

Index to Water Rate Ordinance  
City of Dubois, Idaho

---

Water Rate Ordinance  
City of Dubois, Idaho

Ordinance 227

---

September 5, 1990

# Index to Water Rate Ordinance City of Dubois, Idaho

---

Section 1	Rules and Regulations
Section 2	Definitions and General Terms
Section 3	Service Area
Section 4	Description of Service
Section 5	Application for Service
Section 6	Main Extensions
Section 7	Services
Section 8	Meters
Section 9	Water Charges: Review and Revision of Rates
Section 10	Notice
Section 11	Billing and Payments
Section 12	Meter Error
Section 13	Discontinuance of Service
Section 14	Restoration of Service
Section 15	Unusual Demands
Section 16	Access to Property
Section 17	Responsibility for Equipment
Section 18	Fire Hydrants
Section 19	Penalties
Section 20	Suspension of Rules
Section 21	Easement
Section 22	Prior Ordinance
Section 23	Constitutionality, Saving Clause
Section 24	Ordinance Authorization

# Section/Subsection Index

---

- Section 1      Rules and Regulations  
    (1) Short Title  
    (2) Scope
- Section 2      Definitions and General Terms  
    (1) City  
    (2) Water Department  
    (3) City Council  
    (4) Superintendent  
    (5) Applicant  
    (6) Customer or user  
    (7) Single Family Dwelling  
    (8) Duplex  
    (9) Multi-Family Dwelling or Apartment House  
    (10) Trailer House or Mobile Home  
    (11) Auto Court, Motor Court, Travel trailer Court,  
        Motel, Hotel, etc.
- Section 3      Service Area and Connection Requirement  
    (1) Service Area  
    (2) Connection to water system required
- Section 4      Description of Service  
    (1) Supply  
    (2) Quality  
    (3) Ownership of system  
    (4) Classes of service  
        (a) Residential Service  
        (b) Commercial Service  
        (c) Standby Fire  
        (d) Contract Service  
    (5) Special contracts  
    (6) Resale of water  
    (7) Service preference
- Section 5      Application for Service  
    (1) Application form  
    (2) Deposits and establishment of credit  
        (a) Deposits and the Establishment of credit  
        (b) Deposits  
        (c) Forfeiture of Deposit  
    (3) Application Amendments
- Section 6      Main Extensions  
    (1) Within city limits  
    (2) Outside the city limits  
    (3) Location of extensions

Section 7

Services

- (1) Definition
- (2) Ownership
- (3) Service connection charge
- (4) Size of service
- (5) Changes in service size
- (6) Length of service
- (7) Joint Service Connections
- (8) Number of service connections on premises
- (9) Standby fire protection service connections
  - (a) Purpose
  - (b) Charges for service
  - (c) Violations of regulations
- (10) Fire service connections other than standby
- (11) Temporary service connections
  - (a) Time limit
  - (b) Charge for water served
  - (c) Installation charge and deposits
  - (d) Responsibility for meters and installation
- (12) Customer's plumbing
  - (a) Plumbing code
  - (b) Control valves

Section 8

Meters

- (1) Ownership
- (2) Installation
- (3) Size and type of meter
- (4) Location of meters
- (5) Joint use of meters
- (6) Change in size or location

Section 9

Water Charges: Review and Revision of Rates

- (1) Setting, Review and Revision of Rates
- (2) Outside City Limits.

Section 10

Notice

- (1) Notice to customers
- (2) Notice from customers

Section 11

Billing and Payments

- (1) Meter readings
- (2) Rendering of bills
  - (a) Billing period
  - (b) Bills for other than normal billing period
  - (c) Bills for more than one meter
- (3) Disputed bills
- (4) Failure to read meters
- (5) Payment of bills
- (6) Delinquent accounts
  - (a) Delinquent notice
  - (b) Late charges
  - (c) Turn-off notice
  - (d) Service turn-off
  - (e) Service charge



- (7) Installment payments of delinquent accounts
- Section 12 Meter Error
  - (1) Meter accuracy
  - (2) Meter test
    - (a) Standard test
    - (b) On customer request
    - (c) On Water Department request
  - (3) Adjustment of bill for meter error
- Section 13 Discontinuance of Service
  - (1) On customer request
  - (2) Nonpayment of bills
  - (3) Nonpayment of sewer service charges
  - (4) Improper customer facilities
    - (a) Unsafe facilities
    - (b) Cross connections
  - (5) Water Waste
  - (6) Service detrimental to others
  - (7) Fraud or abuse
  - (8) Unauthorized turn-on
  - (9) Noncompliance with regulations
- Section 14 Restoration of Service
- Section 15 Unusual Demands
- Section 16 Access to Property
- Section 17 Responsibility for Equipment
  - (1) Responsibility for customer equipment
  - (2) Responsibility for Water Department equipment
  - (3) Damage to Water Department equipment
- Section 18 Fire Hydrants
  - (1) Operation
  - (2) Moving a fire hydrant
- Section 19 Penalties
- Section 20 Suspension of Rules
- Section 21 Easement
- Section 22 Prior Ordinance
- Section 23 Constitutionality, Saving Clause
- Section 24 Ordinance Authorization

