any time shut off from any or all mains, without notice, for repairs or other necessary purposes, and the City shall not be liable for any consequent damage. Water for high pressure or other steam boilers shall not be drawn directly from the City mains, but shall in all cases be fed into a suitable tank of sufficient capacity to supply needed water for at least one-half ($^1/_2$) day. While water is temporarily shut off from the mains, the hot water faucets of all premises should be kept open, to allow steam to escape from the hot water boilers, and to prevent bursting or collapse of the same. No person shall leave a house empty with the faucets open as above explained. (Ord. 632, 7-28-93)

6-2-250: TURNING WATER ON PERSONS PROHIBITED:

It shall be unlawful for any person to wilfully place or permit any automatic sprinkling device, or wilfully to place or hold any hose, in such position or manner that water therefrom falls on any person while on any public street, alley, highway or sidewalk, and the Public Works Department may shut off the water of any person so offending. (Ord. 632, 7-28-93)

6-2-260: WASTE PROHIBITED:

It shall be unlawful for any person to waste water, or to allow it to be wasted by imperfect or leaking stop valves, checkvalves, faucets, pipes, fittings or fixtures or devices of any kind for the utilization and control of water supply, or allow any faucet or valve to run wholly or partly open for the prevention of freezing, or for any other reason, or to use the water for any purpose other than those upon which his contract is based, or to use water in any way in violation of the provisions of this Chapter. In case of neglect or failure to comply with these requirements for the proper maintenance of plumbing and fixtures, and the proper use of water, the Public Works Department may shut off the water until proper repairs are made and the required penalty paid. (Ord. 632, 7-28-93)

6-2-265: ALTERNATE DAY SPRINKLING:

Irrigation of residential and commercial lawns and landscaping using City water, by sprinklers or otherwise, shall occur only on alternate days. City water may be used for such irrigation at addresses with an odd number only on odd numbered days of the month, and at addresses with an even number only on even numbered days of the month. (Ord. 665, 7-14-94)

6-2-270: UNLAWFUL PRACTICES:

It shall be unlawful for any person, except one duly authorized by the Water Department or the Fire Department, to open, close, operate, turn on, turn off, interfere with, hose to or connect anything with any fire hydrant, stand pipe, stop valve or stop-cock belonging to the City. It shall be unlawful for any person to make any connection with any water main or water pipe belonging to the City water supply system without due authority first asked and obtained so to do. (Ord. 632, 7-28-93)

6-2-280: OBSTRUCTIONS AND INJURIES:

It shall be unlawful for any person to obstruct the ready access to any fire hydrant by placing around or thereon any stone, brick, lumber, dirt or other material, to draw or attempt to draw any water therefrom or to wilfully or carelessly injure the same. And in the event that any person shall, wilfully, carelessly or otherwise, injure or break any fire hydrant, street stand pipe, public drinking fountain or other device or thing connected with the City water supply system, he shall at once report the occurrence to the Public Works Department or police, with his name and address, and shall give such undertaking as may be required of him that he will pay the costs of the repairs or replacements thereto made necessary. Failure to so report and accept responsibility for such injury is a misdemeanor. (Ord. 632, 7-28-93)

Chapter 3 SEWER SERVICE

6-3-010: SEWER SYSTEM WITHIN CITY; SEWER CONNECTIONS REQUIRED; PENALTY:
6-3-020: CONNECTION:
6-3-030: LIMITATION ON HOOKUPS:
6-3-040: TAP-INS OR HOOKUPS TO THE CITY OF MCCALL SEWER SYSTEM:
6-3-050: SEPTAGE DEPOSIT OR DUMPING:
6-3-060: HARMFUL SUBSTANCES AND EXCESSIVE PROHIBITED FLOWS:
6-3-070: FOOD WASTE DISPOSAL UNITS:
6-3-080: DISCHARGE OF INDUSTRIAL WASTES:
6-3-090: WATER SAVING DEVICES:
6-3-100: HEARINGS AND APPEALS:

6-3-010: SEWER SYSTEM WITHIN CITY; SEWER CONNECTIONS REQUIRED; PENALTY:

(A) For the purpose of promoting health, safety and the general welfare of McCall, a system for the collection, transmission and disposal of sanitary sewage shall be constructed, extended, maintained, repaired, replaced, operated and removed within the corporate limits of the city of McCall by which to provide an adequate system for the collection, transmission and disposal of sanitary sewage from domestic, commercial, industrial and such other uses and purposes for which said system may be used.

(B) Every building, structure or other sewer user within the corporate limits of the city shall be connected by a sewer service line to a public sewer line or main line where such sewer line or main line is available and within three hundred feet (300') of the property line of the lot, tract or parcel of land on which such building or structure exists.

(C) No permit shall be issued for the construction of any building or structure in the city on any lot, tract or parcel of land where there is a public sewer line available and within three hundred feet (300') of such lot, tract or parcel of land, unless the plans and specifications show connections in compliance with this chapter.

(D) Every building, structure or other use in existence prior to the construction of a public sewer line which is available and within three hundred feet (300') of the lot, tract or parcel of land on which said building or structure stands shall upon the construction of the public sewer line or main line, be connected to said sewer not later than six (6) months from the date said line or main is certified and accepted by the city public works director as being completed and ready for use.

(E) It shall be unlawful to occupy or use any building or structure in violation of this chapter, and any violation of this chapter shall be punishable as a misdemeanor. (Ord. 632, 7-28-1993)

(F) Under no circumstances will city sewer service be extended outside the city of McCall corporate limits, except as a condition of annexation.

(G) The city engineer shall evaluate any proposed sewer main extension and the intended service area, and certify that the city's sewer system can support the proposed demands for service within the intended service area.

