

ORDINANCE NO. 452

City Water Service

AN ORDINANCE OF THE CITY OF MACKAY, CUSTER COUNTY, STATE OF IDAHO, REPEALING ORDINANCE NUMBER 423 AND ANY RELATED RESOLUTIONS TO THOSE ORDINANCES OR DECISIONS MADE AND RECORDED IN THE MINUTES OF CITY COUNCIL MEETINGS; REVISING THE CITY OF MACKAY REQUIREMENTS FOR PROVIDING WATER CONNECTIONS AND CONNECTION FEES AND ASSOCIATED USE FEES; SERVICE AREA OF THE CITY; THE CITY IS NOT RESPONSIBLE FOR DAMAGES; OWNERSHIP OF THE WATER SYSTEM; UNLAWFUL TO OBSTRUCT ACCESS TO CITY SYSTEMS; PROPERTY TO BE CONNECTED TO WATER SERVICE; REQUEST FOR SERVICE IN WRITING; CONNECTION FEES; BASE RATE FEE; TRENCHING AND LAYING OF PIPE; CROSSCONNECTIONS PROHIBITED; BACKFLOW PREVENTION DEVICE REQUIRED; PROPERTY OWNER PAYS ALL COSTS; REFUSAL OF SERVICE; PROPERTY OWNER RESPONSIBLE FOR DAMAGES TO CITY SYSTEMS; PROPERTY OWNERS RESPONSIBLE FOR WATER CHARGES; DEPOSITS FOR INITIATION OF SERVICES; ESTABLISHING WATER RATES; ESTABLISHING CLASSES OF SERVICE; MONTHLY SERVICE CHARGES; DELINQUENT ACCOUNT COLLECTION; REGULATION OF SERVICE HOURS AND CONDITIONS; NOTICES TO OWNERS; DISCONNECT OR RECONNECT TO BE PERFORMED BY CITY EMPLOYEES; CITY SHALL OWN ALL WATER METERS; REQUEST FOR TEMPORARY WATER SERVICE; DISCONTINUATION OF SERVICE; RESTORATION OF SERVICE; USE OF LARGE OR UNUSUAL QUANTITIES OF WATER; USE OF FIRE HYDRANTS; EXTENSION OF SERVICE LINES; RESALE OF WATER SERVICES PROHIBITED; SUSPENSION OR ALTERING OF THIS POLICY; PROVIDING PENALTIES FOR VIOLATION OF THIS ORDINANCE; PROVIDING THAT VIOLATION OF THIS ORDINANCE SHALL BE A NUISANCE AND FOR INJUNCTION; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF MACKAY, CUSTER COUNTY, IDAHO:

SECTION 1: Ordinances of the City of Mackay No. 423, 423-A1, and 423-A2 are hereby repealed in their entirety along with all rules or policies promulgated thereunder related to these Ordinances.



ORDINANCE NO. 452

City Water Service

SECTION 2: Ordinance, Number 452, is a consolidation of requirements and regulations approved and passed by previous City Councils in former Ordinances. It should be noted that this Ordinance may clarify a requirement, add a revision to a requirement or update a fee.

SECTION 3: The City of Mackay water system services all areas within the corporate limits of the City of Mackay. The City will exercise reasonable diligence and care to deliver a continuous supply of safe and potable water and to avoid so far as possible interruption in delivery.

SECTION 4: The City will not be liable for damage resulting from the interruption in service or from the lack of service. Temporary suspension of service by the City for improvements and repairs will be necessary as conditions warrant. Whenever possible, all customers affected will be notified prior to suspension of services.

SECTION 5: (a) The City of Mackay owns the water system including all water mains, valves, fittings, meters, hydrants, and other appurtenances up to the connections of the system(s) with the property Owner's water line(s). City equipment on the real property remains the property of the City and may be repaired, replaced, or removed by City employees at any time without consent of the property Owner. No payment will be made to the property Owner for the right to install, maintain, replace, or remove City equipment on his premises.

