



ORDINANCE NO. 2021-“A” Rev 01

GENERAL

AN ORDINANCE ESTABLISHING AND PROVIDING FOR DEFINITIONS, CONNECTIONS TO THE DISTRICT’S SEWER SYSTEM, OWNER RESPONSIBILITIES, MEMBER CHARGES, PROTECTION OF THE FORCE MAIN, DISCONTINUANCE OF MEMBER SERVICE, AND LINE EXTENSIONS TO THE SEWER SYSTEM OF THE BOTTLE BAY RECREATIONAL WATER AND SEWER SYSTEM

BE IT ORDAINED by the Board of Directors of the Bottle Bay Recreational Water and Sewer District, Bonner, County, Idaho as follows:

WHEREAS, the Bottle Bay Recreational Water and Sewer District (the “District”), is a recreational water and sewer district organized and existing under and pursuant to the laws of the State of Idaho; and,

WHEREAS, the Board has determined it is in the best interest of the District to enact this Ordinance establishing the general terms and conditions of the District;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF DIRECTORS OF THE DISTRICT AS FOLLOWS:

The previous Ordinance, 2010-3 Rev. 3 dated December 17, 2013, is rescinded and replaced by this ordinance.

Short Title. This Ordinance shall be referred to as the “General Ordinance.”

Applicability of Ordinance. The provisions of this Ordinance shall apply to all Parcels within the District boundaries.

ARTICLE I - GENERAL DEFINITIONS

For purposes of all Ordinances, Rules and Regulations, and By-Laws, the following definitions apply:

- 1.1. **Bedroom.** A Bedroom is a room or separate structure designed primarily for sleeping but is not a Dwelling Unit as defined herein. A bedroom is characterized by a bed, door(s) that can be used to close off the room from the remainder of the dwelling or the outside, and a closet and/or cabinet where clothing may be hung-up on hangers. A separate bunk house or sleeping shack is deemed a Bedroom.
- 1.2. **Board.** The Board of Directors of the Bottle Bay Recreational Water and Sewer District.
- 1.3. **Board Resolution.** A decision by a vote of the majority of the Board of Directors at any regular meeting or special meeting called for that purpose which is less formal than an ordinance and generally is the expression of the mind of the Board of Directors concerning some particular item of business or matter of administration coming within its official cognizance.

- 1.4. **Branch Line.** A pressurized sewer line that leaves the Force Main to service Parcels not on the Force Main.
- 1.5. **Capitalization Fee.** The fee calculated and collected according to Ordinance, for parcels created or otherwise brought under this Ordinance representing a fair share of the net value of the sewer system, as allocated to an individual parcel of land.
- 1.6. **Commercial Member.** A business or association (such as a non-profit association) or other entity determined by the Board, with one or more Connection Rights associated with real property.
- 1.7. **Connection Right.** A right when capacity exists and the appropriate fees have been paid, associated with and running with real property, to connect to the District's Sewer System and to discharge sewage when certain conditions are met.
- 1.8. **District.** The Bottle Bay Recreational Water & Sewer District aka Bottle Bay Sewer District.
- 1.9. **District Operator.** A person(s) licensed by Idaho Department of Quality_ assigned to maintain, repair and operate the Sewer System. A District Operator may be an employee of the District or an employee of the contractor hired by the Board of Directors to perform maintenance, repair, operations, and technical services for the District. Also known as the Licensed Operator.
- 1.10. **District Rules & Regulations.** A document containing the rules and regulations of the District passed by a vote of the majority of the Board of Directors at any regular meeting or at any special meeting called for that purpose.
- 1.11. **Dwelling Unit.** A Dwelling Unit is a structure or mobile home capable of independent living. A dwelling is characterized by sleeping space or bedrooms, toilet, bathing facilities, and a kitchen that includes a sink and cooking and refrigeration equipment. A dwelling may be attached to another dwelling, such as a basement apartment or guest house under a common roof.
- 1.12. **Encroachment Permit.** Written or verbal permission to temporarily or permanently displace or obstruct the Sewer System.
- 1.13. **Equivalent Residential Unit (ERU).** An ERU means a volume of wastewater recognized nationally as produced from a dwelling containing up to four bedrooms.
- 1.14. **Force Main.** The main sewer line that transports effluent under pressure to the lift station at the District Office.
- 1.15. **House Line.** A privately owned sewage line connecting a dwelling or building to the Residential System.
- 1.16. **Hookup Fee.** Those costs incurred by the District with making the physical connection to the District's sewer system.
- 1.17. **Idaho Department of Environmental Quality (DEQ).** The Idaho state agency that issues the District with a Wastewater Reuse Permit to operate. The District is subject to many DEQ rules and regulations.
- 1.18. **Inhabited.** A building that is occupied for one (1) day or more.
- 1.19. **Lateral Line.** The line transporting effluent from the Residential System pump basin to the Force Main.
- 1.20. **Member.** All owners of Parcels within the District boundaries are by statute included in the District as Members. Those Members who have prepaid their capitalization fee shall be referred to in this Ordinance as Vested Members. Those Vested Members who are connected to the system are referred to in this Ordinance as Serviced Members.
- 1.21. **Mobile Home.** A mobile home is a transportable prefabricated structure that has the characteristics of a Dwelling Unit as defined herein and is situated in one particular place on the property and capable of use for permanent or seasonal living accommodation. A Mobile Home is deemed a Dwelling Unit.

