

ORDINANCE NO. 21-03

AN ORDINANCE OF THE CITY OF CROUCH, BOISE COUNTY, IDAHO, REPEALING ORDINANCE 2015-01; AMENDING THE CITY OF CROUCH CITY CODE TO CODIFY THE CITY'S WATER SYSTEM REGULATIONS IN A NEW TITLE 6, PUBLIC UTILITIES, CHAPTER 1, WATER SYSTEM REGULATIONS; PROVIDING FOR SEVERABILITY; PROVIDING A REPEALER CLAUSE; AND, PROVIDING AN EFFECTIVE DATE OF THIS ORDINANCE.

WHEREAS, the City of Crouch ("City") is a municipal corporation organized and existing under the laws of the State of Idaho and is authorized and empowered to establish, create, develop, maintain and operate a domestic water system pursuant to Idaho Code §50-323; and

WHEREAS, pursuant to Idaho Code §§50-323 and 50-1028, the City owns, operates and maintains a water system for the use and benefit of those served by such public works and for the promotion of the welfare and for the improvement of the health, safety, comfort and convenience of its residents; and

WHEREAS, pursuant to Idaho Code §50-1030, the City has the power to prescribe and collect rates, fees, tolls or charges for the services, facilities and commodities furnished by such works, and to provide methods of collections and penalties, including denial of service for nonpayment of such rates, fees, tolls or charges; and

WHEREAS, pursuant to Idaho Code §50-1032, the rates, fees, tolls, or charges prescribed by the City shall be such as will produce revenue at least sufficient (a) to pay when due all bonds and interest thereon for the payment of which such revenue is or shall have been pledged, charged or otherwise encumbered including reserves therefor and (b) to provide for all expenses of operation and maintenance of such works, including reserves therefor; and

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF CROUCH, BOISE COUNTY, IDAHO AS FOLLOWS

**Section 1:** That a new title to the City of Crouch Official City Code be added as follows:

**Title 6: Public Utilities  
Chapter 1: Water System Regulations**

**6-1-1 TITLE AND SCOPE**

(a) Short Title. This Ordinance shall be known as "Rules, Regulations and Rates for the operation of the Public Water Supply System of the City of Crouch, Boise County, Idaho," and may be so cited and pleaded.

(b) Scope. The City of Crouch and all customers receiving services from the City of Crouch, whether inside or outside of the City boundaries, are bound by this Ordinance and the rules and regulations of the City of Crouch.

**6-1-2 DEFINITIONS OF GENERAL TERMS:**

- (a) APPROVING AUTHORITY shall mean the Mayor of the City of Crouch or the duly authorized deputy, agent, or representative.
- (b) BACKFLOW shall mean the flow other than the intended direction of flow, of any foreign liquids, gases, or substances into the distribution system of the City water supply.
- (c) BACKFLOW PREVENTION DEVICE shall mean a device to counteract back pressure or prevent back siphonage.
- (d) CITY COUNCIL shall mean the City Council of the City of Crouch.
- (e) COMMERCIAL BUILDING: Any structure built for the support, shelter, or enclosure of persons, animals, chattels, or property of any kind or for any type of business or enterprise or for any other purposes not otherwise described or covered below under "DWELLINGS."
- (f) COMMERCIAL USER shall mean all persons not specifically classified as domestic or as an industrial water user.
- (g) CONNECTION FEE shall mean the connection fee set forth in Section 13.
- (h) CONTAMINATION shall mean the entry into or presence in the Municipal water supply of any substance which may be deleterious to health and/or quality of the water.
- (i) CROSS-CONNECTION shall mean any physical arrangement whereby the Municipal water supply is connected, directly or indirectly, with any other water supply system, sewer, drain, conduit, pool, storage reservoir, plumbing fixture, or other device which contains or may contain contaminated water, sewage, or other wastes or liquids of unknown or unsafe quality which may be capable of imparting contamination to the Municipal water supply as a result of backflow.
- (j) CITY shall mean the City of Crouch, Boise County, Idaho.
- (k) DOMESTIC WATER USAGE shall mean water that is used principally for potable consumption.
- (l) DWELLINGS:

Single Family: A building designed for or occupied by one family for living or sleeping purposes, and having one kitchen or set of cooking facilities.

Duplex: A building designed, built, rented, or leased for occupancy by two (2) families living independently of each other.

Multiple-Family or Apartment House: Any building or portion thereof which is designed, built, rented, leased, let, or hired out to be occupied or which is occupied as the home or residence of three (3) or more families or persons living independently of each other and doing their own cooking within the premises, which shall include townhouses or condominiums.

Trailer House or Mobile Home: Any vehicle used or so constructed as to permit its being used as a conveyance upon the public streets or highways and constructed in such a manner as will permit occupancy thereof as a dwelling or sleeping place for one or more Persons.

Auto Court, Motor Court, Travel Trailer Court, Motel, Hotel, etc.: The combination or group of two (2) or more dwelling units occupying a building site or area under one ownership, used for the purpose of furnishing transient living accommodations.