(b) It shall be unlawful for any person to obstruct access to City equipment including water meters, water shut-off valves in any way; and, it is further unlawful for any person to fail to remove such obstructions after the person has been notified either verbally or written notice to remove such obstruction. Written notice may be posted on the obstruction, if the person responsible for the obstruction cannot be located or is unknown. Persons not removing obstructions immediately when notified verbally or within twenty-four (24) hours after receiving written notice shall be guilty of an infraction and shall be fined \$100.00 per day until obstruction is removed. The City reserves the right to remove any obstruction after giving notice and shall charge the person responsible for the obstruction cost of removal (minimum of \$100.00) and impoundment of the obstruction removed. In the event of an emergency and the person responsible for the obstruction cannot be located immediately, the obstruction will be removed by the City and impounded, in which case the City cannot be held liable for any damages caused by such removal.

SECTION 6: (a) Owners of inhabitable property within the City Limits and any boundary of said property being within 200 feet of a water distribution service line of the City systems shall be required to connect to those systems. Inhabitable property is herein defined for the purposes of this Ordinance as any parcel of land with a dwelling, improved by new construction for dwelling to be occupied and occupied or used by any person or persons, or as a commercial business.



ORDINANCE NO. 452

City Water Service

(b) The owner or person in charge shall make or cause to be made, such connection(s) within sixty (60) days after receiving official notice from the City to so connect, receiving an approved Building Permit issued by the City for construction of a structure on the property.

SECTION 7: (a) All Owners' of property within the City Limits shall request in writing their desire to connect to the City water system by completing an application form, available from the City Clerk during normal business hours. The City of Mackay will no longer provide water service to anyone but the property owner of record. Exception: Requestors of water service who are in the process of purchasing the property where the service is to be provided are considered the Owner for purposes of this Ordinance.

(b) A fee for each initial water connection to the City water system shall be charged by the City. This connection fee shall be determined by Resolution of the City Council and shall not be refundable by the City. These fees do not include the cost of water meter or materials which will be charged at the applicable going business rate.

(c) A yearly guarantee for service equivalent to the yearly base rate for water service shall be required on all service connections. The monthly base rate charge for water shall be applied to this guarantee. Any amount remaining after the monthly payment for services shall be billed the property in the December billing. This guarantee shall transfer with any sale of the property and be permanently granted to the City as long as City water service lines exist on said property.

(d) Prior to receiving water services, the property Owner/Applicant shall submit a written request for water service by completing an application form, available from the City Clerk during normal business hours. The water connection fee (cash deposit) shall be determined by Resolution of the City Council. This fee is not to be considered as a payment on account. In the event the service is discontinued, the fee will be applied to the closing bill and any amount in excess of the closing amount shall be refunded. No interest shall be paid on the fee.

(e) The application is a written request for service and does not bind the City to provide service(s). If the City approves the request, the Requestor shall sign a written application with the City of Mackay for the service(s).

(f) If ownership of property is transferred from one individual to another, both the former Owner and the new Owner shall notify the City Clerk of the property transfer. If the former Owner has a delinquent account, water service will not be provided to the new Owner until the former Owner's account has been paid in full. The new Owner shall apply for water services as required in Item (d) of this SECTION.

(g) If an account becomes delinquent and it is necessary to turn off the service, the deposit shall be applied to the unpaid balance due on the account. Water service will not be restored to that premises until all outstanding bills due the City have been paid



ORDINANCE NO. 452

City Water Service

and the cash deposit replaced, together with a turn-on fee equivalent to the monthly base rate being charged for water service.

(h) Should a property Owner desire a change in size, character, or extent of equipment or operation which would result in a change in the amount of water used, different from that identified in the initial request (application form) for connection to the water system service, the property Owner shall submit an application form requesting such a change in service.

