



ORDINANCE NO. 453

City Sewer Service

AN ORDINANCE OF THE CITY OF MACKAY, CUSTER COUNTY, STATE OF IDAHO, FINDING FACTS; ESTABLISHING AN ORDINANCE SPECIFIC TO PROVIDING CITY SEWER SERVICE; CONNECTIONS AND CONNECTION FEES AND ASSOCIATED USE FEES; SERVICE AREA OF THE CITY; THE CITY IS NOT RESPONSIBLE FOR DAMAGES; OWNERSHIP OF THE SEWER SYSTEM; UNLAWFUL TO OBSTRUCT ACCESS TO CITY SYSTEMS; PROPERTY TO BE CONNECTED TO SEWER SERVICE; REQUEST FOR SERVICE IN WRITING; CONNECTION FEES; BASE RATE FEE; TRENCHING AND LAYING OF PIPE; PROPERTY OWNER PAYS ALL COSTS; REFUSAL OF SERVICE; PROPERTY OWNER RESPONSIBLE FOR DAMAGES TO CITY SYSTEMS; PROPERTY OWNERS RESPONSIBLE FOR SEWER CHARGES; DEPOSITS FOR INITIATION OF SERVICES; ESTABLISHING SEWER RATES; MONTHLY SERVICE CHARGES; DELINQUENT ACCOUNT COLLECTION; NOTICES TO OWNERS; DISCONNECT OR RECONNECT TO BE PERFORMED BY CITY EMPLOYEES; DISCONTINUATION OF SERVICE; RESTORATION OF SERVICE; EXTENSION OF SERVICE LINES; RESALE OF SEWER SERVICES PROHIBITED; SUSPENSION OR ALTERING OF THIS POLICY; PROVIDING PENALTIES FOR A VIOLATION OF THIS ORDINANCE; PROVIDING THAT VIOLATION OF THIS ORDINANCE SHALL BE A NUISANCE AND FOR INJUNCTION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, City of Mackay Ordinances 423, 423-A1, and 423-A2 address the combined City services of water and sewer; and,

WHEREAS, it has been determined to be necessary and conducive to and for the protection of the health, safety and welfare of the public and inhabitants of the City; for the purpose of controlling the use and connection to the City sewer system; and,

WHEREAS, the City needs to provide an equitable distribution of the costs and expenses of maintenance, operation, upkeep and repair of the entire sewerage system which includes the sewer collection system and sewage disposal facilities of said City; and,

WHEREAS, the City must charge and collect service charges or fees upon all lots, lands, property and premises served or benefited by the sewerage system of the City; and to provide for the control, use and administration of the installation of private sewage disposal systems where a public sanitary sewer is not available; and;



ORDINANCE NO. 453

City Sewer Service

WHEREAS, the system and facilities consist generally of all pipelines, conduits, manholes, cleanouts, sewer mains, intercepting sewers, outfall sewers, lift stations, pumps, structures, mechanical equipment and facilities for the treatment and disposal of sewage or sewage byproducts.; and,

WHEREAS, it would be in the best interest of the City of Mackay to develop and implement a separate and distinct Ordinance for providing City sewer service;

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

SECTION 1: Any and all conflicting provisions relating to sewer services in Ordinances 423, 423-A1, and 423-A2 are repealed in their entirety and shall be replaced by this Ordinance. Should a conflict between these ordinances exist, the provisions of this Ordinance (#453) shall control.

SECTION 2: DEFINITIONS: Unless the context specifically indicates otherwise, the meanings of terms used in this Ordinance shall be as follows:

BOD OR BIOCHEMICAL OXYGEN DEMAND: The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures in five (5) days at twenty degrees Celsius (20°C), expressed in milligrams per liter.

BUILDING DRAIN: That part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five feet (5') outside the inner face of the building wall.

BUILDING SEWER: The extension from the building drain to the point of connection with the public sewer or other place of disposal.

CITY: The City of Mackay, Custer County, Idaho, or its authorized or designated agent, representative or deputy thereto.

COMBINED SEWER: A sewer receiving both surface runoff and sewage.

