



ORDINANCE NO. NUMBER 2023-2

MUNICIPAL WATER ORDINANCE

BLOOMINGTON, IDAHO

AN ORDINANCE OF THE CITY OF BLOOMINGTON, IDAHO, RELATING TO THE MUNICIPAL WATER SYSTEM, ESTABLISHING REGULATIONS FOR CONNECTION TO AND OBTAINING SERVICE FROM THE MUNICIPAL WATER SYSTEM WITHIN BLOOMINGTON, IDAHO, TO INCLUDE: SETTING FORTH THE DEFINITIONS AND REGULATIONS; ESTABLISHING THE RULES GOVERNING THE INSTALLATION OF CONNECTIONS FOR SERVICE FROM THE MUNICIPAL WATER SYSTEM; REGULATING THE OPERATIONS OF MUNICIPAL WATER SYSTEM; PRESCRIBING THE MEANS FOR THE ESTABLISHMENT OF FEES, CHARGES, AND ACCOUNTING PROCEDURES FOR THE MUNICIPAL WATER SYSTEM; PRESCRIBING PROCEDURES FOR DISCONTINUANCE OF SERVICES; PROHIBITING CERTAIN CONDUCT THAT INTERFERES WITH EFFICIENT OPERATION OF THE MUNICIPAL WATER 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, THE IMPLEMENTATION OF A NEW CODE SECTION AS FOLLOWS:

Section 1: The following code relating to connections to the municipal water 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 WATER ORDINANCE.

1.2 Intent and Object

To provide for equitable distributions of the costs associated with the operation and maintenance of the municipal water 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.

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

BACKFLOW: The flow other than the intended direction of flow or any foreign liquids, gases or substances into the distribution system of a potable supply of water.

CITY: The City of Bloomington, Idaho.

CONTAMINATION: The entry into or presence in a public water supply of any substance which may be deleterious to health and/or quality of the water.

CONNECTION: Each private water service line which is connected to the municipal water system, and which is or could be used for domestic purposes, is considered a single connection.

COUNCIL: The City Council of Bloomington, Idaho

CUSTOMER: Any person or persons or other entity using or seeking use of the municipal water system.

FIRE HYDRANT: A fixture in a street or other public place for drawing water from a main for extinguishing fires.

HYDRANT: A fixture on private property for drawing water from a service pipe for use by the owner.

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

MAIN EXTENSION: All proposed extensions of the municipal water system to service undeveloped areas within the existing city limits, newly annexed areas, or areas outside the limits of the City of Bloomington.

MAY: "May" is permissive (see definition of "Shall").

METER: Units used to measure the volume of water used by residential and commercial buildings that are supplied with water by the municipal water system. They are also used to determine flow through a particular portion of the system.

OCCUPANT: The tenant, developer, leaseholder, or other person who occupies the property of an owner that is served by the municipal water system.

OWNER: The property owner whose property is served by the municipal water system.

PERSON: Any individual, firm, company, association, society, corporation, or group.

PRIVATE WATER SERVICE LINE: The portion of the water service line that extends from the building or hydrant being served to the point of connection with the water meter.

RESIDENCE: Any building or portion thereof, which is used as a residential dwelling unit.

SERVICE CONNECTION: That portion of the water service that runs from its connection with the water main to and including the curb stop and/or valve box and meter. It will usually be installed within the limits of the right-of-way or utility easement and after installation pursuant to the provisions of this ordinance, it shall be owned and maintained by the City.

SHALL: "Shall" is mandatory (see definition of "May")

WATER MAIN: A pipe within the municipal water system which is under the control the City and conveys water to private service connections or conveys water to a fire hydrant. The grid or group of water mains within a given water supply is called the distribution system.

WATER USER: Any person making authorized and proper use of the municipal water system and/or the water delivered thereby and who has made application for water service and such application has been granted and applicant has paid all fees required for such service.

UNAUTHORIZED WATER USER: Any person who makes any connection to or use of the municipal water system or the water delivered thereby who is not an authorized water user, or who improperly or illegally uses the water system, or who causes damages or injury to the municipal water system in any fashion.

CHAPTER III

CONNECTING TO AND OBTAINING SERVICE FROM THE MUNICIPAL WATER SYSTEM

3.1 Mandatory Connection

Every lot or parcel of land within the boundaries of the City, on which any building and/or hydrant is situated that uses or consumes culinary water in any manner, shall be connected to the municipal water system and shall be served by a single private water service line, provided the municipal water service can be provided. Where municipal water service can be provided to a lot or parcel of land within the boundaries of the City, water wells are prohibited.

3.2 Application for Connection and Service.

3.2.1 No connection to the municipal water system shall be established until the owner of the lot, property, building or residence in question has submitted to the City Clerk an application for water connection and service, and until such owner has demonstrated compliance with all applicable provisions of this ordinance and said application has been approved.