SECTION 8: (a) All trenching and laying of pipe to be connected to the City water systems from the property line of any inhabitable property within the City to the City water line shall be performed exclusively by the Owner of the real property, at the Owner's expense, and under the supervision of the City or its representatives that the City deems appropriate. If the trenching and laying of pipe must cross City property, such as a City alley or street, the property Owner shall be responsible for costs incurred to restore the alley or street to the condition existing prior to the trenching including paving. Trenching across City property shall be approved in writing (Building Permit) by the City Council prior to commencing any trenching. Trenching across a City street or alley and the laying of pipe shall be completed such that the use of said street or alley can be restored within 48 hours. The landowner shall use only material(s) approved by the City. The City shall connect the pipe(s) to the City system(s) after ensuring that all applicable fees and material costs have been received by the City. Nominal water service pipe size is 3/4 inch in diameter. Justification must be provided by the property Owner and approved by the City Council based upon intended water usage and a review by the City of Mackay Public Works Supervisor.

(b) When the water main is located in a public right-of-way, the water meter shall be placed as close to that boundary of the right-of-way line and the property line of the property being serviced. No additional fee shall be charged for this type of connection provided the length of the City service line does not exceed the width of the right-of-way. Where the water main is located on an easement or publicly owned property other than designated rights-of-way, the services shall be installed to the boundary of the easement or public property by the City, provided the length of the City service line does not exceed thirty (30) feet. If, in either case cited above, the length of City water service line to the water meter location exceeds the maximum stated, the property Owner shall pay the extra cost of the service lines on the basis of actual cost to the City for labor, materials, and equipment plus fifteen (15) percent.

(c) Permanent changes in the size of the service line requested by the property Owner shall be paid by the property Owner on the basis of actual cost to the City for making the change.

(d) The property Owner shall install a control valve approved by the City Public Works Supervisor in the service line as close to the water meter as possible (on the delivery side of the meter), the operation of which will control the entire water supply to the



ORDINANCE NO. 452

City Water Service

premises served. In the event service is discontinued for any reason, a control valve must be installed, if none exists as provided by this section.

(e) It shall be a violation of this Ordinance for anyone other than the City Public Works Supervisor or other employee of the City, to operate, cause, or permit unauthorized operation of any water meter stop or any appurtenance(s) on any City water connection.

(f) All new connections to the City water system shall include a backflow prevention device. Sprinkler irrigation systems and recreational vehicles with Permits to Park shall also have a back-flow prevention device installed and inspected by the City Public Works Supervisor prior to providing water service.

(g) The City of Mackay shall own and maintain the entire service connection once installed. Maintenance on the systems shall only be performed by authorized employees of the City.

(h) The City may, at its option, serve two (2) or more premises with one connection. On new service connections, the diameter of such joint lines shall be sufficient to provide a carrying capacity of not less than the combined capacity of individual service lines of the same size as the water meters to be installed.

(i) Service extensions from an existing service to other occupancies or Ownerships than that for which the existing service was intended shall not be permitted nor shall separate residences be permitted to receive service through one meter except under special considerations approved by the City Council.

SECTION 9: Cross connection(s) shall not be allowed. Cross Connection is defined for the purpose of this Ordinance as any physical connection between the City water system and another water supply (including standby fire water service connections). The U.S. Environmental Protection Agency prohibits cross connections. Water service shall be terminated immediately upon discovery or notification of a cross connection. Water service will not be restored until the cross connection has been eliminated. Property Owners using or allowing the use of one or more water sources in addition to receiving water from the City water system on the same property shall maintain separate system for each; and the City water supply facilities shall be separated from any and all other systems by an air gap not less than one foot, or if in the ground, by not less than five feet.

SECTION 10: The Owner of a single parcel of property may apply for and receive as many services as he and his tenants may require, provided his application or applications meet the requirements of the policies, rules, and regulations. However, the property Owner shall be required to pay for all services.