1  
2  
3 ORDINANCE NO. 227  
4

5 AN ORDINANCE PROVIDING RATES TO BE CHARGED FOR WATER SERVICE BY THE  
6 CITY OF DUBOIS, IDAHO; PRESCRIBING THE RULES AND REGULATIONS FOR  
7 THE CONDUCT AND OPERATION OF THE WATER SYSTEM OF SAID CITY AND  
8 CONNECTION THEREWITH; REGULATING AND GOVERNING THE USE OF WATER  
9 FROM SAID SYSTEM; AND PROVIDING PENALTIES FOR NONPAYMENT OF WATER  
10 SERVICE AND FOR VIOLATION OF THIS ORDINANCE.  
11

12 THE CITY OF DUBOIS ORDAINS AS FOLLOWS:  
13

14 SECTION 1. Rules and Regulations.  
15

16 (1) Short title. This ordinance shall be known as "Rates,  
17 Rules and Regulations for the Operation of the Water System of the  
18 City of Dubois, Clark County, Idaho", and may be so cited and  
19 pleaded.  
20

21 (2) Scope. The Water Department and all customers receiving  
22 services from the Water Department, whether inside or outside the  
23 City limits, are bound by these rules and regulations of the Water  
24 Department.  
25

26 SECTION 2. Definitions of General Terms.  
27

28 (1) City. Whenever the word "City" is used, it shall mean  
29 the legally constituted municipal government of the City of Dubois,  
30 Clark County, Idaho.  
31

32 (2) Water Department. Whenever the words "Water Department"  
33 are used, they shall mean the Water Department of the City of  
34 Dubois, Idaho.  
35

36 (3) City Council. Whenever the words "City Council" are  
37 used, they shall mean the legally elected group of members  
38 composing the City Council, including the Mayor, or the City of  
39 Dubois, Idaho.  
40

41 (4) Superintendent. Whenever the work "Superintendent" is  
42 used, it shall mean the person appointed by the City Council to  
43 superintend the affairs of the Water Department.  
44

45 (5) Applicant. Whenever the word "applicant" is used, it  
46 shall mean the person or persons, firm or corporation, making  
47 application for water service from the Water Department under the  
48 terms of these regulations.  
49

50 (6) Customer or user. Whenever the words "customer" or  
51 "user" are used, it shall mean the owner of a residence, building,  
52 or structure who has made application and who has been accepted  
53 under the terms of these regulations and who receives water service  
54 from the Water Department. The term "customer" or "user" shall not



1 include tenants as it shall be the owner's responsibility to apply  
2 for service and to pay for service.  
3

4 (7) Single Family Dwelling: A building designed for or  
5 occupied by one family for living or sleeping purposes, and having  
6 kitchen or cooking facilities.  
7

8 (8) Duplex: A building designed, built, rented, or leased  
9 for occupancy by two (2) families living independently of each  
10 other.  
11

12 (9) Multi-Family Dwelling or Apartment House: Any building or  
13 portion thereof which is designed, built, rented, leased, lent, or  
14 hired out to be occupied or which is occupied as the home or  
15 residence of three (3) or more families or persons living  
16 independently of each other and doing their own cooking within the  
17 premises, which shall include townhouses or condominiums.  
18

19 (10) Trailer House or Mobile Home: a detached single-family  
20 dwelling unit used or so constructed as to permit its being used as  
21 a conveyance upon the public streets or highways and constructed in  
22 such a manner as will permit occupancy thereof as a dwelling or  
23 sleeping place for one or more persons.  
24

25 (11) Auto Court, Motor Court, Travel Trailer Court, Motel,  
26 Hotel, etc.: The combination of group of two (2) or more dwelling  
27 units occupying a building site or area under one ownership, used  
28 for the purpose of furnishing transient living accommodations.  
29  
30  
31

32 SECTION 3. Service Area and Connection Requirement.  
33

34 (1) Service Area. The area serviced by the Water Department  
35 shall be all that area included within the corporate limits of the  
36 City of Dubois and such other contiguous and neighboring territory  
37 as the City Council shall, from time to time, deem necessary to  
38 serve.  
39

40 (2) Connection to water system required. Every parcel of land  
41 or premises within the boundaries of the City of Dubois, improved  
42 by new construction for occupancy and occupied or used by any  
43 person or persons, or as a commercial business, shall be connected  
44 to the public water system. The owner or person in charge of such  
45 land shall make or cause to be made, such connection within sixty  
46 (60) days after receiving official notice from the City to so  
47 connect. All charges associated with the laying of pipe from the  
48 home or facilities to be served by the City's mains shall be  
49 properly designed and constructed in conformity with requirements

1 specified by the City. If a parcel of land is not within 300 feet  
2 of a water main, connection is optional.  
3

4 SECTION 4. Description of Service.  
5

6 (1) Supply. The Water Department will exercise reasonable  
7 diligence and care to deliver a continuous and sufficient supply of  
8 water to the customer at a reasonable pressure and to avoid so far  
9 as reasonable possible any shortage or interruption in delivery.  
10

11 The Water Department shall not be liable for damage resulting  
12 from the interruption in service or from the lack of service.  
13 Temporary suspension of service by the Water Department for  
14 improvements and repairs will be necessary occasionally. Whenever  
15 possible, and when time permits, all customers affected will be  
16 notified prior to shutdowns.  
17

18 (2) Quality. The Water Department will exercise reasonable  
19 diligence to supply safe and potable water at all times.  
20

21 (3) Ownership of System. All water mains, valves, fittings,  
22 hydrants and other appurtenances, except "customer service lines",  
23 as defined in Section 7, subsection (1) herein, shall be the  
24 property of the Water Department.  
25

26 (4) Classes of Service. The classes of service shall be  
27 Residential, Commercial, Standby Fire and Contract as further  
28 qualified by the number after the class as follows:  
29

- 30 1. Inside City Limits.
- 31 2. Outside City Limits.

