

ORDINANCE NO. 26-01

AN ORDINANCE OF SOUTHSIDE WATER AND SEWER DISTRICT, BONNER COUNTY, IDAHO, AMENDING AND RESTATING PRIOR ORDINANCES GOVERNING WATER AND SEWER SERVICES; PROVIDING FOR THE OPERATION, MAINTENANCE, REGULATION, AND PROTECTION OF THE DISTRICT WATER AND SEWER SYSTEMS; PROVIDING FOR CONNECTION REQUIREMENTS, SERVICE STANDARDS, RATES, FEES, ENFORCEMENT, AND SYSTEM EXPANSION; PROVIDING FOR EQUITABLE ALLOCATION OF UTILITY COSTS; AND PROVIDING FOR OTHER MATTERS PROPERLY RELATED THERETO.

BE IT ORDAINED BY THE BOARD OF DIRECTORS OF SOUTHSIDE WATER AND SEWER DISTRICT, BONNER COUNTY, IDAHO, AS FOLLOWS:

WHEREAS, Southside Water and Sewer District (the “District”) is a water and sewer district operating and existing under and pursuant to the laws of the State of Idaho, codified at Idaho Code § 42-3201 et seq., and

WHEREAS, the District is authorized to construct, maintain, operate, improve and expand water and sewer systems and to establish rates, fees, and regulations related thereto; and

WHEREAS, the Board of Directors previously adopted ordinances regulating and governing sewer and water services to Users within the District;

WHEREAS, the Board of Directors of the District desires to amend and restate prior ordinances, including Ordinance No. 08-01 dated May 19, 2021, and Ordinance No. 02-01 dated February 14, 2002, for the purpose of regulating and governing sewer and water services to Users within the District;

WHEREAS, the Board of Directors desires to amend and restate prior ordinances for the purpose of modernizing, clarifying, and consolidating regulations governing water and sewer services while preserving continuity of existing rights, obligations, and service relationships; and

WHEREAS, the Board finds that water consumption and wastewater generation are materially affected by utility-demand characteristics and that equitable allocation of utility-system costs is necessary to protect the integrity and operational capacity of the District’s systems;

NOW, THEREFORE, IT IS HEREBY ORDAINED AS FOLLOWS:

SECTION 1. PURPOSE AND APPLICABILITY

A. **Purpose.** The District hereby establishes a comprehensive regulatory framework governing the operation, maintenance, protection, and equitable use of the District water and sewer systems.

B. **Applicability.** This Ordinance shall apply to all real property located within the boundaries of the District, as currently configured or as amended from time to time.

C. **Boundary Map.** A map of the District boundaries shall be maintained at the District office.

SECTION 2. LEGISLATIVE FINDINGS

The Board of Directors finds that:

1. Water consumption and wastewater generation are materially affected by occupancy intensity and utility-demand characteristics;
2. Increased utility demand may require additional infrastructure capacity, maintenance, operational expense, and capital improvements;
3. The District possesses statutory authority to equitably allocate utility-system costs among its Users;
4. The purpose of this Ordinance is to regulate utility-system operations and infrastructure impacts rather than land use or residential rental activity;
5. Utility-demand classifications established by this Ordinance are intended to apply uniformly to similarly situated properties.

SECTION 3. DEFINITIONS

A. Accessory Dwelling Unit (ADU). A habitable dwelling located on the same lot, within, added to or detached from a single-family dwelling, that provides basic requirements for living, sleeping, eating, cooking and sanitation; has a separate entrance and a floor area of nine hundred (900) square feet or less.

B. Annual Debt Service. The amount required in a calendar year for the payment of principal and interest on the General Obligation Bonds, Revenue Bonds, and Local Improvement District (LID) obligations.

C. Board of Directors or Board. The five (5) officers elected or appointed in accordance with the laws of the State of Idaho to govern the District.

D. Building Drain. That part of the piping of a drainage system which receives the discharge from waste and other drainage pipes originating inside the walls of a building and conveys the discharge to the Building Sewer.

E. Collector Treatment System. The system of pipes, pumps, reservoirs, and other sewage collection and conveyance equipment owned by the District, whether by initial construction or by acquisition, operated for the purpose of collecting sewage from parcels and transporting such sewage to the land and all improvements, equipment, and other personal property located thereon, which are owned, operated, and maintained by the District for the purpose of receiving, treating, and disposing of sewage effluent.