(m) MG shall mean million gallons.

(n) MGD shall mean million gallons per day.

(o) MANAGER shall mean the Water System Manager of the City of Crouch.

(p) PARTS PER MILLION shall mean a weight-to-weight ratio; the parts per million value multiplied by the factor 8.345 shall be equivalent to pounds per million gallons of water.

(q) PERSON shall mean any individual, firm, company, association, society, corporation, group, or other entity.

(r) MUNICIPAL WATER SYSTEM shall mean a water system provided by or subject to the jurisdiction of the City. It shall also include water systems within or outside the City boundaries that serve one or more persons who obtain their

water supply from the Municipal water system, even though the water system may not have been constructed with City funds.

(s) SERVICE CHARGE shall mean the charge levied on all users of the water system for the purpose of repayment of the City's indebtedness and/ or investment for the construction and installation of the system and for its efficient maintenance and operation, and in establishing such rates and charges the City has taken into account the cost and value of the system, operation and maintenance expenses, possible delinquencies, proper allowance for depreciation, contingencies.

(t) SERVICE CONNECTION shall mean a waterline connected to the water main.

(u) SERVICE LINE shall mean the extension from the building water system to the public water main and is sometimes referred to as the water service connection or water service line.

(v) WATER shall mean potable water meeting the requirements of the State of Idaho for public water systems.

(w) WATER DISTRIBUTION AND SUPPLY SYSTEM shall mean all facilities for transporting, pumping, storing, and pressurizing of water, and includes water main as well as the water supply system.

(x) WATER MAIN shall mean the pipe laid in a street, road, alley, or easement and running approximately parallel to the street, road, alley or easement for the distribution of water to the customers, and which is owned, operated, controlled, and maintained by the City. Water mains shall be at least six inches (6") in diameter.

(y) WATER METER shall mean a device which is calibrated and constructed to measure the amount of water that flows through the device in gallons. The water meter, when used, shall include the actual meter plus yoke, remote read-out device and meter box, if required.

#### **6-1-3 SERVICE AREA AND CONNECTION REQUIREMENT:**

(a) Service Area. The area serviced by the City shall be only that area within the boundaries of the City which has been so designated by the City Council and such other contiguous and neighboring territory as the City Council shall from time to time deem necessary to serve.

(b) Connection to Water System Required. Every parcel of land or premises within the boundaries of the City that is improved for occupancy and use of potable water after APRIL 1, 2015, within 300 feet of a water supply line, by any person or persons, or as a commercial business, shall be connected to the City.

The owner or person in charge of such land shall make or cause to be made such connection before such land is occupied for a dwelling or commercial building. All charges associated with the laying of pipe from the dwelling or facilities to be served to the City's water mains and all other costs incurred in connecting to said mains shall be borne by the property owner. All such connections to the City's mains shall be properly designed and constructed in conformity with requirements specified by the City. If a parcel of land is not within 300 feet of a water main, connection is optional.

#### **6-1-4 REFUSAL OF USE OF SYSTEM:**

The City, upon recommendation of the Manager may prohibit the connection to the public water system for any user that does not comply with the limitations set forth in these Rules and Regulations.

#### **6-1-5 INDEPENDENT WATER SERVICE LINE AND METER REQUIRED:**

The Water Main Line and Water Service Line(s) shall be so arranged that there is a separate and independent water service line and meter to each individual building, place of business, or tract of land.

After the effective date of these Rules and Regulations, a separate and independent water service line and meter shall be provided for every new building connecting to the water system of the City. Separate service lines and meters are not required for each trailer space in overnight trailer courts, nor for each cabin in cabin courts; however, separate water service lines and meters are required for trailer houses on individual lots or for long-term trailer rental units in mobile home courts.

#### **6-1-6 INJURY TO OR TAMPERING WITH WATER SYSTEM UNLAWFUL:**

It shall be unlawful to disturb, destroy, damage, adjust, molest, meddle, or otherwise interfere with any portion of the City Water Distribution or Supply System or its appurtenances, located on either public or private property. Should any damage result, either intentionally or unintentionally, from handling or otherwise tampering with said water system, the violator shall pay for all costs incurred in connection with the repairs of said system and/or for any damages that may result from the tampering with said water system.

#### **6-1-7 PERMITS REQUIRED:**

(a) It shall be unlawful to install or alter any water system or service line within the City, or to tap onto or connect to any waterline whether lateral or main, without having first obtained from said City a permit therefore.

An application for a connection to the City Water System shall be made at the office of the City Clerk and no connection shall be made to any water main without a valid permit therefore having been issued by the Manager after verifying the application on file at the office of the City Clerk.

It shall be unlawful for any person to uncover, make any connection with or opening into, use, alter, or disturb any public water main line or appurtenance thereof, without first obtaining a written permit to perform said work from the Manager.

(b) Excavation Permit Required. No permit shall be granted to do waterline work in any street, alley, or public easement until the applicant has first obtained an Excavation Permit as required by the City.

