

WATER ORDINANCE NO. 251

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WATER ORDINANCE NO. 251

AN ORDINANCE OF THE CITY OF CLARK FORK, REPEALING WATER ORDINANCE NUMBERS 214, 240 & 249, REPEALING SECTIONS OF ORDINANCE NUMBERS 221, 223, 225 & PROVIDING REGULATIONS AND GUIDELINES FOR ADMINISTRATION OF THE WATER SYSTEM OF THE CITY OF CLARK FORK, ADOPTING IDAHO RULES FOR PUBLIC DRINKING WATER SYSTEMS, ADOPTING IDAHO STANDARDS FOR PUBLIC WORKS CONSTRUCTION, PROVIDING FOR CONNECTION POLICIES, PROHIBITING CROSS CONNECTION, PROVIDING FOR SYSTEM EXTENSION POLICIES, INSPECTIONS, SPECIAL CHARGES, PENALTIES, SEVERABILITY, PUBLICATION AND PROVIDING FOR AN EFFECTIVE DATE.

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

Section 1 PURPOSES.

It is hereby determined and declared to be necessary for protection of the health, safety and welfare of the public which consumes water from the City of Clark Fork Water System that standards be established for use and connection to said system. Additional purposes for this ordinance include equitably apportioning the costs and expenses of maintenance, operation, upkeep and repair of water system components which include supply, storage, treatment and distribution facilities, collecting appropriate charges from owners of benefited lots, lands, property and premises, and when necessary, governing the installation, use and administration of private domestic water systems where a public water system is not available.

Section 2 DEFINITIONS.

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

Authorized Representative- Mayor or City Council or its authorized Planner or Engineer.

City- The City of Clark Fork, Bonner County, Idaho, or its authorized or designated officials, agents, or representatives.

City Water Service Line- That portion of an individual water service line that runs from its connection with the public water main to and including the corporation stop and meter box that is installed in the service line, ending at the meter outlet. It will usually be installed within the limits of the public right-of-way or utility easement, and, after installation, it is owned and maintained by the City.

Cross-Connection- Means any physical arrangement whereby the municipal water system is connected, directly or indirectly, with any non-potable water system, private well, sewer, drain, conduit, pool, storage reservoir, plumbing fixture, or other device which contains, or may contain, contaminated water, sewage, or other waste liquid of unknown or unsafe quality which may be capable of imparting contamination to the municipal water system as a result of back-flow. Bypass arrangements, jumper connections, removable sections, swivel or change-over devices, or other temporary or permanent devices through which, or because of which, back-flow may occur are considered to be cross-connections.

IFC- International Fire Code, which contains provisions to regulate fire hazards in existing buildings, as well as provisions for the installation, testing and maintenance of fire protection features in both new and existing buildings.

ISPWC- Idaho Standards For Public Works Construction, reference document for construction and quality control of public works infrastructure projects.

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.

Municipal Water System- Includes all components and facilities of the public water system that is owned, operated and maintained by the City of Clark Fork, Idaho, for domestic and other uses.

Owner- Refers to the property owners, or his duly authorized representative such as developer, etc., who holds legal title to a property that is served or is to be served by the Municipal Water System.

Person- Any individual, firm, company, association, society, corporation or group.

Private Fire Service Connection- This is a separate and independent connection from the municipal water main that connects directly to a fire suppression sprinkler system that has been, or is to be installed, in any building for the purpose of fire control within that specific building and said connection is to be for no other purpose.

Private Water Service Line- This is to be the portion of the water service line that runs from the limits of the building being served to the point of connection with the City Water Service Meter.

Private Water System- This is any water system for domestic use that is not owned, operated and maintained by the City of Clark Fork, within City boundaries.

Property- Refers to all real 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 City Water Service Line.

Shall- "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.

User- Each residence, mobile home or business supplied with water from a meter is considered a separate user; there may be more than one user on a meter.

Water Main- Any pipe line owned by the City for the purpose of transportation and/or distribution of water.

Section 3 TO WHOM THIS ORDINANCE IS APPLICABLE.

