

ORDINANCE NO. 2010-

AN ORDINANCE ADOPTING “FREMONT COUNTY STANDARDS AND PROCEDURES FOR SEWER SYSTEMS” FOR SEWER SYSTEMS IN FREMONT COUNTY, IDAHO.

WHEREAS, the Fremont County Standards and Procedures for Sewer Systems is meant to be a reference document for the use of sewer systems in Fremont County; and

WHEREAS, the Public Works Director in and for Fremont County, Idaho has encouraged the Board of County Commissioners to adopt and use the Fremont County Standards and Procedures for Sewer Systems for sewer systems in the county; and

WHEREAS, the board of County Commissioners deems it to be in the best interests of Fremont County, Idaho to adopt and use the Fremont County Standards and Procedures for Sewer Systems for sewer systems in the county.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF FREMONT COUNTY, IDAHO AS FOLLOWS:

CHAPTER 13

FREMONT COUNTY SEWER SYSTEMS

(This is comprised of the Mack’s Inn and Last Chance Sewer Systems)

ARTICLE I – GENERAL

13.01.01 Purpose. The purpose of this chapter is to ensure an orderly administration of sewer operations within the Fremont County Sewer System hereinafter referred to as “the Sewer System”, in Fremont County, State of Idaho. The administrative responsibilities of the Sewer System are performed by the Fremont County Public Works Department that implements the County policies for the Sewer Systems. Policy and management oversight for the Sewer System is performed by the Board of County Commissioners of Fremont County.

13.01.02 Authority. Pursuant to Article 12, section 2 of the Idaho Constitution and provisions of Idaho Code Section 31-877, the system for the transmission, treatment, and disposal of wastewater for Fremont County shall be subject to direction by the Board of County Commissioners of Fremont County, Idaho. The costs of operation, maintenance and repair of the Sewer System shall be paid as budgeted in the annual Fremont County budget.

13.01.03 Policy. The Board of County Commissioners hereby declare that the ordinance hereinafter set forth will serve a public purpose and is necessary to promote the health, safety, prosperity, security, and general welfare of Fremont County.

- 13.01.04** **Scope.** This ordinance shall govern all users connected to a wastewater collection or treatment system owned or operated by Fremont County. This ordinance supersedes all prior ordinances of Fremont County that address the sewer system.
- 13.01.05** **Intent of Ordinance.** This ordinance shall be liberally construed to promote the general purposes set forth herein in order to protect human health and the environment.
- 13.01.06** **Amendments.** The Board of County Commissioners may amend this ordinance at any time.
- 13.01.07** **Resolutions.** The Board of County Commissioners may, from time to time, enact resolutions to establish user charges or operating procedures to implement provisions of this ordinance.
- 13.01.08** **Waiver/Suspension of Ordinance.** In the event of an emergency, the Fremont County Board of Commissioners may suspend operation of a particular provision of this ordinance upon making a finding of public necessity. Any such suspension must be in writing explaining the specific action to be undertaken. Suspensions of the type authorized hereby shall not constitute an amendment of the ordinance.
- 13.01.09** **Condition of Service.** Any system user must comply with the requirements of this ordinance, as it exists and as it may be amended from time to time, as a condition of receiving or continuing service from the Fremont County Sewer System.
- Inclusion in Contract.** This ordinance is hereby incorporated into every contract, written or oral, for service from the Sewer System, whether expressly referenced or not.
- 13.01.10** **Rights and Authority to Discontinue Services.** The County shall have the right to terminate service to any system user for violations of this ordinance or for failure to pay user fees and charges established pursuant to this ordinance.
- 13.01.11** **Authority to Inspect.** Authorized representatives of the Fremont County Sewer System shall be permitted to enter upon all lands served by the System at all times for the purpose of observation, measurement, sampling, testing, and inspection of the sewer system or records related thereto, in accordance with the provisions of this ordinance. Entry onto the property may be necessary without prior notice in the event of an operating emergency. Entry into any residential structure will occur only with permission of the owner, or current resident if the owner cannot be contacted. Failure to permit such inspections, observations, measurements, samplings, testing, and/or inspection of records upon written request by the Sewer System Supervisor may result in termination of service to the property.
- 13.01.12** **Violators Fined.** Any person violating any of the provisions of this ordinance shall become liable to the Sewer System for the costs incurred as a consequence of such violation inclusive of legal costs, administrative costs of enforcement and costs of remedying any violation. Any violation of this ordinance that results in actual harm or potential harm to the safety of county employees or contractors, to the environment or to the public health safety and welfare shall be punishable as a misdemeanor

subject to a fine or imprisonment as allowed by Idaho law. If any person causes damage to the system by misuse, negligence, or other action on his/her part, then that person shall be liable to the Sewer System for the cost of repair, including any study, investigation, or consultant fees incurred. Such costs shall constitute a perpetual lien upon the violator's property, or a perpetual lien upon the property to which the System was providing services at the time of the violation, whichever the County deems appropriate.

13.01.13 **Effective Date.** This ordinance shall be effective after approval by the Fremont County Board of County Commissioners upon the date of its publication as provided by law.

13.01.14 **Severability:** In the event that any one or more of the provisions contained herein shall, for any reason, be held to be invalid, illegal or unenforceable in any respect, such invalidity, illegality or unenforceability shall not affect any other provisions of this agreement, but this agreement shall be construed as if such invalid, illegal or unenforceable provisions had never been contained herein, unless the deletion of such provision or provisions would result in such a material change so as to cause completion of the transactions contemplated herein to be unreasonable.

ARTICLE II – DEFINITIONS

Unless the context specifically indicates otherwise, the meaning of the terms used herein shall be as follows:

13.02.01 **Ability to Serve.** The capability of the Fremont County Wastewater System to accept and adequately treat sewage according to the current discharge permit, as demonstrated by sufficient reserve treatment capacity of the treatment facility.

13.02.02 **Accommodation Unit.** “Accommodation Unit” is one habitable room intended primarily for sleeping purposes and without a cooking facility. Examples of an accommodation unit are a hotel room, hotel suite, hostel room, bed and breakfast room, or a lock-off without a cooking facility.

13.02.03 **Approved.** Shall mean accepted by the County Commission according to the applicable specifications stated or cited in this ordinance, or as suitable for the purpose used.

13.02.04 **Barrel (bbl).** “Barrel” shall specifically refer to barrels of beer produced by a microbrewery. The standard size for a barrel of beer is 31 gallons and the standard size for a keg is a half barrel.

13.02.05 **Basement.** The lowest area within a structure, either partially or entirely below finish grade with a finished floor, and intended for continuous habitation.

13.02.06 **Best Management Practices (BMP).** Schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the State. This shall include procedures and

practices that reduce the discharge of Fats, Oil and Grease (FOG) to the building drain and to the wastewater system.

