

## CHAPTER 1

### WATER REGULATIONS; RATES

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6-1-1: **PURPOSE:** The system of regulations outlines in this chapter is hereby determined and declared to be necessary for the safe, fair and effective operation and management of the Victor culinary water system. (Ord 080289, 8-2-1989, eff. 8-2-1989)

6-1-2: **SERVICE RATES:** Water rates are subject to review and change by resolution as the Victor city council deems necessary. The city will use the funds collected from service connection and supply fees to reduce its bonded indebtedness for the city water improvements and for general water system maintenance purposes. The following monthly rates are hereby established:

A. Monthly Equivalent Residential User Connection / Base Rate: The base monthly rate for each equivalent residential connection is the base amount that is due every month even if no water is used or the water meter is removed. (Ord. 080289, 8-2-1989, eff. 8-2-1989; amd. 1996 Code; Res. R03-0403, 4-3-2003; amd. 2010 Ord 10-1215, 12-15-10.)

- B. Equivalent User Schedule: The number of equivalent users to be assigned each user and/or user class, shall be in accordance with the following equivalent user schedule. Assignment of equivalent users shall apply for one year until the next annual user charge review. Users so indicated or not included in this schedule shall be considered special users and shall be evaluated separately according to projected water usage. A single user having more than one classification of use shall be the sum of the fees. The minimum monthly water user charge shall be one equivalent user. No quantity discounts will be allowed. (amd. 2010 Ord 10-1215, 12-15-10.)

EQUIVALENT USER SCHEDULE (1.0 Minimum)

<u>Classification</u>	<u>Equivalent Users</u>
Apartments, duplex and trailers in trailer courts (per each)	1.00
Assembly hall or lodge (no café)	1.00
Bar or tavern (for each seat)	0.06
Barber and beauty shops (per chair)	0.20
Bowling alley (per lane)	0.20
Café, up to 50 seats	2.00
For each additional 25 seats	1.00
Café, drive-in, less than 20 inside seats	2.00
For each additional 20 inside seats	1.00
Car washes, per stall	2.00
Churches (single congregation)	1.00
Multiple congregations for each additional	1.00
Garage or maintenance shop	1.00
Hospitals or medical clinics (with no beds)	3.00
For each additional bed	0.50
Hotels, motels, or rooming house per unit	0.50
Additional per unit with kitchens	0.20

Institutions with permanent or temporary residents	1.00
Rest homes, etc. (plus per resident)	0.30
Laundromat, up to 10 washers	2.00
Each additional washer	0.10
Office, up to 20 employees	1.00
For each additional employee	0.03

<u>Classification</u>	<u>Equivalent Users</u>
Schools, no cafeteria, per student, faculty and staff	0.03
With cafeteria, per student, faculty and staff	0.04
Service station	1.00
Single dwelling unit (residence) (home, trailer or condominium)	1.00
Store or business, up to 20 employees	1.00
Each additional employee	0.03
Supermarkets, grocery	2.00
With butcher shop additional	1.00
With bakery additional	1.00
Warehouses, etc., per 6,500 gallons/month	1.00
Open class per 9,000 gallons/month	1.00

- C. Volume Charge: A monthly volume charge will be assessed for every thousand (1,000) gallons measured through the meter up to the amount of twelve thousand (12,000) gallons after which an excess charge will be applied as explained below.
- D. Excess Charges: All water in excess of twelve thousand (12,000) gallons used by any user in a month, will be charged an overage fee. Such fees will be established by resolution by the Victor City Council. There shall be two separate fees. One fee shall be applied for usages of twelve thousand and one (12,001) gallons to twenty thousand (20,000) gallons; and, a separate fee shall be applied for usages in excess of twenty thousand (20,000) gallons.. (Res. R02-0117, 11-7-2002; amd. Res. R03-0403, 4-3-2003; amd. 2010 Ord 10-1215, 12-15-10.)

- D. Water Turn Off: There is a charge for turning off water service as established by resolution by city council. (amd. 2010 Ord 10-1215, 12-15-10.)
- E. Restoring Service: The charge for restoring water service is established by resolution by the Victor city council. (amd. 2010 Ord 10-1215, 12-15-10.)
- F. Hardship Cases: Water rates for hardship cases may be set lower as determined by special consideration of the Victor city council. (Ord. 080289, 8-2-1989, eff. 8-2-1989; amd. 1996 Code; (amd. 2010 Ord 10-1215, 12-15-10.)