32 (a) Residential Service. Residential services shall  
33 consist of all services for domestic purposes,  
34 single family dwellings, homes and municipal  
35 purposes.  
36

37 (b) Commercial Service. Commercial services shall  
38 consist of those services where water is used for  
39 commercial services, such as businesses and multi-  
40 family dwellings.  
41

42 (c) Standby Fire. Standby fire service shall consist  
43 of those services where water is available or used  
44 for fire protection only.  
45

46 (d) Contract Service. Contract services shall consist  
47 of those services for industrial or independent  
48 water district purposes under contracts authorized  
49 by the City Council.



1 (5) Special Contracts. When the applicant's requirements for  
2 water are unusual or large, such as an independent water district,  
3 or necessitate considerable special or reserve equipment or  
4 capacity, the Water Department, by authorization of the City  
5 Council, reserves the right to make special contract, the  
6 provisions of which are different from and have exceptions to the  
7 regularly published water rates, rules and regulations. This  
8 special contract shall be in writing, signed by the applicant and  
9 approved by the City Council and City Attorney and signed by the  
10 Mayor and City Recorder of the City of Dubois.  
11

12 (6) Resale of Water. Resale of water shall be permitted only  
13 under special contract, in writing, between the City Council and  
14 the persons, parties or corporation selling the water.  
15

16 (7) Service Preference. In case of shortage of supply, the  
17 Water Department reserves the right to give preferences in the  
18 matter of furnishing service to customers and interest of the Water  
19 Department from the standing of public convenience or necessity.  
20 Water service to users outside of the City limits shall at all  
21 times be subject to the prior and superior rights of the customers  
22 within the City limits.  
23

24  
25 **SECTION 5. Application for Service.**  
26

27 (1) Application form. Each applicant for water service shall  
28 sign an application form provided by the Water Department giving  
29 the date of application, location of premises to be served, the  
30 date applicant desires services to begin, purpose for which  
31 services is to be used, the address from mailing of the billings,  
32 the class and the size of the meter service and such other  
33 information as the Water Department may reasonable require. In  
34 signing the application, the customer agrees to abide by the rules  
35 and regulations of the Water Department. The application is merely  
36 a written request for service and does not bind the Water  
37 Department to serve.  
38

39 (2) Deposits and establishment of credit. At the time  
40 application for service is made, the applicant shall establish his  
41 credit with the Water Department.  
42

43 (a) Deposit requirements and establishment of credit.  
44 With each and every application for water service to be  
45 supplied through the water system of the City, there  
46 shall be deposited with the City Clerk a sum in cash, the  
47 amount to be determined by Resolution of the City Council  
48 upon the passage of this ordinance and be reviewed  
49 annually and updated by Resolution of the Council.



1 (b) Deposits. At the time the deposit is given to the  
2 Water Department, the applicant will be given a receipt  
3 for the same. The deposit is not to be considered as a  
4 payment on account. In the event the service is  
5 discontinued, the deposit will be applied to the closing  
6 bill and any amount in excess of the closing bill will be  
7 refunded. The Water Department will not pay interest on  
8 any deposits.  
9

10 (c) Forfeiture of Deposit. If an account becomes  
11 delinquent and it is necessary to turn off the service,  
12 the deposit shall be applied to the unpaid balance due.  
13 Water service will not be restored to that premises or  
14 that customer at different premises until all outstanding  
15 bills due the Water Department have been paid and the  
16 cash deposit replaced, together with a service charge as  
17 provided in Section 11, subsection 6 herein.  
18

19 (3) Application Amendments. Customers desiring a material  
20 change in the size, character or extent of equipment or operation  
21 which would result in a material change in the amount of water used  
22 shall give the Water Department written notice of such change prior  
23 to the change and the application for service shall be amended.  
24 Customers desiring a change in the size, location or number of  
25 services shall fill out an amended application.  
26  
27

28 **SECTION 6. Main Extensions.**  
29

30 (1) Within the City limits. Water main extensions to areas  
31 within the City limits not presently served with water shall be  
32 installed under procedures to be established by the City Council.  
33 Subdividers for newly partitioned properties will assume all costs  
34 of main extensions with the approval of the City Council.  
35

36 (2) Outside the City limits. Water mains outside the City  
37 limits shall be extended only at the expense of the customers  
38 serviced. The main extensions shall become the property of the  
39 Water Department at the time installed. The City Council shall  
40 determine the size of the main extensions and all extensions shall  
41 be of a suitable material approved by the City Council. Extensions  
42 outside the City limits shall be installed by the Water Department  
43 or by contractors approved by the Water Department. The install-  
44 ation procedures and materials used shall be in accordance with the  
45 City and the State of Idaho standards.  
46

47 (3) Locations of extensions. The Water Department will make  
48 water main extensions only on rights-of-way, easements or publicly  
49 owned property. Easements or permits secured for main extensions



1 shall either be obtained in the name of the City of Dubois, along  
2 with all rights and title to the main at the time the service is  
3 provided to the customers paying for the extension.  
4

5 **SECTION 7. Services.**  
6

7 (1) Definition. The "service connection" shall be that part  
8 of the water distribution system which connects the meter to the  
9 main and shall normally consist of corporation stop, service pipe,  
10 curb stop and box, meter, meter yoke and meter box. The "customer  
11 service line" shall be that part of the piping on the customer's  
12 property that connects the service to the customer's distribution  
13 system.  
14