- 13.02.07 Biochemical Oxygen Demand (BOD).** Biochemical oxygen demand shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure analytical method EPA 405.1 after (5) days at 20 degrees Celsius expressed in milligrams per liter.
- 13.02.08 Building Drain.** That part of the lowest horizontal piping of a drainage system which receives the discharge from waste pipes inside the walls of the building sewer, beginning five feet outside the inner face of the building wall.
- 13.02.09 Building Sewer.** The extension from the building drain to the public sewer or other place of disposal, also called house connection or service line.
- 13.02.10 Chemical Oxygen Demand (COD).** Chemical oxygen demand shall mean the quantity of oxygen utilized in the chemical oxidation of organic matter under standard laboratory procedure analytical method EPA 410.4 after (5) days at 20 degrees Celsius expressed in milligrams per liter.
- 13.02.11 40 CFR 136.** “CFR” means the Code of Federal Regulations. The prefix number refers to the volume specific to the Environmental Protection Agency (EPA). The suffix number is the paragraph number that spells out the regulation. 40 CFR 136 refers to the Guidelines Establishing Test Procedures for the Analysis of Pollutants.
- 13.02.12 Collection Line.** That portion of the wastewater treatment system which collects and transmits wastewater from users to the wastewater treatment plant.
- 13.02.13 Commercial and or Industrial Unit.** Commercial and or Industrial Unit is any structure or facility that is used to engage in a business, commerce, manufacturing, marketing, and or sale of products and services of any kind.
- 13.02.14 Commercial Uses.** “Commercial” is any structure or facility that is used to engage in a business, commerce, manufacturing, marketing, and/or sale of products and services of any kind. Commercial uses must comply with ordinances for fats, oil and grease (“FOG”) set forth in Article V, as well as all applicable state statutes and other applicable ordinances.
- 13.02.15 Commission.** “Commission” means the elected or appointed Board of County Commissioners of Fremont County, a political subdivision of the State of Idaho, who has responsibility for policy and management oversight of the Fremont County Sewer System.
- 13.02.16 Common Space.** ”Common Space,” as it applies to multi-unit facilities, includes areas which have insignificant water consumption and are accessible and available to all residents and guests of the accommodation units or residential units; including but not limited to: hallways, lobbies, atriums, stairways, dining areas, lounge areas, and recreation rooms. Areas which would be otherwise common space except they contain an ongoing use of water shall not be classified as common space for the purpose of this Ordinance, e.g., lobby containing a bar, recreation room with a bar,

hot tub/swimming pool area, laundry facilities, restaurant dining areas, etc. These excepted common areas (e.g., lobby containing a bar, etc) shall be accommodated by an adjustment to the total Equivalent Dwelling Unit (EDU) of the facility.

- 13.02.17 Connection.** “Connection” is the connection of the privately owned service line to the sewer system, either directly to a stub out or at the main line, or indirectly through a private main line.
- 13.02.18 Connection Fee.** “Connection Fee” is the payment to the County Sewer System of a one-time fee that constitutes a per-user share of the capital investment that will be necessary to recreate the capacity that will be consumed by each new user. The amount of the connection fee is set annually by resolution as an amount per EDU. The total connection fee owed is calculated by multiplying the amount/EDU times the number of EDU’s, using the applicable number of EDU’s for the facility as defined within this ordinance.
- 13.02.19 Contractor.** “Contractor” is any person, firm, or corporation performing work and furnishing materials within the County Sewer System. The Contractor will need to obtain a permit required by the County for work conducted on the County Sewer System.
- 13.02.20 Cooking Establishments:** (See “Food Service”)
- 13.02.21 Cooking Facility.** “Cooking Facility” is an indoor or outdoor arrangement within a dwelling unit which provides, but is not limited to, the following features: refrigeration capability; hot plate, electrical frying pan, toaster oven, crock pot, counter top burners, stove or microwave; facilities for washing and cleaning; and wet-bar facilities.
- 13.02.22 Crawl Space.** “Crawl Space” is any area contained and covered by a structure, and which has a dirt or gravel floor and is not intended for continuous habitation.
- 13.02.23 Customer.** “Customer” is any person, entity, or governmental unit authorized to connect to and use the County Sewer System.
- 13.02.24 Customer Facilities.** Service lines and plumbing that serve individual customers. These facilities include the service tap on the main, and the entire length of service line.
- 13.02.25 County Engineer.** “County Engineer” is the person or firm that has been authorized by the County Commissioners to perform engineering services for the County Sewer System.
- 13.02.26 County Sewer System Supervisor.** “Sewer System Supervisor” or “Supervisor” as used in this Ordinance is the person retained by the County Commission to administer and supervise the sewer affairs of the County Sewer System.
- 13.02.27 Developer.** A “Developer” is any entity that proposes to increase the number of Equivalent Dwelling Units (EDUs) within a sewer system; any entity that divides an existing lot or lots which result in an increase of EDUs; any entity that plats more

than one lot within a sewer boundary; or any entity which removes any existing EDUs and replaces them with structures possessing greater wastewater generation capacity.

13.02.28 Disconnection. A “Disconnection” shall be any deliberate activity which results in the blockage of flow from the service line and prevents sewage from entering the County Sewer System. (See also “Temporary” and “Permanent Disconnection”)

13.02.29 Easement. Shall mean an acquired legal right for the specific use of land owned by others.

13.02.30 Equivalent Dwelling Unit (EDU). An “Equivalent Dwelling Unit” is a unit of measure used for allocating fixed costs for sewer services. An EDU is based on one household living facility or residential unit. A residential unit is one or more contiguous, habitable rooms designed, arranged, occupied, or intended to be occupied by one or more individuals living together as a household or one family. A residential unit has facilities for living, cooking, sleeping, or bathing, and is generally configured to have independent access by its occupants. If areas within a building or house are designed or arranged with the capability for occupancy that is independent of the rest of the building, those areas are classified as separate residential units (see *Secondary Apartments*). Other features that may also identify a residential unit are a private telephone line, separate cable TV, a lease contract, and unrelated third-party occupancy. Examples of residential units include without limitation the following: single family homes, condominiums, townhouses, duplexes, multiplexes, apartments, studio units, timeshares, lock-offs, and mobile homes.

Further, for the purpose of assessing operation and maintenance (O & M) fees to residential units, an EDU shall be defined in terms of a “base rate” that is related to the square footage of the residential unit, minus the garage area, with a minimum assessment possible of 1.0 EDU per residential unit. The base rate O & M fee will apply to residential units of 1000 square feet or less. O & M fees will increase on a sliding scale as the square footage of the residential unit increases. See Appendix C for a table of residential O & M fees.

The number of EDU’s assigned to a commercial user is used for two purposes: (i) as a multiplier for the operation and maintenance portion of the sewer fees, and (ii) as a multiplier for service development charges (SDC). Commercial EDU’s may be reviewed annually. An EDU schedule is provided in Appendix B.

13.02.31 Efficiency or Studio Unit. “Efficiency” or “Studio Unit” is a dwelling unit having one room with an integral cooking facility and one bathroom. An efficiency unit will be considered as a separate residential unit and will be charged an O & M fee, based on square footage.

13.02.32 Fats, Oil, and Grease (FOG). A semi-solid, viscous liquid organic polar compound derived from animal and or plant sources that contain multiple carbon chain triglyceride molecules. These substances are detectable and measurable using analytical test procedures established in 40 CFR Part 136, as may be amended.

