

TITLE 13 WATER AND WASTEWATER

Title 13 sets forth the regulations, requirements and enforcement provisions concerning the City's water and sewers.

For statutory provisions allowing cities to create, develop, maintain and operate domestic water systems, see [Idaho Code §50-323](#); for provisions giving cities control of sewers and drains within their jurisdiction, see [Idaho Code §50-332](#); for provisions giving cities the power to establish, operate, maintain and collect fees or charges for water and sewer systems, see [Idaho Code §50-1030](#).

CHAPTER 13.01 WATER REGULATIONS

13.01.010 Water system – Authority of Mayor and City Council

The water system for the supply of the city shall be under the sole and exclusive control of the mayor and city council, who may from time to time direct the construction of such works, placing of mains, service pipes and fire hydrants as the necessities of the city may require. ([Ord. 110 §1, 1907](#)).

13.01.020 Superintendent of the waterworks – Powers and duties

The superintendent of the city waterworks shall, under the directions of the mayor and city council, have charge of such works, mains, pipes and hydrants and of the putting in of all service pipes, shall regulate the water supply to fire hydrants and all water consumed, and shall report to the mayor and city council quarterly, or as often as required, the condition of the waterworks and make such suggestions as the nature of the service may require. ([Ord. 110 §2, 1907](#), amended by [Ord. 216, 237, and 317](#)).

13.01.030 Access for examination of apparatus – Penalty for violation of regulations

Free access at all reasonable hours shall be allowed the superintendent of waterworks or mayor, city clerk-treasurer or committee from the city council, to all places supplied with water, to examine the apparatus, the amount used and the manner of using same. Any water user violating any of the rules and regulations controlling the water supply shall forfeit all payments made and the right to the use of water. ([Ord. 110 §17, 1907](#), amended by [Ord. 216, 237, and 317](#)).

13.01.040 Service pipe – Stopcock and key box required

For each service pipe there shall be attached at the inside line of the curb a stopcock and key box, which shall be paid for by the water consumer and be under the exclusive control of the superintendent. ([Ord. 110 §7, 1907](#), amended by [Ord. 216, 237, and 317](#)).

13.01.050 Service pipe – Material specifications – Permit required for extensions

All service and other pipes used underground shall be of cast iron, galvanized iron, extra strong lead or tin-lined lead (except private pipes where the city council authorizes the use of special material), laid not less than four feet below the surface of the ground, and of sufficient strength to stand the water pressure. All work upon and alterations to or extensions of water pipes and

size of pipes shall be to the acceptance of the superintendent. No extension of service pipes shall be made without first obtaining a permit therefore from the superintendent, for which permit there shall be paid the sum of one dollar. No extension shall be made to another water taker from the same service pipe without a stopcock and key box being attached at the junction of such service pipe. ([Ord. 110 §8, 1907](#), amended by [Ord. 216, 237, and 317](#)).

13.01.060 Service pipe and other apparatus – Maintenance responsibility and repair restrictions

All water users shall keep their service pipes, connections and other apparatus in good repair and protected from frost at their own expense, but no person, except under the direction of the superintendent, shall be allowed to dig into the street or sidewalk for the purpose of laying, removing or repairing any service pipe. ([Ord. 110 §10, 1907](#), amended by [Ord. 216, 237, and 317](#)).

13.01.070 Water use restrictions in areas where water mains are installed

Whenever the water mains are laid, no person shall be allowed to convey the water of the city from any ditch or place by private pipes for fountains, mechanical or other purposes except the ordinary irrigation of lots under the direction of the superintendent, nor shall the water be diverted from the ordinary irrigation ditches for the supply of steam boilers or other purposes. ([Ord. 110 §19, 1907](#), amended by [Ord. 216, 237, and 317](#)).

13.01.080 Water main charge

For additional information on this section please see [Ord. 760 §§1, 2, 4, 1994](#).

13.01.090 Fire hydrants – Access and repair restrictions

All public fire hydrants shall be kept in repair by the superintendent of waterworks, and in case of fire the members of the fire department and such other persons as the superintendent shall authorize, shall have access to the hydrant. No other persons shall open or operate any fire hydrants, or attempt to draw water therefrom, or obstruct the approach thereto. ([Ord. 110 §3, 1907](#), amended by [Ord. 216, 237, and 317](#)).

13.01.100 Fire hydrants – Wrenches – Use restrictions

Wrenches for fire hydrants shall be furnished by the chief of emergency services for the use of the members of the fire department, and to such other persons as he may deem proper, and any officer or member of the fire department or other person having charge of one or more of the wrenches who shall permit the same to be taken from their place of deposit, or to be used for any other purpose than that authorized by the chief of emergency services, shall be liable to a fine of not exceeding fifty dollars for each offense, besides costs. ([Ord. 110 §5, 1907](#), amended by [Ord. 216, 237, and 317](#)).

13.01.110 Fire hydrants – Unauthorized use and willful damage prohibited

Any person who shall willfully or carelessly run any vehicle against a fire hydrant or hitch any animal to same, or draw or attempt to draw water therefrom, shall be guilty of a misdemeanor, and upon conviction thereof shall be punishable by a fine in any sum not to exceed one hundred dollars and costs, and be liable for all damages done to said hydrant. ([Ord. 110 §4, 1907](#), amended by [Ord. 216, 237, and 317](#)).

13.01.120 Public use of a fire hydrant and fees associated

For additional information on this section please see [Ord. 935 §1-8, 2005](#).

13.01.130 Water supply limitations for animal troughs and other facilities

Watering troughs for animals shall not be allowed a constant flow of water, but shall only be allowed to use such quantity as shall supply the actual wants of the stock having access thereto; nor shall continuous streams of water be permitted to flow from hydrants, faucets or stops over wash basins, water closets or urinals, or from any other apparatus drawing water. ([Ord. 110 §16, 1907](#), [amended by Ord. 216, 237](#), and [317](#)).

13.01.140 Service – Application – Deposit requirements

With each and every application for water and sewer service to be supplied through the water and sewer systems of the city, there shall be deposited with the city clerk or city treasurer a sum in cash, the amount to be determined by resolution of the city council. Such deposits shall be held by the city so long as the service applied for is supplied by the city, and if and when the service is discontinued or terminated as to any water and/or sewer consumer or user, the amount of the deposit, less any amount owing the city for such water and/or sewer service, shall be refunded. ([Ord. 629 §3, 1980](#); [Ord. 322 §7, 1935](#); [Ord. 317 §2, 1934](#)).

13.01.150 Service – Application – Water meter deposit requirements – Clerk Treasurer duties

Whenever an application is made for water to be supplied through the city water-works system, it shall be the duty of the city clerk-treasurer to ascertain whether or not a meter has been installed to measure water supplied to the building or premises, and if so whether such meter has been paid for or not, and if not paid for whether there is on deposit with the city clerk-treasurer the amount required by the provisions of Sections 13.02.030 and 13.02.040 of this code; and if the amount required by the provisions cited above is not on deposit, then to require that such deposit be made before accepting such application. The city superintendent of waterworks shall not turn on the water for use in any building or on any premises, or for any purpose whatsoever, until he shall have received notice from the city clerk--treasurer that the requirements of this chapter have been complied with. ([Ord. 317 §2, 1934](#), [amended by Ord. 629, 1980](#)).