GARBAGE: Solid wastes from the domestic and commercial preparation, cooking and dispensing of food, and from the handling, storage and sale of produce.

INDUSTRIAL WASTES: The liquid wastes from industrial manufacturing processes, trade or business as distinct from sanitary sewage.

MULTIPLE-BUILDING DEVELOPMENT: Includes the various types of developments that would have common or joint ownership areas such as mobile home parks or courts, shopping centers, etc.



ORDINANCE NO. 453

City Sewer Service

NATURAL OUTLET: Any outlet into a watercourse, pond, ditch, lake or other body of surface or ground water.

pH: The logarithm of the reciprocal of the weights of hydrogen ions in grams per liter of solution.

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

PROPERLY SHREDDED GARBAGE: The wastes from the preparation, cooking and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half inch (1/2") in any dimension.

PUBLIC SEWER: A sewer in which all owners of abutting properties have equal rights, and which is controlled by public authority.

SANITARY SEWER: A sewer which carries sewage and to which storm, surface and ground waters are not intentionally admitted.

SERVICE CONNECTION: The point at which the building sewer connects to the public sewer.

SEWAGE: A combination of the water carried wastes from residences, business buildings, institutions and industrial establishments, together with such ground, surface and storm waters as may be present.

SEWAGE TREATMENT PLANT: Any arrangement of devices and structures used for treating sewage.

SEWER: A pipe or conduit for carrying sewage.

SEWER USER: Any individual, firm, company, association, society or corporation or group who has connected to the sewerage system.

SEWERAGE WORKS: All facilities for collecting, pumping, treating and disposing of sewage.

SHALL OR MAY: "Shall" is mandatory; "may" is permissive.

SLUG: Any discharge of water, sewage or industrial waste which in concentration of any given constituent or in quantity of flow, exceeds, for any period of duration longer than fifteen (15) minutes, more than five (5) times the average twenty four (24) hour concentration of flows during normal operation.



ORDINANCE NO. 453

City Sewer Service

STORM DRAIN OR STORM SEWER: A sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastes, other than unpolluted water such as cooling water.

SUSPENDED SOLIDS: Solids that either float on the surface of, or are in suspension in, water, sewage or other liquids, and which are removable by laboratory filtering.

WATERCOURSE: A channel in which a flow of water occurs, either continuously or intermittently.

SECTION 3: The provisions of this Ordinance shall apply to all property within the corporate limits of the City, and any special users outside of the corporate limits of the City, including all property owned or occupied by the United States of America, Custer County and the State of Idaho.

SECTION 4: The owner or occupant of any house, building or property situated within the City used for residential, commercial, industrial, governmental or recreational use, or other purpose, which is abutting on or having access to any street, alley or right of way in which there is located a public sewer of said City is hereby required to cease using any other method of disposing of sewage, waste or polluted water and, at his expense, to connect such building directly with the public sewer in accordance with the provisions of this Ordinance, within sixty (60) days after date of official notice from the City to do so; provided, however, that said sewer is within two hundred feet (200') of any property line of the building to be served or common property line in a multiple building development.

SECTION 5: The City of Mackay sewer system services all areas within the corporate limits of the City of Mackay.

SECTION 6: The City shall not provide any guarantees or warranties of any kind or nature for availability of services provided. The City shall not be responsible 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 may occur as necessary.

SECTION 7: The City of Mackay owns the sewer system including all sewer mains, valves, fittings, lift stations, and other appurtenances up to the connections of the system(s) with the property Owner's sewer 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.

SECTION 8: All Owners' of property within the City Limits shall submit a written application to connect to the City sewer system by completing an application form,



ORDINANCE NO. 453

City Sewer Service

available from the City Clerk during normal business hours. The application is a written request for service and does not bind the City to provide service. The City of Mackay shall only provide sewer services to the property owner of record. Exception: the Mayor and Council have discretion to grant an exception to a purchaser if satisfied that a purchase is occurring if the requestors of sewer service are in the process of purchasing the property where the service is to be provided.