SECTION 11: (a) Each property Owner requesting initial City services for water, grants to the City of Mackay an easement and right-of-way on and across said property for



ORDINANCE NO. 452

City Water Service

installation and maintenance of water mains and the necessary valves and equipment in connection therewith. This easement and right-of-way shall transfer with any sale of the property and be permanently granted to the City so long as City service lines exist on said property.

(b) All duly appointed employees of the City shall have free access at all reasonable hours of the day to any and all parts of structures and premises in which water is or may be delivered for the purposes of inspecting connections, the conditions of conduits and fixtures, and the manner and extent in which the water is being used or being delivered. The City does not, however, assume the duty of inspecting the Owner's line, plumbing, and equipment, and shall not be responsible, therefore.

SECTION 12: (a) The City of Mackay reserves the right to refuse service or to discontinue service to any property located within the City Limits if the City Public Works Supervisor determines the plumbing, facilities, appliances, or equipment using the water is dangerous, or unsafe. Water service may also be refused or discontinued if the water demands are detrimental to other water users due to excessive demand or inadequate service. The City shall refuse service or discontinue service to any premises where it is deemed necessary to protect the City from fraud or abuse. The City shall notify a property Owner when water is being used wastefully or negligently that seriously affects the general water service. If the conditions are not corrected upon notification the City will discontinue service.

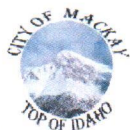
(b) Where water service had been discontinued for any reason and the water is turned on by someone other than an authorized City employee, the water will then be shut off at the water main or the meter removed.

SECTION 13: The City of Mackay shall not be held liable for any loss or damage of any nature whatsoever caused by any defect in the property Owners line, plumbing, or equipment; nor shall the City be liable for loss or damage due to interruption of service or temporary changes in pressure. The City shall not be held responsible for damages of any nature caused by water being shut off because of nonpayment for service.

SECTION 14: The property Owner shall be held liable for any damage to equipment owned by the City, which is caused by an act of the Owner, tenant, agent, employee, contractor, licensees, or permittees. Damage to equipment shall include but not be limited to breaking of seals and locks, tampering with meters, injury to meters, including but not limited to damages by hot water, steam, and damaged meter boxes, curb stops, meter stops, and other appurtenances.

SECTION 15: (a) Owners of inhabitable property within the City Limits shall be responsible for all charges for water services provided by the City to their property.

(b) It shall be the property Owner's responsibility to obtain a copy of this Ordinance and become knowledgeable of the requirements there in identified. The City Clerk shall



ORDINANCE NO. 452

City Water Service

provide a copy upon request. The City will not serve as a mediator between the Landlord and the Renter to resolve discrepancies, issues, contract agreements, etc.

SECTION 16: (a) Water rates shall be set by the City Council by Resolution duly passed at any regular or special session of the City Council, which rates shall be published in the newspaper of record within thirty (30) days of passing by the City Council.

(b) No charge will be made for the water used in the standby fire protection services to extinguish accidental fires or for routine testing of the system. All fire protection systems shall have a flow detection meter installed and will not be cross connected with any other water system. Backflow preventers shall also be installed. If it is determined that water provided to a standby fire protection device is being diverted for other use, service to that system will be discontinued and the Owner shall be responsible for paying the City estimated cost for water used.

(c) Water user charges shall be reviewed annually and updated by Resolution of the Council, to reflect actual costs of operation, maintenance, replacement, and financing of the water system and its facilities.

SECTION 17: The following classes of service have been identified for billing purposes: Residential, Commercial, Standby Fire, and Contract.

(a) Residential services shall consist of all services for domestic purposes, single family dwellings, homes, and municipal purposes.

(b) Commercial service shall consist of those services where water is used for multiple family dwellings and businesses.

(c) Standby fire service shall consist of those services where water is available or used for fire protection in buildings having fire suppression systems such as sprinklers and are either of the dry pipe or wet pipe types.