- 1.22. **Parcel.** Any lot or tract of land now existing or hereafter created through a division or subdivision process, and any other parcel of real property recognized by Bonner County as a separate legal parcel which would legally allow such Parcel to be improved with a residence or other structure for human use and/or occupancy, or which would otherwise be deemed benefited by the availability of sewer service provided by the District. Additionally, the term Parcel shall include a unit in a condominium project for which a condominium plan shall have been recorded, and any unit having final approval as part of a planned unit development, but only where no further platting or other governmental approvals are required.
- 1.23. **Real Property Owner.** The person or persons with record title of a Parcel within the boundaries of the District. The Real Property Owner is the Member and is not necessarily the person(s) living on the property and paying the bills.
- 1.24. **Recreational Vehicle.** A recreational vehicle (RV) is a trailer or large vehicle designed for camping.
- 1.25. **Residential System Siting Permit (“RSSP”).** The required District permit to begin construction of a Residential System, also known as the “Sewer Permit.”
- 1.26. **Residential System.** The system from the point the House Line connects to the septic tank/pump basin to the Force Main connection, including the Pump Control Box.
- 1.27. **Residential System Requirements (“RSR”).** A document containing the District’s technical requirements (installation, equipment, testing, inspection, and acceptance, etc.) for a Residential System.
- 1.28. **Service.** Acceptance of sewage or wastewater (effluent) from a Serviced Member via a connection to the Residential System and the District’s collection, for treatment and disposition of same.
- 1.29. **Sewer Permit.** The required District permit to begin construction of a Residential System, also known as the Residential System Siting Permit.
- 1.30. **Sewer System.** All Bottle Bay Recreational Water and Sewer District facilities for collecting, pumping, treating, and disposing of sewage.
- 1.31. **Stop Work Notice.** Notice posted by District at a project or construction site requiring discontinuance of work until a specific action is taken.

ARTICLE II – CONNECTION RIGHTS

- 2.1. **New Connection.** A Member of the District may receive a connection right under certain conditions determined by the District. During periods when the District does not have the sewage capacity to serve a property located within 200 feet of the Sewer System, or if a property is not within 200 feet of the Sewer System, the Property Owner may enter into an agreement with the District to seek permission from the Panhandle Health District to install private individual underground sewage disposal facilities. However, if the District, at a later date, has the capacity to serve the Property Owner, the Property Owner shall disconnect from the individual underground sewage disposal facilities and shall connect to the District Sewer System within (6) six months of notification, after paying all applicable fees and charges applicable at that time and complying with the Residential System Requirements.
- 2.2. **Modified Connection.** A Serviced Member shall have the right to modify an existing connection subject to the current and applicable Residential System Requirements and the payment of related fees and costs. A Sewer Permit is required. A modification is any change in the location or replacement of the house line, septic tank, pump basin, pump controller, lateral line, or connection to the force main. The addition of a bedroom or other structure containing sanitary sewer facilities constitutes a modification of the existing connection.

- 2.3. **Connection Rights and Recreational Vehicles Generating Sewage.** Recreational vehicles, campers, trailers, or boats with sanitary facilities shall not connect temporarily or permanently to an existing Residential System already connected to a House Line unless and until a Sewer Permit has been issued by the District.
- 2.4. **Presumption of Dwelling Unit.** Separate structures located on the property shall be presumed as Dwelling Units unless determined otherwise upon inspection by the District.
- 2.5. **ERU Per Dwelling Unit.** Each Residential Dwelling Unit is assigned one ERU. A commercial dwelling unit or other facility connected to the Sewer System shall be assigned ERUs in accordance with the particular use and demand upon the Sewer System. For example, a commercial operation generating three (3) times as much wastewater as an average single-family detached housing unit would be assigned three (3) ERUs.
- 2.6. **Additional Dwellings.** An additional Dwelling Unit on the same parcel, using the same connection to the force main, shall pay an additional Service Fee for each additional Dwelling Unit.
- 2.7. **Additional Bedrooms.** A Dwelling Unit or property containing more than four bedrooms shall pay 25% of the Service fee for each additional bedroom.
- 2.8. **RV Parking Pad.** An Recreational Vehicle (RV) Parking Pad connected to the Residential Sewer System is deemed a Bedroom.
- 2.9. **Sanitary Facilities in Other Buildings.** Sanitary facilities such as a toilet, sink or shower, located in a structure designed and used for purposes other than sleeping, such as a shop or art studio, shall not be assessed any fee additional to the dwelling's ERU Fees.
- 2.10. **Change of Use.** A Member may request inspection by the District when a structure's use has changed or the fees for its present use no longer conform to these amended ordinances.
- 2.11. **Buy-Back of Connection Rights.** A Vested Member cannot sell their connection right to a third party. The District, with Board approval, may buy back Connection Rights from Members under certain terms and conditions determined by the Board.
 - 2.11.1. Minimum Conditions:
 - (a) No real property is left un-buildable per District or Panhandle Health Department regulations.
 - (b) The Buy-Back meets a need or provides a benefit to the District as determined by the Board.
 - 2.11.2. Additional criteria for purchasing Connection Rights may be developed and approved by a Resolution of the Board.
 - 2.11.3. The Buy-Back price shall be the 1995 LID assessment for the property.