15 (2) Ownership, installation and maintenance. The Water  
16 Department shall own, install and maintain all services and  
17 installation and maintenance shall only be performed by authorized  
18 employees of the Water Department. The customer shall own, install  
19 and maintain the customer service line.  
20

21 (3) Service connection charge. At the time the applicant  
22 files for service where no service previously existed, or if he is  
23 filing for a change in service size or location, he shall submit  
24 with his application the service connection charge. This charge is  
25 to cover the actual cost to the Water Department to install the  
26 service from the main to and including the meter and meter housing.  
27 The service connection charge shall be established by the Council  
28 by Resolution upon the passage of this ordinance and be reviewed  
29 annually and updated by Resolution of the Council.  
30

31 (4) Size of service. The Water Department will furnish and  
32 install a service of such size at such locations as the applicant  
33 requests, provided such requests are reasonable and that the size  
34 requested is one that is listed by the Water Department. The  
35 minimum size of service shall be determined by the Water  
36 Department. The Water Department may refuse to install a service  
37 line which is undersized or oversized as determined by a study and  
38 report of the Superintendent to the City Council.  
39

40 (5) Changes in service size. Permanent changes in the size  
41 of the service line requested by the customer shall be paid by the  
42 customer on the basis of actual cost to the Water Department for  
43 making the change.  
44

45 (6) Length of service. Where the main is in a public right-  
46 of-way, the meter if required will be placed at the right-of-way  
47 line nearest the property to be serviced for the standard  
48 connection fee, provided by the length of service line does not  
49 exceed the width of the right-of-way.



1 \* Where the main is on a easement or publicly owned property  
2 other than designated rights-of-way, the services shall be  
3 installed to the boundary of the easement or public property by the  
4 Water Department, provided the length of service does not exceed  
5 thirty feet (30).  
6

7 \* If, in either case cited above, the length of service line to  
8 the meter location exceeds the maximum stated, the applicant shall  
9 pay the extra cost of the line on the basis of actual cost to the  
10 Water Department for labor, materials and equipment plus 15  
11 percent.  
12

13 (7) Joint Service Connections. The Water Department may, at  
14 its option, serve two or more premises with one connection. On new  
15 service connections, the inside diameter of such joint lines shall  
16 be sufficient to provide a carrying capacity of not less than the  
17 combined capacity of individual service lines of the same size as  
18 the meters installed.  
19

20 Service extensions from an existing service to other  
21 occupancies or ownerships than that for which the existing service  
22 was intended shall not be permitted nor shall separate residences  
23 be permitted to receive service through one meter except under  
24 special considerations approved by the City Council.  
25

26 (8) Number of service connections on premises. The owner of  
27 a single parcel of property may apply for and receive as many  
28 services as he and his tenants may require, provided his  
29 application or applications meet the requirements of the policies,  
30 rules, and regulations. However, the owner shall be required to pay  
31 for all services.  
32

33 (9) Standby fire protection service connections.  
34

35 (a) Purpose. Standby fire protection connections of two  
36 inch size and larger will be installed only if adequate  
37 provisions are made to prevent the use of water from such  
38 services for purposes other than fire extinguishing.  
39 Sealed fire sprinkler systems with water-operated alarms  
40 shall be considered as having such provisions. The Water  
41 Department may require that a suitable detector check  
42 meter be installed in the standby fire protection service  
43 connections, to which hose lines or hydrants are  
44 connected. All piping on the customer's premises shall  
45 be installed in accordance with the plumbing code of the  
46 State of Idaho.  
47

48 (b) Charges for service. Charges for standby fire  
49 protection service shall be determined by Resolution by



1 City Council upon written request for a standby fire  
2 protection connection. No charge will be made for water  
3 used in the standby fire protection services to  
4 extinguish accidental fires or for routine testing of the  
5 fire protection system. The customers shall pay the full  
6 cost of the standby protection service connection, any  
7 required detector check meters, and any required special  
8 water meter installed for the service to the standby  
9 connection.

10  
11 (c) Violations of regulations. If water is used from a  
12 standby pipe connection service in violation of these  
13 regulations, an estimate of the amount used will be  
14 computed by the Water Department. The customer shall pay  
15 for the water used at the regular rates, including the  
16 minimum charge based on the size of the service  
17 connection and subsequent bills rendered on the basis of  
18 the regular water rates.  
19

20 (10) Fire service connections other than standby. A service  
21 having fire protection facilities on the premises and water for  
22 other purposes flowing through the same service connection shall be  
23 considered as an ordinary service and metered as such. All water  
24 used through that service, regardless of its use, will be charged  
25 at the regular rates.  
26

27 (11) Temporary service connections. For water service of a  
28 temporary nature, applicants shall be required to pay in advance  
29 the estimated cost of installation and removal of metering  
30 equipment and materials, plus a reasonable depreciation charge for  
31 the use of equipment and material furnished by the Water  
32 Department. The applicant shall also pay his water bill in advance  
33 and based on an estimate of the quantity to be used, or he shall  
34 otherwise establish satisfactory credit.  
35

36 (a) Time Limit. Temporary service connections shall be  
37 disconnected and terminated within six months after  
38 installation unless an extension of time is granted in  
39 writing by the Water Department.  
40

41 (b) Charge for water served. Charges for water  
42 furnished through a temporary service connection shall be  
43 at the established rates set forth in the current water  
44 rate schedule.  
45