13.01.160 Service – Classifications designated

Applicants for the use of water on premises and buildings whereon water is supplied are classified, for the purpose of fixing rates and charges for water supplied through the city waterworks system, into five classes. For the complete list please see [Ord. 317 §4, 1934](#), amended by [Ord. 629, 1980](#).

13.01.170 Service – Water user charges

Commencing September 1, 1993, the water user charges shall, as a minimum, be reviewed annually and updated by resolution of the city council to reflect actual costs of operation, maintenance, replacement and financing of the city water system. ([Ord. 749 §1, 1993](#); [Ord. 555 §1, 1974](#); [Ord. 401 §1, 1956](#); [Ord. 399 §1, 1956](#); [Ord. 322 §1, 1935](#); [Ord. 317 §6, 1934](#); [Ord. 309 §3, 1931](#)).

13.01.180 Service – Meter rental charges

To each and every one of the classified users set forth in Section 13.01.160 above, there shall be added monthly the amount provided in Sections 13.02.030 and 13.02.040 of this code for meter rental and service charges, when such rental and service charges should be applied, pursuant to the provisions of such sections. ([Ord. 555 §2, 1974](#)).

13.01.190 Service – Rates and charges – Monthly statement

It shall be the duty of the city clerk-treasurer to prepare and send by United States mail to every owner of property, or to the agent or tenant of the owner of property whereon water is furnished, as directed in the application filed with the clerk--treasurer, on the first day of each month, a written statement showing the charges for monthly service and water used, which statement in each case where no meter is in use shall show the charges for the ensuing month according to the rates provided in Section 13.01.170, and in each case where a meter is used said statement shall show the charges for the month immediately passed, according to the rates set forth in Section 13.01.170 of this chapter. ([Ord. 309 §5, 1931](#), [amended by Ord. 629, 1980](#)).

13.01.200 Service – Rates and charges – Payment delinquency qualifications – Penalties

If any bill, charge or account for services or water furnished is not paid within thirty days after the service of the statement thereof as provided in Section 13.01.190, the city clerk-treasurer shall notify the superintendent of waterworks of such delinquency, and it shall be the duty of the superintendent of waterworks to immediately shut off the water supplied to the property in respect to which such delinquency exists; when water has been so shut off it shall not be turned on again until all delinquent charges plus penalties have been paid. ([Ord. 309 §6, 1931](#), [amended by Ord. 629, 1980](#)).

13.01.210 Using water after turnoff for nonpayment of rates – Penalty

If any person, after the water has been turned off from his premises on account of nonpayment of rates or other violations of the rules and regulations pertaining to the water supply, shall turn on or permit the water to be turned on, or use or permit the water to be used without authority, he shall on conviction thereof be fined not exceeding fifty dollars for each offense. ([Ord. 110 §13, 1907](#), [amended by Ord. 216, 237, and 317](#)).

13.01.220 Unlawful uses of water or appurtenances designated – Penalty

Any person who, by himself, family, servants or agents, shall use the water running through the water mains without paying first therefore, as provided in this chapter, or who shall, without authority, open any stopcocks, valves or other fixtures attached to the system of water supply, or who shall in any way injure, deface or impair any part or appurtenance of the waterworks, or who shall cast anything into any tank or reservoir belonging to the water-works, or in any manner obstruct the same, shall be punished by a fine not exceeding one hundred dollars for each offense or by imprisonment in the city jail not exceeding sixty days or by both such fine and imprisonment. ([Ord. 110 §12, 1907](#), [amended by Ord. 216, 237, and 317](#)).

13.01.230 Wasting water prohibited – Penalty

If any water user wastes water, or allows it to be wasted by imperfect water stops, valves, leaky joints or pipes, or runs water through basins or other apparatus, or uses the water for any other purposes than those for which they have paid, or uses water in violation of the rules and

regulations controlling the water supply and the provisions of this chapter, he shall be liable to a fine of not to exceed twenty-five dollars for each offense, and the water may be cut off from such water users and all payment forfeited, unless such persons shall promptly pay such reasonable charges as may be charged therefore by the superintendent. ([Ord. 110 §11, 1907](#), [amended by Ord. 216, 237](#), and [317](#)).

13.01.240 Liability limitations

The city corporation shall not be held liable for damages to any water user by reason of a stoppage or other interruption of the water supply caused by a scarcity of water, accident to works or mains, alterations, additions, repairs or from other unavoidable causes. ([Ord. 110 §18, 1907](#), [amended by Ord. 216, 237](#), and [317](#)).

13.01.250 Changes to or amendment of chapter provisions – City Council authority

Nothing contained in this chapter shall prohibit the city council from amending, altering or adding to the provisions of this chapter in relation to the water supply, or the rules of same which may be adopted in conformity therewith, provided that no alteration in water rates shall apply to any charge upon or contract made with a water user under this chapter until after the expiration of the time for which such charge was made or contract entered into. ([Ord. 110 §25, 1907](#), [amended by Ord. 216, 237](#), and [317](#)).

CHAPTER 13.02 WATER METERS

13.02.010 Purpose – Installation requirements generally

It is the purpose and policy of the city to require that meters be installed for the measuring of water by gallons to all users of water who are served by the city waterworks system, and that such meters be installed by or under the supervision of the superintendent of waterworks. ([Ord. 316 §1, 1934](#)).

13.02.020 Specifications generally – Approval required

All water meters installed in pursuance of the provisions of this chapter shall be of standard types and qualities and of makes and kinds approved by the mayor and city council, and no meter of any kind shall be placed, installed in or connected with the waterworks system that has not been so approved. Each meter shall be of such size and capacity as will deliver the quantity of water required to supply the needs of the user to be served thereby. ([Ord. 316 §3, 1934](#)).

13.02.030 City to supply meters – Installation costs – Deposit requirements

The city shall purchase meters for installation in pursuance of this chapter in quantities to meet the requirements of such work, and shall supply them to property owners or water users as required for installation as provided in this chapter at the cost thereof to the city plus the cost and expenses of installation, in each case, and such cost, price and expense of installation shall be due from the water user or owner of the property whereon same is installed to the city clerk--treasurer as soon as the meter is installed and before water is turned on for use on such property. If such charges are not so paid then the owner of the property or occupant thereof shall be required to make a cash deposit with the city clerk--treasurer before the water is turned on. ([Ord. 316 §4\(part\), 1934](#)).

13.02.040 Location requirements

In all cases where practicable, meters shall be placed on or immediately next to the line dividing the private property from the public street, and all meters shall be placed in suitable boxes and at sufficient depth in the ground to afford protection from injury by frost and other external causes. Meters shall be kept sealed, and all boxes shall be kept locked with substantial locks, and the keys to such locks shall be kept by the city or its officers or employees; provided, a meter may be placed in the basement or cellar of a building wherein water is to be used, if sufficiently protected against freezing and other injury, if the superintendent of waterworks or his assistants may have free access thereto for reading and other services; and provided further that there is no tap or other means of drawing water between the meter and the city main. ([Ord. 316 §5, 1934](#)).

13.02.050 Access requirements – Superintendent of waterworks authority

The city superintendent of water works shall have access to all property buildings wherein meters have been placed for reading, repairs and other service, at all reasonable times, and if admittance to any property or building is denied to the superintendent of waterworks or his assistants, for any of such purposes, such denial shall constitute sufficient cause for shutting off the water from such property and building, and it shall be the duty of the superintendent of waterworks in any such case to immediately shut off such water. ([Ord. 316 §6, 1934](#)).