(H) The cost of said evaluation and certification and "record drawings" of the finished construction shall be borne by the applicant, unless the sewer extension project is initiated by the city. (Ord. 754, 4-12-2001)

6-3-020: CONNECTION:

Before any connection shall be made to the city sewer system a permit therefor shall be obtained from the city clerk upon payment of the fees provided in this section and thereafter such connection to the city sewer system shall be made the expense of the person desiring such connection and the same shall be made under the supervision of the public works director and such connection shall not be covered until final inspection and approval by the Public Works Director. (Ord. 632, 7-28-93)

6-3-030: LIMITATION ON HOOK-UPS:

In the event the McCall City Council determines that the existing City sewer system, whether collection systems or treatment facilities, are at or approaching their respective capacity limits such that the issuance of additional service hook-up permits would lead to harmful consequences to the general welfare of the City and its environs, the Council by resolution shall limit the issuance of additional service hook-ups in a manner designed to preclude such consequences until such time as additional capacity has been developed. The precise limits, the manner of allocating same, and the determination of when to impose or relax them shall be established by regulations to be promulgated by the Council in conjunction with the imposition of any such limitations. (Ord. 632, 7-28-93)

6-3-040: TAP-INS OR HOOK-UPS TO THE CITY OF MCCALL SEWER SYSTEM:

(A) General: The term tap-in or hook-up shall be defined as a service connection constructed from an existing sewer lateral, main or interceptor sewer to the property line. Responsibility for construction and cost of the tap-in or hook-up shall be the property owners, whose property is being connected to the public sewer system, or the person causing said connection to be made. Upon completion and acceptance by the City, the tap-in or hook-up shall become a part of the public sewer system.

(B) Permit Required: It shall be a violation of this Section for any person to construct or cause the construction of a tap-in or hook-up without first obtaining a tap-in or hook-up permit from the City.

(C) Inspection: Prior to any work or alteration on a public sewer line as part of a tap-in or hook-up, the proposed tap-in or hook-up must be inspected and approved by the City Public Works Director. Request for inspection must be made to the City at least twenty four (24) hours prior to the proposed tap-in or hook-up.

(D) Failure to Inspect: Should the applicant or his duly authorized agent connect facilities to the sewer system without the facilities being inspected and approved by the City, the party responsible for the connections shall be required at his own expense to excavate the pipeline facilities constructed and disconnect the tap-in or hook-up from the sewer line, in order that a proper inspection can be made, whereupon compliance with subsection (B) of this Section will be required if no permit has been previously issued.

(E) Construction Specifications: Construction of the tap-in or hook-up shall conform to the City's "sewer tap or hook-up" specifications, available at the McCall City Hall, and issued to the applicant at the time of permit application. Only plumbers licensed in accordance with the laws of the State of Idaho, shall be authorized to make the actual tap-in or hook-up to the City sewer line. (Ord. 632, 7-28-93)

6-3-050: SEPTAGE DEPOSIT OR DUMPING:

(A) Prohibition Against Dumping: It shall be unlawful for any person, firm or corporation to deposit, dump, place or leave septage, sewage or effluent from any septic tank, cesspool or other private sewage disposal system within the corporate limits of the City of McCall except at the McCall City treatment plant.

(B) Who Can Dump: Only vehicles designed and constructed for the purpose of transporting or hauling septage, sewage or effluent shall be allowed to dump at the McCall City treatment plant. The vehicle shall be water and air tight and be clearly marked with the gallonage of the holding tank. The fee and exact sources of each load shall be recorded on a dumping ticket provided by the City of McCall.

(C) Fee: The fee for dumping shall be set from time to time by the City Council by resolution. The City Treasurer may require those regularly doing business with the City to pay a deposit toward dumping fees, which deposit must be maintained with a positive balance.

(D) Monitoring: The dumping of all septage shall be monitored by the plant operator or his designate and samples may be taken during the discharge into the system.

(E) Cleanup: The dumping area shall be left clean. (Ord. 632, 7-28-93)

6-3-060: HARMFUL SUBSTANCES AND EXCESSIVE PROHIBITED FLOWS:

(A) For promoting health, safety and welfare and so no use or activity endangers or inhibits the City of McCall sewer system, treatment plant, and personnel; and so use and activity does not cause the City of McCall to violate the Federal Water Pollution Control Act, it shall be unlawful to permit or cause flow of any of the following substances into the sanitary sewer system:

1. Any grease, fatty materials, offal or garbage;

2. Any stone dust, sand, dirt, gravel, sawdust, metal filings, broken glass or any other material which may cause or create an obstruction in the sewer;

3. Gasoline, benzene, fuel oil, phenols, cresols or any petroleum products or volatile liquids, or any wastes which create a fire explosion hazard;

4. Milk, or any liquid milk waste products, in quantities in excess of 53n (10 gallons) during each twenty four (24) hour period;

5. Any cyanide, phenols or any other chemical or substance which interferes with or prevents the functioning of the sewer system or wastewater treatment facilities;

6. Paint or waste products from paint manufacturing;

7. Radioactive wastes;

8. Any material from cesspools and septic tanks, other than effluent;

9. Any material from chemical toilets, such as used in recreational vehicles and on construction sites;

10. Any other substance or liquid deleterious to the sewer system and wastewater treatment facilities or which shall endanger the employees, operation or treatment processes of wastewater disposal, or which shall cause encrustations or otherwise chemically or physically corrode or erode the sewer system and wastewater treatment facilities. In no case shall wastes with a pH lower than 6.0 nor wastes with a pH greater than 9.0 be permitted into the sanitary sewer system.

(B) Every building, structure or premises used or occupied by any sewer user where any commercial or industrial operations are conducted or permitted which result in the discharge into the sewer system of any products, waste products or other substances, matter or liquid in the manner and to the extent prohibited in this Chapter shall be equipped with an adequate and suitable grease trap, filter or other interceptor device installed in such a manner that products, waste products or other substances, material or liquids herein set forth shall not flow into or be discharged into the sanitary sewer system. The grease trap, filter or other interceptor shall be:

1. Operated efficiently at all times;

2. Continually maintained and operational;

3. In compliance with the specifications as set forth in the Uniform Plumbing Code;

4. Installed and located in a manner easily accessible by the City Public Works Department inspector;

5. Installed and located in a manner that will provide for easy cleaning, repair, replacement and inspection.

(C) Any time without notice the trap, filter or interceptor shall be available for inspection by the City Public Works Department. If found to be in violation of this Chapter, written notification will be given requiring the user to take the necessary steps to remedy the situation within one week after written notice.

(D) It shall be unlawful to permit the flow of such waste from such buildings, structures or premises into the sanitary sewer system.