46 (c) Installation charge and deposits. The applicant for  
47 temporary service will be required:  
48  
49

1 1. To pay the Water Department in advance, the  
2 estimated cost of installing and removing all  
3 facilities necessary to furnish each service.  
4

5 2. To deposit an amount sufficient to cover bills  
6 for water during the entire period such temporary  
7 service may be used, or to otherwise establish  
8 credit approved by the Water Department.  
9

10 3. To deposit with the utility an amount equal to  
11 the value of any equipment loaned by the Water  
12 Department to such applicant under the terms of  
13 Section 7, Subsection 11 (d) hereinafter.  
14

15 (d) Responsibility for meters and installation. The  
16 customer shall use all possible care to prevent damage to  
17 the meter or to any other loaned facilities of the Water  
18 Department. If the meter or other facilities are  
19 damaged, the cost of making repairs shall be deducted  
20 from the deposit fund. If the loaned materials are  
21 returned in satisfactory condition and all bills paid,  
22 the full amount of the equipment deposit will be returned  
23 to the temporary customer at the termination of service.  
24

25 (12) Customer's plumbing.  
26

27 (a) Plumbing code. The customer's plumbing, which shall  
28 include the customer's service line and all plumbing,  
29 piping, fixtures and other appurtenances carrying or  
30 intended to carry water, sewer or drainage, shall comply  
31 with the plumbing code of the State of Idaho.  
32

33 (b) Control valves. Customers shall install a suitable  
34 control valve in the customer service line as close to  
35 the meter as possible, the operation of which will  
36 control the entire water supply to the premises served.  
37 In the event a customer's service is discontinued for any  
38 reason, a control valve must be installed, if none  
39 exists, as provided by this section.  
40

41 It shall be a violation of these rules and regulations  
42 for the customer to operate, cause or permit unauthorized  
43 operation of the meter stop or any appurtenances on the  
44 service connection.  
45

46 SECTION 8. Meters.  
47

48 (1) Ownership. The Water Department will own and maintain  
49 all water meters. The Water Department will not pay rent or any



1 other charge for a meter or other water facilities, including  
2 housing and connections on a customer's premises.  
3

4 (2) Installation. Installation of water meters shall be  
5 performed only by authorized employees of the Water Department.  
6 All meters shall be sealed by the Water Department at the time of  
7 installation, and no seal shall be altered or broken except by one  
8 of its authorized employees.  
9

10 (3) The size and type of meter. Applicant may request and  
11 receive any size meter regularly stocked or furnished by the Water  
12 Department, provided the request is reasonable and further provided  
13 that the meter is not greatly oversized or undersized, as  
14 determined by the Water Superintendent. The Water Department  
15 reserves the right to determine the type of meter to be installed.  
16

17 (4) Location of meters. Meters shall normally be placed at  
18 the curb or property lines; the meter will be installed wherever  
19 the applicant desires within reason, but the location must be  
20 approved by the Water Department. The meters will not be located  
21 in driveways or other location where damage to the meter or its  
22 related parts may occur.  
23

24 (5) Joint use of meters. The joining of several customers to  
25 take advantage of the single minimum charges and large quantity  
26 rates shall be prohibited, except under special contract, in  
27 writing, with the City Council.  
28

29 (6) Changes in size or location. If for any reason a change  
30 in the size of a meter and service is required, the installation  
31 will be accomplished on the basis of a new connection, and the  
32 customer's application shall be amended. Meters or services moved  
33 for the convenience of the customer will be relocated only at the  
34 customer's expense.  
35

36  
37 **SECTION 9. Water Charges: Review and Revision of Rates.**  
38

39 (1) Setting, Review and Revision of Rates. The water user  
40 charges shall be established by Resolution by the Council upon the  
41 passage of this ordinance. Water user charges shall be reviewed at  
42 least annually and updated by Resolution of the Council, to reflect  
43 actual costs of operation, maintenance, replacement, and financing  
44 of the water system and its facilities. Any revisions of the user  
45 charges shall be based on actual operation, maintenance,  
46 replacement, and financing expenses and the total water usage.  
47 Revisions due only to changes in expenses and user class shall be  
48 made by the City. All changes in user charges applicable to this  
49 ordinance shall be computed by the methods outlined herein.

1 (2) Outside City Limits. Water Charges for the use of the  
2 water system outside of the City shall be established on an  
3 individual user basis by Resolution of the Council and may be  
4 changed from time to time by Resolution of the Council.  
5

6  
7 SECTION 10. Notices.  
8

9 (1) Notices to customers. Notices from the Water Department  
10 to the customer will normally be given in writing and either mailed  
11 or delivered to him at his last known address. Where conditions  
12 warrant and in emergencies, the Water Department may notify either  
13 by telephone or messenger.  
14

15 (2) Notices from customer. Notices from the customer to the  
16 Water Department may be given by the customer or his authorized  
17 representative orally or in writing at the office of the Water  
18 Department in the City Hall or to an agent of the Water Department  
19 duly authorized to receive notices or complaints.  
20

21  
22 SECTION 11. Billing and Payments.  
23

24 (1) Meter readings. Meters will be read and customers billed  
25 on the basis of the meter reading to the nearest 1000 gallons.  
26

27 The Water Department will keep an accurate account on its  
28 books of all readings of meters and such account so kept shall be  
29 offered at all times, places and courts as prima facie evidence of  
30 the use of water service by the customer.  
31

