

ORDINANCE NO. 291

AMENDMENT OF ORDINANCE NO. 251

AN ORDINANCE OF THE CITY OF CLARK FORK, A POLITICAL SUBDIVISION OF THE STATE OF IDAHO, AMENDING THE DEFINITIONS, USER CHARGES; WHEN DUE AND PAYABLE, DISCONTINUANCE OF WATER SERVICES FOR DEFAULT, AND REQUIRED USE OF SYSTEMS PROVISIONS OF CLARK FORK CITY ORDINANCE #251; PROVIDING FOR SEVERABILITY AND REPEALING PROVISIONS IN CONFLICT WITH THE ORDINANCE, AND PROVIDING AN EFFECTIVE DATE UPON PASSAGE AND PUBLICATION.

WHEREAS, the City of Clark Fork passed a Water Ordinance (Ordinance #251) on the 8th day of December, 2008, repealing previous ordinances regulating water systems within the city of Clark Fork, including Ordinances #214, #240, and #249, as well as sections of Ordinances #221, #223, and #225.

WHEREAS, the City of Clark Fork, having implemented Ordinance #251, has identified city water connection requirements contained within Ordinance #251 may be burdensome on residents who possessed potable water sources prior to having access to connect to a city water source.

WHEREAS, the City of Clark Fork has determined that Ordinance #251 should be revised to provide limited exceptions for city residents who already have potable water sources available and which the city believes do not need to connect to the city water source.

WHEREAS, the City of Clark Fork has changed their water billing frequency for consistency and efficiency to reflect other monthly billing statements.

WHEREAS, the Idaho Administrative Rule 31.21.01.304 allows for termination of water services after sufficient notice has been provided.

THEREFORE, BE IT ORDAINED by the Mayor and City Council of the City of Clark Fork, Bonner County, Idaho:

Section 1 - Amendment: That SECTION 2 – “DEFINITIONS” of Clark Fork City Ordinance #251 is hereby amended to add a definition clause as follows:

Abandoned Well - A well that has no future potential utility, cannot be operated, and/or has ceased to produce water except for those wells which have been capped. A capped well is one that is closed or capped with a covering capable of preventing surface pollutants from entering the well and sustaining weight of at least 400 pounds and constructed in such a way that the covering cannot be easily removed by hand.

Section 2 - Amendment: That SECTION 4 – “REQUIRED USE OF SYSTEMS” of Clark Fork City Ordinance #251 is hereby amended to read as follows:

Section 4. REQUIRED USE OF SYSTEMS.

A. 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 limits 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~~ the property's 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, subject to the exemptions set forth below. 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.

B. Exemptions: A property owner with any existing potable private water system(s), as of the effective date of this ordinance, is not subject to the connection requirements as set forth above unless all private water system(s) are abandoned, unpotable, or beyond repair and must be replaced. If the property owner's private water system(s) are abandoned, deemed unpotable, or must be replaced in entirety, such property owner shall be required to connect to the City water service line in accordance with this Ordinance.

Section 3 - Amendment: That SECTION 17 – “USER CHARGES; WHEN DUE AND PAYABLE” of Clark Fork City Ordinance #251 is hereby amended to read as follows:

All base rate and user charges shall be due and payable to the City Clerk on the first twentieth (20th) of each calendar quarter month. 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 4 - Amendment: That SECTION 18 – “DISCONTINUANCE OF WATER SERVICE FOR DEFAULT” of Clark Fork City Ordinance #251 is hereby amended to read as follows:

The City of Clark Fork may discontinue water service to any defaulting customer after ~~fifteen (15)~~ seven (7) 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 5 - Severability: This ordinance shall be severable. Should any portion of this ordinance be declared invalid by a court of competent jurisdiction, the remaining provisions shall continue

in full force and effect and shall be read to carry out the purpose(s) of the ordinance before the declaration of partial invalidity.

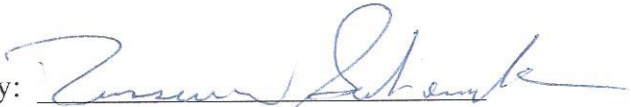
Section 6 – Repealer: This ordinance shall supersede previously enacted ordinances governing the same matter. All provisions of the current ordinances of the City of Clark Fork which conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

Section 7 - Effectiveness: This ordinance and the amendments contained herein shall be effective upon its passage and publication as provided by law. All other provisions within Ordinance #251 which have not been amended shall remain in full force and effect.

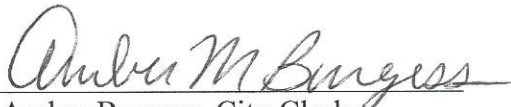
PASSED under suspension of the rules upon which a roll call vote was taken, duly enacted at a convened meeting of the City of Clark Fork City Council as an Ordinance of the City of Clark Fork, Bonner County, Idaho, and APPROVED by the Mayor on the 19th day of September, 2022.



CITY OF CLARK FORK:

By: 
Russ Schenck, Mayor

ATTEST:


Amber Burgess, City Clerk

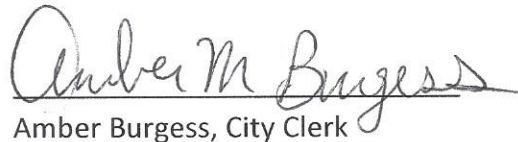
CITY COUNCIL MEMBERS:

	YES	NO	ABSENT
Blaine Williams	<u>√</u>	___	___
Shari Jones	<u>√</u>	___	___
Jay White	<u>√</u>	___	___
Sharon Banning	<u>√</u>	___	___

SUMMARY OF ORDINANCE NO. 291
ORDINANCE NO. 291, AMENDING CITY OF CLARK FORK ORDINANCE # 251

SUMMARY: The City of Clark Fork adopted Ordinance Number 291 on September 19, 2022, amending City of Clark Fork's Water Ordinance #251. This Ordinance provides changes to Clark Fork Ordinance #251 Section 2: *Definitions*, adding a definition for "abandoned well"; Section 4: *Required Use of Systems*, establishing exemptions for existing potable private water systems; Section 17: *User Charges; When Due and Payable*, amending the water billing frequency, and Section 18: *Discontinuance of Water Service for Default*, amending the number of days required for notice prior to default action; providing for a severability clause; repeals any conflicting provisions; and sets an effective date upon publication of this summary.

The full text of Ordinance No. 291 is available for review at Clark Fork City Hall, 110 3rd Ave., Clark Fork, Idaho, during regular business hours and on the City of Clark Fork website. This summary shall be filed with the adopted Ordinance.


Amber Burgess, City Clerk

Publish once in the Bonner County Daily Bee or other newspaper of general circulation for which notice requirements may be satisfied.

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CITY ATTORNEY REVIEW:

The undersigned, City of Clark Fork legal counsel, having reviewed Ordinance No. 291 and the summary for the same, believes the summary is true and complete and that it provides adequate notice to the public of the identity, principal provisions, and effective date of the ordinance.

The full text of Ordinance No. 291 is available for review at Clark Fork City Hall, 110 3rd Ave., Clark Fork, Idaho, during regular business hours and on the City of Clark Fork website. This summary shall be filed with the adopted ordinance.



Britney Jacobs, Silver Valley Law
Attorney for the City of Clark Fork

September 26, 2022

Date