(E) Inflows of surface and excessive infiltration are prohibited. Such prohibited sources of inflow shall include, but not be limited to, the following:

1. Heating or cooling system discharges in excess of two thousand (2,000) gallons per day, storm water connections, subwater drains, foundation drains, roof drains, street drains, basement drains, sump pumps and abandoned sewer lines.

2. Infiltration greater than two hundred (200) gallons per day per inch diameter per mile of pipe shall be prohibited.

3. Existing inflows of surface and subsurface waters from storm water connections, subwater drains, foundation drains, roof drains, street drains, basement drains, sump pumps, abandoned sewer lines and excessive infiltration and other sources shall be eliminated. Structures and buildings with inflow in existence before the time of this Chapter shall not be deemed to have "Grandfather Rights" and therefore shall be eliminated in order to comply with this Chapter. (Ord. 632, 7-28-93)

6-3-070: FOOD WASTE DISPOSAL UNITS:

(A) It is the declared policy of the City to discourage and prevent discharge of food wastes into the sanitary sewer system when such food wastes could be disposed of in a manner other than discharge into the said sewer system. Where the disposal of such food wastes, particularly by commercial and institutional users of the system is allowed, the method and manner of such disposal shall be as required in the subsequent portions of this Section.

(B) Domestic and commercial food waste disposal units shall be connected and trapped separately from any other fixture or compartment, except that a continuous waste with a flow directing partition will be acceptable for domestic units. All units may have either automatic or hand operated water supply controls; however, domestic units shall be provided with an approved inlet cover having waterway passages for use during grinding operations.

(C) No waste from a food waste grinder shall be discharged into or through a grease interceptor.

(D) Waste grinders and their installation in restaurants, institutions, food processing or storage plants and similar operations shall meet the requirements of this Chapter as well as the Uniform Plumbing Code. An installation will be permitted only upon the finding of the City that other methods of disposal are not feasible and that the City sewer system can properly handle the waste. (Ord. 632, 7-28-93)

6-3-080: DISCHARGE OF INDUSTRIAL WASTES:

(A) It is unlawful for anyone to discharge or permit the discharge of any industrial wastes into any public sewer unless prior approval by the City is obtained, as provided in subsection (A)15b of this Section if such industrial wastes have any of the following characteristics:

1. A standard five (5) day biochemical oxygen demand greater than four hundred (400) milligrams per liter (mg/l); or fifty (50) pounds in any one day;

2. A chemical oxygen demand greater than five hundred (500) mg/l; or eighty five (85) pounds in any one day;

3. Wastes containing more than four hundred (400) mg/l of suspended solids or fifty (50) pounds in any one day;

4. A flow of fifty thousand (50,000) gallons or more per average work day or a flow greater than five percent (5%) of the flow carried by the treatment facility receiving the waste;

5. Chlorine demand of more than twenty (20) mg/l;

6. Wastewater at a flow rate and/or pollutant discharge which is excessive over relatively short time periods so that there is a treatment process upset and subsequent loss of treatment efficiency;

7. Wastes containing harmful substances as enumerated in Section 6-3-060;

8. Food wastes and garbage, etc.;

9. Any liquid or vapor having a temperature higher than twenty seven degrees (27°) centigrade, eighty degrees (80°) Fahrenheit; or

10. Any soluble waste or wastes having a pH lower than 6.0 or higher than 9.0 or having any other corrosive property which reasonably could be hazardous to structures, equipment or personnel of the City such as but not limited to, battery or plating acids and wastes, copper sulfate, chromium salts and compounds or salt brine.

11. Any water or waste containing a toxic or poisonous substance in sufficient quantity to injure or interfere with any wastewater treatment process, to constitute a hazard to humans or to create any hazard to receiving waters or the effluent of the wastewater treatment plants. Liquids containing copper, zinc or similar toxic substances at the point of discharge to the City sewer shall not exceed the following limits:

Parameter	Maximum Month Average Daily	Maximum Instantaneous
Aluminum	3.00 mg/l	5.00 mg/l
Arsenic	0.03 mg/l	0.05 mg/l
Total Ammonia as Nitrogen	25.00 mg/l	50.00 mg/l
Cadmium	0.01 mg/l	0.02 mg/l
Chromium (Hexavalent)	0.05 mg/l	1.00 mg/l
Chromium (Total)	1.00 mg/l	2.00 mg/l
Copper	0.30 mg/l	0.50 mg/l
Cyanide (Total)	0.20 mg/l	0.50 mg/l
Fluoride	2.00 mg/l	2.70 mg/l
Iron	2.00 mg/l	5.00 mg/l
Lead	0.05 mg/l	0.10 mg/l
Nickel	0.30 mg/l	0.50 mg/l
Zinc	0.30 mg/l	0.50 mg/l
Mercury	0.03 mg/l	0.05 mg/l
Silver	0.03 mg/l	0.05 mg/l

12. Any material which exerts or causes:

(a) Concentrations of inert suspended solids, such as, but not limited to, fuller's earth, lime slurries, lime residue, or fly ash which are so high as to constitute a danger to the wastewater treatment plant.

(b) Concentrations of dissolved solids such as, but not limited to, sodium chloride, calcium chloride or sodium sulfate, which are so high as to constitute a danger to the wastewater treatment plant.

13. Any wastes containing chlorinated hydrocarbons in concentrations greater than 9.5 mg/l.

14. Any water or wastes which the Public Works Director determines will by itself or with other water or wastes in the public sewer system, release obnoxious gases; or develop color or undesirable intensity; or form suspended solids in objectionable concentrations; or create any other condition deleterious to life, structures, or treatment processes.

15. (a) Waters or wastes containing substances in such concentrations that they are not amenable to treatment or reduction by wastewater treatment processes employed or are amenable to treatment only to such degree that the wastewater treatment plant effluent cannot meet the requirements of any other agency having jurisdiction over discharge to the receiving waters.

