** ORDINANCE NUMBER 2023-1**

 **MUNICIPAL SEWER ORDINANCE**

 **BLOOMINGTON, IDAHO**

AN ORDINANCE OF THE CITY OF BLOOMINGTON, IDAHO, RELATING TO THE MUNICIPAL SEWER SYSTEM, ESTABLISHING REGULATIONS FOR CONNECTING TO AND OBTAINING SERVICE FROM THE MUNICIPAL SEWER SYSTEM WITHIN BLOOMINGTON, IDAHO, TO INCLUDE: SETTING FORTH DEFINITIONS AND REGULATIONS; ESTABLISHING THE RULES GOVERNING THE INSTALLATION OF CONNECTIONS FOR SERVICE FROM THE SEWER SYSTEM; REGULATING THE OPERATION OF MUNICIPAL SEWER SYSTEM; PRESCRIBING THE MEANS FOR THE ESTABLISHMENT OF FEES, CHARGES, AND ACCOUNTING PROCEDURES FOR THE MUNICIPAL SEWER SYSTEM; PROHIBITING CERTAIN CONDUCT THAT INTERFERES WITH EFFICIENT OPERATION OF THE SEWER SYSTEM; PROVIDING FOR ENFORCEMENT OF THE PROVISIONS OF THIS ORDINANCE; REVOKING FROM THE EFFECTIVE DATE OF THIS ORDINANCE ANY CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY OF THE PROVISIONS OF THIS ORDINANCE; WAIVING THE RULE THAT THIS ORDINANCE BE READ ON THREE SEPARATE OCCASIONS; AND ESTABLISHING AN EFFECTIVE DATE OF THIS ORDINANCE.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF BLOOMINGTON, IDAHO, IMPLEMENTING A NEW CODE SECTION AS FOLLOWS:

**Section 1:** The following code relating to the Municipal Sewer System within the City of Bloomington, Idaho shall be implemented and adopted as follows:

**CHAPTER I**

**GENERAL PROVISIONS**

**1.1 Title**

This Ordinance shall be known as the **MUNICIPAL SEWER ORDINANCE**

**1.2**  **Intent and Object**

To provide for equitable distribution of the cost associated with the operation and maintenance of the municipal sewer system.

**CHAPTER II**

**DEFINITIONS**

**2.1 Interpretation of Terms or Words**

Words used in the present tense include the future; words in the singular include the plural and the plural, the singular. Reference to “him” or “her” throughout will be interchangeable.

**APPROVING AUTHORITY**: The Mayor and City Council of the City of Bloomington; or its duly authorized deputy, agent, or representative.

**BIOCHEMICAL OXYGEN DEMAND (abbreviated as BOD**): The quantity of oxygen, expressed in parts per million by weight, utilized in the biochemical oxidation of organic matter under standard laboratory determinations made in accordance with procedures set forth in "Standard Methods.".

**CITY:** The City of Bloomington, Idaho.

**CITY SEWER SYSTEM:** Any sewage or wastewater treatment works, and the sewers and conveyance appurtenances discharging thereto, owned, and operated by the City of Bloomington.

**DWELLING UNIT:** A building or structure or portion thereof that is constructed and used primarily for residential purposes. Any building or structure which has been constructed or altered to provide for two (2) or more families or households or which has been constructed or altered to accommodate travelers or transients, shall also be considered a dwelling unit.

**GARBAGE:** The residue from the preparation and dispensing of food, and from the handling, storage, and sale of food products and produce.

**GROUND GARBAGE:** The residue from the preparation, cooking, and dispensing of food that has been shredded to such degree that all particles will be carried freely in suspension under the flow conditions normally prevailing in public sewers with no particle greater than one-half inch (½″) in any dimension.

**LOT:** A surveyed and bounded tract of land that is identified by a unique parcel number.

**MAY:** Is permissive (see definition of Shall)

**MULTI-UNIT DWELLING:** A building containing a unit or combination of units with individual bath and kitchen facilities. This definition includes but is not limited to, apartments, condominiums, townhouses, duplexes, triplexes, and fourplexes.

**MUNICIPAL SEWER SYSTEM**: See City Sewer System

**PERSON:** Any individual, firm, company, association, partnership, society, corporation, group, trust, or other legal entity.