- 13.02.33** **Floatable Oil.** Oil, fat, or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility. A wastewater shall be considered free of floatable oil if it is properly pretreated and the wastewater does not interfere with the collection system.
- 13.02.34** **Food Service.** Shall mean those establishments primarily engaged in activities of preparing, serving or otherwise making available for consumption foodstuffs and that use one or more of the following preparation activities: cooking by frying (all methods), baking (all methods), grilling, sautéing, rotisserie cooking, broiling, (all methods), boiling, blanching, roasting, toasting, or poaching. Also included are infrared heating, searing, barbecuing, and other food preparation activity that produces a hot non-drinkable food product.
- 13.02.35** **Garbage.** Shall mean the animal and vegetable waste resulting from the handling, preparation, cooking and serving of foods.
- 13.02.36** **General Manager.** (See “County Sewer System Supervisor”)
- 13.02.37** **Grease Trap or Interceptor.** A device for separating and retaining waterborne fats, oils and grease complexes prior to wastewater exiting the device and entering the sanitary sewer collection system and treatment facilities. These devices also serve to collect settleable solids, generated by and from food preparation activities, prior to the water exiting the trap and entering the sanitary sewer collection system and treatment facilities. Grease traps and interceptors are sometime referred to herein as “grease interceptors”.
- 13.02.38** **Industrial Pretreatment Program (IPP).** An industrial pretreatment program is any industrial waste management program adopted by the County Commission to conform to Environmental Protection Agency (EPA) standards. Any such program is to ensure the proper pretreatment and handling of industrial sewage generated by commercial or industrial units that may have a deleterious effect on the sewage systems.
- 13.02.39** **Industrial Waste.** The wastewater from industrial processes, trade, or business as distinct from domestic sanitary wastes.
- 13.02.40** **Inspector.** “Inspector” is a person or persons who, under the direction of the Supervisor, shall inspect all sewer connections, main lines and appurtenances, and construction of and repairs to the sewer system and facilities of the sewer system to ensure compliance with Fremont County ordinances and construction standards.
- 13.02.41** **Interference.** A discharge which, alone or in conjunction with a discharge or discharges from other sources, either inhibits or disrupts the treatment facility operations or sludge processes, and could therefore inhibit the treatment facility’s ability to discharge under the current permit standards.
- 13.02.42** **Lift Station.** A lift station is defined as a pumping station designed to pump domestic wastewater, in compliance with Fremont County design standards, including the Idaho Standards for Public Works Construction (ISPWC) and any addendums specifically pertaining to sewer system construction.

- 13.02.43 Liquid Waste Hauler.** Any person, firm, corporation or other entity that collects, pumps, transports and or disposes of liquid wastes.
- 13.02.44 Lock-off.** A type of timeshare unit that can be divided into two (2) separate sections, with the possibility of being rented to two (2) parties at the same time.
- 13.02.45 Loft.** A “Loft” shall be any elevated room used as a living space, including but not limited to floored attics, garrets, and any other finished, unfinished, or non-partitioned floor space typically just under the roof.
- 13.02.46 Microbrewery.** A “Microbrewery” or “brewpub” is a brewery establishment that produces for sale a maximum of 800 barrels of beer per month. A microbrewery may also be accompanied by an adjacent restaurant and/or bar within the same structure. These will be considered a combined industrial/commercial connection and will be evaluated on a case by case basis.
- 13.02.47 Non-Cooking Establishment.** Establishments primarily engaged in the preparation of precooked foodstuffs that do not include any form of cooking. These include cold dairy and frozen foodstuffs preparation and serving establishments.
- 13.02.48 Ordinances.** “Ordinances” are the formal ordinances of the County that state the policy and procedures by which the County Sewer System is operated. Ordinances also include all policies set forth in the County’s duly-enacted resolutions.
- 13.02.49 Permanent Disconnection.** A disconnection completed by physical separation of the service line and main line and/or the placement of a concrete seal in the connection cleanout, rendering it inoperable, which prevents all flow from the service line from entering the main line.
- 13.02.50 Permission to Connect.** Permission to Connect is the written permission to connect to or to enlarge the connection to the sewer systems of Fremont County pursuant to this ordinance. Permission shall be granted by the Supervisor.
- 13.02.51 Person.** Person shall mean any individual, firm, company, association, society, district, corporation, or group.
- 13.02.52 pH.** “pH” shall mean the logarithm of the reciprocal of the hydrogen ion concentration. The concentration is the weight of hydrogen ions, in grams, per liter of solution. Neutral water, for example, has a pH level of 7 and a hydrogen concentration of 10 to the negative seventh power.
- 13.02.53 Pipe.** “Pipe” is defined as either gravity or pressure pipe lines. Gravity lines include manholes and cleanouts. Pressure lines include air relief valves and pressure testing ports.
- 13.02.54 Pollutant Discharge Regulations (PDR).** “Pollutant Discharge Regulations” are additional regulations that may be adopted as part of this Ordinance pertaining specifically to limits on direct and indirect contributions of toxic or hazardous substances to the wastewater collection and treatment system. Compliance with any

pollutant discharge regulations adopted by the County Commission is mandatory in accordance with applicable state and federal laws.

- 13.02.55 Pretreatment Facilities.** “Pretreatment Facilities” are structures, devices, or equipment owned and operated by a customer for the purpose of treating or removing any substances in the waste discharge which would be harmful to the County Sewer System pipe lines, pumping facilities or to the sewage treatment works.
- 13.02.56 Private Main.** “Private Main” is any sewer interceptor or collection line that is connected to the County Sewer System but not owned or maintained by the County. Private lines may be considered private if it is not in the best interest of the County to accept the lines because of special and/or mitigating circumstances’ *or* if the title of the lines cannot be transferred free and clear to the County.
- 13.02.57 Prohibited Sewage.** “Prohibited Sewage” is any sewage that may reasonably be anticipated to have a deleterious effect upon the sewer system, or any person or property; and therefore, in the opinion of the County, cannot be serviced by the County.
- 13.02.58 Project:** A project is defined as a new development or subdivision, an alteration of an already accepted development or subdivision, or a building requiring a sewer hook-up that is not a single family dwelling on an accepted subdivision lot.
- 13.02.59 Public Sewer.** Shall mean a common sewer controlled by a governmental agency or public utility.
- 13.02.60 Residential Unit.** A Residential Unit is one or more contiguous, habitable rooms designed, arranged, occupied, or intended to be occupied by one or more individuals living together as a household or one family. A Residential Unit has facilities for living, cooking, sleeping, or bathing, and is generally configured to have independent access by its occupants. If areas within a building or house are designed or arranged with the capability for occupancy that is independent of the rest of the building, those areas are classified as separate Residential Units (*see Secondary Apartments*). Other features that may also identify a Residential Unit are a private telephone line, separate cable TV, a lease contract, and unrelated third-party occupancy. Examples of Residential Units include without limitation the following: single family homes, condominiums, townhouses, duplexes, multiplexes, apartments, studio units, timeshares, lock-offs, and mobile homes.
- 13.02.61 Resolution.** Shall mean a formal written motion passed by a vote of two-thirds (2/3) of the Commission expressing their opinion on or clarification of the general policy, will, or intent of this ordinance.
- 13.02.62 Sanitary Sewer.** A sewer that carries liquid and water carried wastes from residences and or commercial buildings.
- 13.02.63 Secondary Apartment.** A Residential Unit comprised of areas within a building or house designed or arranged with the capability for occupancy that is independent of the rest of the building. “Secondary Apartments” shall also include disconnected residences (i.e. guest houses) that rely on the sewer connection of an adjacent,

primary Residential Unit for sewer service. All square footage associated with a Secondary Apartment shall be included in the calculation of the primary Residential Unit's O & M fees. Secondary apartments do not have kitchen facilities.