(b) It is unlawful for anyone to discharge or permit the discharge of industrial wastes as enumerated in this Section unless prior written approval is obtained from the City. If any industrial wastes are discharged or are proposed to be discharged into a public sewer, which wastes contain the substances or possess the characteristics enumerated in Section 6-3-070, and which, in the judgment of the City may have a deleterious effect upon the wastewater treatment processes, equipment or receiving waters, or which otherwise create a hazard to life or create malodors, the City may: (1) Reject the waste; or

(2) Require preliminary treatment to an acceptable condition for discharge to the public sanitary sewer system and/or sampling and metering manholes and equipment and/or may;

(3) Require reduction of the standard five (5) day biochemical oxygen demand to less than four hundred (400) mg/l; and/or

(4) Require reduction of the suspended solids content to less than four hundred (400) mg/l; and/or

(5) Require reduction in chemical oxygen demand to less than five hundred (500) mg/l; and/or

(6) Require regulation of the quantities of organic and inorganic loads and/or rates of discharge; and/or

(7) Require payment of a charge and fee for the cost and expenses of processing such water or wastes so admitted into the sewer system and any other costs or charges that would be and are incurred by the City in the maintenance, operation, replacement and repair of the sewer system and wastewater treatment facilities caused by such waters or wastes into the system.

(c) Plans, specifications and other information relating to the construction or installation of preliminary treatment and other facilities required by this Chapter shall be submitted by the industry to the City.

The industry shall comply with the Environmental Protection Agency (EPA) pretreatment regulations as published in the Federal Register, volume 38, number 215, dated November 8, 1973. No construction or installation thereof shall commence until written approval of the plans and specifications by the City. Every facility for the preliminary treatment or handling of industrial wastes shall be constructed in accordance with the approved plans and specifications, and shall be installed and maintained at the expense of the occupant or owner of the property discharging the industrial wastes.

(1) Any person constructing a preliminary treatment facility, as required by the City shall also install at his sole expense, and maintain a sampling and metering manhole for checking and investigating the discharge from the preliminary treatment facility to the public sewer. Such sampling and metering manhole shall be placed in a location approved by the City and in accordance with specifications approved by the City.

(2) Wastes requiring pretreatment for pH control and adjustment, temperature control and adjustment of dissolved oxygen must be continuously metered, and a fail-safe guarantee including alarms and holding ponds must be provided to assure quality of effluent.

(3) The City may require any person constructing a preliminary treatment facility to provide flow measurement.

(d) The City Council shall, in writing notify the occupant of any property which it has reason to believe is producing industrial wastes that such person shall comply with the requirements of this Chapter. No later than eighteen (18) months after notification by the City, the occupant or owner of the property discharging the industrial wastes shall have completed construction of all facilities required by this Chapter. Said occupant or owner shall submit periodic notice (at intervals not to exceed 6 months) to the City regarding specific actions taken to achieve full compliance with the requirements of this Chapter. The City may extend such requirements, upon agreement of State and Federal authorities, for reasonable cause, but no such extension of time shall excuse the payment of the charges imposed by Sections 6-4-050(B) and 6-4-100. If the required facilities have not been completed by the required date the City may shut off any sewer service from the City to the occupant, in addition to other penalties provided by this Chapter; provided, no such service shall be terminated until written notice of at least ten (10) days has been given by the City.

(e) Every facility for preliminary treatment or handling of industrial wastes shall be subject to inspection by the City or its authorized representative, who shall determine whether or not such facility has been constructed and is being maintained in effective operation. (Ord. 632, 7-28-93)

6-3-090: WATER SAVING DEVICES:

All existing sewer users are encouraged to utilize the "water closet dams" and shower head reduction devices referred to in the water service provisions of this Title. (Ord. 632, 7-28-93)

6-3-100: HEARINGS AND APPEALS:

(A) The City Public Works Department shall conduct such inspections as are necessary to assure compliance with this Chapter and shall notify the property owner and the City Council of the City of McCall in writing of sources in violation of this Chapter stating the source, nature and amount of the inflow.

(B) The property owner shall be given fourteen (14) days' notice in writing wherein to appear before the City Council to show cause if any why he should not be required to take such action as may be required in order to eliminate the inflow.

(C) The property owner shall have the right to be represented by counsel and present witnesses in his behalf; a tape recording of such hearing shall be kept by the City and a written transcription of that tape shall be available upon request at a cost to the requestor. A written decision stating the reasons therefor shall be rendered by the City Council within thirty (30) days. The property owner shall be notified by certified mail of the decision of the City Council.

(D) A property owner upon receiving an adverse decision may within thirty (30) days after the mailing of a decision as provided in subsection (C) above, seek judicial review under the provisions of section 67-5215(f) through (g) and section 67-5216, Idaho Code.

(E) The maximum time allowed to eliminate excessive inflows shall be two (2) months after the official notification from the City Council unless the City Council determines that there would be undue hardship within the time limit allowed.

(F) The City Public Works Department will inspect and certify that all new construction complies with this Chapter. (Ord. 632, 7-28-93)

Chapter 4 CONTRACTS, BILLING AND COLLECTION

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6-4-010: APPLICATION FOR UTILITY SERVICES:

Any person desiring to have premises connected with the utility system of the city shall present at the office of the clerk, or other place provided for the conduct of such business, the following information: a description of the premises desired to be served by the addition, block, lot and official house number, together with an application for utility service, prepared upon a printed form to be supplied for that purpose by the city. Such application shall contain, in addition to the description of the premises as aforesaid, and state fully all the purposes for which such utility service is to be used, the number of persons to be supplied or other indication for probable consumption, the size of the service pipes or connections believed to be necessary therefor, the point of connection with the city water main and the method and manner of connection, the name and address of the applicant and whether owner, authorized agent or contractor, and if authorized agent a written authority provided by the city and executed by the owner authorizing such agent to make the above application. Before he can serve

as an authorized agent, a person must be in the business of and regularly engaged or employed as a professional leasing agent or property manager. (Ord. 729, 3-25-1999)

6-4-020: CONTRACT:

The application for utility service shall also contain, or have attached thereto, a contract on the part of the owner of the premises, and executed by him or his legally authorized agent, agreeing to pay for the utility service applied for at the rate, at the times and in the manner specified in this chapter; that the city is acknowledged by him to reserve the right to charge and collect such rates, and to impose and enforce the penalties provided for in this chapter, to change the rate at any time without notice to consumer, and to install such meters or other devices as may be necessary to control and measure the utility service supplied. Such contract shall specifically provide that the supply of water is subject to all the provisions of this chapter, or of any other provisions hereafter passed, and that the city shall not be held responsible for any damage by water or otherwise resulting from failure of the plumbing or appliances on the premises supplied with water, nor for any damage caused by the interruption or failure of such supply, nor shall such failure or interruption be held to constitute a breach of contract on the part of the city, nor in any way release the consumer from the performance of all of his obligations as therein set forth. No application for service shall be granted until the contract herein provided for shall have been properly executed. (Ord. 632, 7-28-1993)

6-4-030: CONTRACT - EFFECTIVE DATE:

All contracts shall be in full force and effect from the date of execution thereof, but rates shall be charged thereunder from the date service is turned on. (Ord. 632, 7-28-1993)

6-4-040: CAPITAL IMPROVEMENT FUNDS - CREATION:

(A) Water Capital Improvement Fund: There is hereby established and created a "water capital improvement fund" for the receipt, deposit and accounting of all monies paid therein from water user charges as provided by section 6-4-140 of this chapter, with which to erect, construct, enlarge, extend and maintain water lines or water pumping or treatment facilities or structures for the city.

(B) Sewer Capital Improvement Fund: There is hereby established and created a "sewer capital improvement fund" for the receipt, deposit and accounting of all monies collected and raised from the levy or collection of sewer connection and/or treatment plant charges with which to erect, construct, enlarge or maintain sewer lines or sewer treatment facilities or structures for the city.

(C) Administration Of Funds: The monies deposited in said funds shall be kept separate and apart from all other monies of said city and each fund shall be held in trust, dedicated to the specific purpose for which it is hereby created and established. The city treasurer may, as directed and empowered by resolution adopted and approved by the city council, invest the monies of the funds in the securities authorized by law, but no portion of the funds may be transferred to the credit of each other or of any other general or special funds or used for any other public purpose. (Ord. 632, 7-28-1993)

6-4-050: CONNECTION CHARGES:

(A) Water: The initial service connection charge for installing a water connection to a service location that has not paid an initial water connection charge in the past, shall be established using the "American Water Works Association Manual 26" based on the incremental cost pricing method for the system buy in amount. In addition, the connection charge shall include city provided labor, material, and equipment. The connection charge shall be deposited in the water revenue fund and managed as provided by ordinance 669 of the city of McCall adopted August 25, 1994. The mayor and council shall, by resolution, determine the connection charge, such charge to be reviewed and adjusted as necessary at least every three (3) years. (Ord. 785, 9-11-2003, eff. 10-1-2003)

(B) Sewer:

1. Trunk Sewer And Treatment Plant Connection Charges, Time Of Payment, Disposition Of Charges:

(a) A trunk sewer connection charge shall be made and imposed upon and collected from every person before constructing a sewer service line by which to attach and connect the property to the sanitary sewer system of the city. The rate for each trunk sewer and treatment plant connection charge shall be in an amount fixed from time to time by the city council by resolution.

(b) All trunk sewer and treatment plant connection charges shall be paid to the city clerk and shall be deposited by the city clerk into the sewer capital improvements fund.

2. Sewer Service Connection Fee; Permit; Inspections; Disposition Of Fees: A person constructing a sewer service line by which to attach and connect the property to any sewer system transporting sewage, industrial wastewater or other wastes and liquids to a city of McCall treatment plant shall pay a sewer service connection fee. The rate for each connection charge shall be in an amount fixed from time to time by the city council by resolution, to be fixed and determined by the city council on a basis of equivalent single-family residential unit, and the determination of such equivalence shall include the volume, type and content of liquid effluent and/or industrial wastewater discharged into the sewer system. All sewer service connection fees shall be deposited in the general sewer fund of the city.

(C) Change Of Use; Fee: Each water or sewer user changing use of his property now connected to the water or sanitary sewer system of the city of McCall shall pay the difference between the connection charges (water, trunk sewer and treatment plant charges and sewer service connection charges) applicable to the use to which the property is being changed and the use to which the property had been previously applied. "Use" for these purposes means a land use having a separate source classification in the wastewater flow tables published by the environmental protection agency; and "changing use" for these purposes means commencing a land use which is in a different such source classification than that land use which was previously in place. If, for example, a single-family dwelling situated upon property now connected to the sewer system is demolished and a duplex, triplex, multi-family, mobile home park or commercial or industrial or institutional use is thereon constructed, the charge to be made for water, trunk sewer and treatment plant connection charges and sewer service connection charges shall be the difference between the total of the charges provided by this section above for the prior land use on the one hand, and the new land use on the other hand.

(D) Intensified Use: Each water or sewer user which intensifies use of its property now connected to the water or sanitary sewer system of the city of McCall shall pay the difference between the connection charges (water, trunk sewer and treatment plant charges and sewer service connection charges) applicable to the volume of use to which the use is being changed and the volume of use which the use had previously applied. If for example a use, charges with respect to which are figured on a per fixture, per appliance or per room basis, adds fixtures, appliances or rooms, an incremental charge is owed to the city.

(E) Reconnection: In the event that a land use ceases for a period of time which under title III of this code would constitute abandonment of a nonconforming use (for purposes of this title, whether or not the land use was in fact conforming), any right to a water or sewer connection for more than a single-family residence also ceases. Any use of such property will require that new connection fees and charges be paid.