(c) Service Line Extension or Repair Permit Required. When any water service line or private water system connected with any public water main is leaking, broken or out of order, on private property (outside of any public right-of-way or easements) the Owner, agent, or tenant of such premises shall repair the same at his own expense. No person shall construct, re-lay, repair, or extend any water service connection or private water system until the person doing said work has obtained the appropriate Water Permit for same.

It shall be unlawful for any person to extend any private service line beyond the limits of the building or property for which a permit has been given without obtaining a new permit for the desired extension. The existence of a Water Permit shall in no way be construed as making permissible any work for which an Excavation Permit may be required by the City.

#### **6-1-8 INSTALLATION AND MAINTENANCE OF WATER METERS:**

- (a) Ownership. The City will own and maintain all water meters. The City will not pay rent to any user or customer or any other charge for a meter or other water facilities, including housing and connections on a customer's premises.
- (b) Installation. Installation of water meters shall be performed only by authorized employees or agents of the City. All meters shall be sealed by the City at the time of installation, and no seal shall be altered or broken except by one of its authorized employees or agents.
- (c) The Size and Type of Meter. Applicant may request and receive any size meter regularly stocked or furnished by the City, provided the request is reasonable and further provided that the meter is not greatly oversized or undersized, as determined by the City. The City reserves the right to determine the type of meter to be installed.
- (d) Location of Meters. Meters shall normally be placed approximately two feet from the property lines on the customer's property, but within the designated easement; the meter will be installed wherever the applicant desires within reason, but the location must be approved by the City.
- (e) Joint Use of Meters. The joining of several customers to take advantage of the single minimum charges and large quantity rates shall be prohibited, except under special contract, in writing, with the City.
- (f) Changes in Size or Location. If for any reason a change of the size of a meter and service is required, the installation will be accomplished on the basis of a new connection, and the customer's application shall be amended. Meters or services moved for the convenience of the customer will be relocated only at the customer's expense.

#### **6-1-9. WATER SYSTEM CONSTRUCTION, PLANS, SPECIFICATIONS, AND INSPECTION:**

All construction or reconstruction of public, private and water service lines shall be in accordance with the U.S. Public Works Standards and subject to inspection by the City.

Plan and profile drawings shall be prepared for all new water mains (whether public or private) and for all water main extensions, reconstructions, or renovations; and all such plan and profile drawings must be reviewed and approved by the City Engineer and the State of Idaho Division of Environmental Quality before any construction work on said waterlines is started.

#### **6-1-10 RIGHT TO ENTER PREMISES FOR INSPECTION:**

The Manager and the City representative assigned to read the water meters shall have the right to enter upon any premises connected with the public water system at all reasonable hours to determine that there is compliance with the provisions of these Rules and Regulations. If conflict is noted, the Owner of said premises or his agent shall be directed to alter, repair, or reconstruct said water facilities to conform to the requirements of these Rules and Regulations within fifteen (15) days.

#### **6-1-11 EXTENSION OF WATER MAINS WITHIN CITY:**

(a) Water main extensions not presently served with water shall be installed under procedures to be established by the City. Developers who subdivide property for newly partitioned properties will assume all costs of main extensions with the approval of the City.

(b) Locations of Extensions. The City will make water main extensions only on rights-of-way, easements or publicly owned property. Easements or permits secured for main extensions shall be obtained in the name of the City, along with all rights and title to the main at the time the service is provided to the customers paying for the extension.

(c) The Main Extensions Shall Become the Property of the City at the time Installed. The City shall determine the size of the main extensions and all extensions shall be of suitable materials approved by the City. Extensions both inside and outside the City limits shall be installed by the City or by contractors approved, by the City. The installation procedures and materials used shall be in accordance with the City and the State of Idaho standards. The City shall inspect all main extensions and shall not accept ownership until the work, materials and installation has been inspected and approved by the City. The cost for the City to make any such inspection, shall be included in the costs of the main extension. Such extensions shall be established according to the City's Construction and Design Standards for Domestic Water Systems.

#### **6-1-12 SERVICE CALL CHARGE:**

The Manager may require a service charge in an amount not to exceed the actual cost to the City, for service calls which are only for the convenience and benefit of the customer.

#### **6-1-13 WATER USER FEES:**

(a) General. Each water user shall pay the following monthly fees:

1. For properties connected to the water system: Base Rate Fee: per equivalent connection as set by resolution of the council.

Use Fee: Included in base rate, for consumption of up to 4,000 gallons, and as set by resolution of the City Council for each 1,000 gallons over 4,000.