6-1-3:           **NEW SERVICE CONNECTIONS:** New water service connections shall be made in accordance with the following: (Ord. 080289, 8-2-1989, eff. 8-2-1989; amd. 1996 Code)

- A. Water Connection Fee: All applications for new water service must be made in writing by the owner or by the occupant, with the owner's written authorization, on a form provided by the city, and accompanied with payment for the connection fee, along with the current cost of a water meter assembly. Any additional costs incurred by the city for extension of water services will be paid for by the applicant/developer. The connection fee is subject to review and change by resolution of the Victor city council. (Res. R02-0117, 11-7-2002; amd. Res. R03-0403, 4-3-2003; Res. R07-0314, 3-14-07 amd; amd. 2010 Ord 10-1215, 12-15-10.)
- B. Connection Fees Outside City Limits: All applications for new water service must be made in writing by the owner or by the occupant, with the owner's written authorization, on a form provided by the city, and accompanied with the payment of 1.5 times the current connection fee, with an additional fee for the current cost of a water meter assembly. Any additional costs incurred by the city for extension of water services will be paid for by the applicant/developer. The connection fee is subject to review and change by resolution of the Victor city council (Res. R02-0117, 11-7-2002; Res. R07-0314, 3-14-07; amd. 2010 Ord. 10-1215, 12-15-10.)
- C. Water Meter Assembly: Property owners will be responsible for the full cost of installing a water meter assembly and service line from the nearest available main to their property. The city will at the

user's expense install the water meter and service line from the water main to the property line.

- D. Installation Expenses: The bill for installation expense from the city shall be due in full on the twentieth day of the month in which it is sent unless other arrangements are made with full city council approval.
- E. Water Main Extensions: The city will refuse to approve an application for service connection if it requires an extension of the city water mains, unless the property owner to be serviced authorizes construction of a water main which meets city specifications and agrees to pay all costs of its installation pending the City's approval to service the connection. (Ord. 080289, 8-2-1989, eff. 8-2-1989; amd. 2010 Ord 10-1215, 12-15-10.)

6-1-4:           **CONSTRUCTION STANDARDS:** New, repaired or replaced water system construction shall be in accordance with the following:

- A. Service Lines: Service lines to residences shall be one inch (1") in size unless in the city water department rules that a larger line is needed.
- B. Depth: The city will refuse to make a service connection to a customer's plumbing where the depth of the customer's service line is less than necessary to prevent freezing under winter conditions, or to allow any service, main, or other appurtenance that in its opinion does not conform to good design or standards used by the city.
- C. Water Service Specifications: All water services are to be constructed in accordance to the most recent City Standard Specifications. (amd. 2010 Ord 10-1215, 12-15-10.)

6-1-5:           **INACTIVE ACCOUNTS:**

- A. Described: A water service account is hereby deemed to be inactive when:
  - 1. Monthly water service fees have not been collected in the last six (6) months or the total amount of delinquent fees exceed six (6) months of base rate. (amd. 2010 Ord 10-1215, 12-15-10.)

2. The property owner requests in writing that the water service be permanently discontinued.

3. If a water service account meets or exceeds the criteria explained above during winter months, the account will be deemed to be inactive however the meter will not be removed until weather conditions permit. (amd. 2010 Ord 10-1215, 12-15-10.)

- B. Meters will be removed from properties with inactive accounts at the convenience of the City's Public Works Department, as the weather permits. (Ord. 12-0509, 2-26-2014)
- C. Restoration: Water service may be restored to inactive accounts upon payment of the total delinquent amount, including penalties, interest or other charges imposed by the City, together with a service restoration fee as provided for the Victor fee and fine schedule. (Ord. 080289, 8-2-1989, eff. 8-2-1989; amd. 1996 Code; amd ord. 12-0509, 2-26-14)