- 13.02.64 Service Development Charge (SDC).** A fee calculated by the Wastewater Supervisor for any project or development requiring a commercial hook-up or more than one residential hook-up. The fee is based on the specific infrastructure affected by the proposed connection.(See Appendix D).
- 13.02.65 Service Line.** "Service Line" is any pipe, line or conduit used or to be used to provide sewer service from a building to a sewer interceptor, stub out, or collection line; whether the pipe, line, or conduit is connected or not. A sewer service line is owned and maintained by the customer from the building to the County's sewer lines and shall be constructed in accordance with this Ordinance and the County's current construction standards.
- 13.02.66 Settlable Solid.** Any solids suspended in solution that will settle out and collect after chemical, thermal, or velocity changes to the solution.
- 13.02.67 Sewage/Wastewater.** Is the spent water of a community typically originating from toilets, tubs or sink drains, and collected in a series of pipelines (Collection System) for conveyance to a treatment facility where it is processed to remove various chemicals, biology, and solids before discharging the water back to the environment.
- 13.02.68 Sewer Interceptor.** Any large diameter pipe, box, vault, ditch or other container utilized as a conduit for sewage that that typically collects multiple lateral sewer pipelines.
- 13.02.69 Sewer Main.** "Sewer Main" is any sewer main line or sewer interceptor used as a primary conduit for sewage in the County's Sewer System and is owned and maintained by Fremont County. A sewer main line shall be sized in accordance with the appropriate section of Idaho's Regulations and the Idaho Standards for Public Works Construction.
- 13.02.70 Sewer System.** "Sewer System" is a network of sewer collection lines, sewer interceptors, sewer main lines, wastewater treatment facilities, appurtenances, accessories, or portion thereof owned and maintained by Fremont County. Sewer service lines or any portion therein and private sewer lines are not considered part of the County's Sewer System.
- 13.02.71 Shall or May.** Whenever "shall" is used herein, it shall be construed as a mandatory direction. Whenever "may" is used herein, it shall be construed as a permissible, but not mandatory direction.
- 13.02.72 Short Term Rental.** A "Short Term Rental", "Vacation Rental", or "Tourist Home" is a residence, including a single or multi-family unit, which is rented for the purpose of overnight lodging for a period of not more than thirty (30) days (See IBC 2006 definition of R-1 residential and "transient"). When assessing user fees to a Short Term Rental (STR), the O & M fee shall be increased by a factor based on square

footage of the residence to account for the commercial enterprise of the facility. The factor shall be calculated as follows:

<u>Square Footage (Living Space)</u>	<u>STR factor of increase</u>
Up to 3000 sq. ft.	0.33
3001 to 5000 sq. ft.	0.67
5001 plus	1.00

13.02.73 Standards and Specifications. Shall mean the Idaho Standards for Public Works Construction (ISPWC) and any Fremont County special provisions which govern construction standards and practices for public utility work within the County or those areas serviced by the County.

13.02.74 Slug. Any discharge of wastewater which in concentration of any given constituent or in quantity of flow exceeds municipal standards for any period of duration and will adversely affect the collection system and/or performance of the wastewater treatment works.

13.02.75 Stub Out. “Stub out” is a connection device or line which is connected to the sewer main line and which is intended to facilitate the connection of a service line to the sewer system, either directly to the main line or indirectly through a private main. A stub out may extend only from the main pipe line to the property line.

13.02.76 Temperature. “Temperature” shall mean the physical state of a system or object measured in degrees Fahrenheit or degrees Celsius as a measure of the system’s energy.

13.02.77 Temporary Disconnection. A disconnection completed through operation of a valve or placement of a plug, which can be reversed or removed to reestablish service.

13.02.78 Timeshare. Timeshare or vacation ownership describes a method of use and ownership of a particular property. It normally allows use of the property by multiple separate owners, for certain separate periods of time each year.

13.02.79 User. Any person (13.02.51) that has applied or been accepted to use the County Sewer system.

13.02.80 Variance. A “variance” is the written authorization from the County Commissioners to act in a manner not in strict compliance with County Sewer System regulations, specifications, or policies. A variance may be granted at the sole discretion of the Commissioners on the basis of undue hardship, or otherwise, not self-imposed. At no time shall a variance be granted allowing a partial fee to be assessed based on part time use of the system.

13.02.81 Vacation Rental. (See “Short Term Rental”)(13.02.72).

- 13.02.82 Wastewater System.** “Wastewater system” is any network of wastewater main lines, wastewater treatment facilities, appurtenances, accessories, or portion thereof, owned and maintained by the County.
- 13.02.83 Wastewater Treatment Facility Buffer Zone.** The Idaho Department of Environmental Quality (IDEQ) requires a buffer zone around the perimeter of any wastewater treatment facility. For the Fremont County wastewater treatment facilities, IDEQ requires a three-tiered buffer zone: no habitable buildings are allowed within 300 feet, no private culinary wells are allowed within 500 feet, and no community wells are allowed within 1000 feet of the perimeter of the facility.
- 13.02.84 Any Other Term.** Any other term not herein defined shall be as defined by the American Water Works Association (AWWA), Water Environment Federation (WEF), and Wastewater Pollution Control Federation (WPCF). The use of singular may also refer to plural. The use of the masculine gender includes the feminine or neutral gender.

ARTICLE III – LIABILITY AND OWNERSHIP

- 13.03.01 Compliance with Industrial Pretreatment Required.** If industrial use should come to Fremont County, those system users must comply with state and federal regulations along with applicable Fremont County requirements that may be in place at the time.
- 13.03.02 Ownership of Facilities.** All existing main lines and treatment works connected with and forming an integral part of the Fremont County sewer system are the property of the County, unless a contract with customer or a resolution or other official action approved by the Board of Commissioners expressly provides otherwise, or unless they have been listed as non-county owned due to inferior construction. (See Appendix G).
- 13.03.03 Ownership of Sewer Facilities.** The entire service line from the customer’s building to the public main line is the property of the customer who is responsible for its maintenance.
- 13.03.04 Ownership of Lift Stations.** A lift station associated with customer service lines shall be the property of the customer(s) served by such lift station, excluding those lift stations expressly owned and operated by the County. Maintenance of such private lift stations shall be the sole responsibility of customer(s). See Appendix G for private sewer systems that are specifically excluded from the County Sewer System.
- 13.03.05 Existence of Easements.** An easement, whether recorded or not, and whether the main line is actually within a recorded easement, is deemed to exist if a customer is receiving and accepting service from a service line connected to a main line. The County shall have access over said easement to affect repairs, maintenance and replacement.
- 13.03.06 Conditions of Connection.** Any customer connected to the County’s Sewer System shall be obligated to comply with all provisions of this ordinance, with all conditions

of physical connection to the sewer system as established by the Fremont County Public Works Department and with operating standards established by any terms of discharge established to allow use of the system. Failure to comply with any of the foregoing may result in termination of service in addition to any administrative or misdemeanor penalties authorized by this ordinance.