(b) Connection Fees

2. As set by resolution of the City Council per equivalent connection, plus the cost of meter and installation.

(c) Base Rate Fees. The water base rate fee for each user (or user class) shall be based on the user's potential water consumption in comparison to a standard equivalent connections defined below. Each user (or user class) shall be assigned a number of equivalent connections to be multiplied by a constant monthly water base rate factor to determine the base monthly fee. Special users who consume a flow of water, for which the tabulated equivalent connections below do not apply, shall be individually calculated as provided below. The constant monthly water base rate factor per equivalent connection shall be set by a separate ordinance defining water user connection and usage fees. The monthly user base rate fee is, therefore, calculated by multiplying the number of equivalent connections assessed to each property times the constant monthly water base rate factor (set by a separate water user connection and usage fee ordinance).

1. Special User Definition: For any user whose classification is not detailed on the Equivalent Connection Schedule, the City shall determine his equivalent connection on the basis of his average monthly water usage. The number of equivalent connections shall be determined by dividing the total average monthly flow by a factor based upon average residential usage. This calculated equivalent number of connections may be adjusted by the City after the City has recorded the actual water usage over the first year.

A copy of the list of special users and the special users monthly base rate charge shall be kept on file at all times in the office of the City Clerk.

**EQUIVALENT CONNECTION SCHEDULE: SEE APPENDIX A**

(d) Review and Revision of Rates: The water user connection and usage fees may be reviewed at any time, and updated by Resolution of the City to reflect actual costs of operation, maintenance, replacement, and financing of the water system.

(e) User Request for Rate Change: Any water user, who feels his user charge is unjust and inequitable as applied to his premises within the spirit and intent of the foregoing provisions, may make written application to the City requesting a review of his user charge. Said written request shall, where necessary, show the actual or estimated average flow water in comparison with the values upon which the charge is based, including how the measurements or estimates were made. Any flow measurements shall be approved in detail by the City and/or its engineer. Review of the request by the City shall determine if it is substantiated or not, including recommended further study of the matter for the City and/or user by a registered professional engineer.

(f)

**6-1-14 OUTSIDE-THE-CITY WATER RATES:**

The following monthly rates are hereby designated as those to be charged for water service to customers "Outside-the-City-Limits," namely: Two (2) times the base rate fees charged for water service to "Inside-the-City-Limits" customers.

The Water Connection Fees and Water Usage Fee shall be the same irrespective of whether they are "Inside" or "Outside" the City. The cost of all waterlines to supply water to "outside-the-City limits" customers shall be paid for by said "outside-the-City limits" customers.

#### **6-1-15 BILLING PROCEDURE AND PERIODS:**

Accounts shall be charged for water service in accordance with the rate determination found in Section 6-1-13 of these Rules and Regulations or as such may here-in-after be amended and revised by the City.

The City Clerk shall furnish to each property owner, landlord, tenant, or agent, a monthly statement of the amount due for water service for that month(s). The failure of any water user to receive notice or statement will in no way affect the obligation of the user to remit monthly as required.

The initial billing for premises occupied less than one month shall be charged only for that portion of the month during which the premises were occupied.

#### **6-1-16 BILLING AND PAYMENTS:**

(a) Meter Readings. Meters will be read and customers billed on the basis of the meter reading to the nearest gallon.

The City will keep an accurate account on its books of all readings of meters and such account, so kept, shall be prima facie evidence of the use of water service by the customer.

(b) Rendering of Bills.

1. Billing Period. All meters shall be read or estimated according to this Section, and shall be billed monthly.

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

3. Bills for More than One Meter. All meters supplying a customer's premises shall be billed separately, except where the City has for operating purposes installed two or more meters in place of one, the charge may be combined for billing purposes.

(c) Disputed Bills. When a customer disputes the correctness of a bill, he shall deposit with the City the amount of the disputed bill at the time the complaint is lodged, to preclude discontinuance of service pending final settlement of the bill or bills. Subsequent bills shall be

paid or placed on deposit in a similar manner. Failure of the customer to make such a deposit may, at the City's option, warrant late charges, discontinuance of service or legal action, as provided under Subsection (6) of this Section.

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

(e) Payment of Bills. Each bill rendered shall contain the final date on which payment is due. If the bill is not paid by that date, the account shall be considered delinquent, unless other arrangements have been made with the City, in writing, that specify another due date.

(f) Delinquent Accounts.

1. Delinquent Notice. A reminder of account delinquency may be sent, at the discretion of the City Clerk, to each delinquent account on or about fifteen (15) days after the account becomes delinquent.

2. Late Charges. Thirty (30) days after an account becomes delinquent, late charges shall be assessed at the rate of one percent (1%) per month. Delinquent account late charge shall be established by the City Council by Resolution upon the passage of this Ordinance and may be reviewed and updated by Resolution of the City as the City so desires.

3. Turn-off Notice. On or about sixty (60) days after an account becomes delinquent, a turn-off notice may be sent to the customer. Said notice shall state a date on which water will be turned off if the delinquent account is not paid in full prior thereto. Prior to shutting off a user's water, the user shall be permitted to have a hearing before the City Council.