F. Commercial. Any User that sells goods or services, or any User that uses water and/or sewer for purposes other than typical for a Single-Family Dwelling.

G. Construction Improvement Agreement (CIA). An agreement between the District and any developer or applicant that defines requirements to construct or upgrade District infrastructure as a condition of approval to connect to the Collector Treatment System or water system. The CIA defines the applicant's responsibilities for design, cost, and maintenance, and may be secured by bonds or other financial guarantees. Such agreement shall run with the land and bind future owners, as applicable.

H. Cross Connection. Any physical link, temporary or permanent, between the District drinking (potable) water system and a source of non-potable water or other substances, which creates a

risk that contaminants could enter and pollute the drinking water supply through backflow. Cross connections shall be governed in part by District Ordinance No. 19-01.

I. Delinquent Accounts. All rates, fees, and charges not paid within thirty (30) days after the date fixed for the payment thereof shall become delinquent. Accounts delinquent as of July 31 of each year may be certified by the Board and assigned to the Bonner County Treasurer's Office for collection in the same manner as other taxes.

J. Disconnect. The physical termination of water and/or sewer service between a User's service line and the District system, accomplished by removal, capping, locking, or other disabling of the meter, service valve, or lateral connection.

K. Disconnect Charge. A charge applied by the District to disconnect service. This charge also applies to reconnection to the system if applicable.

L. District. The Southside Water and Sewer District, as legally defined by its boundaries, which may be modified from time to time as allowed by the laws of the State of Idaho.

M. District Sewer System. All real and personal property owned by the District used for sewer collection, treatment, and disposal, including but not limited to the collector system, pump stations, treatment ponds, storage ponds, aeration, chlorination, and sprinkling facilities, together with all appurtenant systems and equipment.

N. District Water System. All real and personal property owned by the District used to provide potable water to District patrons, including but not limited to the water mainline, pumping and chlorination facilities, water tank, well sites, and all appurtenant equipment.

O. Engineer. The engineer or engineering firm (or duly authorized employee or representative thereof) contracted or otherwise designated by the District from time to time to advise the Board with respect to sewer and water services provided through the District systems.

P. Equivalent Residence Unit (ERU). The basic unit of measurement utilized by the District to establish water and sewer rates, with one (1) ERU defined as one (1) typical Single-Family Dwelling. See Appendix A. In determining the ERU allocation, the District may consider objective utility-demand factors, including square footage, number of bedrooms, plumbing fixture count, drainage fixture units, separate kitchen or laundry facilities, connection configuration, and whether system improvements are required.

Q. Expanded Use. A level of water consumption, wastewater generation, occupancy intensity, fixture count, or utility-system demand materially exceeding the standard assumptions associated with the property's assigned ERU classification.

R. General Obligation Bonds. Bonds issued to finance original construction or future development of the water and sewer systems.

S. General Obligation Bond Payback. The monetary amount assigned to each User of the water or sewer services in order to retire General Obligation Bonds.

T. Grandfathered. Any property with multiple Users established prior to 1990 is entitled to maintain its multiple-User status until such time as property ownership, zoning, expanded use, or land use changes. Upon such change, the property shall be re-designated according to the use approved by Bonner County Planning and Zoning and assigned the appropriate ERU as determined by the Board.

U. Guest House. An accessory building located on the same lot as a Single-Family Dwelling that consists of sleeping quarters with no kitchen facilities and a floor area of six hundred (600) square

feet or less, for use by temporary guests or family members of the occupants of the main structure, and not rented or occupied on a permanent basis.

V. Hook-Up Fee. A fee paid to the District for permission to connect to the water or sewer system or to increase usage beyond that previously approved.

W. Legal Parcel. Any legal lot now existing or hereafter created through a division or subdivision process, and any other parcel of real property recognized by the appropriate governmental planning and zoning department or other agency as a separate legal parcel having dimensions that would legally allow such parcel to be improved with a dwelling or other structure for human use and/or occupancy, or which could reasonably be deemed benefited by the availability of sewer and/or water service provided by the District. An “improved parcel” shall include any legal parcel on which a building or other improvement exists that is designed to accommodate human occupancy, and which generates sewage requiring disposal.

X. Local Improvement District (LID). A local improvement district established by District ordinance to provide water and/or sewer service to a specific area.