ARTICLE IV – OPERATION AND MAINTENANCE OF SEWER SYSTEMS

- 13.04.01 Design of Systems.** At a minimum, sewer systems must conform to the current edition of the Idaho Standards for Public Works Construction (ISPWC) for construction practices and any additional requirements imposed by the County as modified by the County's current Special Provisions. Gravity collection system improvements are to be preferred over lift stations. Lift stations will not be accepted by the County without written permission from the Supervisor. Permission for the construction of lift stations must occur before construction plan approval occurs. No lift station approval will be considered until a thorough analysis of the potential to address collection system needs by gravity has been completed and reviewed by the public works department.
- 13.04.02 Use of Systems.** Service connections are approved only for the specific use stated in any application for such service. The County may require an inspection to confirm compliance with representations of a system user or to identify any unauthorized use. Violations of the terms by which system users are granted connection shall be subject to the penalties provided by this ordinance and by state and Federal law.
- 13.04.03 Notice of Changes.** The customer shall notify the County prior to any proposed expansion or addition to the service or any change in the use of the property served by the County. Any such change in use which, in the opinion of the County, will increase the burden placed on the County Sewer System by the customer may result in a redetermination of the connection fee, SDC, and operation and maintenance charge; and a payment by the customer of any additional connection fee, SDC, and/or operation and maintenance charge resulting from the redetermination. Failure to pay such fees shall be grounds for termination of service.
- 13.04.04 Inspection Required.** Any customer believed to have changed equipment, service, or use of his property, in violation of this ordinance or the terms of connection must allow the County to inspect, as it may deem necessary, to establish clearly the nature of equipment, service and use of the property. Failure to respond or cooperate may result in the County discontinuing service to the property.
- 13.04.05 Unauthorized Connection and Fees.** No customer shall be allowed to connect onto the County Sewer System or to enlarge or otherwise change equipment, service, or use of property without prior payment of connection fees, and adequate supervision and inspection of the connection by County sewer employees. Any such connection, enlargement, or change without payment, approval, supervision, and inspection shall be deemed an unauthorized connection.

Any violation of this section shall result in the assessment of a penalty in an amount determined by the County Commission. The County may take those

steps authorized by this Ordinance or Idaho law regarding the collection of said fees, including a denial of service until such fees are paid.

Upon the discovery of any unauthorized connection or use, the then-current connection fee and accrued service charge, if any, shall become immediately due and payable, and the property shall automatically be assessed an additional unauthorized connection fee as established by resolution toward the County's costs associated with such unauthorized connections or use. The County will send written notice to the customer benefited by such connection stating that an unauthorized connection has been made between the customer's property and the County's facilities establishing a time frame for compliance by payment of fees or penalties or by disconnecting from the system.

13.04.06 Redetermination of Connection Fees. Following inspection, the County shall make a determination as to the change in the customer's equipment, service or use of the property in question, and shall redetermine any additional connection fees and service charges due.

13.04.07 Suspended Service. When a building is moved or destroyed and/or the sewer service is suspended, the original connection authorization shall not remain, unless authorized by the Board of County Commissioners.

When a service line is abandoned permanently, the customer shall plug the sewer service connection at the main. If the customer is not responsive within a reasonable time period as determined by the Supervisor, the County will take the necessary measures to plug the sewer service line. The cost shall be charged to the customer. If such charges are not paid within thirty days of the date of billing, they may be added to the annual tax bill charged to the property served. Service will not be renewed to any such property until all charges have been paid in full. Exceptions to this requirement will be considered on a case-by-case basis upon good cause shown.

13.04.08 Voluntary Disconnection. A customer may elect to be permanently disconnected from the sewer system if the use of the property served is to be permanently abandoned. All construction activities and costs associated with the disconnection shall be the responsibility of the customer. Further, such a disconnection shall be considered construction on the system subject to the required contractor permit, notice of changes, and inspections by the County set forth herein.

13.04.09 Customer Responsibility. Each customer shall be responsible for all costs associated with the maintenance of the service line from the building to the sewer interceptor or sewer main.

13.04.10 Sewer Service Lines. Each customer shall be responsible for the total cost of constructing and maintaining the entire length of the sewer service line serving his/her property and/or any related service facilities, including but not limited to, private lift stations and/or backflow prevention devices. All components shall be constructed and placed in accordance with County construction standards and the state-adopted plumbing code.

13.04.11 Repair of Service Lines. Leaks, breaks, and general maintenance of the sewer service line shall be the responsibility of the property owner. The customer shall be given notice (either by telephone or as is otherwise reasonable under the circumstances) that a sewer service line is defective and in need of repair. Customer shall institute repair or maintenance immediately, or as soon as necessary under the circumstances. If satisfactory progress toward repairing the sewer service line has not been started within 3 days of notification and/or completed within 7 days of the assessed timeframe by the County, or the County determines that environmental or property damage is being caused, the Supervisor shall be authorized to disconnect or block flow from the sewer service until the sewer service line has been repaired.

13.04.12 Prohibited Discharges. No Customer shall discharge, or cause to be discharged, any storm water, surface water, groundwater, clean water, roof runoff, subsurface drainage, septic waste, metal sludge, injected storm water, toxic matter, hazardous material, or violation of the *Fats Oil & Grease* requirements set forth in Article V of this ordinance. Further, it shall be deemed a Prohibited Discharge for any Customer to exceed the flows allocated or reserved to such Customer based upon a maximum daily average flow calculation. Prohibited discharges and uses may result in fines, charges or disconnection as determined by the Commission. An expanded list of prohibited discharges can be found in Appendix F.

13.04.13 Classification of Wastes. This subsection provides the basic policies of the County for classification of wastes and for control of discharge of wastes into the sewer system. The County classifies wastes in three main categories, termed “Normal Sewage,” “Special Sewage,” and “Prohibited Sewage.” The County will endeavor to follow recommended procedures of applicable regulatory agencies regarding sampling, testing, analysis, and classifying of sewage flows. Testing and analysis shall be determined in accordance with Standard Methods for the Examination of Wastewater, latest edition, or by methods approved by the United States Environmental Protection Agency for National Pollution Discharge Elimination System (NPDES) permit reporting and by the Idaho Department of Environmental Quality. Results of tests shall be made available to the customer at the County Public Works office or the Supervisor’s office.

Special Sewage is any sewage which does not conform to the definition for normal sewage, but which can be treated as Normal Sewage by the County after pretreatment by the user. Any “Industrial Pretreatment Program” enacted by the County may identify various types of special sewage and treatment criteria required prior to discharge or continuation of discharge into the County’s collection system.

Prohibited Sewage is any sewage that may reasonably be anticipated to have a deleterious effect upon the sewer system, or any other customers or property, and, therefore, in the opinion of the County, cannot be received for treatment by the County. Prohibited sewage shall include, but not be limited to, swimming pool waters, waste from septage haulers, *Prohibited Discharges* set forth in Article 13.04.11 and those listed in Appendix F or in state or Federal regulations.

13.04.14 Discharge of Special or Prohibited Sewage. No system user shall discharge, or cause to be discharged, to the sewer system, any special or prohibited sewage or any

harmful waters or wastes, whether liquid, solids, or gas, capable of causing obstruction to the flow in sewers, damage or hazard to structures, equipment and personnel of the sewer system, or other interference with the proper operation of the sewer system. Any such discharge into the system shall constitute a violation of this ordinance.

13.04.15 Pollutant Discharge Regulations. Notwithstanding the provisions of Article 13.01.08, *Waiver/Suspension of Ordinance*, no waiver, suspension or modification of this Ordinance, is authorized for approved local limits for toxic pollutants, or to federally-required general prohibitions.

13.04.16 Pretreatment Facilities. Where the County deems it necessary, the customer shall provide, at the customer's expense, such pretreatment facilities as may be necessary to treat Special Sewage prior to discharge to the sewer main/system. Plans, specifications, and any other pertinent information relating to proposed pretreatment facilities shall be submitted for the approval of the County and of the Idaho Department of Environmental Quality (IDEQ). Construction of such facilities shall not commence until approval is obtained in writing from IDEQ and the County. Such facilities shall be maintained continuously in satisfactory and effective operation by the customer, at his expense. Customer(s) currently connected to the County Sewer System and subsequently required to provide pretreatment facilities shall be allowed one year from the effective date of this ordinance to come under compliance with these restraints unless untreated wastewater is causing harm to the system or system operations.