4. Service Turn-off. A City employee or other agent of the City shall deliver a written notice to the customer stating that the water service is being turned off until all delinquent amounts have been paid ("Final Notice"). The City, no sooner than twenty-four (24) hours after delivery of the Final Notice, excluding weekends and holidays, between the hours of 8:00 a.m. and 3:00 p.m., shall discontinue water service to the user. Delivery of notice to the premises served by the Water Department shall be considered as delivery of notice to the customer.

5. Service Charge. In all instances where water has been turned off because of delinquent accounts, a service charge shall be made for the restoration of services and replacement of cash deposit in the amounts as set by resolution of the City Council.

6. Legal Collection Action. On or about sixty (60) days after an account becomes delinquent, the City may initiate an action in the small claims court of Boise County or State District Court to collect any amounts past due.

(g) Installment Payment of Delinquent Accounts. In cases of extreme hardship, the City Council shall have the discretion of renewing service to a delinquent account upon receipt of a

satisfactory installment plan for the payment of the overdue amount, the installment period not to exceed the period of time the account was delinquent.

#### **6-1-17 DUE DATE:**

Bills rendered for water service are payable upon receipt and become past due ten (10) days from the date on which rendered. When the past due date falls on a legal holiday or on a day when City offices are not open for business, the next regular business day is considered the past due

date. When remittances are made by mail, bills shall be deemed paid on the date of mailing as shown by the postmark.

#### **6-1-18 WATER SERVICE DISCONTINUANCE:**

(a) On Customer Request. Each customer about to vacate any premises supplied with water service by the City shall give the City written notice of its intentions at least two business days prior thereto, specifying the date service is to be discontinued; otherwise, he will be responsible for all water supplied to such premises until the City shall receive notice of such removal. At the time specified by the customer that he expects to vacate the premises where service is supplied or that he desire to be discontinued, the meter will be read and a bill rendered which is payable immediately. In no case will the bill be less than the monthly minimum specified in the schedule applying to the class or classes of service furnished.

(b) Nonpayment of Bills. A customer's water service may be discontinued if the water bill is not paid in accordance with the procedures listed in Section 16, subsection (6) of these rules and regulations.

(c) Improper Customer-facilities.

1. Unsafe Facilities. The City may refuse to furnish water and may discontinue services to any premises without prior notice where plumbing facilities, appliances or equipment using water are dangerous, unsafe or not in conformity with the plumbing code of the State of Idaho.

2. Cross Connections. A cross connection is defined as any physical connection between the City's system and another water supply. The Idaho State Health Division and the U.S. Environmental Protection Agency prohibit cross connections.

The Manager will not permit any cross connection and will discontinue service to any persons or premises where a cross connection exists. Service will not be restored until the cross connection is eliminated. Customers using water from one or more sources in addition to receiving water from the City on the same premises shall maintain separate systems for each; and the City's water supply facilities shall be separated from any and all other systems by an air gap of not less than one foot, or if in the ground, by not less than five feet.

(d) Water Waste. Where water is wastefully or negligently used on a customer's premises, seriously affecting the general service, the City may discontinue service if such conditions are not corrected after notice by the City.

(e) Service Detrimental to Others. The City may refuse to furnish water and may discontinue service to any premises where excessive demands by one customer will result in inadequate service to others.

(f) Fraud or Abuse. The City will refuse or discontinue service to any premises where it is deemed necessary to protect the City from fraud or abuse. Discontinuance of service from one or both of these causes will be made immediately upon receipt of knowledge by the City that the condition or conditions exist.

(g) Unauthorized Turn-on. Where water service has been discontinued for any reason and the water is turned on by the customer or other unauthorized person, the water may then be shut off at the main or the meter removed. The charges for shutting off the water at the main or removing the meter shall be established by the City by Resolution after passage of this Ordinance and may be reviewed and updated by Resolution of the City as the City so desires. These charges shall be billed to the offending customer and water shall not be furnished to the premises or customer until such charges are paid and the City has reasonable assurance that the violation will not reoccur.

(h) Noncompliance with Regulations. The City may, upon five days' notice, discontinue service to a customer's premises for failure to comply with any of the provisions of this Ordinance or City rules and regulations.

#### **6-1-19 RESTORATION OF SERVICE:**

Restoration of service after discontinuance for nonpayment of bills shall be made after payment of current and past due charges plus a restoration of service charge.

Restoration of service after discontinuance of service for unsafe facilities, water waste, fraud, abuse, unauthorized turn-on or for noncompliance with the policies, rules and regulations of the City will only be made after the irregularity has been corrected and the City has been assured that the irregularity will not reoccur.

#### **6-1-20 WATER SYSTEM MATERIALS, INSTALLATIONS, AND DESIGN STANDARDS:**

The Standards for Water System Materials, Installation, and Design Standards shall be the most recent Idaho Standards for Public Works Construction, as amended.