The provisions of this Ordinance shall apply to owners of all property within the corporate limits of

the City, any special users outside of the Corporate Limits of the City, including all property owned or occupied by the United States of America, Bonner County, and the State of Idaho.

Section 4 REQUIRED USE OF SYSTEMS.

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 water line of the City is hereby required to connect his domestic water service line to the City water service line in accordance with the provisions of this Ordinance within one hundred eighty (180) days after the date of official notice from the City that water service is available. If said water line is within three hundred (300) feet of any property line of the building to be served or of a common property line in a multiple building development, it shall be deemed to be abutting. Each property owner desiring to receive service from the Municipal Water System shall be obligated to extend the water main which serves his/her property across the entire frontage of his/her property as a condition of receiving service. The purpose of this requirement is to make service available to subsequent users of adjoining property. This provision shall not obligate current system users to extend the water system to serve future users or nearby new development.

Section 5 INJURY TO SYSTEM UNLAWFUL.

No person shall maliciously, willfully or negligently break, damage, destroy, cover, uncover, deface or tamper with any structure, pipeline, fire hydrant, fittings, connection, appurtenance, or equipment which is a part of the Municipal Water System. Nor shall any person cause the elevation or degradation of the grounds around or near any portion of the Municipal Water System in a manner that would require the City to modify, repair or reconfigure the System. Any person who causes harm or damage to the Municipal Water System as outlined in this paragraph shall be responsible to reimburse the City for all costs required to repair, modify or reconfigure the Water System. Failure to pay the costs of repair, modify or reconfiguration the Water System shall be grounds for termination of service.

Section 6 MALICIOUS OR WILLFUL WASTE OF WATER.

It shall be unlawful for any water user to waste water or allow it to be wasted by imperfect water stops, valves, leaky joints or pipes that are not under the jurisdiction of the City or to permit the malicious or wasteful consumption of water, having no beneficial purpose, from the municipal water system. Likewise, it shall be unlawful to allow a constant flow of water for animal consumption but rather a quantity of water shall be allowed which will supply the actual needs of the animals having access thereto. Service may be immediately terminated to an account without notice if the leak is so substantial as to constitute an emergency.

Section 7 WATER SERVICE CONNECTION AND WATER SERVICE LINE.

All materials and workmanship in the connection to the City water service line shall conform to the following regulations and/or standards:

- A. No unauthorized person 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 written approval from the City.
- B. To obtain municipal water services, the owner or his agents shall make written application to the City on a form provided by the City.
- C. A deposit, as set forth by resolution, shall be paid at time of application. All costs and expenses incident to the installation of the water service line and the connection to the City water main shall be paid prior to installation.
- D. The meter and installation hardware shall remain the property of the City which shall be responsible for maintenance of such public facilities, unless repairs are made necessary by the reckless, negligent or otherwise wrongful conduct of a private party.
- E. All water service connections, materials of construction including methods to be used in excavating, placing of the pipe, joining, testing and backfilling and the service line

from the building to the connection with the City water main line shall conform to the requirements of the current state adopted plumbing code.

- F. A separate and independent City water service line and connection may be provided for every building requiring water.
- G. The alignment of the water service line from the outlet of the building to the City water main shall be located such that the distance between the water service line and the septic tank, drain field and/or sewer service line shall not be less than required by Panhandle Health District and Idaho Department of Health and Welfare standards.
- H. No person shall make or permit the cross-connection of any private water supply or other source prohibited by state law to a water line that is served by the municipal water system. The City of Clark Fork hereby adopts the "Idaho Rules For Public Drinking Water Systems" IDAPA 58.01.08.543 <http://adm.idaho.gov/adminrules/rules/idapa58/0108.pdf> regarding cross connections. Three (3) copies will be kept on file at City Hall.
- I. An applicant for the City water service shall notify the City when connection of the private water service line to the City water service line is ready for inspection of connection only.
- J. The installation of a private fire service connection shall comply in all respects to the requirements for a City water service line. The owner or his agent shall be required to pay, as set forth by resolution, all costs for connection and extension of the facility from the municipal water main which may be installed without a meter. A commercial anti-backflow device must be installed. Any such service shall be subject to inspection by the City at any time to assure that the fire service connection is not being used for any other purpose.
- K. The connection of a private fire service connection to the municipal water main shall be made by a plumber holding a valid Plumber's License according to State Plumbing Code.