13.04.17 Control Manhole. When the board deems it necessary, the customer of any property served by a service line carrying Special Sewage may be required to install and maintain, at the customer's expense, a suitable control manhole, or other acceptable port, in the service line to facilitate observation, sampling, and measurement of the wastes. A control manhole or sampling port on the sewer service line for monitoring sewage is required for all restaurants and bakeries. All measurements, tests, and analyses of the characteristics of Special Sewage waters and wastes shall be determined in accordance with Fremont County requirements, and the *Standard Methods for the Examination of Sewage*, latest edition, or by methods approved by the Idaho Department of Environmental Quality. Measurements and tests shall be determined at the control manhole, or upon suitable samples taken at the control manhole. In the event that no special manhole or sampling port has been required, the control manhole shall be the downstream manhole in the sewer interceptor that is nearest to the point at which the sewer service line is connected.

13.04.18 Grease Traps. A grease trap will be required for all restaurants and food preparation facilities due to their sewage having an adverse grease impact on the County's system. The grease trap shall be sized in accordance with the most recent state adopted plumbing code and installed by the customer at the customer's expense. The customer shall provide the County with a copy of the sizing calculations, the County must approve of the calculation prior to installation of the grease trap. Because of the characteristics of the sewage discharge from the grease trap, special consideration shall be given to the design of the outfall line in order to prevent freezing. Grease traps shall be maintained as defined in Article 13.05.03, *Cleaning of Grease Interceptors*, and Article 13.05.08, *Maintenance*, by the customer on a regularly

scheduled basis to ensure proper effective operation. As a condition of providing sewer service, the County has the authority to inspect grease traps and review and copy operating records to ensure that proper maintenance is being performed. Chemicals that have an adverse effect on the County's sewer system are prohibited from use for dissolving grease.

If at a later time the County determines that the sewage containing grease is having an adverse effect on the sewer system, the customer will be required to install a larger or alternative grease trap within ninety (90) days of notification by the County.

Failure to comply with the provisions of this section may result in the assessment of a user surcharge in an amount established by resolution for each day in violation up to ninety (90) days, after which time sewer service will be disconnected. In order for the service to be reconnected the appropriate maintenance or construction of the grease trap must be made and all associated fees and surcharges paid in full. If the surcharge is not paid as billed it will be collected by any lawful means.

13.04.19 Sewer Main Access Easements. Unless authorized by the County, no landscaping or improvements that would inhibit the County's access to the sewer system shall be placed on any property subject to a County easement. Any obstruction to service sewer facilities may be removed by County personnel.

13.04.20 Tampering with Systems

13.04.20.01 Unauthorized Use. No customer or non-customer shall uncover, alter, disturb, make any connection with, or make an opening into, the County Sewer System without preauthorization by the Supervisor. No person shall backfill a service line, sewer interceptor, manhole, cleanout or sewer main line without an inspection by Sewer System staff or their authorized representative. Unauthorized uses of or tampering with the County's systems include, but are not limited to, change in customer's equipment, service or use of property, as defined in Article 13.04.02, *Use of Systems*.

13.04.20.02 Damage to System Prohibited. No entity shall maliciously, willfully, or negligently, break, damage, destroy, cover, uncover, deface, or tamper with any portion of the County's Sewer System.

13.04.20.03 Penalties. Any person or entity who shall violate the provisions of this Article , may be assessed a user surcharge sufficient to recover the costs of repairing damage caused by any such tampering and shall be subject to the penalties applicable to any violation of provisions of this ordinance.

13.04.21 Line Locations. Upon request of a customer, the County will attempt to locate and mark all sewer lines, excluding service lines, to the best of its ability. Line locations will be made free of charge, but the County shall not be liable to any party for any costs incurred as a result of an inaccurate location.

ARTICLE V – FATS OIL & GREASE

Improperly managed fats, oils and grease from restaurants have become a significant problem for wastewater collection systems and treatment facilities. Fats, oils and grease (FOG) can coat, congeal and accumulate in pipes, pumps and equipment leading to costly and hazardous flow of wastes into drains, sewer lines, lift stations and treatment facilities. Improper discharge or disposal of FOG can result in: high biochemical oxygen demand (BOD), odors, increased operating costs, damage and deterioration to equipment resulting from hydrogen sulfide build up, and clogged collection lines resulting in sewer backups and property damage.

- 13.05.01 Grease Interceptors: Installation, Maintenance, Record Keeping and Grease Removal.** Grease interceptors shall be installed and maintained by the customer within cooking establishments. Such installation shall be exclusively at the customer's expense. Grease interceptors may also be required in non-cooking establishments or cold dairy and frozen foodstuff establishments and other industrial or commercial establishments when they are deemed necessary by the County for proper handling of liquid wastes containing fats, oils and grease. No customer shall allow discharge concentrations from a grease interceptor to exceed 100 mg/l, as identified by EPA Method 1664/1664A. All grease interceptors shall be of the type, design, and capacity approved by the County or their designee in accordance with the state-adopted plumbing code, and shall be readily and easily accessible for cleaning and inspection. All grease interceptors shall be serviced and emptied of accumulated waste content as required to maintain design capacity or effective volume of the device.
- 13.05.02 Retention Time.** Customers who are required to pass water through a grease interceptor shall provide for a minimum hydraulic retention time as required by the state-adopted plumbing code (UPC) fixture criteria.
- 13.05.03 Cleaning of Grease Interceptors.** Customers required to pass water through a grease interceptor shall remove any accumulated grease cap and sludge pocket as required pursuant to standards required by the manufacturer, but at intervals of no longer than thirty (30) days, at the customer's expense. Grease interceptors shall be kept free of inorganic solid material which could reduce the effective volume of the grease interceptor.
- 13.05.04 Inspections.** Customers required to pass water through a grease interceptor shall be subject to periodic review, evaluations, and inspections by the County Sewer System staff or their representatives at any time. Results of inspections will be made available to the customer with recommendations for correction/improvement if necessary.
- 13.05.05 Line Blockages.** Customers required to pass water through a grease interceptor are liable to the County for all costs related to public line blockages, line cleaning, line and pump repairs, etc. including labor, materials and equipment. Failure to pay these costs may be grounds for sewer service discontinuance. Fee surcharges to reimburse such costs shall be subject to collection by any lawful means.
- 13.05.06 Removal of Captured Materials.** Customers required to pass water through a grease interceptor shall be responsible for the proper removal and disposal by

appropriate means of the captured material and shall maintain on-site records of dates, and means of disposal, which are subject to review by the County staff.