32 (2) Rendering of bills.  
33

34 (a) Billing period. All meters shall be read and bills  
35 rendered monthly.  
36

37 (b) Bills for other than normal billing period. Opening  
38 or closing bills, or bills that for any other reason  
39 cover a period containing 10 percent more days or 10  
40 percent less days than in the normal billing period shall  
41 be prorated.  
42

43 (c) Bills for more than one meter. All meters  
44 supplying a customer's premises shall be billed  
45 separately, except that where the Water Department has  
46 for operating purposes installed two or more meters in  
47 place of one, the reading may be combined for billing.  
48  
49



1 (3) Disputed bills. When a customer disputes the correctness  
2 of a bill, he shall deposit the amount of the disputed bill at the  
3 time the complaint is lodged, to preclude discontinuance of service  
4 pending final settlement of the bill or bills. Subsequent bills  
5 shall be paid or placed on deposit in a similar manner. Failure of  
6 the customer to make such a deposit shall warrant discontinuance of  
7 service as provided under subsection (6) of this section.  
8

9 (4) Failure to read meters. In the event that it shall be  
10 impossible or impractical to read a meter on the regular reading  
11 date, the water consumption shall be prorated on the basis of  
12 thirty (30) days per month and the total water consumption for  
13 billing purposes for that period shall be estimated.  
14

15 (5) Payment of bills. Each bill rendered shall contain the  
16 final date on which payment is due. If the bill is not paid by  
17 that date, the account shall be considered delinquent, unless other  
18 arrangements have been made with the Water Department in writing  
19 that specify another due date.  
20

21 (6) Delinquent accounts.  
22

23 (a) Delinquent notice. A reminder of account  
24 delinquency may be sent, at the discretion of the City  
25 Recorder, to each delinquent account on or about ten (10)  
26 days after the account becomes delinquent.  
27

28 (b) Late Charges. Ten (10) days after an  
29 account becomes delinquent, late charges shall  
30 be assessed. Delinquent account late charge  
31 shall be established by the Council by  
32 Resolution upon the passage of this ordinance  
33 and be reviewed annually and updated by  
34 Resolution of the Council.  
35

36 (c) Turn-off notice. On or about fifteen (15) days  
37 after an account become delinquent, a turn-off notice may  
38 be sent to the customer. Said notice shall state a date  
39 on which water will be turned off if delinquent account  
40 is not paid in full prior thereto.  
41

42 (d) Service turn-off. On the turn-off date, the meter  
43 reader or other agent of the City of Dubois shall deliver  
44 a written notice to the customer stating that the water  
45 service is being turned off until all delinquent amounts  
46 have been paid. The meter reader or other agent of the  
47 City shall immediately thereafter turn off the service.  
48 A deliver to the premises served by the meter shall be  
49 considered a deliver to the customer.

1 (e) Service charge. In all instances where water has  
2 been turned off because of delinquent accounts, a  
3 service charge shall be made for the restoration of  
4 services and replacement of cash deposit as stated in  
5 Section 5, subsection (2) herein, will be required. The  
6 service charge for restoration of delinquent accounts  
7 shall be established by the Council by resolution upon  
8 the passage of this ordinance and be reviewed annually  
9 and updated by Resolution of the Council.

10  
11 (7) Installment payment of delinquent accounts. In cases of  
12 extreme hardship, the City shall have the discretion of renewing  
13 service to a delinquent account upon receipt of a satisfactory  
14 installment plan for the payment of the overdue amount, installment  
15 period not to exceed the period of time the account was delinquent.  
16

17 **SECTION 12. Meter Error.**  
18

19 (1) Meter accuracy. All meters will be tested prior to  
20 installation. No meter will be placed in service or allowed to  
21 remain in service which is known to have an error in registration  
22 in excess of 2 percent under conditions of normal operation.  
23

24 (2) Meter test.  
25

26 (a) Standard test. Meter tests will be conducted in  
27 accordance with standards of practice established by the  
28 American Water Works Association.  
29

30 (b) On customer request. A customer may, giving not  
31 less than seven days' notice, request the Water  
32 Department to test the meter servicing his premises. The  
33 Water Department will require the customer to deposit the  
34 testing fee. This fee shall be an estimate of the cost  
35 of testing the meter as determined by the Water  
36 Superintendent. The deposit will be returned to the  
37 customer if the test reveals the meter to over register  
38 more than 2 percent under the standard test conditions,  
39 the deposit shall be retained by the Water Department.  
40 Customers may at their option witness any meter tests  
41 which they request.  
42

43 (c) On Water Department request. If, upon comparison of  
44 past water usage, it appears that a meter is not  
45 registering properly, the Water Department may at its  
46 option test the meter and adjust the charges accordingly  
47 if the meter either over registers or under registers.  
48 No charge for meter testing will be made to the customer  
49 for the meter test under these conditions.