Panhandle
Health
District

Cross
Connections

Private
Fire Service
Connection

- L. At no time shall a property owner or their agent, permit or allow permitting, a water line connection to cross property lines for any reason. A water connection shall service only one (1) property or lot(s). Any such connection confirmed, shall have the water shut off immediately until the non-permitted connection is terminated. Disconnect and Reconnect charges shall apply

Section 8 WATER MAIN EXTENSIONS.

- A. The Idaho Standards For Public Works Construction, latest edition published by the Idaho Standards for Public Works Construction Committee, are hereby adopted.
 - B. All water line extensions shall be made in accordance with all City, State and Federal standards including fire hydrants.
 - C. All water main extensions shall be constructed by the City or its authorized contractor. The City shall require prepayment of all costs to water main extensions.
 - D. No work shall commence on any such extension of the municipal water system until the extension project has been approved by the authorized representative of the City in writing and a permit has been issued.
 - E. The cost of extending the municipal water system to serve undeveloped areas within the existing corporate limits, newly annexed areas or areas outside the corporate limits shall be the responsibility of the property owner(s) or agent. Unless a special permit is granted by the City, all municipal water system extensions, including the City water service lines into newly developed areas, shall be installed prior to the construction of any new streets.
 - F. All design and construction of any extensions to the municipal water system shall comply with the Idaho Standards for Public Works Construction (ISPWC) as published by the Association of Idaho Cities.
 - G. The plans for all extensions to the municipal water system shall be prepared and signed by a registered professional engineer
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as per the licensing requirements of the Idaho Code, and three (3) copies of said plans shall be filed with the City. Two (2) copies of the plans shall be filed with the Idaho Department of Health and Welfare for their review and approval, per Idaho Code. In approving a plan for the extension to the municipal water system, the City reserves the right to stipulate other requirements such as; special permit fees as may be established by resolution, rights-of-way limits, sequence of construction, time limits for having existing service disrupted, the filing of a performance bond and other similar measures as may be required to protect the public.

- H. After the construction of the municipal water system extensions, a registered professional engineer shall certify to the City and the Idaho Department of Health and Welfare in writing that said system extensions were installed according to the approved plans and specifications on file in the office of the City Clerk. The Project Engineer shall file two (2) sets of "Record Drawings" with the office of the City Clerk. Cost of said certification shall be at no expense to the City. 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. The installer shall warrant such installation for one year and shall perform capital maintenance during that period. After conclusion of the one-year warranty period, it shall be the City's responsibility to maintain and operate the system thereafter.
- I. All new and replacement water supply systems shall be designed and constructed to minimize or eliminate infiltration of flood waters into the system and minimize flood damage.
- J. Fire hydrants shall be constructed at maximum every 500 feet, or as required by

- the (IFC) or (ISPWC), whichever is more restrictive.
- K. All plans shall comply with the City of Clark Fork's Ordinance for construction in flood prone areas.
 - L. The City may require that water lines be sized to provide services beyond the needs of the property being developed. In such case, the city shall pay the incremental costs related to increasing the size of the line.
 - M. No water line shall be covered until the City Engineer, at the cost of the developer, has inspected them. The developer or contractor shall provide at least 24 normal business hours notice to the City of a need for inspection.

Section 9 UNAVAILABILITY OF MUNICIPAL SYSTEMS.

Where the municipal water system is not available under the provisions of this Ordinance, a private water system may be installed, provided that the system complies with all the provisions of this Ordinance. Authority to develop a private water source or system within the City must be expressly granted by the City Council if a private water source is to be used.

- A. Before the commencement of construction of a private water system, the owner shall first obtain a 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. A permit and inspection fee as set forth in a resolution of the City Council shall be paid to the City at the time the application is filed.
- B. A permit for a private water system shall not permit the use of the system until the installation is completed to the standards 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.