3.2.2 All applications for water connection and service shall be made at the office of the City Clerk. No connection to the municipal water 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 water connection with signature of the owner agreeing to conform to the ordinance, rules, and regulations of the City of Bloomington. The occupant of the property is presumed to be the owner of said property and owner shall be bound by the actions and representations of such occupant. All applications shall be reviewed by the City Council and/or its representative.

3.2.3 Extensions of Municipal Water Mains

If application is made for a connection that requires extension of municipal water 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 construction. The City Council shall determine whether the application shall be granted and, if granted, the terms and conditions upon which the extensions shall be made. One condition of the authorization of an extension shall be that upon completion, the extended water main becomes and remains the sole and exclusive property of the City, regardless of whether the cost of such extension was paid by the City.

3.2.4 Alterations or Changes to Existing Connections

An application shall be required for any changes or alterations to an existing water connection made at the request of the property owner and the cost of such change shall be borne exclusively by the property owner. All applications for changes or alterations shall be reviewed and approved by the City Council and/or their representative.

3.2.5 Connection Fees

An application for water connection shall be accompanied by payment of the current connection fees. The 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.

3.2.6 Approval of Application

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

3.3 Installation of Water Services and Maintenance

3.3.1 Cost and Standards: All installations of connections to the municipal water system shall be made at the owner's expense, shall be provided by a licensed contractor, and shall comply with the standards as prescribed in the Idaho Code or City Ordinance or Resolution. Monthly billing will begin the first of the month following the installation of the meter.

3.3.2 Compliance with Standards:

Once the owner is ready to complete the connection to the water main, a City representative shall inspect the connection to the main and the installation of the meter. Owners shall not cover any pipeline or connection until the inspection is made and the work approved. Notwithstanding, the provisions of 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.

3.3.3 Separate Service:

Each lot or parcel shall be limited to a single private water service line.

3.3.4 Responsibility of Owner:

The property owner shall be responsible for all maintenance of private service lines, from the point where the private service line connects with the water meter.

CHAPTER IV METERS

4.1 Ownership: The City will own and maintain all water meters. The City will not pay rent or any other charge for a meter or other water facilities including housing and connections on an owner's property.

4.2 Installation:

Installation of the water meter shall be performed by the owner or licensed contractor. All meters shall be sealed by the City or their representative or agent at the time of installation, and no seal shall be altered or broken except by a City representative or authorized employee.

4.3 Size and Type of Meters:

The City reserves the right to determine the size and type of meter to be installed.

4.4 Location of Meters

Meters shall normally be placed at the property lines; the meter will be installed whereon the owner desires within reason, but the location must be approved by the City or their representative. The meters may not be located in driveways or other locations where damage to the meter or its related parts may occur.

4.5 Joint Use of Meters

The joining of several customers to take advantage of the single charge shall be prohibited.

4.6 Changes in size or location

If for any reason a change in 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 owner will be relocated at the owner's expense.

4.7 Meter Error

4.7.1 Meter Accuracy: All meters will be tested prior to installation. No meter will be placed in service or allowed to remain in service which is known to have an error in registration in excess of two (2) percent under conditions of normal operation.

4.7.2 Meter Test:

A. Standard Test: Meter tests will be conducted in accordance with standards of practice established by the American Water Works Association.

B. On Customer request: A customer may, giving not less than seven days' notice, request the City to test the meter servicing his premises. The City will require the customer to deposit the testing fee. This fee shall be an estimate of the cost of testing the meter as determined by the Council person over Water. The deposit will be returned to the customer if the test reveals the meter over registers more than two (2) percent under the standard test conditions. However, if the meter tests within two (2) percent accuracy, the deposit shall be retained by the City. Customers may at their option witness any meter tests they request.

C. On City request: If, upon comparison of past water usage, it appears that a meter is not registering properly, the City may, at its option, test the meter. No charge for meter testing will be made to the customer for the meter test under these conditions.

4.7.3 Adjustments of bill for meter error:

Credit or Debits: No credits or debits will be borne by the City or the customer should the tested meter show variance high or low, from the accuracy defined in section 4.7.2.

CHAPTER V

OPERATION OF MUNICIPAL WATER SYSTEM

5.1 Ownership of Facilities

Ownership of all water mains, extensions, and appurtenant equipment maintained by the City shall be vested to the City; 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.

5.2 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 water system. The City shall not be responsible for any damages resulting from such interruptions.

5.3 City not Liable for Shortages or Unavoidable Damages

The City shall not be held liable for damage to any person or property by reason of stoppage or other interruptions of the water supply, caused by scarcity of water, lack of pressure, excessive pressure, accident to works or mains, alterations, additions, or repairs or from other causes.

5.4 Access to Premises

In consideration of the City granting access to the Municipal Water system, The City or City Representative shall have access allowed under emergency situation or by appointment to service lines, at reasonable hours, to all property or premises receiving services from the municipal water system for the purpose of inspecting the connections of the mainlines, service lines, or other system facilities, or the manner in which the water is used within the municipal water system. If non-compliance 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.