6-1-6: **BILLING:**

- A. An itemized bill for culinary water service will be mailed monthly before the fifteenth of each month to the property owner. The bill will show the total amount due the city as of the first day of that month for water service usage, late payment, penalty fees, water connection fees or any other water system related charges authorized by this chapter. (Ord. 080289, 8-2-1989, eff. 8-2-1989,5-24-06-6)
- B. Application Form: Each applicant for water and /or sewer service shall sign an application form provided at the city hall giving the date of application, location of premises to be served, the date applicant desires services to begin, purpose for which the services is to be used, the address for mailing of the billings, the class and the size of the meter service and such other information as the water department may reasonably require. In signing the application, the application is merely a written request for service and does not bind the water department to provide service. (Ord 10-1215, 12-15-10.)
- C. Customers desiring a material change in the size, character or extent of equipment or operation which would result in a material change in the amount of water used, shall give the city written notice of such change prior to the change of the application for

service shall be amended. Customers desiring a change in the size, location or number of services shall fill out an amended application. (amd. 2010 Ord 10-1215, 12-15-10.)

6-1-7:           **ADVANCE PAYMENT FOR WATER SERVICE:** Any water user may pay in advance on their account. No bills will be sent until the city charges have exhausted the advance payment amount. (Ord. 080289, 8-2-1989, eff. 8-2-1989)

6-1-8:           **DELINQUENT ACCOUNTS; LATE PAYMENT PENALTY FEES:**

- A.     Past Due Date: A late fee will be assessed if the account has not been paid in full, by the due date listed on an itemized bill. (amd. 2010 Ord 10-1215, 12-15-10.)
- B.     Past Due Fee: A late fee will be assessed for all accounts past due as per subsection A of this section. An additional penalty will be assessed for accounts sixty (60) days delinquent. All late fees and penalties will be established by resolution of the Victor city council.(Res. R03-0403, 4-3-2003)

6-1-9:           **WATER SERVICE DISCONTINUATION:** After a water account becomes delinquent as provided in section 6-1-8 of this chapter, water service may not be discontinued until the following procedure has been followed: (Ord. 080289, 8-2-1989, eff. 8-2-1989; amd. 1996 Code)

- A.     Delinquent Bill: The total delinquent amount including any late fees will be charged on the next month's regularly scheduled bill. This bill will be accompanied by a notice from the city of Victor that the total amount due must be received by the city on or before the due date listed in the itemized bill or water service will be discontinued. (Ord. 080289, 8-2-1989, eff. 8-2-1989; amd. 1996 Code; Res. R02-0117, 11-7-2002; Res. R03-0403, 4-3-2003; amd. 2010 Ord 10-1215, 12-15-10.)
- B.     Notice of Service Disconnect: Unless the owner or tenant requests in writing a pre-termination of service hearing before the Victor city council, a final notice of date of service disconnect will be personally served to, or mailed by U.S certified mail, return receipt requested, to the owner of the premises. The service termination shall be executed no sooner than forty eight (48) hours after this

final notice is served ( a longer period may be given at the discretion of the Victor city clerk/treasurer if the final notice must be mailed) unless full payment is received or a pre-termination hearing is requested.

- C. Pre-termination Hearing: In the event a pre-termination hearing is requested, such hearing shall be held before the city council after a timely notice to such owner who shall have the right to be represented by counsel and present witnesses on their behalf, a written record of such hearing shall be kept by the city and a written decision stating the reasons therefore shall be rendered by the city council within a reasonable time. All hearings shall be informal in nature and the formal rules of procedures and evidence used by the district courts of Idaho, shall not apply.
- D. Disconnection Delayed Pending Hearing: Water service shall not be discontinued pending such hearing, but in the event of a decision requiring payment of such bill or any portion thereof, the same must be received by the city within ten (10) days after personally serving or mailing of such decision to the owner, or water service shall be discontinued.
- E. Termination of Service: In the event termination of service is required for violation of the provisions of this chapter, other than nonpayment of account, the owner, will first be personally served or mailed by U.S. certified mail, return receipt requested, written notification of time and place to appear for pre-termination hearing before the Victor city council. If the owner fails to appear at the hearing, or if the city council rules that the water service is to be discontinued, in accordance with the provisions of this chapter, water service may be terminated forthwith. Further action by the city council may also be pursued as provided under section 6-1-14 of this chapter.
- F. Appeal: The owner or tenant of the premises involved shall have the right of appeal to the district court from any adverse decision of the city council, and such appeal must be filled within thirty (30) days of the council's decision.
- G. Copies Available: A copy of this chapter shall be given upon request to any owner served by the Victor culinary water system. (Ord. 080289, 8-2-1989, eff. 8-2-1989; amd. 1996 Code)