SECTION 9: A fee for each initial sewer connection to the City sewer system shall be charged, which charge shall not be refundable by the City. This fee shall be established or amended by Resolution of the City Council.

SECTION 10: Prior to receiving sewer services, the property Owner shall submit a written request for sewer service by completing an application form, available from the City Clerk along with the cash deposit for services.

SECTION 11: There shall be a base rate for water and sewer service required on all service connections. The base rate for sewer service shall be established or amended by Resolution of the City Council.

SECTION 12: The application form and connection fee shall be required to obtain sewer service. The application form shall be signed or executed by the user acknowledging the terms and conditions of use pursuant to this Ordinance and any rules promulgated hereunder by resolutions of the City Council.

SECTION 13: 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, sewer and 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 sewer services as required in this Ordinance.

SECTION 14: 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 account delinquency shall constitute a lien on the property to the extent permitted by the laws of the State of Idaho and all such terms and conditions acknowledged and agreed to when applying for services.

SECTION 15: All trenching and laying of pipe to be connected to the City sewer system from the property line of any inhabitable property within the City to the City sewer 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



ORDINANCE NO. 453

City Sewer Service

paving. Trenching across City property shall be approved in writing (Building Permit) 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 approve connecting the line(s) to the City system after ensuring that all applicable fees and material costs have been received by the City.

SECTION 16: 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 or other authorized agents of the City.

SECTION 17: 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.

SECTION 18: Service extensions from an existing service to other occupancies or Ownerships than that for which the existing service was intended shall not be permitted. There shall be one connection per residence and one account per residence

SECTION 19: 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 20: (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 sewer is dangerous, or unsafe. Service may also be refused or discontinued if the demands are detrimental to other users due to excessive demand or inadequate service. The City shall refuse service or discontinue service to any premises where it is deemed necessary by the City to protect the City from fraud or abuse. The City shall notify a property Owner (sewer user of record) when used wastefully or negligently that seriously affects the general sewer service. If the conditions are not corrected upon notification the City will discontinue water 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 21: (a) Owners of inhabitable property within the City Limits shall be responsible for all charges for sewer services provided by the City to their property.

(b) The City will not serve as a mediator between the Landlord and the Renter to resolve discrepancies, issues, contract agreements, etc.



ORDINANCE NO. 453

City Sewer Service

SECTION 22: A monthly service charge shall be billed for each premises connected to the City sewer system. All sewer charges shall be due and payable to the City no later than ten (10) days after billing. Any account for sewer 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 without further notice, to immediately shut off and discontinue sewer and water service to the property for which the billing was sent.

SECTION 23: It shall be unlawful for any person to place, deposit or permit to be deposited in any unsanitary manner on public or private property within the City, or in any area under the jurisdiction of the City, any human or animal excrement, garbage or other objectionable waste.

SECTION 24: It shall be unlawful to discharge to any natural outlet within the City, or in any area under the jurisdiction of said City, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this Ordinance.

SECTION 25: No person shall discharge or cause to be discharged any storm water, surface water, ground water, roof runoff, subsurface drainage, uncontaminated cooling water or unpolluted industrial process waters to any sanitary sewer.

SECTION 26: Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers, or to a natural outlet approved by the City. Industrial cooling water or unpolluted process waters may be discharged, on approval of the City, to a storm sewer or natural outlet.

SECTION 27: No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:

- (a) Any gasoline, benzine, naphtha, oil, fuel oil or other flammable or explosive liquid, solid or gas.
- (b) Any waters or wastes containing toxic or poisonous solids, liquids or gases in sufficient quantity, either singly or by interaction with the wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the sewage treatment lagoon, including, but not limited to, cyanides in excess of two milligrams per liter (2 mg/l) as CN in the wastes as discharged to the public sewer.
- (c) Any waters or wastes having a pH lower than 5.5 or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the sewage works.
- (d) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings,



ORDINANCE NO. 453

City Sewer Service

metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.