- C. The type, capacities, location and layout of a private water system shall comply with all of the rules and regulations and recommendations of the Department of Health and Welfare of the State of Idaho.
- D. At such times as the municipal water system becomes available to the property served by the private water system, the owner or tenant shall make application for connection to the municipal water service. It is mandatory that, once connected to the municipal water service, the private water supply is not connected or cross-connected in any way to the water lines or facilities served by the municipal water system nor shall the private water service be used for domestic water.
- E. The owners shall operate and maintain the private water facility in a sanitary manner at all times, and at no expense to the City.
- F. No statement contained in this Section shall be construed to interfere with any additional requirements that may be imposed by the Department of Health and Welfare of the State of Idaho.

Section 10 FIRE HYDRANTS.

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. Further, it shall be unlawful for any person to obstruct the access to any fire hydrant by placing around or thereon any stone, brick, lumber, dirt, or other material, or to willfully or carelessly injure the same. No one shall use hydrants without City approval.

Section 11 POWERS AND AUTHORITY OF CITY AUTHORIZED REPRESENTATIVE.

The City, through its authorized representative bearing proper credentials and identification, may be permitted at proper and reasonable hours of the day, upon request by the City, to enter premises or buildings to which water is furnished from the municipal water system for necessary testing. Nothing in this provision shall limit the authority of the City to take such steps as it may deem appropriate to maintain the integrity of the

City water system including disconnection of any service reasonably believed to be a source or location of potential contamination.

Section 12 INSPECTION.

All connections to or extensions of a service line, requiring connection to an existing City Water Line, shall be made in accordance with the requirements of the State of Idaho Plumbing Code for such installations. The connection of any service line to the Municipal system shall be inspected by the City before the installation is backfilled and before the water is turned on for use at the premises.

Section 13 REJECTIONS OR DISAPPROVALS.

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

Section 14 BASIS FOR BASE RATE CHARGES.

There is hereby established a system of periodic service charges and fees for the use of and for services rendered by the water system of the City, and such charges and fees shall be as nearly uniform as possible to the different classes of property served by said system. All rates, charges and fees are hereby levied and assessed against each lot, parcel of land, building or property having any water service connection of the City Water System. It is specifically enacted that all property in the City to which public water is available, but is not used by the owner or occupants of said parcel of land, is still subject to base rate charges under the provisions of this Ordinance, to cover the fixed cost of availability of the water system and the cost of standby fire protection.

Section 15 USER RATES, CHARGES AND CONNECTION FEES.

All base rates, user charges, connection/reconnection/disconnection fees, delinquent fees, and any deposit required for connection of service shall be set by resolution of the City Council. All monthly water rates, charges and fees will be charged against the property for which the City water service line is installed.

Section 16 MODIFICATION OF USER RATES AND/OR CONNECTION FEES.

The City Council of the City of Clark Fork may change or modify the rates, charges and fees referenced within this Ordinance upon any resolution of the City Council duly passed to become effective on the date as established by said resolution.

Section 17 USER CHARGES; WHEN DUE AND PAYABLE.

All base rate and user charges shall be due and payable to the City Clerk on the first of each calendar quarter and upon failure to pay the same within thirty (30) days of the first of each quarter, as prescribed, each user shall pay, in addition to the amount due, a delinquent fee as set forth in a resolution of the City Council.

Section 18 DISCONTINUANCE OF WATER SERVICE FOR DEFAULT.

The City of Clark Fork may discontinue water service to any defaulting customer after fifteen (15) days written notice to said customer. In such event, a reconnection fee, as set forth in a resolution of the City Council, shall be assessed against said customer upon request for reconnection. Reconnection of water service shall be made following the payment of any reconnection and delinquent fees due. The City may accept a contingent payment plan by the user/property owner.

Section 19 CONNECTION/DISCONNECTION OF SERVICES.

Should an owner or his agent request a City water service line to be disconnected, the City shall disconnect the same by closing the meter. There will be no charge for this disconnect/reconnect service if it is requested during the City Maintenance Personnel's normal working hours. If the request is made during non-working hours, the owner, or his agent, shall pay to the City a disconnect fee. The owner or his agent must request the City to place the line back in service before the meter is to be reopened and shall pay a reconnection fee. The disconnect and reconnect fees shall be as set forth in a resolution of the City Council.