Y. LID Assessment. The assessment levied against each legal parcel in existence as of the date of the closure of the LID, in such amount as may be determined by the final LID confirmation ordinance, representing a fair share of the District’s cost of construction of the water and/or sewer system servicing the area defined in the LID.

Z. Maintenance Engineer. The person or persons employed by the District to operate and maintain the District water and sewer systems. An alternate shall be designated to perform these duties in the absence of the Maintenance Engineer.

AA. Meter Service Charge. A charge that applies to existing customers requesting that water service be turned off and on for their convenience.

BB. Multi-Unit Dwelling. A building containing a combination of units with individual sleeping, bath, and kitchen facilities, each unit being designed for individual or single-family occupancy, including but not limited to apartments, townhouses, condominiums, duplexes, triplexes, and guest quarters.

CC. Non-User. A person who has paid for a water or sewer connection but is not connected to that system. The District shall not make new non-User commitments for sewer or water except as provided in an LID or as deemed by Board resolution to be a benefit of the District.

DD. Online.

1. Water. When the customer’s water line is attached to the District water supply and water is available for use. In cases when, for the convenience of the District or the customer, the line is connected in advance of actual need or usage, District staff shall shut the water off at the meter and the customer and the District shall agree in writing upon a date when billing and service shall commence.
2. Sewer. The point in time when the customer’s sewer line is attached to the District line. In cases when, for the convenience of the District, the line is connected in advance of actual need, the customer and the District shall agree in writing upon a date when billing shall commence.

EE. Operation and Maintenance (O&M) Charge. The share of operation and maintenance expense for the water and sewer system that is attributable to and charged to a particular User.

FF. Revenue Bond. Bonds issued by the District pursuant to the Water and Sewer District Revenue Bond Act to finance, in whole or in part, the cost of acquisition, construction, reconstruction, improvement, betterment, or extension of any works.

GG. Revenue Bond Payback. The monetary amount assigned to each User for water and sewer services in order to retire the Revenue Bonds.

HH. Service Line. The pipe extension from the Building Drain to the District's collector system or water main. The property owner is responsible for the maintenance and repair of the Service Line as specified in Section 6(D).

II. Sewer Charges. Sewer charges that apply monthly once a unit is online, regardless of occupancy. To discontinue these charges, the dwelling shall be removed and disconnected, and all connection rights relinquished back to the District, unless otherwise provided in an LID or by Board resolution.

JJ. Sewage. A combination of water-carried wastes from a dwelling, business building, institution, Commercial establishment, and/or industrial establishment.

KK. Shall/May. "Shall" is mandatory; "may" is permissive.

LL. Short Term Rental (STR). The use of a dwelling unit, or a portion thereof, that is rented for the purpose of overnight lodging for a period of thirty (30) days or less, commonly referred to as a vacation home, tourist home, or vacation rental. Operators of STRs are subject to expanded use fees and annual registration fees as set forth in Appendix A.

MM. Single-Family Dwelling. A building or unit designed and used exclusively for residential purposes by one (1) family. This definition includes mobile homes and trailers used for residential purposes. A recreational vehicle (RV) may be classified as a Single-Family Dwelling when it is fully plumbed and otherwise independently habitable and is occupied substantially full time.

NN. Transfer Fee. A fee assessed to cover the administrative costs of updating ownership records when a title company, User, or User representative requests a statement of account in preparation for a closing statement for the sale of real property.

OO. User. Any person owning, controlling, occupying, or otherwise using an improved parcel that is connected to, or is required to be connected to, the sewer system. Any person connected to the water system and/or receiving potable water from the District is also deemed a User.

PP. Water Charges. Water charges that apply monthly once connected, regardless of occupancy. To stop these charges, service shall be disconnected and the water meter physically removed or locked off. After meter removal or lockoff, a non-User charge shall apply unless the paid connection is relinquished back to the District.

QQ. Works. The term "works" includes both the water system and the sewer system of the District, together with all of their components.

SECTION 4. MANDATORY SEWER CONNECTION

A. Mandatory Connection. Each inhabited building within two hundred (200) feet of the District sewer collection system and reasonably capable of connection shall connect to the District sewer system unless otherwise approved by Panhandle Health District of the Idaho Department of Environmental Quality.

B. Occupancy Limitation. No person shall occupy a dwelling of any type that is not connected to an approved sewage disposal system unless the dwelling has a self-contained holding tank that is discharged into an approved sewage dump station.