- 13.05.07** **Sampling.** Any food service establishment whose effluent is suspect or perceived by the County to contain a concentration of greater than 100 mg/l of fats, oils, and grease may be required to routinely sample their grease interceptor effluent and have it analyzed for fats, oils, and grease at the expense of the customer and furnish a copy to the County. Such samples shall be analyzed by a laboratory with certification sufficient to satisfy state or federal regulatory authorities.
- 13.05.08** **Maintenance.** Maintenance of grease interceptors must include thorough pump-out and/or cleaning as needed, with a minimum frequency of once every 30 days or as deemed necessary by the Supervisor. The customer is responsible for the proper operation and maintenance of the grease interceptor.
- 13.05.08** **Construction and Location.** Construction and location criteria for grease interceptors shall be in accordance with the Environmental Protection Agency (EPA) Guidance Document, “On-site Wastewater Treatment and Disposal Systems,” Chapter 8 or its successor.
- 13.05.09** **Access.** Grease interceptors, whether singular or in series, must be directly accessible from the surface and must be fitted with an extended outlet sanitary tee that terminates 6 inches to 12 inches above the tank floor. Minimum access opening dimensions shall be 18 inches by 18 inches.
- 13.05.10** **Approval.** No Food Service Establishment will be allowed to initiate operations until grease handling facilities are installed and approved by the County and other applicable regulatory agencies.
- 13.05.11** **Under Counter Traps For Existing Food Service Establishments.** For cases in which “outdoor” type grease interceptors are not feasible to install or would not function properly, existing food service establishments may be required to install adequate and approved “under-the-counter” grease traps for use on individual fixtures, including dishwashers, sinks, and any other potential grease-containing drains. In such cases, units will be considered acceptable only if approved flow control fittings are provided to the grease interceptor inlet to prevent overloading of the grease trap and to allow for proper interceptor operation. In such cases customers will be notified of the existing system deficiencies and given a compliance deadline not to exceed two (2) months, to have approved grease-handling facilities installed. Location of “under-the-counter” units must be as close to the source of the wastewater as physically possible.
- 13.05.12** **Use of Enzymes/Emulsifiers.** Use of enzymes or other grease solvents, emulsifiers, etc. does not constitute an acceptable grease interceptor/trap maintenance practice.
- 13.05.13** **Existing Customers.** Existing customers have one (1) year from the date of adoption of this ordinance to comply with Article V.

ARTICLE VI – APPLICATIONS FOR SERVICE

13.06.01 Service Areas

13.06.01.01 Service within Sewer System Service Area. Sewer system service will be furnished on a non-discriminatory basis in accordance with this Ordinance to property included within the boundaries of developments served by the Fremont County Sewer System, based on individual review and approval by the Sewer System Supervisor. Service may be denied if system operation would be compromised or if capacity is not or will not be available. Fremont Count does not have an obligation to expand sewer system capacity in order to accommodate new system users.

13.06.01.02 Ability to Serve Letter. Ability to Serve letters for new connections shall be issued only upon the demonstrated availability of adequate capacity of the sewer system to provide service. No connections to the County’s Sewer System shall occur before the issuance of an Ability to Serve letter.

13.06.01.03 Requirement to Connect. Generation of domestic wastewater located within 500 feet or less from an existing or proposed public sewer main shall connect to the sewer system, whether by gravity flow or by pumping wastewater into the system.

Exclusion: Connections may be subject to other county requirements and be excluded based on available capacity.

13.06.02 Application for Service

13.06.02.01 Application Steps. The following steps must be completed before a sewer permit will be issued:

1. Submit an application and blue prints for sewer service to the Sewer Supervisor.
2. After approval from the Sewer Supervisor, and determination of EDU’s, a completed application for sewer service, accompanied by the appropriate fees must be submitted to the Fremont County Treasurer. All information requested on the connection application must be completed. A site plan or improvement plan showing the location of the buildings to be served relative to property lines, utility lines, and all easements shall be provided for the connection application. A copy of the building floor plan shall be provided with the connection application. The building floor plan shall indicate the location of the sewer service line.

13.06.02.02 Authorization to Connect. No connection to the system shall be made unless all required fees have been paid and a county sewer permit has been issued. Connections to the county-operated sewer system shall be made only by County personnel or by a contractor expressly authorized by the County to carry out such work.

13.06.02.03 Winter Connections. Connections may be made after October 15 of any year or before May 15 of any year by appointment, at the County's sole discretion, provided that the connection location can be heated or protected from freezing, and the additional costs of doing so are borne through payment in advance by the permit applicant.

13.06.02.04 Reassessment of Connection Fees. Should any information disclosed on the application prove at any time to be inaccurate, or should the applicant omit any information, the County shall have the right to pursue any or all of the following remedies: (i) reassess the connection fee originally charged to the rate current at the time of discovery by the County of the inaccurate or omitted information, (ii) disconnect the service in question after providing notice to the owner, (iii) back-charge the property in question for connection fees and service fees that may be due and owed, (iv) charge interest on unpaid balances or (v) charge any other additional fee or penalty specified in this ordinance.

13.06.03 Conditional Service. The County reserves the right to issue a notice of conditional service against a particular property where a condition exists which is not in compliance with the County's ordinance but sewer service to the property is nevertheless continuing. The notice will provide that, as a condition of receiving service, the customer agrees to indemnify and hold the County harmless for any damage resulting from existence of the condition. (Examples are connection to private lines not owned or maintained by the County, lack of easements for access and maintenance, and construction not in accordance with the County's standards.) The County may establish deadlines or time limitations to bring non-compliant conditions into compliance. If compliance is not achieved within the time frame provided, continuing service may be terminated after an opportunity to be heard has been provided.

13.06.04 Denial of Service. Notwithstanding the requirements of connection to a county-operated sewer system provided elsewhere in this ordinance the County reserves the right to deny sewer service when, in the opinion of the County, the service applied for would create an excessive seasonal, loading or other demand on the facilities. Denial may also be based upon an unresolved obligation between the County and the applicant, inadequate documentation of rights of way or access for main lines serving the property, or the existence of conditions not in compliance with County ordinances.

13.06.05 Cancellation of Permit. The County reserves the right to revoke any permit, after an opportunity for hearing before the Board of County Commissioners, for any material violation of this Ordinance.

13.06.05.01 Revocation of Connection Rights. The right to connect to the County Sewer System and to receive services under Article 13.04.01, *Use of Systems*, may be revoked by the County upon non-payment of any fees owed to the County which remain unpaid for a period of thirty (30) days, whether or not the customer owning the right to connect has actually connected to the County's system. If the right to connect to the County's system is revoked, a customer may subsequently regain connection rights by reapplying for service in accordance with the terms of this ordinance. Any such reapplication will be considered only

after payment of all past fees and charges due and owed to the County, as well as payment of any connection fees then charged by the County pursuant to the authority of this Ordinance.

ARTICLE VII – MAIN LINE EXTENSIONS

13.07.01 Main Line Construction or Extension. The County shall have no obligation to construct or extend any main line. At the discretion of the Commission, the County may permit an applicant to construct, at the sole expense of the applicant, sewer main lines in accordance with County standards. Before proceeding with any construction, the applicant shall request and receive intent to provide service from the County and enter into a satisfactory written main line extension agreement with the County. The County may construct or extend any main line if the Commission deems it in the best interest of the County to do so.

13.07.02 Application for Approval. All applicants desiring to construct or extend a main line within the County shall submit a formal application to the County and any and all other governmental agencies which may be required. This application shall contain a legal description of the property to be served by the main line, the estimated number of service connections to be served, the type of structures, the use of the property, the easements to be conveyed, the detailed construction plans and specifications for that extension, and any other information reasonably required by the County. Within a reasonable time, the County's staff and consultants shall review the easements, plans, and specifications for conformance to all applicable ordinances and submit the recommended plans, with appropriate documentation to the Commission for overall review. Before the County considers approval of any main line construction or extension, the applicant shall deposit with the County an amount sufficient to compensate the County for engineering fees, legal fees, and other costs anticipated to be incurred by the County as a result of the application and the construction or extension of the mainline. Applicant shall also pay all reasonable inspection costs conducted by any governmental agency, including the County. The authority to extend any part of the county sewer system may depend upon the relationship of such extension to land development that would be served by the system extension.