#### **6-1-21 USE OF BACKFLOW PREVENTION DEVICES:**

(a) Backflow prevention devices shall be installed in connection with water service connections or within any premises where, in the judgment of the City, the nature and extent of the activities, or the materials stored on the premises, would present an immediate and dangerous

hazard to health and/or be deleterious to the quality of the water should a cross-connection occur; even though such cross-connection does not exist at the time, the backflow prevention devices shall be installed under circumstances including but not limited to the following:

1. Premises having an auxiliary water supply that are connected to a lawn irrigation system, swimming pool, or is otherwise not in compliance with Idaho drinking water standards, rules, and regulations of the Idaho Division of Environment, and any other Federal, State, County, or City authority or agency thereof and is acceptable to the City.

2. Premises having internal cross-connections that are not correctable, or intricate plumbing arrangements which make it impracticable to ascertain whether or not cross-connections exist.

3. Premises where entry is restricted so that inspections for cross-connections cannot be made with sufficient frequency or at sufficiently short notice to ensure that cross-connections do not exist.

4. Premises having a repeated history of cross-connections being established or re-established.

5. Premises on which any substance is handled under pressure so as to permit entry into the City water supply, or where a cross-connection could reasonably be expected to occur. This shall include the handling of process waters and cooling waters.

6. Premises where materials of a toxic or hazardous nature are handled in such a way that if back siphonage should occur, a serious health hazard might result.

7. The following types of facilities will fall into one of the above categories where a backflow prevention device is required to protect the City water supply. A backflow prevention device shall be installed at these facilities unless the City and applicable, State, County, and Federal authorities and agencies determine that no hazard exists:

- (i) Hospitals, mortuaries, clinics
- (ii) Laboratories, including school laboratories
- (iii) Metal plating industries
- (iv) Sewage treatment plants
- (v) Food or beverage processing plants
- (vi) Chemical plants using a water process
- (vii) Petroleum processing or storage plants
- (viii) Car washes
- (ix) Dry cleaners
- (x) Other premises as specified by the City, where backflow prevention devices are required to protect the City water supply.

(b) The type of protective device required shall depend on the degree of hazard which exists:

1. An air-gap separation or a reduced pressure principle backflow prevention device shall be installed where the City water supply may be contaminated with sewage, industrial waste of a toxic nature, or other contaminant which could cause a health or system hazard.

2. In the case of a substance which may be objectionable but not hazardous to health, a double check valve assembly, air prevention device shall be installed.

(c) Backflow prevention devices required by these Rules and Regulations shall be installed, at the property line of the premises, or at a location designated by the City. The device shall be located so as to be readily accessible for maintenance and testing, and furthermore, where no part of the device will be submerged.

(d) Backflow prevention devices required by these Rules and Regulations shall be installed under the supervision of, and with the approval of, the City.

(e) Any protective device required by these Rules and Regulations shall be approved by the City, applicable State, County, and Federal authorities and agencies. These devices shall be furnished and installed by and at the expense of the customer.

(f) Backflow prevention devices installed pursuant to these Rules and Regulations shall be inspected and tested annually or more often if necessary. Inspections, tests, and maintenance shall be at the customer's expense, and, if requested by the City, by a certified tester retained and paid by the customer. Whenever the devices are found to be defective, they shall be repaired, overhauled, or replaced at the customer's expense. Inspections, tests, repairs, and records thereof shall be accomplished in accordance with all standards, rules, and regulations of the Ordinance, Idaho Code, and all standards, rules, and regulations of the State of Idaho, the Idaho Department of Health and Welfare, and any other Federal, State, County, or City authority or agency thereof by certified testers retained and paid by the customer.

(g) No underground sprinkling device will be installed without adequate backflow prevention devices at the point from which the water for irrigation is taken from the City water supply.

(h) Failure of the customer to cooperate in the installation, maintenance, testing, or inspection of backflow prevention devices required by these Rules and Regulations, Idaho Code, and all standards, rules and regulations of the State of Idaho, the Idaho Department of Health and Welfare, and any other Federal State, County, or City authority or agency thereof shall be grounds for the termination of water service to the premises, or, in the alternative, the installation of an air-gap separation at the customer's expense.

#### **6-1-22 CROSS-CONNECTION INSPECTION:**

(a) No water shall be delivered to any structure hereafter built within the City or within areas served by City water until the same shall have been inspected by the City for possible cross-connections and been approved as being free of the same.

(b) Any construction for industrial or other purposes which is classified as hazardous facilities pursuant to these Rules and Regulations, where it is reasonable to anticipate cross-connections, or as determined by the City, shall be protected by the installation of one or more backflow prevention devices at the point of service from the City water supply or any other location

designated by the City, and applicable County, State, and Federal authorities and agencies.

(c) Inspections may be made periodically of all buildings, structures, or improvements of any nature now receiving water through the City's system, for the purpose of ascertaining whether cross-connections exist. Such inspections shall be made by the City or applicable County, State, and Federal authorities and agencies.

#### **6-1-23 INSTALLATION PERMITS FOR CROSS-CONNECTION CONTROL DEVICES:**

If cross-connections control device(s) are found to be necessary, the owner of the property served must apply to the City for a specific installation permit.