(F) Other Charges: In the event that a land use is proposed which would include activities having multiple separate source classifications in the wastewater flow tables published by the environmental protection agency, the charges shall be computed for each source included in the land use proposed. In the event the owner of the proposed land use proposes to install equipment or processes which would have the effect of using the effluent from one of such activities for the water source for another of those activities, or would otherwise have the effect of changing the volume or characteristics of the effluent towards a lessening of the treatment burden, the council may, after receiving a recommendation from the city manager, vary the charges and fees accordingly. In such a case the city manager or his designee shall monitor the flows for a stated period of time, and may recommend to council an adjustment of the charges based upon actual experience during that stated period of time. (Ord. 673, 9-8-1994)

6-4-060: WATER CONNECTION FEES; MULTIPLE-FAMILY DWELLINGS:

A separate standard water service connection fee shall be paid to the city for each and every dwelling unit in any and all condominiums, apartment houses, townhouses and any and all other multiple-family dwelling structures. (Ord. 632, 7-281993)

6-4-070: DEPOSIT REQUIRED - EXEMPTIONS:

Each applicant desiring water or sewer service or both services shall pay a refundable deposit to the city in an amount equal to the expected billings for such service(s) for three (3) months at the premises desired to be served. The city treasurer shall determine this amount based upon pertinent past service data and the information provided in the application for utility services required by section 6-4-010 of this chapter. Such deposit shall be required unless the applicant has had with the city within the past two (2) years, one or more accounts for utility service, in his/her own name, and has had satisfactory payment record for the last twelve (12) months such account(s) was (were) in effect or the applicant may provide a letter or copies of bills from another utility for twelve (12) months of current service with such utility showing a "satisfactory payment

record", or the applicant agrees to maintain automatic payment of their water or sewer service or both bills for a minimum period of twelve (12) months with a "satisfactory payment record". Failure to maintain a "satisfactory payment record" during the first twelve (12) months of automatic payment of water or sewer or both services bills for a minimum period of twelve (12) months with a "satisfactory payment record" will require that the applicant shall immediately pay such deposit in order to maintain service. A "satisfactory payment record" shall be defined as one in which all payments were made on or before the date due, for all accounts in effect during the aforementioned twelve (12) months. (Ord. 785, 9-11-2003, eff. 10-1-2003)

6-4-080: BUILDING OPERATIONS - DEPOSIT REQUIRED:

Water for building operations may be supplied only at scheduled commercial rates, and the owner or contractor desiring the service may be required to make such a deposit with the city treasurer as will in the latter's opinion, secure the city against the nonpayment of all charges and penalties. Should no service connection be available at the desired point, the public works department may make a special service connection therefor, and shall charge the cost of such work or installation and removal, less the salvage value of the material recovered, to the account of the applicant, or deduct it from any deposit made as above prescribed. (Ord. 632, 7-28-1993)

6-4-090: DEPOSIT REFUNDS - INTEREST PAID ON DEPOSITS:

Deposits collected under the provisions of section 6-4-070 or 6-4-220 of this chapter shall be held by the city until the payee requests discontinuance of water service or until the payee has attained a "satisfactory payment record", as defined in this chapter. Deposit refunds shall be in the form of a credit to the account of the payee. A cash refund equal to the amount of the deposit less any outstanding account balance shall be paid upon discontinuance only. (Ord. 748, 10-12-2000)

6-4-100: SCHEDULE OF CHARGES:

The city council shall, from time to time, review water and sewer charges and set the schedule of charges by resolution. (Ord. 632, 7-28-1993)

6-4-110: NONRESIDENT USERS:

(Rep. by Ord. 632, 7-28-1993)

6-4-120: BILLING CYCLE:

The use of water for any part of a month shall be billed as a whole month. (Ord. 632, 7-28-1993)

6-4-130: BILLING:

(A) All charges for water and/or sewer service furnished by the city shall be billed directly to the owner of the premises or his legally authorized agent, and in the absence of a written contract, to the party or parties occupying the connected premises, who shall be liable jointly and severally. (Ord. 729, 3-25-1999)

(B) All charges for septage dumping shall be billed by the city treasurer on a regular basis. Amounts not paid shall be subject to the same percentage penalties and interest accruing at the same times and rates as are other amounts owed to the city by reason of sewer services. In the event that a dumper fails to pay septage dumping fees within thirty (30) days of the billing date, the city treasurer may require that person to establish and maintain a security deposit account with the city against which bills will be presented, and which must be maintained by the dumper with a positive balance. (Ord. 632, 7-28-1993)

6-4-140: PAYMENTS TO WATER CAPITAL IMPROVEMENT FUND:

All receipts from monthly charges for water use shall be deposited in the water revenue fund and managed as provided by ordinance 669 of the city of McCall, adopted August 25, 1994, unless and until the water revenue bonds authorized by such ordinance, and any subsequent debt instruments authorized by such ordinance to be issued without further analysis of liquidity impacts on the city, are paid in full. Of the surplus funds which ordinance 669 does not require be used for operations or maintenance, for the water project capital improvement fund, for the water revenue bond fund or for the debt service reserve fund, that portion fixed from time to time by resolution of the council shall be transferred by the city clerk into the water capital improvement fund. (Ord. 673, 9-8-1994)

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6-4-150: FEES AND REQUIREMENTS FOR TURNING ON/OFF WATER AND SEWER SERVICES:

Whenever the owner of any premises connected with the city water supply system and/or sewer collection system, or their legally authorized agent, desires to begin sewer and/or water service, the owner or agent shall notify the city at least forty eight (48) hours in advance and pay a turnon fee in the amount set from time to time by the city council by resolution and shall be charged the full monthly rate for the month in which service begins. Whenever the owner of any premises connected with the city water supply system or sewer collection system, and receiving such water and/or sewer services, or their legally authorized agent, desires to discontinue such service, the owner or agent shall notify the city in writing at least two (2) days in advance. A fee shall be charged for such turnoff in the amount set from time to time by the city council by resolution. Beginning when the water and/or sewer service is first turned on after April 22, 2010, and during any subsequent time period in which sewer and/or water service is turned off, there will be no reduction in the monthly water and sewer base charges. (Ord. 874, 4-22-2010)

6-4-151: EXEMPTIONS:

(Rep. by Ord. 874, 4-22-2010)

6-4-160: INSPECTIONS AUTHORIZED:

It shall be unlawful for any person to refuse, neglect or fail to afford any duly authorized representative of the public works department free access at all reasonable hours to any or all parts of buildings or premises supplied with water from the city water supply system, for the purpose of making records, readings, and inspections of the location, condition and sufficiency of pipes, fittings, valves, cocks, fixtures and appliances, and noting the amount of water used and the manner in which it is used. Violation of this provision of this chapter, or the abuse, threatening or intimidation of any officer of the public works department, may result in the shutting off of the water, and the imposition of the usual penalties, in addition to punishment for violation of this chapter. (Ord. 632, 7-28-1993)

6-4-170: METERS OUT OF ORDER - ESTIMATE OF WATER USED:

In the event of a meter getting out of order or failing to register properly, the consumer shall be charged on an estimate made from the amount consumed in the same month in the preceding year, or from the average of the consumptions of the three (3) months last preceding the meter reading, or from the other most reliable data in the possession of the public works department. (Ord. 632, 7-28-1993)

6-4-180: TESTING METERS - DEPOSIT REQUIRED:

Where the accuracy of the record of a water meter is questioned by a consumer, it shall be removed at his request, and shall be tested by an appropriate testing facility at the direction of the public works department and a report shall be made thereon to the city treasurer. Both parties shall accept the findings so made. Before making such test, the consumer, at the time of filing his request, shall make a deposit in the amount set from time to time by the city council by resolution with the city treasurer, according to the size thereof.