1 (3) Adjustments of bill for meter error.  
2

3 (a) No credits or debits will be borne by the City or  
4 the customer should the tested meter show variance high  
5 or low, from the accuracy defined in Section 12,  
6 subsection (1).  
7

8 (b) Non-registering meters. The Water Department will  
9 bill the customer for water consumed while the meter was  
10 not registering. The bill will be computed upon an  
11 estimate of consumption based either upon the customer's  
12 prior use during the same season of the year, or upon a  
13 reasonable comparison with the use of other customers  
14 receiving the same class of service during the same  
15 season and under similar circumstances and conditions.  
16  
17

18 **SECTION 13. Discontinuance of Service.**  
19

20 (1) On customer request. Each customer about to vacate any  
21 premises supplied with water service by the Water Department shall  
22 give the Water Department written notice of his intentions at least  
23 two days prior thereto, specifying the date service is to  
24 discontinued; otherwise, he will be responsible for all water  
25 supplied to such premises until the Water Department shall receive  
26 notice of such removal.  
27

28 At the time specified by the customer that he expects to  
29 vacate the premises where service is supplied or that he desire to  
30 be discontinued, the meter will be read and a bill rendered which  
31 is payable immediately. In no case will the bill be less than the  
32 monthly minimum specified in the schedule applying to the class or  
33 classes of service furnished.  
34

35 (2) Nonpayment of bills. A customer's water service may be  
36 discontinued if the water bill is not paid in accordance with the  
37 procedures listed in Section 11, subsection (6) of these rules and  
38 regulations.  
39

40 (3) Nonpayment of sewer service charges. If said sewer  
41 service charges are not paid when due by any such person, firm or  
42 corporation whose premises are served or who are subject to the  
43 charges herein provided, water service provided to that customer by  
44 the City of Dubois Water Department may be discontinued because of  
45 the default in the payment of the sewer service charges. As an  
46 additional alternative method, if such rates and charges are not  
47 paid when due by any such person, firm or corporation, the amounts  
48 so unpaid may be certified by the City Recorder to the County  
49 Assessor of Clark County, Idaho, and shall be by him assessed

1 against the premises served as provided by law and shall be  
2 collected and paid over to the City in the same manner as other  
3 taxes are assessed, collected and paid over, with interest.  
4 Interest on unpaid bills shall run from the due date thereof at a  
5 rate to be determined by the City. Such unpaid charges may also be  
6 recovered in an action at law in the name of the City, with  
7 interest as aforesaid.

8  
9 (4) Improper customer facilities.

10  
11 (a) Unsafe facilities. The Water Department may refuse  
12 to furnish water and may discontinue services to any  
13 premises without prior notice where plumbing facilities,  
14 appliances or equipment using water are dangerous, unsafe  
15 or not in conformity with the plumbing code of the State  
16 of Idaho.

17  
18 (b) Cross connections. A cross connection is defined as  
19 any physical connection between the Water Department's  
20 system and another water supply. The Idaho State Health  
21 Division and the U.S. Environmental Protection Agency  
22 prohibit cross connections.

23  
24 The Water Department will not permit any cross connection  
25 and will discontinue service to any persons or premises  
26 where a cross connection exists. Service will not be  
27 restored until the cross connection is eliminated.  
28 Customers using water from one or more sources in  
29 addition to receiving water from the Water Department on  
30 the same premises shall maintain separate systems for  
31 each; and the Water Department's water supply facilities  
32 shall be separated from any and all other systems by an  
33 air gap of not less than one foot, or if in the ground,  
34 by not less than five feet.

35  
36 (5) Water Waste. Where water is wastefully or negligently  
37 used on a customer's premises, seriously affecting the general  
38 service, the Water Department may discontinue service if such  
39 conditions are not corrected after due notice by the Water  
40 Department.

41  
42 (6) Service detrimental to others. The Water Department may  
43 refuse to furnish water and may discontinue service to any premises  
44 where excessive demands by one customer will result in inadequate  
45 service to others.

46  
47 (7) Fraud or abuse. The Water Department will refuse or  
48 discontinue service to any premises where it is deemed necessary to  
49 protect the Water Department from fraud or abuse. Discontinuance



1 of service from one or both of these causes will be made  
2 immediately upon receipt of knowledge by the Water Department that  
3 the condition or conditions exist.  
4

5 (8) Unauthorized turn-on. Where water service has been  
6 discontinued for any reason and the water is turned on by the  
7 customer or other unauthorized person, the water may then be shut  
8 off at the main or the meter removed. The charges for shutting off  
9 the water at the main or removing the meter shall be computed at  
10 actual cost to the Water Department plus 15 percent overhead.  
11 These charges shall be billed to the offending customer and water  
12 shall not be furnished to the premises or customer until such  
13 charges are paid and the Water Department has reasonable assurance  
14 that the violation will not reoccur.  
15

16 (9) Noncompliance with regulations. The Water Department  
17 may, upon five days' notice, discontinue service to a customer's  
18 premises for failure to comply with any of the provisions of these  
19 regulations.  
20

21  
22 **SECTION 14. Restoration of Service.**  
23

24 Restoration of service after discontinuance for nonpayment of  
25 bills shall be made after payment of current and past due charges  
26 plus a restoration charge and posting a deposit as hereinbefore  
27 provided.  
28

29 Restoration of service after discontinuance of service for  
30 unsafe facilities, water waste, fraud, abuse or for noncompliance  
31 with any the policies, rules and regulations will only be made  
32 after the irregularity has been corrected and the Water Department  
33 has been assured that the irregularity will not reoccur. The  
34 restoration charge as herein provided shall be in addition to any  
35 other charges due or past due that the Water Department may have  
36 incurred to correct the irregularity.  
37

38  
39 **SECTION 15. Unusual Demands.**  
40

41 When an abnormally large quantity of water is desired for  
42 filling a swimming pool, pond, or for other purposes, arrangements  
43 must be made with the utility prior to taking such water.  
44

45 Permission to take water in unusual quantities will be given  
46 only if the Water Department facilities and other consumers are not  
47 inconvenienced.  
48  
49