ARTICLE III – MEMBER RESPONSIBILITIES

The District is not responsible for the following:

- 3.1. **Private sewage systems.**
- 3.2. **A Serviced Member's House Line** or any sewer improvements between the residence and the septic tank, including clearing a plugged or damaged inlet baffle.
- 3.3. **Interruption of Service** caused by circumstances beyond its control or in the performance of its responsibilities. In case of emergency or for unavoidable cause, the District may interrupt Service to make necessary repairs, connections, or the like. The District shall not be responsible or liable for any inconvenience caused by such emergency interruption of Service or for causes reasonably beyond District control.
- 3.4. **Consequential damages.**

ARTICLE IV – MEMBER ACCOUNT RESPONSIBILITIES

- 4.1. **Maintain Current Account Mailing Address.** Members are responsible for providing the District with current addresses. Members shall be responsible for late charges resulting from failure to advise the District of address changes.
- 4.2. **Update Real Property Ownership/Real Property Legal Description.** Members are responsible for informing the District of a change in Parcel ownership and/or a boundary line adjustment, platting or replatting that results in an ownership change.
- 4.3. **Advise District On Changes To Number of Bedrooms and Dwellings.** Vested Members shall within thirty (30) days notify the District of adding or deleting bedrooms to any residence or adding or removing an ADU or residence to a Parcel, or if changing the use of a Parcel, such as a condominium or commercial use.

ARTICLE V – FORCE MAIN

If a Member needs to expose the Force Main or one of its branches, such Member shall obtain an Encroachment Permit. The Board may set such terms and conditions for the excavations as it deems necessary.

ARTICLE VI - MISCELLANEOUS

- 6.1. **Disconnection.** The District may discontinue Service for any of the following reasons:
 - 6.1.1. Failure or refusal to comply with District Ordinances, Resolutions, and Rules and Regulations.
 - 6.1.2. For material misrepresentation in the documentation provided to obtain a Sewer Permit.
 - 6.1.3. For the use of the Service for a purpose other than described in a Connection Agreement or allowed on a Sewer Permit or in other documentation.
 - 6.1.4. For changing the use to be made of the Service without notice to the District and written approval of the Board.
 - 6.1.5. For failure to make payments or for non-payment of any account or obligation incurred by the Member. Certification to the Bonner County Tax Collector does not preclude this remedy for failure to make payments.
 - 6.1.6. For damaging the Sewer System.
 - 6.1.7. For connecting to the Sewer System without approval.
 - 6.1.8. The costs associated with the disconnection shall be charged to the Member's account.
- 6.2. **Voluntary Disconnection from Sewer System.** A Serviced Member may voluntarily disconnect the Residential System from the Sewer System and avoid the Service Fee if it can be shown that there will be no demands on the Sewer System to handle sewage or intake and inflow and no maintenance or repairs will be required. The details of disconnecting shall be covered in the Rules & Regulations. When disconnected, the Serviced Member will be treated as a Non-Serviced Vested Member.
- 6.3. **Line Extensions.** No extension of the Sewer System for the purpose of developing land or serving a Member shall be made without prior Board approval.
- 6.4. **Easements for Service or Force Main Extension.** A Property Owner requiring an easement to install a Lateral Line or a Force Main Extension shall be responsible for obtaining the easement. If, after a reasonable effort, the Property Owner is unable to obtain the easement, the Property Owner may request assistance in writing from the District, which assistance shall be determined at the discretion of the Board.

6.5. **Encroachment Permit.** Temporary or permanent displacement or obstruction of the Sewer System shall require an Encroachment Permit from the District. Such permit may be in form of a letter or other writing signed by a Board Member or the Licensed Operator. With the express approval of the Board, such permit may be recorded and run with the land. A verbal permit may be issued in the event of an emergency but shall not be deemed to run with the land.

ARTICLE VII – REPEALER CLAUSE

All other ordinances or resolution of this District, or parts thereof, in so far as they are in conflict with this Ordinance, are repealed and rescinded.

ARTICLE VIII - SEVERABILITY

The sections of this Ordinance are severable. The invalidity of a section shall not affect the validity of the remaining sections.

ARTICLE IX – EFFECTIVE DATE

This Ordinance shall take effect after a summary notice is published in one (1) issue of the Bonner County Daily Bee, which is hereby declared to be the official newspaper of the District for the publication of this Ordinance.

APPROVED AND ADOPTED this **19th** day of **October, 2021**, by the Board of Directors.

/s/ William M. Berg

William M. Berg, Chairman

ATTEST: */s/ Jon M. Davis*

Jon M. Davis, Secretary

Revision 01 adopted by the Board on September 19, 2023.

/s/ William M. Berg

William M. Berg, Chairman