**POLLUTANT:** Any pollutant or combination of pollutants listed as toxic in regulations promulgated by the administrator of the Environmental Protection Agency under Section 307 of the Clean Water Act.

**PRIVATE SEWER LATERAL:** The privately-owned sewer pipe which connects points of use such as drains and toilets from a house to business to the sewer main in the public right-of-way. It is the responsibility of the private owner to maintain the lateral in good working order from connection at the main to their house, structure, or business.

**PUBLIC SEWER:** A sewer which discharges directly or indirectly into the City sewer system and which is owned by the City and located on public property; a publicly-owned easement or an easement acquired by the City through usage.

**RESIDENCE:** Any building or portion thereof, which is used for use for a residential purpose.

**SEWAGE:** Waste that are derived principally from dwellings, business buildings, institutions and/or other places of habitation or occupation exclusive of stormwaters and surface waters, and industrial waste.

**SANITARY SEWER:** A sewer that conveys, or which is intended to convey, sanitary sewage or industrial wastes, or a combination of the two.

**SEPTIC TANK WASTE:** Any sewage from holding tanks such as vessels, chemical toilets, recreational vehicles, and septic tanks.

**SERVICE CHARGE:** The charge levied by the City, on all users of the municipal sewerage system.

**SERVICE CONNECTION:** The point at which the building sewer connects to the municipal sewer system.

**SEWER**: A pipe or conduit for conveying wastewater.

**SEWER CLEAN OUT**: A pipe with a cap that provides access to the sewer line so that blockages can be removed. Usually located somewhere along the sewer service line.

**SEWER SERVICE:** The pipe extension from the building drain to the public sewer main.

**SHALL:** Is mandatory (see definition of May)

**STANDARD SEWAGE:** Sewage and acceptable wastes which meet the specifications set forth in this chapter regarding pH, BOD, dissolved oxygen, suspended solids and grease.

**TOXIC POLLUTANTS:**  Any pollutant or combination of pollutants listed as toxic in regulations promulgated by the administrator of the Environmental Protection Agency under Section 307 of the Clean Water Act.

**CHAPTER III**

**CONNECTING TO AND OBTAINING SERVICE FROM THE MUNICIPAL SEWER SYSTEM.**

**3.1 Mandatory Connection**

Each lot and/or property, disposing of sewage shall be connected to the municipal sewer system and shall be served by a single private sewer service line provided the municipal sewer service can be provided.

**3.2 Application for Connection and Service.**

**3.2.1** All applications for sewer connection and service shall be made at the office of the City Clerk. No connection to the municipal sewer system shall be established until the owner of the lot, property, building or residence in question has submitted to the City Clerk a completed and signed application for Sewer Connection with signature of the owner agreeing to conform to the ordinance, rules, and regulations of the City of Bloomington.

**3.2.2** If application is made for a connection that requires extension of municipal sewer mains, such application shall be referred to the City Council. The property owner requesting said service must submit engineering and construction plans which meet the City’s specifications and agree to pay all costs of its engineering and installations, pending the city’s approval to service the connection. The City Council shall determine whether the application shall be granted and, if granted, the terms and conditions upon which the extension shall be made. One such condition of the authorization of an extension shall be that the extended sewer main become and remain, at all times, the sole and exclusive property of the City.

**3.2.3** An application shall be required for any change or alteration to an existing sewer connection made at the request of the property owner and the cost of such change shall be borne exclusively by the owner.

**3.3 Connection Fees**

An application for sewer connection shall be accompanied by payment of the current connection fee. The connection fee shall be retained by the City until such time as the application is approved; once approved the funds will be deposited. Connection Fees shall be set forth by the City Council by resolution from time to time. Current connection fees shall be on file in the office of the City Clerk.

**3.4 Approval of Application**

When an application is approved, a City Representative will notify the owner of the approval and any conditions of the approval.

**3.5 Installation of Sewer Service Facilities**

**3.5.1 Costs and Standards:** All installations of connections to the municipal sewer system shall be made at the owner’s expense, shall be provided by a licensed contractor, and shall comply with the requirements set forth in applicable national plumbing codes and such other standards as are prescribed the Idaho Code or City Ordinance or Resolution. Monthly billing will begin the first of the month following the completion of the service line.