(d) Contract services shall consist of those services for bulk acquisition, industrial or independent water district purposes under contracts authorized by the City Council

SECTION 18: When an Applicant's requirements for water are unusual or large, such as an independent water district, or necessitate considerable special or reserve equipment of capacity, the City by authorization of the City Council, reserves the right to make special contracts, the provisions of which are different from and have exceptions to the regularly published water rates, rules, and regulations. These special contracts shall be in writing, signed by the applicant, approved by the City Council, and signed by the Mayor of the City of Mackay.

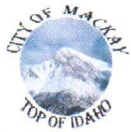
SECTION 19: (a) A monthly service charge shall be billed for each premises connected to the City water system. Exceptions to the monthly billing are as follows:



ORDINANCE NO. 452

City Water Service

- 1) Multiple users on one connection will be billed for each occupied single-family dwelling, or occupied unit of a duplex. The City shall determine the number of premises on one connection and shall also determine the number of monthly service charges to be billed. If the number of premises changes, it shall be entirely the responsibility of the Owner to promptly notify the City in writing as to the revised number of premises subject to a monthly service charge. This written notice must be received by the City before the last day of the month in which the change occurred.
- 2) Water meters connected to sprinkler systems used only for summer irrigation will be charged for the number of gallons of water used. The base rate will apply to the premises meter. Meters will be read before turning on the sprinkler system each year. Cost of the irrigation meter, materials, and installation shall be paid by the property Owner.
- (b) Water meters will be read monthly to determine the amount of water used during the months of May through October. Meters will be read to the nearest 1000 gallons. The base rate for water services as established by Resolution of the City Council shall be charged for the months of November through April. This allows water users to run water at their premises should they desire to do so to keep their service lines from freezing during the winter months. If water meters are allowed to freeze, the property Owner shall pay the City a service fee for services to thaw the meter.
- (c) In the event it becomes impossible or impractical to read a meter on the regular reading date, the water consumption shall be prorated on the basis of thirty (30) days per month and the total water consumption for billing purposes for that period shall be estimated based upon previous water usage for past months.
- (d) The City will bill the customer for water consumed when a meter is found which does not register water usage. The amount will be computed using an estimate of consumption based either on the customer's prior use during the same season of the year, or on a comparison with the use of other customers receiving the same class of service during the same season and under similar circumstances and conditions.
- (e) All meters supplying a premise shall be billed separately, except where the City has for operating purposes, installed two or more meters, the reading may be combined for billing.
- (f) The City will keep an accurate account of all meter readings and such account shall be offered at all times, places, and courts as prima facie evidence of the water provided to a premise.
- (g) All water charges shall be due and payable to the City no later than ten (10) days after billing. Any account for water services which remains unpaid after the tenth day of the month following that in which the billing was sent by the City, shall entitle the City



ORDINANCE NO. 452

City Water Service

without further notice, to immediately shut off and discontinue water service to the property for which the billing was sent.

(h) A ten percent (10%) fee shall be imposed by the City on all delinquent water charges and the user shall remain in default until both the delinquent water account and the 10% fee have been paid in full. The ten percent (10%) fee shall be applied to the first month's billing that becomes delinquent;

EXAMPLE: Monthly Rate = \$35.00 was not paid and becomes delinquent: Fee = \$35.00 x .10 = \$3.50 Total Amount Due = \$38.50 + interest from (i) below

(i) The City shall charge interest in the amount of five (5) percent monthly on the unpaid balance of any delinquent water bill (excluding the 10% penalty). Upon receipt of a written installment plan signed by the customer for payment of the overdue amount plus any service charges and fees, the interest charge will be dropped on all future monthly billings. Should the customer default one month on the installment plan, the interest charge will be reinstated and continue to be applied to all future monthly billings until the account has been paid in full.