13.02.060 Disconnection and removal authorization – Report required

It is unlawful for any person, except the superintendent of waterworks or his assistant, to remove, disconnect or in any manner disturb or break the seal of any water meter installed in or connected with the city water-works system, except as otherwise provided in this section; provided, if any meter located in a basement or cellar is injured by freezing or other cause, such meter may be removed by any licensed plumber, with the consent of the superintendent of waterworks first obtained. Such plumber may reconnect the water lines in such case, and in every such case such plumber shall make a written report to the superintendent of waterworks within twenty-four hours after such meter is removed, stating the number of the meter, the number of the building in which it was installed, and the date and hour when same was removed, and such report shall be signed by the person who removed the meter. Any person who removes any meter except as herein provided shall be guilty of a misdemeanor, and any plumber who removes a meter and fails to make report thereof as herein provided shall be guilty of a misdemeanor, and any violation of the provisions of this section shall be punishable as set forth in [Chapter 1.02.020](#) of this code. ([Ord. 316 §7, 1934](#)).

13.02.070 Rental and service charges for meters not paid for – Private installation of meter permissions

For additional information on this section please see [Ord. 316 §4\(part\), 1934](#).

13.02.080 Testing – Costs

Any meter may be removed and tested by the superintendent of waterworks at the request of the owner or occupant of the property served by such meter on the payment or deposit by such owner or occupant of the sum of three dollars to cover the charge of testing, and if such meter is found to be accurate within the limits of the guaranty of the manufacturer of the meter, the amount deposited shall be retained by the city. If such meter is found to be inaccurate beyond the

limits of such guaranty, then the deposit shall be refunded, and the meter shall be corrected or another one installed; and in such case the water charges collected from the user served by such meter shall be adjusted on such terms as may appear to the waterworks committee to be just. ([Ord. 316 §8, 1934](#)).

13.02.090 Use of unmetered water restrictions

When a meter has been installed to measure water drawn from the city waterworks system for use on any premises, no water for any purposes shall be drawn for use on such premises except through such meter, and it is unlawful for any person to place or connect any pipes, tap, valve or other fixture or device in the waterworks system by means of which water may be drawn for use on such premises without passing through such meter, or to use any such pipe, tap, valve or other fixture or device for drawing water for use on such premises, and any person violating of the provisions of this section shall be guilty of a misdemeanor and upon conviction thereof shall be punishable as set forth in [Chapter 1.02.020](#) of this code. ([Ord. 316 §9, 1934](#)).

13.02.100 Cross Connections and Backflow devices

The purpose of this section is to protect the public health of water consumers of the City of Rexburg by the control of actual and/or potential cross-connections.

DEFINITIONS:

1. "Backflow". 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.
2. "Backflow Prevention Device". A device to counteract back pressure or prevent back siphonage.
3. "City". City means the City of Rexburg and its designated representatives.
4. "Contamination". The entry into or presence in a City water supply of any substance which may be deleterious to health and/or quality of the water.
5. "Cross-Connection". Any physical arrangement whereby the City 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 waste or liquids of unknown or unsafe quality which may be capable of imparting contamination to the City water supply as a result of backflow.

CROSS-CONNECTIONS. For additional information please see [Ord. 1093, 2013](#).

CHAPTER 13.03 WASTEWATER REGULATIONS

13.03.010 Private wastewater facilities – Discontinuance cleaning and filling requirements

It is unlawful for the owner or owners of any property within this city, or his, her or their agent or agents, or other person or persons having charge of or occupying such property, such property

being located on any street, alley, court, passageway or area, and within one hundred fifty feet of a sewer along any street or alley of this city, to neglect or refuse, for the period of thirty days after notice from the board of health of this city, to discontinue the use of, clean out, disinfect and fill up all privy vaults and cesspools on such property, or to neglect or refuse for such period after such notice to remove all outside closets on such property. ([Ord. 248 §6, 1920](#)).

13.03.020 Connection to public sewer – Authorized personnel required – Accountability

It is unlawful for any person to connect any drain or sewer pipe with the public sewer unless such person is a drain layer or plumber duly licensed by the city. The drain layer or plumber will be held strictly accountable to the city for any damage done in the prosecution of his work. ([Ord. 248 §7, 1920](#)).

13.03.030 Permit requirements – Posting

It is unlawful for any person to commence or to carry on the work of laying, repairing, altering or connecting any sewer pipe with the public sewer, without first having a permit to do so from the superintendent of sewers. Such permit must be on the grounds during the whole time the work is in progress, and must be exhibited to any person demanding to see it. ([Ord. 248 §8, 1920](#)).

13.03.040 Permit – Application – Fee – Issuance conditions

Applications for a permit for sewer connections for each user proposing to use such sewer must be made in writing by the owner of the premises or his authorized agent, and must be accompanied by a plan showing the cause of the connection, its size, and the size and location of all branches to be connected with it. The application and plan, together with the fee set by the Mayor and City Council, shall be deposited with the superintendent of sewers, which plan shall be examined by the superintendent of sewers. If in his judgment the carrying out of the plan will cause no injury to the street in which the sewer sought to be connected with is laid, or to the carrying out of improvements projected or which may thereafter be made on said street, or prejudicial to the interest of persons whose property has been or may thereafter be connected with the sewer, and that the plan in all things does conform to the ordinances of this city, then the application to connect with the sewer will be granted, subject to the provisions of such ordinances. All sewer connections shall be put into line and grades designated by the city engineer, who shall prepare a plat of each connection and file such plat in his office. ([Ord. 356 §1, 1946](#); [Ord. 260 §1, 1920](#); [Ord. 248 §9, 1920](#)).

13.03.050 Permit – Compliance with certain plumbing regulations prerequisite to issuance

Permits to connect with the public sewer must not be issued unless the plumbing in the house or building to be connected is in accordance with the provisions of the building ordinance pertaining to plumbing, unless a special permit for such connection is granted by the superintendent of sewers. ([Ord. 248 §18, 1920](#)).

13.03.060 Permit – Revocation conditions

All permits for sewer connections shall be issued to the applicant therefore, and the city council may at any time revoke a permit for defective work or other cause, or upon request of the person at whose instance the permit is issued. ([Ord. 248 §10, 1920](#)).

13.03.070 Manholes – Opening prohibited – Exception

It is unlawful for any person to open any sewer manhole without the permission of the superintendent of the sewers. ([Ord. 248 §5, 1920](#)).

13.03.080 Prohibited discharges – Garbage or other obstructions

It is unlawful for any person to empty or discharge into the public sewers any night soil, garbage or other similar matter or thing likely to obstruct the sewer. ([Ord. 248 §4, 1920](#)).

13.03.090 Injuring sewers or appurtenances prohibited

It is unlawful for any person to willfully injure, break or remove any part or portion of any sewer or any sewer appliance or appurtenance. ([Ord. 248 §3, 1920](#)).

13.03.100 Violation – Penalty

Any person violating any of the provisions of this chapter shall, upon conviction thereof, be punishable as set forth in [Chapter 1.02.020](#) of this code. ([Ord. 248 §19, 1920](#)).

ARTICLE I GENERAL PROVISIONS

13.03.110 Purpose and policy

For additional information on this section please see [Ord. 1016 §1.1, 2009](#).