SECTION 5. LIMITED WATER SERVICE AVAILABLE

A. Availability of Water Service. Water connection may be available to a User within the District boundaries. It is not mandatory that buildings within the District be connected to the District water system. No User shall have any other source of unmonitored water cross-connected to the District Water System.

B. Service Outside District. The District shall not provide water service outside the District boundaries, except to connections approved and/or connected prior to 1990 or as otherwise expressly authorized by the Board in accordance with applicable law. Any such service shall be governed by formal agreements approved by the Board and, which may be recorded to run with the land.

C. Fire Hydrants. Fire hydrants are for the use of an official fire department and for testing by authorized personnel. Any non-District use of District fire hydrants is prohibited.

SECTION 6. APPLICATION FOR SERVICES

A. Application Requirement. Any property owner desiring to connect to the District's water or sewer system, or any present User wishing to expand their service, shall submit a written application to the District. The application shall contain all pertinent information including the name and address of the applicant, a description of the real property, the type of service being requested, and such other information as the District may request. There shall be no connection to the District's sewer or water system, nor any expansion thereof, without the express written approval of the District.

B. Applicants Outside District. Any person or entity outside the District's boundaries who desires water or sewer service shall make written application to the District. The Board shall, within a reasonable time, inform the applicant of its decision and, if approved, and as a condition of service, the property shall be annexed into the District. All expenses associated with annexation, including but not limited to legal review, easement preparation, engineering review, construction observation, and connection costs, shall be the responsibility of the applicant.

C. Inspection and Approval. The District Maintenance Engineer shall, during the installation of any new use or expansion of an existing use, inspect and approve any extensions or hook-ups to the water and sewer system to assure conformance with all District requirements and "as-built" drawings. Any new sewer or water lines serving more than one (1) dwelling or serving a Commercial property shall be an engineered line, and the engineered plans shall be provided to and approved by the District in advance of construction.

D. Developer Responsibilities.

- 1. Construction Improvement Agreement (CIA).** Any developer or applicant (developer) requiring the construction or upgrade of infrastructure as a condition of service approval shall enter into a Construction Improvement Agreement (CIA) with the District. All infrastructure improvements shall comply with District engineering and design standards and applicable state regulations.

2. **Terms.** The CIA shall define the developer's responsibilities for design, cost, and maintenance of the improvements. The agreement shall run with the land and bind future owners until the obligations are satisfied.
3. **Financial Guarantee.** The Board of Directors may require the developer to secure the CIA with bonds or other financial guarantees acceptable to the District.

SECTION 7. REQUIREMENTS OF SERVICE

A. Extension of Collector System. All expenses associated with any extension of the sewer collector system in order to connect a User (including a dwelling, housing tract, trailer park, motel, condominium, or other dwelling) shall be the responsibility of the applicant seeking the extension. Such extensions shall be engineered by a Board-approved, licensed engineer, and the plans shall be approved by the appropriate health department. Approval of the Board and the appropriate health department shall be obtained prior to commencement of the project.

B. Water Meters and Appurtenances. All new water hook-ups approved by the District shall require the installation of an approved water meter on the landowner's side of the shut-off valve. A water shut-off box shall be installed as specified by the District Engineer. All valves, meters, and other items necessary for water service shall be of a type and size specified by the District. All extensions of the main line and all shut-offs and meters shall be at the expense of the User.

C. Service Lines and Tracers. Users within the District shall, at their own expense, bring their individual services to the main water line and sewer collector system. Any new lines, including replacement lines, whether for water or sewer service, shall have a tracer installed with the line for detection purposes. Any new service line to a Single-Family Dwelling requiring a pump shall be installed and maintained by the owner at the owner's expense.

D. Service Connections and Property Owner Responsibilities.

1. **General Requirement.** Except as otherwise provided herein, each individual residential building shall be served by a separate water service connection and shall be equipped with a dedicated water meter and shut-off valve. Each individual residential shall be served with a separate sewer line.
2. **Grandfathered Connections.** Multiple service connections established prior to 1990 are exempt from the separate service requirements stated in Subsection D.1.
3. **Legal Non-Conforming Uses.** Residential structures that share a water or sewer lateral connection to the District main installed prior to 2008 shall constitute a legal non-conforming use. Expansion, alteration, or relocation of such non-conforming use to another portion of the property shall terminate the non-conforming status, and full compliance with current District standards shall thereafter be required.
4. **Mandatory Replacement.** When any building is demolished and reconstructed, or when a building undergoes a substantial change in use, the property owner shall replace the entire service line if such line does not conform to current District standards and specifications.
5. **Property Owner Responsibility.**
 - a. The property owner shall be responsible for the repair and replacement of sewer line breaks or leaks occurring between the Building Drain and the District's collector system.
 - b. The property owner shall be responsible for the repair and replacement of water line breaks or leaks occurring on the property owner's side of the water meter.