No meter shall be removed or in any way disturbed, nor the seal thereof broken, except in the presence or under the direction of the public works director. (Ord. 632, 7-28-1993)

6-4-190: RESULT OF TEST - COSTS AND ADJUSTMENT:

If a test so made discloses an error against the consumer of more than one percent (1%) in the meter's registry, the excess of such readings is as applied to the three (3) readings next preceding the test shall be calculated, and the amount of money due the consumer thereon credited to his water account, and the public works department shall bear the entire costs of the test and the deposit of the consumer shall be returned to him. If no error in excess of one percent (1%) against the consumer has been found, the consumer shall pay the costs of the test out of his deposit. (Ord. 632, 7-28-1993)

6-4-200: NONPAYMENT OF BILLS:

Nothing in this chapter shall be construed as modifying or repealing the right or obligation of the city to discontinue water service for nonpayment of water charges. (Ord. 632, 7-28-1993)

6-4-210: DELINQUENT BILLS - PENALTY - TURNING OFF WATER:

All bills for water and sewer are due and payable on the first day of the month following the month in which they are issued, and shall be delinquent at the close of office hours of the tenth day of the month in which such payments fall due; provided, that if such tenth day of the month falls on a Saturday, Sunday, or legal holiday, then such bills shall be delinquent at the close of office hours on the next succeeding business day. If not paid before delinquency, a penalty of ten percent (10%) of the amount so due shall be added to said amount due. (Ord. 735, 11-17-1999)

6-4-220: PAYMENT OF DELINQUENT ACCOUNTS - TURNING ON WATER; INCREASED SECURITY DEPOSIT:

When water has been turned off because of delinquency in payment, water shall not be turned on and new water or sewer service shall not be provided to any other property that the customer owns until:

(A) All delinquent water and sewer charges, including the delinquency charge of ten percent (10%), monthly service charges and a fee set from time to time by the city council by resolution for shutting off and turning on the water, shall have been added to the face of the delinquent bill and the entire sum paid; and

(B) All other charges for water and sewer service until the date of shutoff owed on the customer's account, even if not delinquent, are paid; and

(C) The customer pays a security deposit to the city in the amount computed by the city treasurer to be one hundred twenty five percent (125%) of the billings for water and sewer service for three (3) months to the premises, plus the fee set by the city council for shutting off the water, less any deposit the city is holding pursuant to section 6-4-070 of this chapter. (Ord. 729, 3-25-1999)

6-4-230: SERVICE CHARGE ON DELINQUENT ACCOUNTS - NOTATION ON MONTHLY BILLING STATEMENT:

(A) A monthly service charge in a percentage amount reviewed and approved from time to time by resolution of the Council shall be added to any water and sewer bill not paid within thirty (30) days past the due date thereof.

(B) On all monthly water and sewer billing statements the following notation shall appear: "A monthly service charge of up to $1^1/_2$% (18% annually) will be added to any water bill not paid within thirty (30) days past the due date thereof". (Ord. 632, 7-28-1993)

6-4-240: APPLICATION FOR CORRECTION OR ADJUSTMENT; WAIVER OF PENALTY:

(A) Definitions: As used in this Section:

ADJUSTMENT: Based on the facts and circumstances, applies to situations when the reason for the unusually high water bill in question is in fact or most likely not due to an error or faulty equipment on the part of the City, but from some other anomaly, such as broken water line(s) or other leak(s); the water having flowed through the meter. Adjustment and waiver of the associated penalty may be made only once per user, per year. Such year will be measured from the date of the last adjustment or waiver. No adjustment under this Section is applicable unless the water bill in question exceeds one hundred twenty percent (120%) of the estimated water used calculated pursuant to Section 6-4-170 of this Chapter as though the aforementioned anomaly had not occurred. Any adjustment granted pursuant to this Section shall not exceed the sum calculated by subtracting one hundred twenty percent (120%) of the estimated water used from the water bill in question. Should such sum be less than zero, no adjustment is applicable under this Section.

CORRECTION: Based on the facts and circumstances, applies to situations when the reason for the unusually high water bill(s) in question is in fact or most likely due to an error or faulty equipment on the part of the City. Corrections and waivers of the associated penalty may be made as often as necessary, based on facts and circumstances. The estimate of water used shall be calculated pursuant to Section 6-4-170 of this Chapter.

(B) Administrative Review: For good cause shown, demonstrating circumstances, any water user seeking correction or adjustment or waiver of penalty for any water bill shall submit a written application to the City Treasurer detailing the consideration sought. The application shall set forth in sufficient detail the facts and circumstances alleged to support the particular correction, adjustment or waiver sought. The Treasurer shall review the application and, if complete, may

correct or adjust water bill(s), and/or may waive the associated penalty as provided in Section 6-4-210 of this Chapter, at his/her discretion. In the absence of the City Treasurer, the City Manager may act in the same manner.