SECTION 28: No person shall discharge or cause to be discharged the following described substances, materials, waters or wastes if it appears likely, in the opinion of the City, that such wastes can harm either the sewers, sewage treatment process or equipment, have an adverse effect on the receiving stream, or can otherwise endanger life, limb, public property or constitute a nuisance. In forming its opinion as to the acceptability of these wastes, the City will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant and other pertinent factors. The substances prohibited are:

- (a) Any liquid or vapor having a temperature higher than one hundred fifty degrees Fahrenheit (150°F) (65°C).
- (b) Any water or waste containing fats, wax, grease or oils, whether emulsified or not, in excess of fifty milligrams per liter (50 mg/l) or containing substances which may solidify or become viscous at temperatures between thirty two degrees (32°) and one hundred fifty degrees Fahrenheit (150°F) (0 and 65°C).
- (c) Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths (3/4) horsepower or greater shall be subject to the review and approval of the city.
- (d) Any waters or wastes containing strong acid iron pickling wastes, or concentrated plating solutions whether neutralized or not. No discharge of any liquid with a pH lower than s. u.
- (e) Any waters or wastes containing iron, chromium, copper, zinc and similar objectionable or toxic substances; or wastes exerting any excessive chlorine requirement, to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the City for such materials.
- (f) Any waters or wastes containing phenols or other taste or odor producing substances, in such concentrations exceeding limits which may be established by the City as necessary, after treatment of the composite sewage, to meet the requirements of the State, Federal or other public agencies of jurisdiction for such discharge to the receiving waters.
- (g) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the City in compliance with applicable State or Federal regulations.



ORDINANCE NO. 453

City Sewer Service

- (h) Any waters or wastes having a pH in excess of 9.5.
- (i) Materials which exert or cause: a. Unusual concentrations of inert suspended solids (such as, but not limited to, fuller's earth, lime slurries and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate).
- (j) Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions).
- (k) Unusual BOD, chemical oxygen demand or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works.
- (l) Unusual volume of flow or concentration of wastes constituting "slugs" as defined herein.
- (m) Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

SECTION 29: (a) If any waters or wastes are discharged or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in Section 28 of this Ordinance, and which, in the judgment of the City, may have a deleterious effect upon the sewage works, processes, equipment or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the City may: a. Reject the wastes; b. Require pretreatment to an acceptable condition for discharge to the public sewers; c. Require control over the quantities and rates of discharge; and/or d. Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges.

(b) If the City permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the City and subject to the requirements of all applicable codes, ordinances and laws.

SECTION 30: Grease, oil and sand interceptors shall be provided when, in the opinion of the City, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the City and shall be located as to be readily and easily accessible for cleaning and inspection.

SECTION 31: Where preliminary treatment or flow equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner, at his expense.



ORDINANCE NO. 453

City Sewer Service

SECTION 32: When required by the City, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling and measurement of the wastes. Such manhole, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the City. The manhole shall be installed by the owner, at his expense, and shall be maintained by him so as to be safe and accessible at all times.

SECTION 33: All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made in this Ordinance shall be determined in accordance with the latest edition of "Standard Methods For The Examination Of Water And Wastewater", published by the American Public Health Association, and shall be determined at the control manhole provided or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb and property. The Owner shall be responsible for all sampling required and any resulting associated expenses.

SECTION 34: No statement contained in this Ordinance shall be construed as preventing any special agreement or arrangement between the City and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the city for treatment, subject to payment therefor by the industrial concern.

SECTION 35: Any property owner or sewer user violating the provisions of this Ordinance shall, upon notice by the City, immediately install such preliminary treatment through separators, traps and/or chemical, physical or biochemical processes as will make and assure that the sewage contributed from such property or premises will meet the requirements of this Ordinance.

SECTION 36: The admission into the public sewers of any water or wastes having: a) biochemical oxygen demand (BOD) greater than three hundred milligrams per liter (300 mg/l), or b) suspended solids in excess of three hundred milligrams per liter (300 mg/l), shall be subject to the review and approval of the City. Where necessary, in the opinion of the City, the owner shall provide, at his expense, such preliminary treatment as may be necessary to reduce the BOD to three hundred milligrams per liter (300 mg/l) and the suspended solids to three hundred milligrams per liter (300 mg/l). Plans, specifications and any other pertinent information relating to proposed preliminary treatment facilities shall be submitted for the approval of the City and of the State of Idaho, Department of Environmental Quality, and no construction of such facilities shall be commenced until said approvals are obtained, in writing.