5.5 Fire Hydrants

The City shall install, maintain, and keep in good repair all City fire hydrants and shall control such hydrants. No person, other than a duly-authorized representative of the City or individual serving under contract to the City, shall change or interfere in any manner with the adjustment of fire hydrants or the valves connected therewith.

CHAPTER VI

WATER SERVICE CHARGES AND ACCOUNTING PROCEDURES

6.1 Water Service Charges

A monthly service charge for water services will be charged to all users. The rates established shall generate sufficient revenue to offset total costs of the municipal water system including operation, maintenance, replacement costs, 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. Service charges can be adjusted by resolution of the City Council.

6.2 Monthly Billings

Established fees are due and payable on the first of each month. Such fees shall be past due after the tenth (10th) day of the month. A late fee will be assessed after each 30 days of non-payment. Owner will still be responsible for payment of monthly services. Each service connection will be assessed a separate fee. Late fees to be charged shall be kept on file in the office of the City Clerk.

6.3 Protest Procedures-

6.3.1 Any person or persons who contest any charges as being excessive or complains of being charged for services as being unjustified shall have the right to request in writing an informal hearing before the mayor or his designee any time within the 30-day period of the past-due date when the payment becomes due. The mayor or his designee shall, upon receipt of the request for hearing, immediately schedule an informal hearing to be held at the City office, at which time the person protesting shall be given the opportunity to present evidence in support of his position. The mayor or designee shall take evidence from the City Clerk or their designee as to the reasonableness, fairness, and validity of the charges and shall render to complainant his decision.

6.3.2 If the person so protesting feels aggrieved by the decision of the mayor or his designee, he may appeal that decision to the City Council so long as the appeal is filed in writing with the City Clerk within fifteen (15) days after the decision is rendered by the mayor or his designee. After an appeal has been filed, the City Council shall notify the complainant of the time and place that it shall consider the appeal, and the complainant shall have the right to be present at the appeal. The Council shall give full consideration to the evidence presented by the complainant and by the City and shall notify the complainant of its decision within fifteen (15) days and of any amount due and owing by the complainant.

6.4 Lien and Collection of Delinquencies

Any delinquency in payment of water 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 costs and reasonable attorney fees. 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 Treasurer of Bear Lake County 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 the action is authorized by applicable provisions of the Idaho Code.

6.5 Municipal Water Fund

All monies derived by the City from connections and monthly fees shall be deposited in the Water fund of the City to spend for capital improvements to the municipal water system and treatment facilities and repair, maintenance, and operation thereof.

CHAPTER VII PROHIBITED CONDUCT

7.1 Injury to Water System Unlawful

No person shall break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is part of the municipal water system.

7.2 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 water system in or upon any City street, property, or right-of-way, without furnishing the City a plan-of-work contemplated, and securing from the City approval for the work to be performed. The City may prescribe such terms and conditions, including provisions of an appropriate or other reasonable security deposit or bond as the circumstances may warrant. Persons causing such damage would be responsible to reimburse the City of Bloomington for any costs for repairs.

7.3 Tampering with the System

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

7.4 Obstruction of Access

No person shall place any obstruction or other substance upon or about any fire hydrant, gate valve, meter, meter box so as to prevent free access at all times to the same.

7.5 Illegal Water Use

No owner shall permit any person from another premises to take water from the owner's water service or tap without written permission of the City.

7.6 Use of Fire Hydrants

No unauthorized person or entity shall use water from a City fire hydrant without submitting a written request including why the water is required and the express written approval of the City.

7.7 Connection or Resumption

No person shall cause any property or premises to be connected to the municipal water system except in compliance with this ordinance; or turn on or resume, without permission of the City, any water service that has been interrupted or terminated for any reason.

7.8 Wasteful Water Usage

No person shall allow water to run from an open hose and/or hydrant without a pressure control device designed to distribute and conserve water. The owner or occupant of any premises shall maintain all pipes, faucets, water closets, and other fixtures using water in a state of good repair and free from any leaks.

CHAPTER VIII ENFORCEMENT

8.1 Deprivation of Water Services

If the City determines that any owner of property or premises that is or could be served by the municipal water 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 service 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 service. In making its determination, following such a hearing, the City Council may direct that water service be withheld or terminated, or that water service be furnished upon terms and conditions as the council finds reasonably necessary to protect the municipal water system.

8.2 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 award of its costs and a reasonable attorney fee.

**CHAPTER IX
AMENDMENTS**

9.1 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 #41,1980-51, 1983-3, 1992-2, 1994-1, 1998-1, 1992-2, 2000-1, 2000-3, 2004-4, 2007-1, 2008-1, 2009-3, 2009-4, and 2013-1 and any other Ordinance(s) (as they pertain to the municipal water system) 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