Section 20 PROPERTY OWNER RESPONSIBILITY.

The property owner shall have the ultimate responsibility for any water charges for a property which he owns irrespective of any user or tenant service agreement.

Section 21 DELINQUENCY; NOTICE.

All delinquent charges or fees, as provided in this Ordinance, not paid within fifteen (15) days of the date when notice of delinquency is sent, shall be imposed as a lien against and upon the property or premises against which such charge or fee is levied or assessed. The City Clerk shall certify such delinquencies together with all penalties to the Tax Collector of Bonner County, and when so certified the same shall be a lien upon the property, and will be collectible as other taxes. In addition to the above, the City may disconnect the water service line and such corporation stop shall not be opened or placed back into service until all delinquency charges and fees have been paid in full as provided in Section 15 of this Ordinance. All moneys collected by the Bonner County Tax Collector under the provisions of this Section shall be paid over to the City Clerk in the same manner as is required for the payment of other City moneys.

Section 22 WATER SYSTEM FUND.

All fees and charges received and collected under authority of this Ordinance shall be deposited and credited to a special fund to be designated as the Water System 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 bond indebtedness of the City of Clark Fork 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 System shall be available for the payment of the requirements of 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 of and interest on any water bond indebtedness of the City which shall from time to time be outstanding.

Section 23 PENALTIES.

- A. Any person found to be violating any provision of this Ordinance shall be served by the City with written notice stating the nature of the violation and providing a

- reasonable time limit, but in any event, not to exceed ninety (90) days, for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.
- B. Any person who shall continue any violation beyond the time limit provided for in this Section, shall be guilty of a misdemeanor, and upon conviction thereof shall be subject to a fine not exceeding One Thousand Dollars (\$1000.00), or imprisonment not to exceed six (6) months for each violation or by both. Each day in which any such violation shall continue shall be deemed a separate offense.
- C. Any person violating any of the provisions of this Ordinance shall become liable to the City for any expense, loss or damage occasioned by the City by reason of such violation, including attorney fees and court costs.

Section 24 EMERGENCY CLAUSE.

There is hereby reserved to the City the right to temporarily discontinue or restrict the quantity of water delivered to all users of the system in the event of a need arising from:

- A. Repair, maintenance, improvement or replacement of components of the water supply or distribution system; or
- B. Emergencies, acts of God, or other circumstances beyond the reasonable control of the City.

Section 25 REPEALER CLAUSE.

This ordinance repeals ordinances 214, 240 and 249 in their entirety and Section 2 "Water Facilities" of Ordinance #221 & Section 7 "Water Facilities" of Ordinance #223 & Section 5.1-3(1) "Utilities" of Ordinance #225.

Section 26 SEVERABILITY CLAUSE.

If any section, subsection, sentence, clause, phrase or word of this Ordinance is declared to be invalid by a court of competent jurisdiction, such declaration shall not affect the validity of the remaining portions of this Ordinance.

Section 27 PUBLICATION AND EFFECTIVE DATE.

This Ordinance shall be in full force and effect upon its passage, approval and publication in one issue of the Bonner County Daily Bee, a newspaper of general circulation, published in the city of Sandpoint, Idaho.

Passed under suspension of the rules and duly enacted by the City Council as an Ordinance of the City of Clark Fork on the 8th day of December, 2008.

Approved by the Mayor on the 8th day of December, 2008.

Thomas A. Shields

Thomas A. Shields, Mayor

CITY COUNCIL MEMBERS	YES	NO	ABSENT	ABSTAIN
Linda Reed	X	—	—	—
Brian Cantrell	X	—	—	—
James Junget	X	—	—	—
Russell Schenck	X	—	—	—

ATTEST:

Jonell Davisson

Jonell Davisson, City Clerk

Memo to Water Ordinance No. 251

Regular Council Meeting minutes of 4/13/98 decision:

“The Council decided that 3/4” water meters would no longer be installed in Clark Fork. The smallest will be a 1” meter as the State Code requires 1” water lines.”