EXAMPLE: Monthly Rate = \$35.00 was not paid and becomes delinquent: Fee = \$35.00 x .10 = \$3.50 Monthly Rate + Penalty = \$38.50. Interest Charge = \$35.00 x .05 = \$1.75 Total Amount Due = Monthly Rate + Fee + Interest = \$35.00 + \$3.50 + \$1.75 = \$40.25

(j) In case water service is discontinued for non-payment of a delinquent account and/or penalty, service shall not be restored until the delinquent account plus fee is paid; and, in addition thereto a deposit as required in SECTIONS 7 (d); and, a sum equal to the fees for water disconnecting and reinstating said service.

(k) When a customer disputes the correctness of a bill, he shall deposit the amount of the disputed bill at the time the complaint is lodged, to preclude termination of service pending final settlement of the bill or bills. Subsequent bills shall be paid or placed on deposit in a similar manner. Failure of the customer to make such deposit(s) shall result in termination of service.

(l) In cases of extreme hardship, the City shall have the discretion of continuing service for water or renewing service to a delinquent account that has been shut off; upon receipt of a written installment plan signed by the customer for payment of the overdue amount plus any service charges and penalties.

SECTION 20: (a) When an account for services (sewer and water) becomes delinquent, the City Clerk shall send a shut-off notice to the property Owner. Notice shall state a date on which water will be shut off if delinquent account is not paid in full prior to that date.



ORDINANCE NO. 452

City Water Service

(b) On the date designated in the shut-off notice, the City Public Works Supervisor or his designee shall deliver a written notice to the customer stating the water service is being turned off until all delinquent accounts and service charges have been paid in full. The water service shall immediately be terminated. A deliver of notice to the premises served by the water meter shall be considered a notice to the customer.

SECTION 21: The owner, to the extent permitted by law, and occupant of any such premises using the domestic water system shall be jointly and severally liable for all fees and charges due for services received from the city's domestic water system. If an account becomes delinquent and it is necessary to turn off the water service, the deposit shall be applied to the unpaid balance due on the account. Water and sewer service will not be restored to that premises until all outstanding bills due the City have been paid and the cash deposit replaced, together with a turn-on fee for water service. Any such water and sewer account delinquency shall constitute a lien on the property to the extent permitted by the laws of the State of Idaho and all other such terms and conditions of service. The City Clerk may make and file a lien as directed by the Mayor of the City of Mackay. The City may also recover the amounts due of water charges, penalties, attorneys fees and costs, through all available legal and equitable remedies under the laws of the State of Idaho.

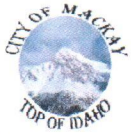
SECTION 22: (a) The City Council is authorized to regulate and specify the hours and conditions for use of water from the City water system for irrigation use within the City. This shall be done by Resolution. A copy of the Resolution specifying the hours and conditions shall be effective upon posting the same in three (3) conspicuous places within the City or publishing once in the official newspaper of the City of Mackay.

(b) The City or its authorized representative shall have the right to discontinue water service to any person violating the hours and conditions for irrigation if said person refuses to comply or continues to violate such conditions after first being notified verbally or in writing by the City or its authorized representative.

(c) The City reserves the right to give preferences in the manner of furnishing service in the event of a shortage of water supply.

SECTION 23: (a) Notices from the City to Owners receiving water services will normally be given in writing and either mailed or delivered to the last known address. Where conditions warrant and in emergencies the City may make notification either by telephone or messenger.

(b) Notices or complaints from property Owners shall be in writing and submitted to the City Clerk during regular business hours. In an emergency the notice may be submitted orally to the City Public Works Supervisor and followed with a written notice to the City Clerk.



ORDINANCE NO. 452

City Water Service

SECTION 24: It shall be unlawful for any person except those persons authorized by the City in the performance of their duty, to disconnect or reconnect any water service to any property within the City of Mackay, or to tamper with, alter, damage or injure any water meter, valve, hydrant, gate, connection, pipe, line or any other facility or accessory of the City water system. Any person violating the provisions hereof shall be guilty of a misdemeanor and upon conviction thereof, shall be subject to such penalties as are prescribed by state law. The City may also pursue recovering of civil damages though all legal remedies available under the laws of the State of Idaho beyond criminal restitution if necessary.