6. **Overage Charges.** The District may, at the discretion of the Board of Directors and on a case-by-case basis, waive overage charges resulting from damaged water lines, provided that the property owner completes repairs within a reasonable period after discovery of the damage.
7. **Demand for Repair.** When the District determines, through evidence such as excessive consumption or observed leakage, that a building's water system may be defective, the District may issue written notice requiring the property owner to repair the system or to demonstrate, to the District's satisfaction, that such repairs are not necessary.
8. **Failure to Repair.** If the property owner fails to make the necessary repairs or fails to demonstrate that no repairs are required within the time prescribed, the District may, at the discretion of the Board of Directors and upon at least seventy-two (72) hours' written notice, terminate water service to the affected property. All costs incurred by the District in connection with corrective actions or repairs shall be borne by the property owner and may be assessed to the property owner's account, in addition to any other penalties or remedies provided by this Ordinance.

SECTION 8. SEWER USE RESTRICTIONS

A. Prohibited Discharges. It shall be unlawful for any person or entity to discharge or cause any of the following to be discharged into the District sewer system:

1. Ground or surface water.
2. Gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas.
3. Waters or wastes containing toxic or poisonous solids, liquids, or gases which, either singly or by interaction with other wastes, injure or interfere with any sewage treatment process or constitute a hazard to humans.
4. Any water or waste having corrosive properties capable of causing damage or hazard to structures, equipment, or personnel.
5. Solid or viscous substances in quantities or of such size as to be capable of causing obstruction to flow in sewers or other interference with proper operation of the sewage works, including but not limited to coffee grounds, ashes, cinders, sand, gravel, mud, straw, shavings, metal, glass, rags, feathers, tar, entrails, paper dishes, cups, plastic containers, tampons, and disposable diapers, whether whole or ground by garbage grinders.
6. Any water or waste containing fats, greases, or oils, whether emulsified or not, or containing substances that may solidify or become viscous at temperatures between thirty-two (32) degrees Fahrenheit and one hundred fifty (150) degrees Fahrenheit (0 degrees Celsius and 64 degrees Celsius).
7. Garbage that has not been properly shredded.

B. Denial of Connection. The District may prohibit or deny any sewer connection application if, in the opinion of the Board, the proposed use would exceed the capacity of the infrastructure as determined by the District Engineer or detrimental substances into the sewer system.

C. Pretreatment Systems. The Board may require any pretreatment systems deemed necessary to protect the integrity and normal operation of the District's collection and treatment systems. Such systems, if required, shall be constructed, owned, and operated by the entity discharging into the District system. The District shall be allowed to inspect all such systems at any reasonable time and to schedule maintenance as necessary. The entity shall be responsible for all costs and charges incurred for such maintenance.

SECTION 9. RATES, FEES, AND CHARGES

A. **Rate-Setting Authority.** The Board of Directors shall, at least on an annual basis, fix the rates, fees, and charges to be assessed against Users within the District in order to pay the indebtedness incurred by the District for:

1. Construction costs of the District water and sewer systems;
2. Expenses of operating and maintaining the District water and sewer systems;
3. Expenses of administering the District's affairs; and
4. Establishing a reserve fund for replacement and improvements to the water and sewer systems.

B. **Rate Schedule.** The District shall adopt a rate schedule by resolution.

SECTION 10. BILLING, COLLECTION, AND FINANCIAL REGULATIONS

A. **Components of Monthly Billing.** The monthly bill assessed to each User shall consist of the following distinct components, as applicable to the specific service connection:

1. **Operation and Maintenance (O&M) Charge.** A fee representing the User's equitable share of the costs to operate and maintain the water and sewer systems.
2. **Bond Payback Obligations.** Separate charges designated for the repayment of District debt, which shall include:
 - a. **General Obligation Bond Payback.** The amount assigned to retire General Obligation Bonds issued for system construction or development.
 - b. **Revenue Bond Payback.** The amount assigned to retire Revenue Bonds issued for the acquisition or extension of District works.