SECTION 37: All materials and workmanship in the installation of building sewers and service connections shall conform to the following regulations:



ORDINANCE NO. 453

City Sewer Service

(a) No unauthorized person shall uncover, make any connection with or opening into, use, alter or disturb any public sewer or appurtenance thereof without first obtaining a building Permit from the City. The permit is not to be issued until all sewer connection charges and fees have been paid in full. The permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the City. A permit fee, adopted by resolution of the City Council for a residential or commercial sewer service, shall be paid to the City at the time the application is filed. The amount of the permit and inspection fee for an industrial waste sewer service will vary with each permit and shall be established by the City at the time of the application.

(b) All costs and expenses incident to the installation and connection of the building sewer and service connection shall be borne by the Owner.

(c) A separate and independent building sewer and service connection shall be provided for every building; except where one building stands at the rear of another on an interior lot and no separate sewer is available or can be constructed to the rear building through an adjoining alley, courtyard or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.

SECTION 38: Old building sewers may be used in connection with new buildings only when they are found, on examination and being treated as required by the City, to meet all requirements of this Ordinance.

SECTION 39: The materials of construction of the building sewer and service connections and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench, shall all conform to the requirements of the building code as is or may be adopted by the City, and of the Idaho state plumbing code.

SECTION 40: (a) The building sewer from the building drain to the public sewer and the service connection thereto shall not be smaller than four inch (4") diameter sewer pipe. The minimum grade or slope of the building sewer shall be as follows:

1. Four-inch (4") diameter sewer pipe shall be laid on a grade of not less than one-fourth inch (1/4") per foot.
2. Six-inch (6") diameter sewer pipe shall be laid on a grade of not less than one-eighth inch (1/8") per foot.
3. Eight-inch (8") diameter sewer pipe shall be laid on a grade of not less than four feet (4') per one thousand feet (1000').

(b) The alignment of the building sewer from the outlet of the building drain to the public sewer connection shall be straight, with no bends, warps or sags permitted except with the permission of the City. The trench bottom shall be cut to proper grade so that when



ORDINANCE NO. 453

City Sewer Service

the pipe is laid, the body or barrel of the pipe shall be on solid material. Bell holes are to be excavated in the trench bottom at all pipe joints.

SECTION 41: No person shall make connection of roof downspouts, exterior foundation drains, areaway drains or other sources of surface runoff or ground water to a building sewer or building drain which in turn is connected, directly or indirectly, to a public sanitary sewer.

SECTION 42: The service connection to the public sewer shall conform to the requirements of the building code as adopted by the city, and to the requirements of the Idaho State plumbing code. In addition, the materials and workmanship of the service connection shall meet the following requirements:

(a) A precast service connection tee shall be fitted onto the sewer pipe line at the appropriate point and near the center of a length of the public sewer pipe to avoid breaking the bell or the spigot end of the sewer pipe. The service connection tee shall be installed as a watertight connection to the outside of the public sewer, care being taken not to extend the building sewer line into the public sewer line, therefore creating a possible restriction. The invert of the building sewer line at the service connection tee shall be at an elevation above the invert of the public sewer at least equal to two-thirds (2/3) of the diameter of the public sewer. All foreign material shall be removed from the sewer pipe and there shall be a permanent connection which is gastight and watertight between the public sewer line and the building sewer line.

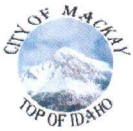
(b) The building sewer tee connection to reinforced sewer pipelines shall be made as specified, except that in cutting a hole in a reinforced pipe for installation of the service tee, extreme care shall be exercised to avoid damage to the pipe. The hole for the tee shall be carefully chipped first to expose the reinforcing steel and the steel cut by torch or saw. No chisel cutting of the reinforcing steel of any character will be permitted.