SECTION 25: (a) The City will own, install and maintain all water meters. The City will not pay rent or any other charge for a meter or other water facilities including housing and connections on any property Owners premises. Water meters shall be sealed by the City Public Works Supervisor at the time of installation, and no seal shall be altered or broken except by an authorized City employee. The City Public Works Supervisor shall determine the type of meter to be installed based upon the property Owners request, projected water usage and ability of the City to supply the requested service.

(b) Meters shall normally be placed at the curb or property line; the meter will be installed wherever the property Owner desires within reason. The location shall be approved by the City Public Works Supervisor. Meters will not be located in driveways or other location where damage to the meter or its related parts may occur.

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

(d) Meter test will be conducted in accordance with standards of practice established by the American Water Works Association.

(e) The property Owner may request, as reasonable, the City to test the meter servicing his premises. The City will require the requestor to deposit the testing fee with the City Clerk. This fee shall be an estimate of the cost of testing the meter as determined by the City Public Works Supervisor. The deposit will be returned to the requester if the test reveals the meter to over register more than two (2) percent under the standard test conditions. However, if the meter tests within two (2) percent accuracy, the deposit shall be retained by the City. The requestor may witness any meter tests which they request.

(f) No credits or debits will be borne by the City or the property Owner should the tested meter show variance high or low, from the accuracy defined above.

(g) The City Publics Works Supervisor may upon comparison of past water usage, test a meter that appears not to be registering properly. The City may choose to adjust the charges accordingly if the meter either over registers or under registers. No charge for



ORDINANCE NO. 452

City Water Service

meter testing will be made to the property Owner for the meter test under these conditions.

(h) The joining of several property Owners premises to take advantage of the single minimum charges and large quantity rates shall be prohibited, except under special contract, in writing, with approval of the City Council.

(i) If for any reason a change in the size of a meter and service is required, the installation will be accomplished on the basis of a new connection, and the property Owner shall submit a new application form. Meters or services moved for the convenience of the property Owner will be at the customer's expense.

SECTION 26: (a) Water service of a temporary nature may be requested. Applicants shall be required to pay in advance the estimated cost of installation and removal of metering equipment and materials, plus a depreciation charge for the use of equipment and material furnished by the City.

(b) The Applicant shall be responsible for all costs associated with the temporary service connection including water meter and materials. A deposit sufficient to cover bills for water during the entire period of such temporary service and cover the replacement cost of any equipment loaned to the Applicant by the City, shall be paid to the City Clerk prior to installation of any temporary service.

(c) The Applicant shall be held responsible for any damages to the temporary service and any loaned materials. If loaned equipment is returned in satisfactory condition, that portion of the deposit will be returned to the Applicant along with any surplus amount paid for water not used.

(d) Temporary service connections shall be disconnected and terminated within six (6) months after installation unless an extension of time is requested by the Applicant in writing and approved by the City.

SECTION 27: Discontinuation of service may be requested when any premises supplied with water service by the City is about to be vacated. This notice shall be in writing and presented, along with a shut-off fee, to the City Clerk at least two (2) days prior to the desired shut-off date, specifying the date service is to be discontinued. Although the delivery of water to the premises has been discontinued, the ability to service said property still exists and the Owner shall be charged the amount of the base rate (See Section 7, Item (c)) remaining unpaid through monthly billing; or the amount remaining unpaid shall be added to the December billing.

SECTION 28: (a) Restoration of service may be requested by the Owner by submitting a written request along with a turn-on fee, to the City Clerk at least two (2) days prior to the desired turn-on date, specifying the date service is to be restored. Water will not be turned on unless the residence is occupied at the time scheduled.