(C) Appeal Process: Nothing in this Section is intended to prevent any water user who receives an adverse administrative decision from having the application as provided for herein from being appealed in writing to the Mayor and Council. Such appeal must be filed with the City Treasurer or the City Manager within seven (7) days of said administrative decision. The appeal will then be scheduled at a regular Council meeting. The Treasurer or City Manager shall review the application and, if complete, submit same with a recommendation to the Mayor and Council for their consideration. If incomplete, the applicant shall be so advised and given the opportunity to resubmit. (Ord. 727, 9-24-1998)

6-4-250: RELIEF FOR EXTRAORDINARY CIRCUMSTANCE OR UNDUE HARDSHIP; GENERAL FUND REIMBURSEMENT; WAIVER OF PENALTY:

(A) For good cause shown, demonstrating unusual or extraordinary circumstances, or in order to avoid undue hardship, the City Council, at its discretion, may provide relief to a water and/or sewer user, whether individual, partnership, corporate, unincorporated association, or governmental in nature. In the event relief is granted, it shall be accomplished not by modification of the otherwise applicable rates or schedules as herein contained, but by determining a differential between the usual rate and the allowed rate; the differential shall be reimbursed from the General Fund by crediting said amount to the account of the user receiving the allowance.

(B) For good cause shown, demonstrating unusual or extraordinary circumstances, or in order to avoid undue hardship, the City Council, at its discretion, may also waive the penalty provided in Section 6-4-210 of this Chapter, otherwise imposed or imposable on a water or sewer user, whether individual, partnership, corporate, unincorporated association or governmental in nature, without reimbursement of same by transfer from the General Fund.

(C) Any user seeking relief or waiver as above provided shall submit a written application to the City Treasurer detailing the consideration sought. The application shall set forth in sufficient detail the facts and circumstances alleged to support the particular relief or waiver sought; the Treasurer shall review the application and, if complete, submit same with a recommendation to the Council for their consideration; if incomplete, the applicant shall be so advised and given the opportunity to resubmit. (Ord. 632, 7-28-1993)

6-4-260: DISCONTINUANCE OF WATER SERVICE:

(A) If an account becomes delinquent as provided in Section 6-4-210 of this Chapter, the City Treasurer shall notify the owner of the premises to which such water or sewer service was furnished or his legally authorized agent, in writing of such delinquency and if such water or sewer bill is not paid in full within ten (10) days thereafter, water service shall be discontinued. In addition to the requirements under subsection (D) of this Section, written notification of shutoff shall be placed on the door knob, latch or other conspicuous location at the serviced premises on the same day as mailed.

(B) An owner is entitled to an administrative pretermination of service hearing, unless the subject of the dispute has already been reviewed and a decision issued under the procedures set forth in Section 6-4-240 of this Chapter.

1. In the event an owner desires a pretermination administrative hearing, the owner or his legally authorized agent, within the ten (10) days described in subsection (A) of this Section, must mail or hand deliver to the City Treasurer, a written request for such hearing, stating as completely as possible the basis for the dispute.

2. Within five (5) days after receipt of a request, the City Treasurer shall schedule a hearing before the City Manager or the City Treasurer, to be held within twenty (20) days after such receipt. At the hearing, the owner or his legally authorized agent may be represented by counsel and may present evidence relevant to the dispute, including witness testimony, which if presented shall be tape-recorded.

3. The City shall keep a written record of the hearing. A written decision based upon the record shall be rendered within five (5) days after the hearing and the owner shall be notified thereof. In the event an administrative decision cannot be made at such hearing because of unusual facts or circumstances, within a reasonable time the City Treasurer shall bring the matter before City Council in the manner set forth in subsection (E) of this Section.

(C) Water service shall not be discontinued pending such hearing. In the event of a decision requiring payment of such bill or any portion thereof, the same must be paid within seven (7) days after service or mailing of notice of such decision to the owner or his legally authorized agent, or water service shall be discontinued. Even if a decision requiring payment is appealed to the City Council pursuant to subsection (E) of this Section, unless payment is made in accordance with the decision, water service shall be discontinued after said seven (7) days.

(D) All notices required hereunder shall be in writing and shall be to the mailing address for billings and notifications as indicated on the executed utility service contract or personally served upon the owner of such premises or his legally authorized agent. Service shall be deemed complete upon date of service or mailing.

(E) The owner of the premises involved shall have the right to appeal to the City Council any adverse administrative decision by the City Manager or City Treasurer.

1. In the event such appeal is desired, the owner of the premises or his legally authorized agent must notify the City Treasurer in writing of such desire within thirty (30) days after a decision is issued by the City Manager or the City Treasurer. Within five (5) days after receipt of such notification, the City Treasurer shall schedule the matter as an agenda item to be considered at a regular meeting of the City Council held within a reasonable time after said receipt.

2. The City Treasurer shall forward a copy of the written record and make available any tape recording of witness testimony to the City Council. The City Council shall make its decision based upon the record developed before the City Manager or City Treasurer; provided, however, the City Council may allow additional evidence to be produced if it finds such evidence was not presented at the earlier hearing for good cause.

(F) The owner of the premises involved shall have the right to appeal to the District Court from any adverse decision of the City Council. Each owner of premises receiving utility service agrees as a condition of receiving such service to waive any right to appear in District Court to settle a dispute arising from such service unless he first complies with the administrative procedure set forth herein.

(G) A copy of this Section shall accompany each notice of delinquency in payment for water service given under the provisions of this Section. (Ord. 729, 3-25-1999)

6-4-270: LIEN FOR DELINQUENT CHARGES:

In further consideration for the provision of Municipal utility services, an owner contracting with the City to have his premises receive such services hereby expressly consents to the placement of a lien upon the premises in the event charges for utility service become delinquent and either a hearing is not requested in accordance with Section 6-4-260 of this Chapter or an adverse decision is rendered by the City pursuant to said Section. Such lien shall be in the amount described in subsection 6-4-220(A) of this Chapter. Included in the lien filed with the County Recorder, there will be a service charge in the amount of one hundred dollars ($100.00) that will be required to be paid in satisfaction of full payment of the lien, such service charge being for the purpose of filing expenses and labor incurred in the production of paperwork required for the lien. (Ord. 729, 3-25-1999)

6-4-280: CRIMINAL PENALTIES FOR FALSE REPRESENTATIONS:

It shall be unlawful for any person who is not the legal owner of a specific real property, receiving or requesting Municipal utility services for such real property, to represent upon an application for utility services or contract that such person is the legal owner of the real property for which utility service is being requested; nor shall a person make any other false representation for the purpose of receiving such services. Violation of this Section shall be considered a misdemeanor and shall be prosecuted as such. (Ord. 729, 3-25-1999)