B. **Billing and Delinquency.**

1. **Due Date.** User fees and charges are due and payable by the twentieth (20th) day of each month.
2. **Delinquency Standards.** Accounts that remain unpaid thirty (30) days after the due date shall be deemed **Delinquent Accounts**.
3. **Tax Roll Certification.** In accordance with Idaho Code, the Board of Directors may certify accounts that are delinquent as of July 31st of each year. Such certified amounts shall be assigned to the Bonner County Treasurer's Office for collection in the same manner as other taxes.

C. **Administrative and Operational Fees.**

1. **Transfer Fee.** Upon the sale or transfer of real property within the District, a Transfer Fee shall be assessed to cover the administrative costs of updating ownership records and providing statements of account.
2. **Disconnect and Meter Service Charges.** A **Disconnect Charge** shall apply whenever service is physically terminated or reconnected, whether at the request of the User or due to non-payment. b. A **Meter Service Charge** shall apply to existing customers requesting that water service be turned off and on for their convenience.
3. **Returned Payment Fees.** Any payment returned to the District due to non-sufficient funds, account closure, or any other transaction failure shall be subject to a standard administrative fee, plus any actual fees charged to the District by the financial institution.

SECTION 11. HOOK-UPS

A. Benefit and Hook-Up Fees. The District recognizes and declares that new parcels of real property created within the District, or brought into the District by annexation, are benefited by the services the District provides, and that expanded uses of pre-existing parcels are similarly benefited. The District shall be entitled to assess a hook-up fee against new parcels that have been created and those that are annexed.

B. Zoning Compliance. Any landowner requesting sewer and/or water service from the District shall comply with Bonner County planning and zoning restrictions applicable to the parcel at the time service is requested. Compliance with county planning and zoning laws shall be verified with a valid building site permit issued by the appropriate county official.

C. ERU Determination. If the site permit is for other than a single-family dwelling, the ERU rating and associated fees, charges, and rates shall be determined by the District pursuant to the ERU calculation formula listed in Appendix B. If an existing residential User adds an Accessory Dwelling Unit, as defined herein, to the property, another hook-up fee and monthly User charge shall apply. If the User cannot be classified using the approved ERU formula, the ERU rating shall be determined by an approved, licensed engineer and shall be approved by the Board of Directors.

SECTION 12. LIMITATIONS AND RESTRICTIONS FOR HOOK-UPS

A. Payment Requirement. Hook-up fees for sewer and water connections shall be paid in full before the connection is completed, except as provided in an approved LID. At such time as a water and/or sewer hook-up has been completed and is connected to the main, the hook-up shall be deemed appurtenant to the real property served and may be transferred only with the sale of the real property benefited.

B. Transfer of Non-User Hook-Ups. An owner who has paid for a hook-up for a specified parcel of property that has not been connected to the collector system may, at the discretion of the Board of Directors, surrender the right to connect to the property and be given an off-set against the cost of a hook-up for another parcel within the District. The amount of the off-set shall be based upon the amount paid for the surrendered hook-up. Hook-ups run with the land and shall not be sold separately by individuals to benefit other parcels.

C. Relinquishment. A User may voluntarily relinquish a hook-up to the District. Upon acceptance by the District, the User fees associated with that hook-up shall cease, the real property for which the hook-up fee was paid shall have no further right to hook-up to the District's system(s), and the hook-up shall become the property of the District. The Board, in its sole discretion, may reimburse a portion of a hook-up fee to the relinquishing party.

D. Additional Usage. Additional usage of water or sewer service by motor homes or RVs from an existing hook-up that exceeds 30 days in a calendar year is prohibited. Upon notice, the User shall discontinue such service or, if authorized by the District, shall pay a hook-up fee and monthly User fee for continued service.

E. Prohibited Usage. Wastewater or holding tank contents from a recreational vehicle, motor home, or watercraft shall not be discharged into the District sewer system. Such unauthorized discharges can cause severe damage to the District's sewer infrastructure. Upon physical observation or isolated testing of sewer discharge resulting in identification of such unauthorized discharge, the District shall initiate enforcement proceedings against the property owner. The property owner will be notified by certified mail within (5) days of discharge that there exists

pending action by the District. Remediation may include termination of sewer service to the property. The property owner shall reimburse the District for all (100%) costs incurred by the District to restore the sewer infrastructure to normal operation.