#### **6-1-24 ADDITIONAL REMEDIES:**

In the event an improper cross-connection is not corrected within the time limits set by the City or in the event the City is refused access to any property for the purpose of determining whether or not cross-connections exist, the City may cease delivery of water to the property until the deficiency is corrected to the City's satisfaction. In addition, the City without waiving any terms of these Rules and Regulations may, but shall not be required to, effect the necessary repairs or installations at the expense of the property owner and refuse delivery of water to the property until the cost thereof shall have been paid. Violations of these Rules and Regulations are hereby declared to be a nuisance, and the City, after notice to the customer or property owner to remove or correct the violation, may prevent, remove, and abate the same at the expense of the party creating or maintaining the same, in which event the City may levy a special assessment as provided in Idaho Code on the land or premises whereon the nuisance is situated to defray the cost or to reimburse the City for the cost of abating the same.

#### **6-1-25 "AS BUILT" DRAWINGS AND ENGINEER'S CERTIFICATION:**

(a) "As Built" or "Record" Drawings of waterline plans shall be prepared by a Professional Engineer and the "corrected" original drawings or a duplicate mylar copy of the "corrected" original drawing(s) shall be provided to the City.

(b) "As Built" Plans shall include a "Certification" thereon signed by the Registered Professional Engineer in charge of the work that the "As Built" drawings of the waterlines are true and correct and that he (the Registered Professional Engineer) has inspected the construction of the waterline installation and that the materials and installation of same were all done in conformance with the City Standard Specifications for the Construction of Waterline Improvements.

**6-1-26 SUBDIVISION DEVELOPER'S OR PROPERTY OWNER'S RESPONSIBILITY FOR WATERLINES:**

(a) The Owner or developer of any piece of property or tract of land is responsible for the construction of the waterline.

1. Design Standards. All newly constructed water systems shall be designed according to the City's construction and design standards as they pertain to water systems. Re: 2012 Idaho Standards for Public Works and Construction.

2. Water Systems Shall be Dedicated to the City. All newly constructed domestic drinking water systems, constructed after the enactment of this Ordinance with the water service area, must be dedicated to the City, at the City's option, after the City inspects such system for compliance with the construction and design standards. Included in the public dedication of the water system, the water system owner must also provide a reasonable right-of-way and easement to allow for maintenance and service of the water system.

**6-1-27 CONTRIBUTION OF PROPORTIONATE OFF-SITE CONSTRUCTION COSTS:**

(a) Water Construction Equivalency Fee. Notwithstanding any of the provisions of these Rules and Regulations, any person or property owner who has not otherwise paid for, or contributed proportionately toward the costs and expenses of constructing a water line, drilling necessary wells, development of storage facilities or reservoirs, or construction of distribution lines 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 required service connection charges and the monthly user charges, and additional connection charge which shall be known and referred to as the "Water Construction Equivalency Fee."

(b) Determination of Payment. In determining who has or has not paid, or contributed proportionately, toward the costs and expenses of constructing a water line, the sole factor shall be whether that user, or a predecessor in title of the user's property, has in fact, paid consideration to the City in cash, services, or in kind, for the construction of the water main or trunk line to which the user now desires to connect, which consideration is commensurate with what the user, or his predecessor in title, would have paid under this Section had the user not paid or contributed previously to the cost of construction of the water line.

(c) Water Construction Equivalency Fee Established by Resolution of the City Council. The water construction equivalency fee for each parcel of ground served by the new water line shall be established and set by the City Council by resolution upon passage of this Ordinance and may be reviewed annually and updated by resolution of the City Council, which shall consider the use to which the property will be put, the expected water demand, and the amount of delivery capacity of the line that will be used by the proposed use.

(d) Considerations for Determination of Water Construction Equivalency Fee. The City Council shall also take into consideration the amount of land that might be able to be served by the water line whether the land to be benefitted is directly adjacent to the line or not and shall also take into consideration the cost of the engineering and construction of the line, in current dollars and shall consider the interest that could have been earned on the money used to pay for the original water line. The water construction equivalency fee may be different for residential, commercial, and industrial uses and may be different for different uses within those classifications depending upon the considerations referenced above and may also vary as to whether the property to be served is within or outside the City limits.

#### **6-1-28 COOPERATIVE AGREEMENTS:**

(a) Cooperative Agreements. Should a customer or developer, at its own expense, construct an extension to the water system in a public right-of-way or easement according to the City's construction and design standards, with prior approval of the City, and which water line extension has been determined by the City to be able to benefit properties other than the customer's or developer's, the customer or developer constructing the extension may request that the City enter into an agreement with the customer or developer such that all or a portion of the costs of extending the water line will be reimbursed to that water developer from the service connection charges collected from those property owners who will benefit from the water line extension and who otherwise have not paid or contributed their proportionate share to the construction costs of that water line and who are required to pay the water construction equivalency fee. The City may require the customer or developer to construct an oversized line, where it is determined that a larger water line is necessary to serve other areas in the future.

