

ORDINANCE NO. 179

AN ORDINANCE REPEALING ORDINANCE NUMBER 57, PROVIDING FOR RATES, CHARGES AND FEES FOR SERVICE PROVIDED BY THE MUNICIPAL WATER SYSTEM: REGULATIONS CONCERNING CONNECTIONS: BILLING AND TERMINATION PROCEDURES: PROVIDING PROHIBITED ACTS AND PENALTIES THEREFORE: PROVIDING SERVICE AND RATES THEREFORE AND PROVIDING AN EFFECTIVE DATE FOR THIS ORDINANCE.

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

Section 1. City of Clark Fork Ordinance number 57 is hereby repealed.

Section 2. It is hereby determined and declared to be necessary and conducive to and for the protection of the health, safety and welfare of the inhabitants and the public of the City of Clark Fork, and for the purpose of providing an equitable distribution of the costs and expenses of maintenance, operation, upkeep and repair of the municipal watersystem of Clark Fork that the system of monthly service charges, rates and fees be established for the use of and services rendered by said watersystem and facilities.

Therefore, in addition to being a personal obligation, the rates, charges, fees and penalties provided by this ordinance are hereby levied and assessed against each lot, parcel of land, building or property(including trailer houses, motor homes and mobile homes) connected to, or using, the municipal water system of the City of Clark Fork.

Section 3. The following monthly water rates are hereby established for any single dwelling, residence, trailer or other abode: \$4.50, for any bar, store, restaurant, service station, or other business or agency: \$4.50, for the Clark Fork School: \$15.00, for the Burlington Northern Railway: \$18.00, Cedar Cafe and Cabins; \$32.50, for the Tamarack RV Laundromat: \$9.00, it being understood that other business and associations will have to be appraised by the City Council to establish applicable rates and said Council shall meet with the business or agency being rated, charged with said water rate or fee to approve the appraisement

and assessment and establish the rate, charge or fee, levied and assessed against such property. The aforementioned water rates are subject to review and change by resolution as the City Council deems necessary.

Section 4. All applications for new water service must be made in writing by the owner or occupant of the premises to be served, on a form provided by the City. Where the City has in place water distribution mains of sufficient size and adjacent to the applicant's premises to furnish the service desired, the City shall install for a fee of \$200.00 (hookup fee) a water service to the applicants property line a service connection of proper size. the hookup fee is subject to review and may be changed by resolution as the City Council deems necessary.

Section 5. Except as otherwise provided by these rules and regulations and rates, the City will refuse (a) to install a service connection of a larger size that in its opinion is adequate to properly serve the premises: (b) install a service connection which, in its opinion, will work an undue hardship on the City or its existing consumers: (c) to connect a service connection to a customer's plumbing where the depth of customer's service line is less than necessary to prevent freezing under normal conditions: (d) to connect any service, main or other appurtenance that in its opinion does not conform to good engineering design, or meet the standard specifications of the City: (e) to accept an application for service connection if it requires an extension of the City's mains, unless said mains can be to the City's specifications with the owner or occupant paying the cost of installation plus the cost of one inch line: (f) No service from the municipal water system will be rendered to any applicant outside the corporate limits of said City of Clark Fork.

Section 6. A bill for water service will be mailed quarterly and shall become delinquent if not paid by the 15th of the month



following each quarter i.e. by the 15th of April, July, October and January.

Section 7. For non-payment of water bills, water service to any premise shall not be discontinued until the following procedure has been followed:

(a) After a water bill becomes delinquent as provided by Section 6 of this ordinance, the City Clerk shall notify the owner of the premises to which such water service was furnished and the tenant thereof, if any, in writing of such delinquency and if such water bill is not paid in full within twenty (20) days thereafter such water service shall be discontinued unless such owner or tenant requests a pre-termination of service hearing, in writing.

(b) In the event a pre-termination hearing is requested such hearing shall be held before the City Council after timely notice to such owner and tenant, if any, who shall have the right to be represented by counsel and present witnesses in his behalf; a written record of such hearing shall be kept by the City and a written decision stating the reasons therefore shall be rendered by the Council within a reasonable time. All hearings shall be informal in nature and the formal rules of procedure and evidence used by the District Courts of Idaho, shall not apply.

(c) Water service shall not be discontinued pending such hearing but in the event a decision requiring payment of such bill or any portion thereof, the same must be paid within ten(10) days after service or mailing of such decision to the owner or tenant, if any, or water service shall be discontinued.

(d) All notices required under section 7 B herein shall be in writing and shall be mailed by U.S. certified mail, return receipt requested, with postage prepaid thereon or personally

served upon the owner of such premises and tenant, if any. Service shall be deemed complete upon date of service or mailing.

(e) The owner or tenant of the premises involved shall have the right of appeal to the District Court from any adverse decision of the City Council, any such appeal must be filed within 30 days of the Council's decision.

(f) A copy of this ordinance shall be given on request to the recipient of each notice of delinquency given under the provisions of this section.

Section 8. When water has been shut off from any premises, either upon the application of the owner thereof, or for non-payment 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 to do so by the City Clerk.

Section 9. It shall be unlawful for any person not authorized by the City to tamper with, alter, or injure any part of the City waterworks or water supply system.

Section 10. Should alternative running water be provided to any premises, whether obtained by the City, the owner, the occupant or from an adjacent City subscriber; E.G. garden hose service or the like, then the monthly water rate shall be that provided in Section 3 above.

Section 11. In the event any portion of this ordinance or part thereof shall be determined by any court, of competent jurisdiction, to be invalid, void or otherwise unenforceable, the remaining provisions herein or parts thereof, shall remain in full force and effect, and shall in no way be affected, impaired or invalidated thereby.

Section 12. Any violation of this ordinance shall be deemed a misdemeanor and shall be punishable, upon conviction, by fine of up to \$300.00 or by incarceration in the Bonner County jail for up to

Six months or by both such fine and incarceration.

Section 13. This ordinance shall be in full force and effect on the first day of July 1981. Passed under suspension of the Rules, by the Council of the City of Clark Fork, Idaho this 12th day of May, 1981.

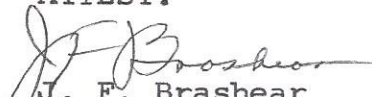
Approved by the Mayor of the City of Clark Fork, Idaho, this 12th day of May 1981.

Robert C. Hays

Mayor



ATTEST:



J. F. Brashear  
Clerk

Published in the Sandpoint Newsbulletin, Sandpoint, Idaho June 3 1981.