13.07.02.01 Locations of Main Line Extensions. Main lines may only be installed in road or street rights-of-way, or within written easements granted to, and expressly accepted by, the County.

13.07.02.02 Sewer Collection Lines. Sewer collection lines shall be designed and constructed to meet all county-adopted standards and to provide a means of access for maintenance, inspection and flushing by the County's personnel using the County's then-existing equipment. Fremont County reserves its exclusive discretion to accept all system components, including, without limitation, the right to require gravity flow, additional sewer line depth and alignment, design standards and acceptability of public lift stations and any other design features that would have a bearing on future extension of the system, future costs of system operation and overall system operating efficiency.

13.07.03 Acceptance Procedures. Before any main lines are accepted by the County, the contractor or applicant shall demonstrate an ability to:

- (i) convey to the County by an appropriate legal instrument the main lines and all appurtenances free and clear of all liens and encumbrances;
- (ii) furnish to the County a warranty bond in acceptable form to cover all maintenance for two (2) years from the date of construction acceptance of the main lines by the County;
- (iii) provide the County digital field-verified record drawings of all facilities constructed, including but not limited to easements, sewer stub out locations, coordinates of manholes, rim and invert elevations;
- (iv) provide inspection and test results, including cctv inspection in DVD format of the interiors of the line,
- (v) provide digital copy of all computer information available as per the County's specifications; and
- (vi) provide maintenance, operating, and parts manuals. The County's personnel shall be present for all pressure tests plus any other tests as deemed necessary. No taps may be made onto any extension of a main line without the County's prior written approval. Failure to follow these requirements shall authorize the County to require any remedial steps it finds necessary to assure compliance with all design and construction standards made applicable to the authorized system extension.

ARTICLE VIII – RATES AND CHARGES

13.08.01 General. The Commission shall have the authority to establish rates, charges and fees for the services provided by the County. All customers receiving services from the County shall be personally liable for such charges and fees. Additionally, all such charges and fees shall be a charge against the property of the Customer receiving services and shall transfer along with land ownership. Nothing contained herein shall limit the County from modifying rates, charges and fees, or from modifying any classification. Such charges and fees may be adjusted periodically and established and determined by resolution whenever deemed appropriate by the Board of Commissioners.

The following is a list of possible fees, however the list may not be all inclusive:

- hook up fee or connection fee;
- operation and maintenance fee (O & M fee);
- late fee;
- disconnect fee;
- reconnect fee;
- service development charge. (SDC)
- short term rental fee

13.08.02 Classification of Customers. For the purpose of charges sufficient to sustain system operation, user classifications and related definitions shall be as defined in this ordinance. The following additional conditions may be applied in rate and service charge applications.

13.08.03 Connection Fees. Connection fees must be paid in advance of connection. No refund of connection fees will be paid, except upon the showing of exceptional

circumstances as determined by the discretion of the Commission. Connection fees will need to be paid as a condition precedent for obtaining a building permit and will only be valid for a period equivalent to the duration of the building permit.

- 13.08.04 User Fees.** User fees are all fees charged periodically to fund the operation, maintenance, replacement and expansion of the Fremont County Sewer System.
- 13.08.05 Service Development Charge (SDC) –** SDC charges shall be assessed for any commercial hook-up or development of more than one residential unit desiring to connect to the sewer system. The SDC may be replaced by a development agreement if the terms of the development agreement are more advantageous for the Sewer System. The appropriate fee will be calculated on an individual basis in accordance with Appendix D, *Service Development Charge*.
- 13.08.06 Transfer of Connection Fees Prohibited.** No connection fee paid on behalf of one property, or any portion thereof, may be transferred to any other property.
- 13.08.07 Commencement of Charges.** Charges for service will begin when the building permit or sewer permit is issued.
- 13.08.08 Connection Fees for Unclassified Users.** Where a prospective user applies for a permit for service to a structure or use not defined in this ordinance, or in resolutions implementing provisions of this ordinance, the County shall establish an appropriate connection fee for the use.
- 13.08.09 Payment of Charges.** The County will bill sewer service operation and maintenance charges on a periodic basis. When a condominium or homeowners' association exists for a number of customers receiving service from the County, the applicable association shall be financially responsible for all charges arising from the provision of service to members of such associations and the County may submit one invoice to such association from the County showing usage per customer or residential unit. Notwithstanding the foregoing, the individual customer within such Association receiving services from the County shall also remain personally liable for all charges related to services provided to such customer by the County and the County may, at its option, submit invoices to such customer on an individual basis. Any structure serviced by a single service line with more than one residential unit, shall establish one responsible party for sewer bills.
- 13.08.10 Delinquent Accounts**
- 13.08.10.01 Payment of Accounts.** All users shall be billed on a periodic basis as determined by the Commission. Accounts which remain unpaid after the due date shall be deemed a delinquent account.
- 13.08.10.02 Late Fee and Delinquency Charge – Set by Resolution.** Late fees and accrued interest for delinquent accounts shall be assessed in the same manner as delinquent property taxes.

13.08.10.03 Lien for Unpaid Accounts. The County shall have a perpetual lien against the real property served by the County in the amount of all amounts which have been billed by the County but which remain unpaid, as well as all costs and expenses incurred by the County in seeking collection of the delinquent accounts, including reasonable attorneys' fees.

13.08.11 Reconnection Fee. Before discontinued service to a parcel may be reinstated, all past due amounts, accrued interest and collection expenses must be paid in full. Current hook-up fees will apply.

ARTICLE IX – SERVICE DEVELOPMENT CHARGE (SDC)

13.09.01 Application of Service Development Charges. In addition to any other referenced sewer fees, all developers (including residential, commercial, industrial) as defined by this Ordinance seeking to connect to the County Sewer System and requiring a Class II Permit, or any short term rental requiring a Class I permit, as defined by the Fremont County Development Code, shall be assessed a Service Development Charge (SDC) prior to connecting to the County Sewer System. The SDC shall be based upon the costs the County will incur by providing sewer services to a new development and assigns the capital cost of sewer system capacity expansion to the developers connecting to the sewer system. The equation for determining the SDC shall be established and determined upon the recommendation of a registered Idaho professional engineer a minimum of every 5 years by resolution.

13.09.02 Payment. All SDC monies shall be paid by the developer to the Fremont County Sewer System c/o the County Treasurer. Any developer seeking a Class II or Class I short term rental Building Permit as established by the Fremont County Development Code, must pay the SDC prior to the issuance of a building permit. Any developer seeking a permit to develop a subdivision as established by the Fremont County Development Code must pay the SDC prior to receiving approval of the development's final plat. Any developer seeking a permit to develop a commercial business or industrial use as established by the Fremont County Development Code must pay the SDC prior to the issuance of a building permit.

13.09.03 Additional Treatment Facilities. From time to time the County may require developers to construct sewage facilities on their property that provide sewer service or services beyond what normally would be required by the County for construction of the development. In the event such requirements are placed upon a developer, the developer shall be reimbursed by the County for the additional facilities required by the County and constructed by the developer. Such facilities shall become property of the County upon reimbursement.

13.09.04 SDC Fee. County Commission may review the SDC fees and by resolution or subsequent ordinance establish a new SDC. The method of calculating said SDC shall be specified in said resolution or ordinance.

13.09.05 Calculating the SDC. The SDC shall be computed and assessed as either the full cost of upgrades of all facilities and components affected by the development, or by following equations developed for that purpose. The equations, a spreadsheet incorporating the equations and a sample calculation are found in Appendix D.