(b) Discretion of City Council. The City shall not be required to enter into any such agreement and the decision as whether or not to enter into any such agreement shall be at the sole discretion of the City Council.

1. Duration. No reimbursement agreement shall have a duration greater than ten (10) years unless the City is a beneficiary of the agreement.
2. Reimbursement Limitation. No reimbursement agreement shall pay to the water user, paying for or constructing a water line extension, more than one hundred percent (100%) of their actual engineering and construction costs, it being noted that in most cases at least some of the cost would ordinarily be assessed to the water user's own property.
3. Interest. A reimbursement agreement may provide for interest to be paid to the customer or developer.
4. Administrative Fee. The City shall charge a ten percent (10%) administrative fee for handling the accounting, auditing, and payment of the reimbursement payments made to the developer or customer so extending the water line under the reimbursement agreement with the City.

5. Non-assignable. The reimbursement agreement shall be personal to the user entering into it and shall not be assigned without the written consent of the City, which consent will not be unreasonably withheld.

6. Termination. The agreement will terminate when the user has been fully reimbursed.

7. Binding on Successors. The agreement shall be binding on the water user and its assigns, successors, heirs, and executors and may be recorded as an encumbrance against the property of the water user.

(c) Indemnification. The water user shall be required to indemnify and hold the City harmless from any and all liability whatsoever until the water line has been accepted for maintenance by the City; said lines, after acceptance, shall become part of the City water system and become the sole property of the City.

(d) City May Initiate. Where the City constructs a water line extension, in conjunction with another person or entity, the City may enter into a reimbursement agreement as authorized above such that the City is reimbursed for its costs of construction, engineering, legal costs and interest.

#### **6-1-29 AUTHORITY TO ISSUE RULES AND REGULATIONS:**

The City is authorized and empowered to issue rules and regulations necessary for operation of the water system consistent with the terms of this Ordinance.

#### **APPENDIX A: EQUIVALENT CONNECTION SCHEDULE**

<i>Classification</i>	<i>Units</i>	<i>Equivalent Connection</i>
<b>Dwelling Units</b>		
House	Each	1.00
Condominium	Per Unit	1.00
Apartment	Per Unit	1.00
Mobile Home	Each	1.00
Cottage w/bathroom (shower)	Each	1.0
Cottage w/o bathroom (shower)	Each	.50

Travel Trailer	Each	1.0
<b>Lodging</b>		
Motel	Per Unit	0.46
Hotel	Per Unit	0.46
Rooming House	Per Unit	0.46
Campground	Per Site	0.20
Overnight Trailer Park (RV Park)	Per Site	0.33
Sanitary Dump Station	Each	1.00
<b>Food &amp; Beverage Facility</b>		
Bar	Per Seat	0.06
Restaurant	Up to 50 Seats	2.00
	Each additional seat	0.06
Classification	Units	Equivalent Connection
Drive-In	Each	2.00
Walk-In	Each	2.00
<b>Retail Trade Facilities</b>		
Laundries	Per Machine	0.30
Public Shower	Per Shower	0.20
Service Station	Each	2.00
<b>Stores, Retail</b>		
Large - 1,000 sq. ft. or more	Each	2.00
Small - less Than 1000 sq. ft.	Each	1.00

Store, Grocery	Each	2.00
Car Wash	Per Stall	2.00
Bank	Each	2.00
Garage or Maintenance Shop	Each	2.00
<b>Education &amp; Religion</b>		
	Per Student	
Schools		0.05
Churches w/Kitchen	Each	3.50
Churches w/o Kitchen	Each	2.50
Masonic Orders, Assembly Halls	Each	1.00
<b>Recreation</b>		
Theater	Each	2.00
Game Rooms	Each	1.00
Classification	Units	Equivalent Connection
Health Center w/showers	Each	2.00
<b>Professional &amp; Medical</b>		
Doctor's Office	Each	2.00
Medical Clinic w/o Beds	Each	3.00
Additional for Beds	Per Bed	0.50
Professional Office	Each	1.00
Beauty-Barber Shop	Per Chair	0.20

<b>Convention Facilities</b>		
Meeting Room	Each Room	1.00
<b>Manufacturing Facilities</b>		
Miscellaneous	Per 4,000 gal/mo.	1.00

**Section 2:** Severability: Should any section, subsection, paragraph, clause or phrase of this Ordinance, or any particular application thereof, be declared invalid or unconstitutional for any reason by a court of competent jurisdiction, such decision shall not affect the remaining portions of said section, subsection, paragraph, clause or phrase of this Ordinance.

**Section 3:** Repealer: This Ordinance shall repeal any other ordinances or parts thereof in conflict herewith.

**Section 4:** Effective Date: That this ordinance shall be in full force and effect from and after its passage, approval and publication according to law.

Adopted this 10<sup>th</sup> day of November, 2021.

CITY OF CROUCH,  
Boise County, Idaho

By \_\_\_\_\_  
Mayor

ATTEST:

Bonnie M. Howard