**3.5.2 Compliance with Standards:** A city representative shall inspect the connection to the municipal sewer main. Owner shall not cover any pipeline or connection until the inspection is made and the work approved. Notwithstanding the provision in this subsection for inspection, any applicant, or his successor, who installs any pipeline or connection in a manner which violates the codes and standards set forth shall cause correction to be made at owner’s expense promptly following demand by the City. Applicant must contact City Clerk to schedule said inspection not less than 48 hours prior to connection.

**3.5.3 Separate Service:** Each lot and/or property, disposing of sewage shall be connected to the municipal sewer system and shall be served by a single private sewer service line connected to the municipal sewer system.

**3.5.4 Responsibility of Owner:** The property owner shall be responsible for all maintenance of private service lines from the point where the service line connects with the municipal sewer main; and shall also be responsible for the cost of the initial installation of such service lines within the City right-of-way, from the property line to the point of connection with the City’s sewer main.

**CHAPTER IV**

**OPERATION OF MUNICIPAL SEWER SYSTEM**

**4.1 Ownership of Facilities**

Ownership of all sewer mains, extensions, and appurtenant equipment maintained by the City shall be vested to the City of Bloomington; and in no case shall the owner of any property or premises have the right to claim or reclaim, remove, or damage any part thereof.

**4.2 Interruption of Service**

 The City reserves the right at any time, upon reasonable notice when circumstances permit or without notice when notice cannot feasibly be given, to interrupt service for repairs, extensions, and/or other work on the sewer system and the City shall not be responsible for any damages resulting from such interruptions.

**4.3** **Access to Premises**

In consideration of the City granting access to the Municipal Sewer system, the City or City representative shall have access allowed under emergency situation or by appointment, to service lines at reasonable hours to all properties or premises receiving services from the municipal sewer system; for the purpose of inspecting the connections of the mainline, or other system facilities, or the manner in which the sewer is used within the municipal sewer system. If noncompliance is found, the owner of the premises shall bring his premises into conformity with this ordinance within a term mutually agreed upon by all parties, after written notice of violation is given to the owner.

**CHAPTER V**

**SEWER SERVICE CHARGES AND ACCOUNTING PROCEDURES**

**5.1 Sewer Service Charges**

A monthly service charge for sewer services will be charged to all users. The rates established shall generate sufficient revenue to offset total costs of the sewer system including operation, maintenance, replacement cost, and capital cost. User rates shall be established by resolution of the City Council and shall be kept on file in the office of the City Clerk.

**5.2 Monthly Billings**

**Established fees are due and payable on the first of each month. Such fees shall be past due after** the tenth (10th) of the month. A late fee of will be assessed after each 30 days of non-payment. The owner will still be responsible for billings of monthly service fees. Late fees shall be kept on file in the office of the City Clerk.

* 1. **Lien and Collection of Delinquencies**

Any delinquency in payment of sewer fees, together with accrued late fees and recording costs shall become a lien against the real property to which the services were furnished, upon recording of the City Clerk’s sworn certification of delinquency at the office of the Bear Lake County Treasurer. The City may collect such delinquency by commencement of a civil action and, if such action prevails, the City shall be entitled to an award of its cost and a reasonable attorney fee. When a delinquency has been recovered following recording of a lien, a satisfaction of the lien shall be recorded. An alternative to collecting by commencement of a civil action, the City may certify under oath the amount of the delinquency to the Bear Lake County Treasurer who shall, upon receiving such certification, include the amount of the delinquency in the next assessment of real property taxes against the premises in question, to the extent that such action is authorized by applicable provisions of the Idaho Code.

**5.4 Municipal Sewer Fund**

All monies derived by the City from connection and monthly fees shall be deposited in the sewer fund of the City to spent for capital improvements to City sewer system and treatment facilities and repair, maintenance, and operation thereof.

**CHAPTER VI**

**PROHIBITED CONDUCT**

**6.1** **Injury to Sewer System Unlawful**

No person shall break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is part of the municipal sewer system. No person shall deposit into the municipal sewer system any substance having a tendency to obstruct the flow of the sewer.