(c) In lieu of a standard tee service connection, a riser service connection may be made to sewer lines that are deep below ground surface. The branch or riser shall be connected the same as a tee, except that it shall be set vertically over the public sewer pipe and extended vertically upward such that the top of the riser is not to be less than five feet (5') below the surface of the ground.

SECTION 43: The applicant for the building sewer permit shall notify the City when the building sewer is ready for inspection and connection to the public sewer.

SECTION 44: All excavations for building sewer installations shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public properties disturbed in the course of the work shall be restored in a manner satisfactory to the City.

SECTION 45: The connection of the building sewer to the public sewer shall be made by the City Public Works Director or authorized representative.



ORDINANCE NO. 453

City Sewer Service

SECTION 46: No connection of any kind to a public sewer line shall be made and no sewage shall be permitted to flow through such connection except pursuant to inspection of and approval issued by the City.

SECTION 47: The City may reject any material or workmanship, specified in SECTIONS 40 and 48 of this Ordinance, for cause and upon such order, rejected material shall be removed and replaced with approved material. Disapproved workmanship shall cause the removal and replacement of all materials involved, including appurtenances, excavation, backfilling and other work items.

SECTION 48: Backfilling of building sewers and service connections within the limits of public rights of way or easements shall conform to special specifications promulgated by the City for sewer installation and shall be subject to inspection by and approval of the City.

SECTION 49: In addition to any sewer permit and inspection fees, the owner shall be required to pay a service connection fee. The amount of the service connection fee shall be in accordance with the rate schedule adopted by Resolution of the City Council.

SECTION 50: All work on a sewer service connection shall be completed, including approval by the City, within ninety (90) days of the date of the issuance of the permit and, in the event the work is not completed and approved within such time, the permit shall lapse. In the event the permit for sewer connection lapses, the owner can reapply and the public works director can credit to the owner a reasonable amount depending upon the extent of the completion of the connection which is the subject of the permit for the new inspection fee and sewer service connection fee shall also be credited so long as the reapplication is made within one (1) year of the issuance of the original permit.

SECTION 51: Where a public sanitary sewer is not available under the provisions of this Ordinance, the building sewer shall be connected to a private sewage disposal system complying with the provisions of this Ordinance.

- (a) Before commencement of construction of a private sewage disposal system, the owner shall first obtain a Building Permit from the City. The application for said permit shall be made on a form furnished by the City, which the applicant shall supplement by plans, specifications and other information as may be deemed necessary by the city. A permit and inspection fee shall be paid to the City at the time the application is filed.
- (b) A permit for a private sewage disposal system shall not be effective until the installation is completed to the satisfaction of the City. The City shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the City when the work is ready for final inspection and before any underground works are covered. The inspection shall be made by the City within forty-eight (48) hours after receipt of notice from applicant.



ORDINANCE NO. 453

City Sewer Service

- (c) The type, capacity, location and layout of a private sewage disposal system shall comply with all of the rules, regulations and recommendations of the State Department of Health. No septic tank or cesspool shall be permitted to discharge into any public sewer or natural outlet.
- (d) At such time as a public sewer becomes available to property served by a private sewage disposal system, a direct connection shall be made to the public sewer in compliance with this Ordinance, and any septic tank, cesspool or similar private sewage disposal facility shall be abandoned and filled with suitable material.
- (e) The owners shall operate and maintain the private sewage disposal facility in a sanitary manner at all times and at no expense to the City.
- (f) No statement contained in this Section shall be construed to interfere with any additional requirements that may be imposed by the State Department of Health.

SECTION 52: Except as herein provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of sewage.

SECTION 53: It shall be unlawful, and no person shall inhabit any building whether residential or otherwise unless it is receiving service from either the public sanitary sewer or a private sewage disposal system complying with the provisions of this Ordinance.

SECTION 54: No unauthorized person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the sewerage works. It shall be unlawful for any person to deposit any garbage, rubbish, dead animal or any substance tending to obstruct the flow of the sewer in any manhole, cleanout or sewer opening.