13.03.120 Administration

Except as otherwise provided herein, the Superintendent or his/her duly authorized representative shall administer, implement, and enforce the provisions of this ordinance. Any powers granted to or duties imposed upon the superintendent may be delegated to other City personnel. ([Ord. 1016 §1.2, 2009](#)).

13.03.130 Definitions

Unless a provision explicitly states otherwise, the following terms and phrases, as used in this ordinance, shall have the meanings hereinafter designated. For the complete list of definitions please see [Ord. 1016 §1.4, 2009](#).

13.03.140 Abbreviations

For a complete list of abbreviations please see [Ord. 1016 §1.4, 2009](#).

ARTICLE II GENERAL REQUIREMENTS

13.03.150 Prohibited discharge standards

For additional information on this section please see [Ord. 1016 §2.1, 2009](#).

13.03.160 Federal categorical pretreatment standards

The national categorical pretreatment standards found at 40 CFR Chapter I, Subchapter N, Parts 405-471 are hereby incorporated. ([Ord. 1016 §2.2, 2009](#)).

13.03.170 State requirements

State requirements and limitations on discharges to the POTW shall be met by all users which are subject to such standards in any instance in which they are more stringent than federal requirements and limitations, or those in this chapter or other applicable ordinance. ([Ord. 1016 §2.3, 2009](#)).

13.03.180 Local limits

For additional information on this section please see [Ord. 1016 §2.4, 2009](#).

13.03.190 City's right of revision

The city reserves the right to establish, by ordinance or in industrial wastewater discharge permits, more stringent standards or requirements on discharges to the POTW. ([Ord. 1016 §2.5, 2009](#)).

13.03.200 Special agreement

The City reserves the right to enter into special agreements with users setting out special terms under which they may discharge to the POTW. In no case will a special agreement waive compliance with a categorical pretreatment standard or federal pretreatment requirement. However, the user may request a net gross adjustment to a categorical standard in accordance with 40 CFR 403.15. They may also request a variance from the categorical pretreatment standard from the Approval Authority in accordance with 40 CFR 403.13. ([Ord. 1016 §2.6, 2009](#)).

13.03.210 Dilution

No user shall ever increase the use of process water, or in any way attempt to dilute a discharge, as a partial or complete substitute for adequate treatment to achieve compliance with an applicable pretreatment standard or requirement unless expressly authorized by an applicable pretreatment standard or requirement. The Superintendent may impose mass limitations on a user which he believes may be using dilution to meet applicable pretreatment standards or requirements, or in other cases when the imposition of mass limitations is appropriate. ([Ord. 1016 §2.7, 2009](#)).

13.03.220 Pretreatment facilities

Users shall provide necessary wastewater treatment as required to comply with this ordinance and shall achieve compliance with all applicable pretreatment standards and requirements set out in this ordinance within the time limitations specified by the EPA, the State, or the Superintendent, whichever is more stringent. Any facilities required to pretreat wastewater to a level acceptable to the City shall be provided, operated, and maintained at the user's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the City for review, and shall be acceptable to the City before construction of the facility. The review of such plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility as necessary to produce an acceptable discharge to the City under the provisions of this ordinance. ([Ord. 1016 §2.8, 2009](#)).

13.03.230 Deadline for compliance with applicable pretreatment requirements

Compliance by existing sources covered by Categorical Pretreatment Standards shall be within 3 years of the date the Standard is effective unless a shorter compliance time is specified in the appropriate Standard. The City shall establish a final compliance deadline date for any existing user not covered by Categorical Pretreatment Standards or for any categorical user when the local limits for said user are more restrictive than EPA's Categorical Pretreatment Standards. **New source** dischargers and **"new users"** are required to comply with applicable pretreatment standards within 3 years of the date the standard is effective unless a shorter compliance time is specified in the appropriate standard. The City shall establish a final compliance deadline date for any existing user not covered by the categorical pretreatment standards or for any categorical user when the local limits for said user are more than the federal categorical pretreatment standards. New Sources and "new users" are required to comply with applicable standards within the shortest feasible time, Any industrial wastewater discharge permit issued to a categorical user shall not contain a compliance date beyond any deadline date established in EPA's Categorical Pretreatment Standards. Any other existing user or a categorical user that must comply with a more stringent local limit, which is in non-compliance with any local limits shall be provided with a compliance schedule placed in an industrial wastewater discharge permit to insure compliance within the shortest time feasible. ([Ord. 1016 §2.9, 2009](#)).

13.03.240 Additional pretreatment measures

For additional information on this section please see [Ord. 1016 §2.10, 2009](#).

13.03.250 Accidental Spill Prevention Plans

For additional information on this section please see [Ord. 1016 §2.11, 2009](#).

13.03.260 Septic Tank Waste, and Haulers

For additional information on this section please see [Ord. 1016 §2.12, 2009](#).

ARTICLE III WASTEWATER DISCHARGE PERMIT REQUIREMENTS

13.03.270 Permit requirements

- 1) No significant industrial user shall discharge wastewater into the POTW without first obtaining a wastewater discharge permit from Wastewater Department; the permit must be enforceable and contain all the elements as required by [40 CFR 403.8\(f\)\(1\)\(iii\)\(B\)](#). Any violation of the terms and conditions of a wastewater discharge permit shall be deemed a violation of this ordinance and subjects the wastewater discharge permittee to the sanctions set forth in this ordinance. Obtaining a wastewater discharge permit does not relieve a permittee of its obligation to comply with all Federal and State pretreatment standards or requirements or with any other requirements of Federal, State, and local law.
- 2) The Superintendent, or Public Works Director may require other users, including liquid waste haulers, to obtain wastewater discharge permits (as necessary) to carry out the purposes of this ordinance. ([Ord. 1016 §3, 2009](#)).

13.03.280 Wastewater Discharge Permitting: Existing SIU

Any SIU that was discharging wastewater into the POTW prior to the effective date of this ordinance and that wishes to continue such discharges in the future shall, within [60] days after notification by the wastewater Department, submit a permit application to the City of Rexburg in accordance with Section 13.03.310 of this ordinance and shall not cause or allow discharges to the POTW to continue after 180 days after the effective date of this ordinance except in accordance with a wastewater discharge permit issued by the City of Rexburg Wastewater Department. ([Ord. 1016 §3.1, 2009](#)).

13.03.290 Wastewater Discharge Permitting: New source and New user

At least 90 days prior to the anticipated start-up, any new source, which is a source that becomes a user subsequent to the proposal of an applicable categorical pretreatment standard that is later promulgated, and any new user considered by the City to fit the definition of SIU shall apply for a wastewater discharge permit and will be required to submit to the City at least the information listed in paragraphs (A)-(E) of Section 13.03.310. A new source or new user cannot discharge without first receiving a wastewater discharge permit from the City. New sources and new users shall also be required to include in their application information on the method of pretreatment they intend to use to meet applicable pretreatment standards. New Sources and new users shall give estimates of the information requested in paragraphs (D) and (E) of Section 13.03.310. ([Ord. 1016 §3.2, 2009](#)).

13.03.300 Wastewater Discharge Permitting: Extra-jurisdictional Users

Any existing user who is located beyond the City limits and who is required to obtain a wastewater discharge permit shall submit a wastewater discharge permit application as outlined in Section 13.03.280. New Source and new users who are located beyond [the City] limits and who are required to obtain a wastewater discharge permit shall comply with Section 13.03.290. ([Ord. 1016 §3.3, 2009](#)).