ORDINANCE NO. 452

City Water Service

(b) Restoration of service after termination of service for nonpayment of bills shall be made after payment of current and past due charges and penalties and posting a deposit hereinbefore provided as if a new water user.

(c) Restoration of service after termination of service for unsafe facilities, water waste, fraud, abuse, or for noncompliance with any of the policies, rules, and regulations will only be made after the irregularity has been corrected and the City has been assured that the irregularity will not re-occur. The service charge shall be as if a new water user in addition to any other charges due or past due that the City may have incurred to correct the irregularity.

SECTION 29: (a) When an abnormally large quantity of water is desired for filling a swimming pool, pond, or for other purposes, arrangements must be made with the City prior to taking such water. The cost of the water shall be at the bulk acquisition rate set by Resolution of the City Council, and payment in full shall be made at the time the water is provided.

(b) Permission to take water in unusual quantities will be given only if the City facilities and other consumers are not inconvenienced.

SECTION 30: (a) No person or persons other than those designated and authorized by the City shall open any fire hydrant belonging to the City; attempt to draw water from it or in any manner damage or tamper with the hydrant. A violation of this section shall be a misdemeanor.

(b) No tool other than special hydrant wrenches shall be used to operate a hydrant valve. In cases where a temporary service has been granted and will receive water through a fire hydrant, an auxiliary external valve will be provided to control the flow of water.

(c) When a hydrant has been installed in the locations specified by the proper authority, the City has fulfilled its obligation. If a property Owner or other party desires to change the size, type, or location of the hydrant, he shall bear all costs of such changes. Any changes in the location of a fire hydrant must be approved by the City and the Fire Department.

SECTION 31: (a) Water main line extensions within the City limits not presently served shall be installed under procedures to be established by the City Council by Resolution as the need arises. Sub dividers for newly partitioned properties will assume all costs of service line extensions on their property. Extensions shall be approved by the City Council. Approval will be partially based on the ability of the City to provide required services without impacting current services.

(b) The City will make service main line extensions only on rights-of-way, easements, or publicly owned property. Easements or permits secured for extensions shall be obtained



ORDINANCE NO. 452

City Water Service

in the name of the City of Mackay, along with all rights and title to the line extensions at the time the service is provided to the customers paying for the extension(s).

SECTION 32: Resale of water services is prohibited.

SECTION 33: All requests to have private water turned on/off shall be made two (2) days in advance by calling City Hall at 208-588-2274. Water turn off/on shall be scheduled as soon as manpower becomes available, during normal work hours (emergency shut off excluded). Non-emergency turns on/off will NOT be provided after hours, holidays, weekends; and,

SECTION 34: No employee of the City of Mackay is authorized to suspend or alter any of the policies, rules, and/or regulation cited in this Ordinance. Changes to this Ordinance shall be made as determined by the City Council using due process. In case of emergency, the City Public Works Supervisor is hereby authorized to use his discretion, training, and knowledge to remedy the situation; and, then notify the Mayor and City Council of his actions.

SECTION 35: Any person found violating this Ordinance shall be guilty of an infraction with a \$300 fine upon conviction, unless expressly stated otherwise in this Ordinance. Additionally, any violation of the terms of this Ordinance shall be deemed a Public Nuisance and subject to all criminal and civil remedies of the laws of the State of Idaho for nuisance as well as subject to injunction and damages under the Laws of the State of Idaho and the Ordinances of the City of Mackay.

SECTION 36: This Ordinance shall be in full force and effect immediately upon its passage and publication according to law, the Council dispensing with the rule that ordinances must be read on three different days, all as provided by law.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MACKAY, CUSTER COUNTY, IDAHO, THIS 10th DAY OF DECEMBER 2019. CITY COUNCIL OF THE CITY OF MACKAY, CUSTER COUNTY, IDAHO A MUNICIPAL CORPORATION OF IDAHO

By: _____

Wayne C. Olsen, Mayor

ATTEST: _____

Erin Faiferlick, City Clerk