SECTION 13. PROTECTION FROM DAMAGE

No unauthorized person shall intentionally or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment that is part of the water or sewer system. Any person violating this provision shall be liable for repair costs, consequential damages, and enforcement costs, in addition to any other remedies provided by law or by this Ordinance.

SECTION 14. CONSTRUCTION OF IMPROVEMENTS AND ACQUISITION OF PROPERTY BY DISTRICT

A. **Cost of System Expansion.** Except as otherwise provided herein, the cost of any expansion of the District Sewer and or Water System shall be borne exclusively by the developer or applicant requiring such expansion. The District shall not require existing customers to subsidize system expansions necessitated by new development or specific applications for service. All such expansions shall be constructed and paid for, in whole or in part, by the developer or applicant as defined in a Construction Improvement Agreement approved by the Board of Directors.

SECTION 15. MITIGATION OF ENVIRONMENTAL CONCERNS

The District shall not extend water or sewer services to, or for the benefit of, any dwelling, structure, or subdivision that does not meet governmental requirements for the preservation and protection of designated wetlands and wildlife habitat. The District reserves the right to require a landowner to obtain written approval from an appropriate governmental agency as a condition of service.

SECTION 16. ENFORCEABILITY CLAUSE

The District shall enforce and seek remedies for breaches of the terms of this Ordinance as provided by the laws of the State of Idaho. In the event of a conflict between this Ordinance and Idaho law, Idaho law shall prevail.

SECTION 17. POWERS AND AUTHORITY OF DISTRICT REPRESENTATIVES

A. **Right of Entry; Consent Required.** The District, through its authorized representative, shall be permitted to enter all properties for the purposes of inspection, measurement, sampling, and testing. Advance notice and voluntary consent are not required for regular inspections of outside appurtenances, meter reading, or work performed within duly recorded easements, nor in the case of a bona fide emergency. Consent or an administrative warrant shall only be required for entry into a private dwelling or structure (such as a line break or sewage overflow threatening public health). If entering by consent, the representative shall:

1. Provide reasonable advance notice to the property owner or occupant;
2. Present proper credentials; and
3. Obtain voluntary consent for entry.

B. **Refusal of Entry; Administrative Warrant.** If a property owner or occupant refuses entry, the District may:

1. Seek an Administrative Search Warrant from a court of competent jurisdiction upon a showing of administrative probable cause (such as a scheduled inspection program or evidence of a violation); and
2. Exercise the District's right to discontinue service to the property, following the notice and hearing procedures required by Idaho Code Section 42-3212, until the necessary inspection is permitted.

C. Access to Easements. The District has the right to enter private properties where it holds a duly recorded easement for all purposes set forth in the easement. Such entry shall be conducted in accordance with the specific terms of the easement. The District shall endeavor to notify the property owner prior to entry, except in emergencies.

SECTION 18. EFFECTIVE DATE

This Ordinance shall be in full force and effect upon its publication in summary form according to law in the Bonner County Daily Bee, a newspaper of general distribution in the District and hereby designated as the official newspaper for publication of this Ordinance.

SECTION 19. REPEALER CLAUSE

All ordinances or resolutions of this District, or parts thereof, that are in conflict with this Ordinance are hereby repealed and rescinded to the extent of such conflict.

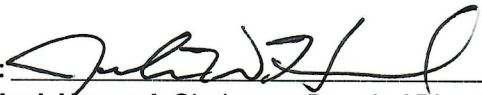
SECTION 20. SEVERABILITY CLAUSE

If any section, subsection, sentence, or provision of this Ordinance, or the application thereof to any particular circumstance, shall ever be held invalid or unenforceable, such holding shall not affect the remainder hereof, which shall continue in full force and effect and be applicable to all circumstances to which it may validly apply.

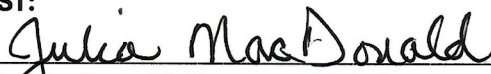
PASSED, APPROVED, AND ADOPTED by the Board of Directors of the **Southside Water and Sewer District**, Bonner County, Idaho, at a regular, publicly noticed meeting held this 22nd day of July 2026.

SOUTHSIDE WATER AND SEWER DISTRICT

Bonner County, Idaho

By: 
Jack Howard, Chairman, Board of Directors

ATTEST:

By: 
Julia MacDonald, Treasurer / Administrator