13.03.310 Wastewater Discharge Permit Application Contents

All users required to obtain a wastewater discharge permit must submit, at a minimum, the following information. Wastewater Department shall approve a form to be used as a permit application. Categorical users submitting the following information shall have complied with [40 CFR '403.12\(b\)](#) (pg. 38).

For additional information please see [Ord. 1016 §3.4, 2009](#).

13.03.320 Signatory and certification requirement

For additional information on this section please see [Ord. 1016 §3.5, 2009](#).

13.03.330 Wastewater Discharge Permit decisions

The Wastewater Department will evaluate the data furnished by the user and may require additional information. Within 60 days of receipt of a complete wastewater discharge permit application, the Wastewater Personnel will determine whether or not to issue a wastewater discharge permit. Upon a determination to issue, the permit shall be issued within [30] days of full evaluation and acceptance of the data furnished. The Wastewater Facility may deny any application for a wastewater discharge permit. ([Ord. 1016 §3.6, 2009](#)).

13.03.340 Wastewater Discharge Permit contents

Wastewater discharge permits shall include such conditions as are reasonably deemed necessary by the Wastewater department to prevent pass through or interference, protect the quality of the water body receiving the treatment plant's effluent, protect worker health and safety, facilitate sludge management and disposal, and protect against damage to the POTW. Wastewater discharge permits must contain the following conditions:

For a complete list of these conditions please see [Ord. 1016 §3.7, 2009](#).

13.03.350 Wastewater Discharge Permit appeals

Any person, including the user, may petition the City to reconsider the terms of a wastewater discharge permit within one 30 days of its issuance.

For additional information please see [Ord. 1016 §3.8, 2009](#).

13.03.360 Wastewater Discharge Permit Duration

Wastewater discharge permits shall be issued for a specified time period, not to exceed five (5) years. A wastewater discharge permit may be issued for a period less than five (5) years, at the discretion of the wastewater Department. Each wastewater discharge permit will indicate a specific date upon which it will expire. ([Ord. 1016 §3.9, 2009](#)).

13.03.370 Wastewater Discharge Permit Modification

The Wastewater Department may modify the wastewater discharge permit for good cause including, but not limited to, the following:

For a complete list please see [Ord. 1016 §3.10, 2009](#).

13.03.380 Wastewater Discharge Permit Transfer

For additional information on this section, please see [Ord. 1016 §3.11, 2009](#).

13.03.390 Wastewater Discharge Permit Revocation

Wastewater discharge permits may be revoked for, but not limited to, the following reasons:

For a complete list of these reasons please see [Ord. 1016 §3.12, 2009](#).

13.03.400 Wastewater Discharge Permit Reissuance

A user who is required to have a wastewater discharge permit shall apply for wastewater discharge permit reissuance by submitting a complete wastewater discharge permit application, in accordance with Section 13.03.310 of this ordinance, a minimum of 180 days prior to the expiration of the user's existing wastewater discharge permit. A user whose existing wastewater discharge permit has expired and who has submitted its re-application in the time period specified herein shall be deemed to have an effective wastewater discharge permit until the City issues or denies the new wastewater discharge permit. A user whose existing wastewater discharge permit has expired and who failed to submit its re-application in the time period specified herein will be deemed to be discharging without a wastewater discharge permit. ([Ord. 1016 §3.13, 2009](#)).

ARTICLE IV REPORTING REQUIREMENTS

13.03.410 Baseline monitoring reports

For additional information on this section please see [Ord. 1016 §4.1, 2009](#).

13.03.420 Final Compliance Report (Initial Compliance Report)

For additional information on this section please see [Ord. 1016 §4.2, 2009](#).

13.03.430 Periodic Compliance Report

For additional information on this section please see [Ord. 1016 §4.3, 2009](#).

13.03.440 Compliance Schedules for Meeting Applicable Pretreatment Standards

For additional information on this section please see [Ord. 1016 §4.4, 2009](#).

13.03.450 Notification of Significant Production Changes

Any user operating under a wastewater discharge permit incorporating equivalent mass or concentration limits shall notify the City within two (2) business days after the user has a reasonable basis to know that the production level will significantly change within the next calendar month. Any user not providing a notice of such anticipated change will be required to comply with the existing limits contained in its wastewater discharge permit. ([Ord. 1016 §4.5, 2009](#)).

13.03.460 Hazardous Waste Notification

For additional information on this section please see [Ord. 1016 §4.6, 2009](#).

13.03.470 Notice of Potential Problems, Including Accidental Spills, Slug Loadings

Any user shall notify the Control Authority and the POTW if the POTW is not the Control Authority immediately of all discharges that could cause problems to the POTW, including any slug loads, as defined in Section 13.03.130. The notification shall include the concentration and volume and corrective action. Steps being taken to reduce any adverse impact should also be noted during the notification. Any user who discharges a slug load of pollutants shall be liable for any expense, loss, or damage to the POTW, in addition to the amount of any fines imposed by the City under state or federal law. ([Ord. 1016 §4.7, 2009](#)).

13.03.490 Non-Compliance Reporting

For additional information on this section please see [Ord. 1016 §4.8, 2009](#).

13.03.490 Notification of Changed Discharge

All users shall promptly notify the Control Authority and the POTW if the POTW is not the Control Authority in advance of any substantial change in the volume or character of pollutants in their discharge, including significant manufacturing process changes, pretreatment modifications, and the listed or characteristic hazardous wastes for which the user has submitted initial notification under 40 CFR 403.12 (p). ([Ord. 1016 §4.9, 2009](#)).

13.03.500 Reports from Un-Permitted Users

All users not required to obtain a wastewater discharge permit shall provide appropriate reports to the City as the Wastewater Foreman may require. ([Ord. 1016 §4.10, 2009](#)).

13.03.510 Record Keeping

Users subject to the reporting requirements of this ordinance shall retain and make available for inspection and copying all records of information obtained pursuant to any monitoring activities required by this ordinance and any additional records of information obtained pursuant to monitoring activities undertaken by the user independent of such requirements. Records shall include the date, exact place, method, and time of sampling and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall remain available for a period of at least three (3) years. This period shall be automatically extended for the duration of any litigation concerning the user or POTW, or where the user has been specifically notified of a longer retention period by the Superintendent. ([Ord. 1016 §4.11, 2009](#)).

ARTICLE V SAMPLING AND ANALYTICAL REQUIREMENTS

13.03.520 Sampling Requirements for Users

For additional information please see [Ord. 1016 §5.1, 2009](#).

13.03.530 Analytical Requirements

All pollutant analyses, including sampling techniques, shall be performed in accordance with the techniques prescribed in [40 CFR Part 136](#), unless otherwise specified in an applicable categorical pretreatment standard. If [40 CFR Part 136](#) does not contain sampling or analytical techniques for the pollutant in question, sampling and analyses must be performed in accordance with procedures approved by the EPA. ([Ord. 1016 §5.2, 2009](#)).

13.03.540 City Monitoring of User's Wastewater

The City will follow the same procedures as outlined in Sections 13.03.520 and 13.03.530. ([Ord. 1016 §5.3, 2009](#)).