SECTION 55: The City may enter into sewer system extension and reimbursement agreements with property owners who extend and/or oversize the sewer main extension to serve a benefited area in addition to the property owner's property which agreement may provide that subsequent connectors to the sewer main extension during a prescribed period of time, not to exceed a ten (10) year period, will be charged with a proportional late comer's fee based upon area served.

- (a) The City may then charge subsequent connectors to the sewer main extension late comer fees in addition to the connection fees and user charges normally assessed to a user in accordance with an extension and reimbursement agreement due to the fact that the subsequent connector has not contributed to the costs of the extended line; and
- (b) The City may then reimburse the property owner(s) in accordance with the extension and reimbursement agreement with the collected late comer fees (less administrative



ORDINANCE NO. 453

City Sewer Service

costs) for the costs of the sewer line extension and/or oversized portion of the sewer line extension.

SECTION 56: The conditions under which the City may extend its domestic sewer service outside of the City limits are as follows:

(a) No extension of the City's domestic sewer service and its sewer mains outside of the City shall be commenced until an agreement is entered into with the property owner(s) who seek(s) the domestic sewer service and the City of Mackay, which agreement provides:

1. Complete identification of the land and lots to receive domestic sewer services that are the subject of the agreement; and
2. Any such agreement shall include a provision for latecomer user connection fees for the pro rata costs of the sewer main extension project and a projection on density and the number of residential and/or other units to be served in the development as well as those lands outside the development projected to be served by the sewer line extension and/or oversized line, with a projection on the rate of development and a cut off, not to exceed a ten (10) year period.
3. In the event the City requires oversizing of the sewer main extension, the agreement may provide for the payment of late comer fees and for the remittance of late comer fees (less administrative costs) to the property owner(s) for a stated period of time.
4. The agreement shall include that:
 - a. All costs of the sewer main extension and/or oversizing be borne by the developer or his agent; and recovery costs shall be divided on the basis of acres served; and
 - b. The Ordinances, policies and regulations of the City which govern its sewer utility apply to the subject real property to which domestic sewer service will be provided; and
 - c. The developer and subsequent purchasers of the subject real property consent to the real property's annexation into the City of Mackay and enter into an annexation agreement with the City of Mackay prior to receiving sewer service.
5. The agreement be recorded.

SECTION 57: Any violation of the terms of this Ordinance shall be deemed a Public Nuisance under the laws of the State of Idaho and shall also be subject to injunction under the Laws of the State of Idaho and the Ordinances of the City of Mackay.



ORDINANCE NO. 453

City Sewer Service

SECTION 58: Any person who discharges or causes to be discharged any substance, whether liquid or solid, whether human or animal excrement, garbage or other waste into the sewage disposal system or the public sanitary sewer of the City, other than by means of a service connection, and/or any person violating Sections of this Ordinance shall be guilty of a misdemeanor as defined by the laws of the State of Idaho. All other violations of this Ordinance shall constitute an infraction with a fine of \$300.00, notwithstanding any other provisions herein stating otherwise. Each day a violation occurred shall be considered a separate violation.

SECTION 59: The City of Mackay may issue permits to allow discharge of domestic sewage pumped by licensed individuals from septic tanks, portable toilets (porta-potty), or recreational vehicles into the City sewer system. The location site for the dumping into the sewage shall be designated by the City Public Works Director.

SECTION 60: The fee charged for dumping of pumped sewage into the City sewer system shall be determined by Resolution of the City Council.

SECTION 61: Resale of sewer services is prohibited.

SECTION 62: In case of emergency as safety risk, risk of property damage etc., 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 63: If any section, paragraph, sentence or provision hereof or the application thereof to any particular circumstances shall ever be held invalid or unenforceable, such holding shall not affect the remainder hereof, which shall continue in full force and effect and applicable to all circumstances to which it may validly apply.

SECTION 64: 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
Wayne C. Olsen, Mayor

ATTEST: Erin Faiferlick
Erin Faiferlick, City Clerk