**6.2 Work on City Streets, Property, or Rights-of-Way**

No owner, agent, contractor, or other person shall perform any work in relation to the municipal sewer system in or upon any city street, property, or right-of-way, without furnishing the City Council a plan-of-work contemplated and securing from the City Council approval for the work to be performed. The City may prescribe such terms and conditions, including provision of an appropriate or other reasonable security as the circumstances may warrant.

**6.3 Tampering with the System**

No person, unless duly authorized by the City, shall disturb, interfere with, or damage any sewer main, sewer pipe, machinery, tool, appurtenance, appliance, building improvement or other facility belonging to or connected with the municipal sewer system of the City of Bloomington.

**6.4 Foreign Substances**

No person, unless authorized by the City, shall place, or cause to be placed, any substance of any kind into the sewer system which will slow or stop the flow of sewage.

**6.5 Connection or Resumption**

No person shall cause any property or premises to be connected to the municipal sewer system except in compliance with this ordinance, nor turn on or resume, without permission of the City, any water service that has been interrupted or terminated for any reason.

**6.6 Obstruction of Access**

No person shall obstruct or cause or allow any obstruction to the access to any sewer main, sewer pipe, machinery, tool, appliance, building improvement or other facility of the municipal sewer system.

**6.7 Sump Pumps**

Sump pumps are not permitted to be connected to the municipal sewer system.

**6.8 Sewer Clean Out**

The sewer clean out is not permitted to be used as a dump station to dispose of any personal septic waste by any vessel, camper, trailer, or other recreational vehicle.

**6.9 RV Connection**

 No RV shall be connected to the municipal sewer system except as provided by the current RV ordinance

**CHAPTER VII**

**ENFORCMENT**

**7.1 Deprivation of Water Services**

If the City determines that any owner of property or premises that are or could be served by municipal sewer system or any contractor or other person acting at the direction of the owner or agent, has engaged in any of the prohibited conduct enumerated in the preceding chapter, or otherwise violated the provisions of this ordinance, the City may give notice in writing to such owner or agent that water services will be withheld or terminated, unless the owner applies in writing within twenty (20) days for a hearing before the City Council and during hearing shows cause why the owner should not be deprived of water services. In making its determination, following such a hearing, the City Council may direct that water services be withheld or terminated, or that water services be furnished upon terms and conditions as the council finds reasonably necessary to protect the municipal sewer system.

**7.2** **Criminal Penalties**

It shall be unlawful for any person to engage in prohibited conduct enumerated in the foregoing chapters or to violate any of the provisions of this ordinance. Such offense is subject to criminal prosecution under local or state laws. In the event of such prohibited conduct or violation, the City may bring an action for damages and/or injunctive relief; and, if the City prevails in such action, it shall be entitled to an award of its cost and reasonable attorney fees.

**CHAPTER VIII**

**AMENDMENTS**

**8.1 Amendment Procedures**

The Council may, from time to time, amend, supplement, or repeal the regulations and provisions of this Ordinance in the manner prescribed by Idaho Code. A proposed amendment, supplement, or repeal may be originated by the Council or by application. All proposals not originating with the Council shall be referred to the Council for report thereon before any action is taken on the proposal.

**Section 2: Severability Clause:** Should any section or provision of the Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole or any other part thereof.

**Section 3: Revocation of Conflicting Ordinances:** This Ordinance repeals Ordinances 1979-48, 1980-50, 1998-1, 1983-3, 1992-2, 1994-1, 2000-1, 2008-1, 2009-3, 2009-4 and 2013-1 (as they pertain to the municipal sewer system) and any other Ordinances in conflict with this Ordinance.

**Section 4: Three Readings:** The requirement that ordinances be read on three separate occasions is hereby dispensed with, and this ordinance shall become effective upon its passage, approval and publication as provided by law.

**Section 5: Effective Date:** This Ordinance shall be in full force and effect upon passing and signing. Passed and approved by the Mayor and City Council of the City of Bloomington, Idaho, on this the 19th day of April, 2023.

Attested: Signed:

Debbie Thomas, City Clerk Roy Bunderson, Mayor