ARTICLE VI COMPLIANCE MONITORING

13.03.550 Inspection and Sampling

The City shall have the right to enter the facilities of any user to ascertain whether the purpose of this ordinance and any wastewater discharge permit or order issued hereunder is being met and whether the user is complying with all requirements thereof. Users shall allow the wastewater personnel ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties.

For additional information please see [Ord. 1016 §6.1, 2009](#).

13.03.560 Monitoring Facilities

Each user shall provide and operate at its own expense a monitoring facility to allow inspection, sampling, and flow measurements of each sewer discharge to the City. Each monitoring facility shall be situated on the user's premises, except, where such a location would be impractical or cause undue hardship on the user, the City may concur with the facility being constructed in the public street or sidewalk area, providing that the facility is located so that it will not be obstructed by landscaping or parked vehicles. The Superintendent, whenever applicable, may require the construction and maintenance of sampling facilities at other locations for example, at the end of a manufacturing line or a wastewater treatment system.

There shall be ample room in or near such sampling facility to allow accurate sampling and preparation of samples for analysis. The facility, including the sampling and measuring equipment, shall be maintained at all times in a safe and proper operating condition at the expense of the user.

The Superintendent may require the user to install monitoring equipment as necessary. All monitoring facilities shall be constructed and maintained in accordance with all applicable local construction standards and specifications. All devices used to measure wastewater flow and quality shall be calibrated to ensure their accuracy. ([Ord. 1016 §6.2, 2009](#)).

13.03.570 Search Warrants

If the wastewater personnel has been refused access to a building, structure or property, or any part thereof and is able to demonstrate probable cause to believe that there may be a violation of this ordinance, or that there is a need to inspect as part of a routine inspection program of the City designed to verify compliance with this ordinance or any wastewater discharge permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, then the wastewater personnel shall seek issuance of a search and/or seizure warrant from the *Madison County 7th judicial court* of the City of Rexburg. Such warrant shall be served at reasonable hours by the wastewater personnel in the company of a uniformed police officer of the City of Rexburg or Madison County Sherriff. ([Ord. 1016 §6.3, 2009](#)).

13.03.580 Vandalism

No person shall willfully or negligently break, damage, destroy, uncover, deface, tamper with, or prevent access to any structure, appurtenance or equipment, or other part of the POTW. Any person found in violation of this requirement shall be subject to the sanctions set out in this ordinance. ([Ord. 1016 §6.4, 2009](#)).

ARTICLE VII CONFIDENTIAL INFORMATION

13.03.590 Confidential Information

Information and data on a user obtained from reports, surveys, wastewater discharge permit applications, wastewater discharge permits, and monitoring programs, and from City inspection and sampling activities shall be available to the public without restriction, unless the user specifically requests and is able to demonstrate to the satisfaction of the City that the release of such information would divulge information, processes or methods of production entitled to

protection as trade secrets under applicable State law. When requested and demonstrated by the user furnishing a report that such information should be held confidential, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public but shall be made available immediately upon request to governmental agencies for uses related to the NPDES program or pretreatment program and in enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics and other "effluent data" as defined by 40 CFR '2.302 will not be recognized as confidential information and will be available to the public without restriction. ([Ord. 1016 §7, 2009](#)).

ARTICLE VIII PUBLICATION OF USERS IN SIGNIFICANT NON-COMPLIANCE

13.03.600 Publication of Users in Significant Non-Compliance

For additional information on this section please see [Ord. 1016 §8, 2009](#).

ARTICLE IX ADMINISTRATIVE ENFORCEMENT REMEDIES

13.03.610 Notification of Violation

When the Superintendent finds that a user has violated or continues to violate any provision of this ordinance, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the Superintendent may serve upon that user a written Notice of Violation *via certified letter*. Within 10 days of the receipt of this notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the user to the Superintendent. Submission of this plan in no way relieves the user of liability for any violations occurring before or after receipt of the Notice of Violation. Nothing in this section shall limit the authority of the City of Rexburg to take any action, including emergency actions or any other enforcement action, without first issuing a Notice of Violation. ([Ord. 1016 §9.1, 2009](#)).

13.03.620 Consent Orders

The Superintendent may enter into Consent Orders, assurances of voluntary compliance, or other similar documents establishing an agreement with any user responsible for non-compliance. Such documents will include specific action to be taken by the user to correct the non-compliance within a time period specified by the document.

Such documents shall have the same force and effect as the administrative orders issued pursuant to Sections 13.03.640 and 13.03.650 of this ordinance and shall be judicially enforceable. Use of a consent Order shall not be a bar against, or prerequisite for, taking any other action against the user. ([Ord. 1016 §9.2, 2009](#)).

13.03.630 Show Cause Hearing

The Superintendent may order *via a certified letter* a user which has violated or continues to violate any provision of this ordinance, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, to appear before [the Superintendent and show cause why the proposed enforcement action should not be taken. Notice shall be served on

the user specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action, and a request that the user show cause why the proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail *return receipt requested* at least 10 days prior to the hearing. Such notice may be served on any authorized representative of the user. A show cause hearing shall not be a bar against, or prerequisite for, taking any other action against the user. ([Ord. 1016 §9.3, 2009](#)).

13.03.640 Compliance Orders

When the Superintendent finds that a user has violated or continues to violate any provision of this ordinance, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the Superintendent may issue an order to the user responsible for the discharge directing that the user come into compliance within a time specified in the order. If the user does not come into compliance within the time specified in the order, sewer service may be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. Compliance orders may also contain other requirements to address the non-compliance, including additional self-monitoring, and management practices designed to minimize the amount of pollutants discharged to the sewer. Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking any other action against the user. ([Ord. 1016 §9.4, 2009](#)).

13.03.650 Cease and Desist Orders

For additional information on this section please see [Ord. 1016 §9.5, 2009](#).

13.03.660 Administrative Fines

For additional information on this section please see [Ord. 1016 §9.6, 2009](#).

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13.03.670 Emergency Suspensions

The City of Rexburg may immediately suspend a user's discharge (*after informal notice to the user*) whenever such suspension is necessary to stop an actual or threatened discharge which reasonably appears to present or cause an imminent or substantial endangerment to the health or welfare of persons. The City may also immediately suspend a user's discharge (after notice and opportunity to respond) that threatens to interfere with the operation of the POTW or which presents or may present an endangerment to the environment.

For additional information please see [Ord. 1016 §9.7, 2009](#).

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13.03.680 Termination of Discharge (Non-Emergency)

In addition to the provisions in Section 13.03.390 of this ordinance, any user that violates the following conditions is subject to discharge termination:

For a complete list of conditions please see [Ord. 1016 §9.8, 2009](#).

ARTICLE X JUDICIAL ENFORCEMENT REMEDIES

13.03.690 Injunctive Relief

When [the Wastewater Department finds that a user has violated (or continues to violate) any provision of this ordinance, a wastewater discharge permit, or order issued hereunder, or any

other pretreatment standard or requirement, the City may petition the *Madison County 7th Judicial Court* through the City's Attorney for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the wastewater discharge permit, order, or other requirement imposed by this ordinance on activities of the user. The City may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the user to conduct environmental remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against a user. ([Ord. 1016 §10.1, 2009](#)).

13.03.700 Civil Penalties

For additional information on this section please see [Ord. 1016 §10.2, 2009](#).

13.03.710 Criminal Prosecution

For additional information on this section please see [Ord. 1016 §10.3, 2009](#).