6-1-10:       **WATER USER RESPONSIBILITIES:** Owners of establishments served by the Victor city water system, or their tenants, if any, are responsible for the following:

- A.     Owner Liability: Property owners who rent houses, businesses or other premises to other individuals will pay the water fees on the premises. The owner is liable for any unpaid water bills.
- B.     Wasting Water: Wasting of water is unlawful. Repair of leaks, control of water through floats, etc., are the responsibility of the user. Violators are subject to water service disconnect.
- C.     Frozen Water Service: In order to prevent water line freeze ups, it is the water user's responsibility to keep about one half ( $\frac{1}{2}$ ) gallon of water per minute running constantly during the winter months from October to April. During this time period each Equivalent Residential User Connection ("ERC") will be allowed thirty three thousand (33,000) gallons per billing period to prevent freeze ups. The established volume and overage charges shall apply to any usage above thirty three thousand (33,000) gallons. The city is not responsible for the cost of repairing or thawing of water service lines. The entire water service line from the main line to the user's residence is the responsibility of the property owner. Water users are responsible for all freeze damage and service interruption due to service line freezing. Water meter damage from freezing will be repaired at the user's expense. (amd. 2010 Ord 10-1215, 12-15-10.)
- D.     Discontinued Service; User Responsibility: Water users will be liable for the water use charge from the time the water is turned on until they make request to the city that service be discontinued. Intermittent use, where no service disconnect is made by the city, will be considered the same as continuous service. (Ord. 080289, 8-2-1989, eff. 8-2-1989)

6-1-11:       **TAMPERING; UNAUTHORIZED SERVICE:**

- A.     Unauthorized Reconnection: When the city water department has discontinued water service to any premises, either upon the application of the owner thereof, or for nonpayment of water charges, or for any other reason, it shall be a misdemeanor for any unauthorized person to again connect such premises to the city water system.

- B. It is unlawful for any person not authorized by the city to connect a service connection to the city system without meeting the requirements listed in 6-1-3 of this chapter. Any unauthorized connections shall be subject to the penalty.. (amd. 2010 Ord 10-1215, 12-15-10.)
- C. Tampering: It shall be unlawful for any person not authorized by the city to tamper with, alter or injure any part of the city waterworks or water supply system. Unauthorized use which damages city valves, damage to city lines and mains by excavation, driving over meter boxes, etc., where cost is incurred by the city, shall be charged to the water user or persons responsible for the damage.
- D. Stop Valves: The city curb stop valve (shutoffs) on each water meter are to be operated by authorized city personnel only, unless prior permission is granted to the water user from the city. Each water user is urged to have a separate turn off valve on their service line near or in their home. (Ord. 080289, 8-2-1989, eff. 8-2-1989)

6-1-12:       **TEMPORARY SERVICE:** Should alternative running water be provided to any premises, whether obtained by the city, the owner, the occupant or from any adjacent city water user (i.e., garden hose service of the like), then the monthly water rate shall be the same as that provided in section 6-1-2 of this chapter. Temporary water service shall be connected only after permission is obtained. (Ord. 080289, 8-2-1989, eff. 8-2-1989)

6-1-13:       **WATER CONSERVATION:** When the city council deems necessary, water turns will be set and posted for the outside use of water on lawns, and gardens. Violators will be subject to water service disconnect. Wasting water is prohibited. Repair of leaks, control of water through floats, etc., are the responsibility of the user. (Ord. 080289, 8-2-1989, eff. 8-2-1989)

6-1-14:       **PENALTY:** Any violation of this chapter shall be deemed a misdemeanor and shall be punishable, upon conviction, by a fine or by incarceration in the Teton county jail for up to six (6) months or by both such fine and incarceration. (Ord. 080289, 8-2-1989, eff. 8-2-1989)