1           **SECTION 16. Access to Property.**

2  
3           All duly appointed employees of the Water Department, under  
4 the direction of the Water Superintendent, shall have free access  
5 at all reasonable hours of the day to any and all parts of  
6 structures and premises in which water is or may be delivered for  
7 the purposes of inspecting connections, the conditions of conduits  
8 and fixtures, and the manner and extent in which the water is or  
9 may be delivered for the purposes of inspecting connections, the  
10 conditions of conduits and fixtures, and the manner and extent in  
11 which the water is being used. The Water Department does not,  
12 however, assume the duty of inspecting the customer's line,  
13 plumbing and equipment, and shall not be responsible therefor.  
14

15  
16           **SECTION 17. Responsibility for Equipment.**

17  
18           (1) Responsibility for customer equipment. The Water  
19 Department shall not be liable for any loss or damage of any nature  
20 whatsoever caused by any defect in the customer's line, plumbing or  
21 equipment, nor shall the Water Department be liable for loss or  
22 damage due to interruption of service or temporary changes in  
23 pressure. The customer shall be responsible for valves on his  
24 premises being turned off when the water service is turned on.  
25

26           (2) Responsibility for Water Department equipment. Water  
27 Department equipment on the customer's premises remains the  
28 property of the Department and may be repaired, replaced or removed  
29 by the Department employees at any time without consent of the  
30 customer. No payment will be made to the property owner for the  
31 right to install, maintain, replace or remove Water Department  
32 equipment on his premises. The property owner must keep vicious  
33 dogs or other animals secured or confined to avoid interference  
34 with the utility operations and maintenance.  
35

36           (3) Damage to Water Department equipment. The customer shall  
37 be liable for any damage to equipment owned by the Water Department  
38 which is caused by an act of the customer, his tenants, agents,  
39 employees contractors, licensees or permittees. Damage to  
40 equipment shall include but not be limited to breaking of seals and  
41 locks, tampering with meters, injury to meters, including but not  
42 limited to damages by hot water, steam, and damaged meter boxes,  
43 curb stops, meter stops and other appurtenances.  
44

45  
46           **SECTION 18. Fire Hydrants.**

47  
48           (1) Operation. No person or persons other than those  
49 designated and authorized by the Water Department shall open any



1 fire hydrant belonging to the Water Department, attempt to draw  
2 water from it or in any manner damage or tamper with it. Any  
3 violation of this regulation will be prosecuted according to law.  
4 No tool other than special hydrant wrenches shall be used to  
5 operate a hydrant valve. In cases where a temporary services has  
6 been granted and received water through a fire hydrant, an  
7 auxiliary external valve will be provided to control the flow of  
8 water.  
9

10 (2) Moving a fire hydrant. When a fire hydrant has been  
11 installed in the locations specified by the proper authority, the  
12 Water Department has fulfilled its obligation. If a property owner  
13 or other party desires to change the size, type, or location of the  
14 hydrant, he shall bear all costs of such changes. Any changes in  
15 the location of a fire hydrant must be approved by the Water  
16 Department and the Fire Department.  
17  
18

19 **SECTION 19. Penalties.**  
20

21 Any person violating any of the provision of these rules and  
22 regulations, shall, upon conviction thereof, be punished by a fine  
23 not exceeding \$300 or by imprisonment in the City Jail for a period  
24 not exceeding six months, or by both such fine and imprisonment.  
25  
26

27 **SECTION 20. Suspension of Rules.**  
28

29 No employee of the Water Department is authorized to suspend  
30 or alter any of the policies, rules and regulations cited herein  
31 without specific approval or direction of the City Council, except  
32 in cases of emergency involving loss of life or property or which  
33 would place the water system operation in jeopardy.  
34  
35

36 **SECTION 21. Easement.**  
37

38 Each applicant and user gives and grants to the City of Dubois  
39 an easement and right-of-way on and across his property for the  
40 installation of water mains and the necessary valves and equipment  
41 in connection therewith.  
42  
43

44 **SECTION 22. Prior Ordinances.**  
45

46 The provisions of any prior ordinances of the City of Dubois  
47 that may be in conflict with nay of the rules, regulations, or  
48 provisions herein contained are hereby repealed and superseded.  
49

1            SECTION 23.    Constitutionality, Saving Clause.  
2

3            If any clause, sentence, paragraph, section or portion of this  
4 ordinance for any reason shall e adjudged invalid by a court of  
5 competent jurisdiction, such judgment shall not affect, impair, or  
6 invalidate the remainder of this ordinance, but shall be confined  
7 in its operation to the clause, sentence, paragraph, section or  
8 portion of this ordinance directly involved in the controversy in  
9 which the judgement is rendered.

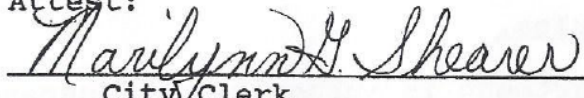
10  
11  
12           SECTION 24.    Ordinance Authorization  
13

14           It is hereby adjudged and decreed that existing conditions are  
15 such that this ordinance is necessary for the immediate  
16 preservation of the public peace, health, and safety of the City of  
17 Dubois, and an emergency is hereby declared to exist, and this  
18 ordinance shall take effect and be in full force and effect for the  
19 full month of its passage.

20  
21           Signed by me in open session in authentication of its passage  
22 this 5th day of September, 1990.  
23

24             
25           \_\_\_\_\_  
26           Mayor

27           Attest:

28             
29           \_\_\_\_\_  
30           City Clerk