13.03.720 Remedies Non-Exclusive

The provisions in Sections 13.03.600 through 13.03.780 of this chapter are not exclusive remedies. The City of Rexburg reserves the right to take any, all, or any combination of these actions against a non-compliant user. Enforcement in response to pretreatment violations will generally be in accordance with the City's enforcement response plan. However, the City reserves the right to take other action against any user when the circumstances warrant. Further, the City of Rexburg is empowered to take more than one enforcement action against any non-compliant user. These actions may be taken concurrently. ([Ord. 1016 §10.4, 2009](#)).

ARTICLE XI SUPPLEMENTAL ENFORCEMENT ACTION

13.03.730 Performance Bonds

The Wastewater Department may decline to issue or reissue a wastewater discharge permit to any user which has failed to comply with any provision of this ordinance, a previous wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement unless such user first files a satisfactory bond, payable to the City, in a sum not to exceed a value determined by the Wastewater Personnel to be necessary to achieve consistent compliance. ([Ord. 1016 §11.1, 2009](#)).

13.03.740 Liability Insurance

The Wastewater Facility may decline to issue or reissue a wastewater discharge permit to any user which has failed to comply with any provision of this ordinance, a previous wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, unless the user first submits proof that it has obtained financial assurances sufficient to restore or repair damage to the POTW caused by its discharge. ([Ord. 1016 §11.2, 2009](#)).

13.03.750 Water Supply Severance

Whenever a user has violated or continues to violate any provision of this ordinance, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, water service to the user may be severed. Service will only recommence, at the

user's expense, after it has satisfactorily demonstrated its ability to comply. ([Ord. 1016 §11.3, 2009](#)).

13.03.760 Public Nuisances

A violation of any provision of this ordinance, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, is hereby declared a public nuisance and shall be corrected or abated as directed by the City of Rexburg Wastewater Department. Any person(s) creating a public nuisance shall be subject to the provisions of the City Code governing such nuisances, including reimbursing the City for any costs incurred in removing, abating, or remedying said nuisance. ([Ord. 1016 §11.4, 2009](#)).

13.03.770 Informant Rewards

The City of Rexburg may pay up to 500 dollars (\$500.00) for information leading to the discovery of noncompliance by a user. In the event that the information provided results in an administrative fine or civil penalty levied against the user, the City may disburse up to 3 percent (3%) of the collected fine or penalty to the informant. However, a single reward payment may not exceed 3000.00 dollars. ([Ord. 1016 §11.5, 2009](#)).

13.03.780 Contractor Listing

Users which have not achieved compliance with applicable pretreatment standards and requirements are not eligible to receive a contractual award for the sale of goods or services to the City. Existing contracts for the sale of goods or services to the City held by a user found to be in significant non-compliance with pretreatment standards or requirements may be terminated at the discretion of the City. ([Ord. 1016 §11.6, 2009](#)).

ARTICLE XII AFFIRMATIVE DEFENSES TO DISCHARGE VIOLATIONS

13.03.790 Upset

For the purposes of this section, "upset" means an exceptional incident in which there is unintentional and temporary non-compliance with applicable pretreatment standards because of factors beyond the reasonable control of the user. An upset does not include non-compliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation. An upset shall constitute an affirmative defense to an action brought for non-compliance with applicable pretreatment standards if the requirements of paragraph C of this section are met. A user who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

For a complete list please see [Ord. 1016 §12.1, 2009](#).

13.03.800 Prohibited Discharge Standards

A user shall have an affirmative defense to an enforcement action brought against it for non-compliance with the prohibitions in Section 13.03.150 A and B(3) through (7) if it can prove that it did not know, or have reason to know, that its discharge, alone or in conjunction with discharges from other sources, would cause pass through or interference and that either: (a) a

local limit exists for each pollutant discharged and the user was in compliance with each limit directly prior to, and during, the pass through or interference; or (b) no local limit exists, but the discharge did not change substantially in nature or constituents from the user's prior discharge when the City's Wastewater Facility was regularly in compliance with its NPDES permit, and in the case of interference, was in compliance with applicable sludge use or disposal requirements. ([Ord. 1016 §12.2, 2009](#)).

13.03.810 Bypass

For additional information on this section please see [Ord. 1016 §12.3, 2009](#).

ARTICLE XIII WASTEWATER TREATMENT RATES

City of Rexburg Local Limit BOD & TSS:

BOD Bio-oxygen Chemical Demand 200 mg/l

TSS Total Suspended Solids 200 mg/l

ARTICLE XIV MISCELLANEOUS PROVISIONS

13.03.820 Pretreatment Charges and Fees

The City of Rexburg Wastewater Department may adopt reasonable fees for reimbursement of costs of setting up and operating the Pretreatment Program which may include:

For a complete list please see [Ord. 1016 §14.1, 2009](#).

13.03.830 Septic Waste Haulers and Disposal Fees

For additional information on this section please see [Ord. 1016 §14.2, 2009](#).

13.03.840 Excessive Strength Discharges

Maximum allowable BOD 200 mg/l per day

Maximum allowable TSS 200 mg/l per day

For additional information please see [Ord. 1016 §14.3, 2009](#).

13.03.850 Severability

If any provision of this ordinance is invalidated by any court of competent jurisdiction, the remaining provisions shall not be affected and shall continue in full force and effect. ([Ord. 1016 §14.4, 2009](#)).

13.03.860 Conflicts

All other ordinances and parts of other ordinances inconsistent or conflicting with any part of this ordinance are hereby repealed to the extent of the inconsistency or conflict. ([Ord. 1016 §14.5, 2009](#)).

CHAPTER 13.04 WASTEWATER RATES AND CHARGES

13.04.010 User rates – Generally

This is a user charge system for a small community which follows model number one in Appendix B of the Federal Register, dated 9/27/78. This treatment works is primarily flow dependent and will utilize a winter time culinary water volume basis to establish sewer rates.

A sewer user charge shall be levied on all users of the sewage collection and treatment facilities to cover the actual or estimated cost of operation, maintenance, replacement and financing of this facility. The user charge system shall distribute these costs to each user in proportion to such user's contribution to the total wastewater load of such facilities. ([Ord. 645 §3\(part\), 1982](#)).

13.04.020 User rates – Basis

The sewer user rates for such user shall be based on a delivery flow rate determined by the size of the culinary water meter and the user's measured contribution to the total flow at the treatment facilities based on culinary water usage during October, November, December, January, February, March and April. ([Ord. 645 §3 \(part\), 1982](#)).

13.04.030 User rates – Surcharge for excessive strength

For additional information on this section please see [Ord. 772A §1, 1995](#); [Ord. 645 §3\(part\), 1982](#).

13.04.040 User rates – Review and revision

For additional information on this section please see [Ord. 645 §3\(part\), 1982](#).

13.04.050 User rates – Request for change

Any sewer 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 council requesting a review of his user charge. Said written request shall, where necessary, show the actual or estimated average flow and strength of his wastewater in comparison with the values upon which the charge is based, including how the measurements or estimates were made. Any flow measurements and/or testing of wastewater shall be approved in detail by the city and/or its engineer. Review of the request by the city council 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. ([Ord. 645 §3\(part\), 1982](#)).

13.04.060 Wastewater connection – Required

Every parcel of land or premises within the boundaries of the city, improved for occupancy and occupied or used by any person or persons, or as a commercial business, shall be connected to the public sanitary sewer system; provided, however, connection to the sanitary sewer system from inflow (storm drain or non-sewage source) sources into the sanitary sewer system shall neither be required nor permitted. The owner or person in charge of such land shall make or cause to be made, such connection within sixty days after receiving official notice from the city to so connect. All charges associated with the laying of pipe from the home or facilities to be served to the city's 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 three hundred feet of a sewer, connection is optional. ([Ord. 645 §2, 1982](#)).

13.04.070 Wastewater connection – Fees

From and after September 19, 1990, sewer connection fees shall be reviewed annually and set by resolution of the council. Any connections not covered by resolution of the council shall have fees set by the mayor and city council in each individual situation. Such fees are for the privilege of connecting to the city sewer and all work necessary for making proper connection shall be done to the satisfaction of and under the supervision of the city plumbing inspector and shall be paid for in advance by the person desiring such connection. ([Ord. 711 §1, 1990](#); [Ord. 645 §4, 1982](#); [Ord. 431 §1\(part\), 1962](#)).

13.04.080 Wastewater connection – Full fee

Any applicant for a sewer connection to any lot abutting on a street, alley or other right-of-way containing a main sewer line shall pay the full connection fee therefore. ([Ord. 645 §5\(1\), 1982](#); [Ord. 431 §1\(1\), 1962](#)).

13.04.090 Wastewater connection – Half fee

In case two or more dwellings exist on any lot under the same ownership, and if any of such dwellings is located to the rear of the other or if at least seventy-five feet from the property line abutting on any street, alley or right-of-way containing a main sewer line, the rear dwelling shall be charged one-half the applicable full connection fee where the owner thereof requests only one stub for dwellings on such lot and the same service lateral is used for all such dwellings. ([Ord. 645 §5\(2\), 1982](#); [Ord. 431 §1\(2\), 1962](#)).

13.04.100 Wastewater connection – Business block or shopping center – Full and half fee

In any business block or shopping center containing more than one adjoining business or commercial establishment under one ownership, where more than one such establishment is connected with the same service lateral but separate applications for service are made and separate billings requested, one of such establishments shall pay the applicable full connection fee and each additional establishment shall pay one-half the applicable connection fee required for connection of similar size. ([Ord. 645 §5\(3\), 1982](#); [Ord. 431 §1\(3\), 1962](#)).

13.04.110 Wastewater connection – Subdivision of unimproved property – Collection lines required – Costs

Any person owning unimproved real property which does not abut a street, alley or right-of-way containing a main sewer line and who subdivides the same for construction of dwellings, shall install collection lines acceptable to the city and connect the same to an existing city main sewer line at a place to be determined by the city council, all at the cost and expense of the subdivider. ([Ord. 645 §5\(4\), 1982](#); [Ord. 431 §1\(4\), 1962](#)).

13.04.120 Wastewater main charge

For additional information on this section please see [Ord. 760 §§3--4, 1994](#).

13.04.130 Metered service

Whenever the council deems it appropriate and in the best interests of the city and its citizens to require a user to have the sewer and/or water service to his facilities metered to more appropriately determine the amount of service provided such user by the system, the council may by resolution require the user to install a meter and/or meters which will accurately measure the

service provided; and the council may further establish by resolution the rates to be charged for such service as will properly pay the fair share of the services provided such user. The cost of the meter and its installation shall be borne by the user. ([Ord. 645 §9, 1982](#)).

13.04.140 Water and wastewater bills combined – Delinquency notice

Water and sewer bills shall be combined and billed on a regularly established day of each and every month, in the month succeeding the month in which the service was rendered. Bills shall be payable as of the date mailed, and shall be deemed delinquent if not paid before the sixteenth day thereafter. Water and/or sewer consumers and users should be notified of this delinquency and if the bill is not paid in full within fifteen days after service of this notification on the water and/or sewer consumer and user, the right to water and sewer services shall cease and terminate unless the water and/or sewer consumer and user requests a pretermination hearing. Should the water and/or sewer consumer and user not request a pretermination hearing or if an adverse decision is rendered against the water and/or sewer consumer and user as a result of the pretermination hearing, the city may require the water and/or sewer consumer and user to pay the delinquent water and/or sewer bill attributable to his own use, plus a turn-on charge to be determined by resolution of the council as a condition of receiving water and sewer service again. ([Ord. 645 §8\(1\), 1982](#); [Ord. 629 §2\(1\), 1980](#); [Ord. 431 §1\(part\), 1962](#)).

13.04.150 Delinquency notice – Pretermination hearing

The city in its delinquency notice to all water and/or sewer consumers and users shall inform in writing all water and/or sewer consumers and users of their right to a pretermination hearing, with such hearing to be held with the due process protection described below; and the city will not discontinue water and/or sewer service to any water and/or sewer consumer and user prior to a fair and impartial hearing, after timely and adequate notice and an opportunity to confront witnesses, to personally appear with or without retained counsel, to be judged on facts adduced at the hearing and to otherwise be heard and defend the claim made by the city, if a pretermination hearing is requested by any water and/or sewer consumer and user. The city council shall have the responsibility of holding pretermination hearings. The city council shall make a record of any pretermination hearing. The city council shall render its decision in writing, giving the reasons for its determination. In decisions adverse to the water and/or sewer consumer and user, the city council will inform the water and/or sewer consumer and user of the right to appeal the decision pursuant to the Idaho State Administrative Procedures Act. ([Ord. 645 §8\(2\), 1982](#); [Ord. 629 §2\(2\), 1980](#); [Ord. 431 §1\(part\), 1962](#)).

13.04.160 Delinquent bills attributable to prior consumers

The city shall not initially deny or discontinue water and/or sewer service to any water and/or sewer consumer and user because of any delinquent water and sewer bill on that premises that is attributable to the prior water and sewer use of another water and/or sewer consumer. The city shall not initially deny water and/or sewer service to any water and/or sewer user for whatever reason without informing the water and/or sewer consumer and user of the right to a hearing before the city council on the issue of whether the city can initially deny water and/or sewer services. In the case of an initial denial of water and/or sewer service, the city is not required to provide water and/or sewer service pending a hearing. However, a hearing upon request of a water and/or sewer consumer and user initially denied water and sewer services shall be held as expeditiously as possible and held in the manner and in accordance with the procedures for

pretermination hearings delineated in Section 13.04.090. In case such water service is discontinued for delinquency, it shall not be restored until such delinquency is paid, or arrangements for payment satisfactory to the city have been made, and a fee of twenty-five dollars for discontinuing and restoring service has been paid. ([Ord. 645 §8\(3\), 1982](#); [Ord. 629 §2\(3\), 1980](#); [Ord. 431 §1\(part\), 1962](#)).

13.04.170 Violation – Penalty

Any person who violates any provision of this chapter upon conviction shall be guilty of a misdemeanor, and shall be fined not to exceed three hundred dollars or by imprisonment in the city/county jail not to exceed six months, or by both. Any violation of any or all provisions of this chapter for any one day shall constitute a separate offense. ([Ord. 645 §10, 1982](#)).

13.04.180 Enforcement

The proper local authorities of the city, county or state, in addition to the other remedies, may institute any appropriate action or proceedings to correct or abate any violations of this chapter. ([Ord. 645 §11, 1982](#)).