

Chapter 8-11

SEWER ORDINANCE

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Section 8-11-01 PURPOSE AND AUTHORITY

Section 8-11-01.01 Purpose

For the purpose of promoting health, safety and the general welfare of Boise City and the Boise Area of Impact, a system for the collection, transmission and disposal of wastewater shall be constructed, extended, maintained, and operated within Boise City and the Boise Area of Impact, and other mutually agreed upon entities, by which to provide an adequate system for the collection, transmission and disposal of wastewater.

(5877, Repealed & Replaced, 12/15/1998)

Section 8-11-01.02 Policy to Enhance and Preserve Water Quality

It is the declared policy of the City to enhance and preserve the quality and value of the water resources of the State of Idaho, to assist in the prevention, control and abatement of water pollution, and to conform to the expressed intent of the Congress of the United States and the Legislature of the State of Idaho to abate pollution of streams and lakes.

(5877, Repealed & Replaced, 12/15/1998)

Section 8-11-01.03 Applicability of this Ordinance

The provisions of this ordinance shall apply to all persons who connect to, or have an impact upon, the Boise City Sewer system.

(5877, Repealed & Replaced, 12/15/1998)

Section 8-11-01.04 Boise City Sewer Ordinance

- A. This ordinance shall be known as the Boise City sewer ordinance.
- B. The objectives of this ordinance are to:
 - 1. Prevent the introduction of pollutants into the wastewater system which will interfere with the operation of the system, contaminate the resulting biosolids, cannot be adequately treated, or that would otherwise be incompatible with the wastewater system;
 - 2. Set forth uniform requirements for direct and indirect contributors into the wastewater collection and treatment system, and enable the City to comply with all State and Federal laws applicable to the treatment of wastes and discharges of clean and safe water;
 - 3. Improve the opportunity to recycle and reclaim wastewaters and biosolids from the system; and
 - 4. Provide for equitable distribution, among users, of the cost of the wastewater system.

(5877, Repealed & Replaced, 12/15/1998)

Section 8-11-01.05 Composition of the Boise City Sewer System

All land sites, sanitary sewers, wastewater treatment works, their appurtenances, equipment, materials and supplies owned and used by the City to collect, treat and recycle wastewater from property within Boise City and the Boise Area of Impact constitute the Boise City Sewer system.

(5877, Repealed & Replaced, 12/15/1998)

Section 8-11-01.06 Public Works Commission

- A. Pursuant to the authority granted by Title 2, Chapter 16 of the Boise City Code, the Public Works Commission shall advise the City Council on policy matters pertaining to the wastewater system.
- B. The Commission shall have the authority to:
 - 1. Study, evaluate and maintain continuing review and appraisal of the effectiveness of existing and proposed wastewater systems and facilities, programs, policies, and activities of the Boise City Sewer system to ensure that the systems and facilities are designed, operated and maintained so as to meet the requirements of Federal, State, and local bodies;
 - 2. Review and recommend the type, location, and method of financing the construction, installation, replacement and operation of improvements and extensions to the wastewater system in a manner consistent with Federal, State and local policies and regulations;
 - 3. Review and recommend rates and fees for the use of, and the services rendered by, the wastewater system;
 - 4. Review and recommend changes or additions to the ordinance regulating the use of wastewater systems; and
 - 5. Propose and promulgate, subject to ratification by the City Council, rules and regulations for the control and regulation of wastewater systems and facilities within their control.
- C. Final decisions by the Public Works Department may be appealed to the Public Works Commission pursuant to the requirements set forth in subsection 8-11-09.08 of this ordinance.

Final decisions of the Public Works Commission may be appealed to the City Council pursuant to subsection 8-11-09.09 of this ordinance.
(Manual, Repealed & Replaced, 12/15/1998)

Section 8-11-01.07 Public Works Department Director

The Director shall have the authority to:

1. regulate the volume and flow rate of discharge to the wastewater system;
2. establish permissible limits of concentration for various specific substances, materials, waters or wastes that can be accepted into the wastewater system;
3. specify those substances, materials, waters or wastes that are prohibited from entering the wastewater system;
4. specify standards for installation of wastewater lines and services;
5. enforce local compliance with Federal standards promulgated pursuant to the Federal Water Pollution Control Act, also known as the "Clean Water Act", codified as amended in 33 U.S.C. § 1251, *et. seq.*
6. recommend or establish reasonable fees for administrative processes; and
7. establish policies for operations of the Boise City sewer system.

(5877, Repealed & Replaced, 12/15/1998)

Section 8-11-01.08 Sewage Works Fund

There is hereby created a special fund to be designated as the Sewage Works Fund (commonly known as the Sewer Fund). All service charges and fees received and collected pursuant to the provisions of subsection 8-11-06.04, all connection fees received and collected pursuant to the provisions of subsection 8-11-06.03, and all monies and receipts from contract charges or from any other source as provided by the provisions of this Ordinance shall be deposited to the credit of the Sewage Works Fund and such monies are hereby set aside and perpetually appropriated for, and shall be expended only for, the payment of:

- A. Costs and expenses of maintenance, operation, replacement, and repair of the wastewater system;
- B. Constructing and extending a wastewater system consisting of, but not limited to, sewers, trunks and lines, manholes, pumps, related structures and appurtenances, and facilities for the treatment and disposal of sewage, wastewater, and other matter; and
- C. The retirement of debt incurred in the construction and operation of the Boise City Sewer system.
- D. Expenditures and uses authorized by the Idaho Revenue Bond Act.

(5877, Repealed & Replaced, 12/15/1998)

Section 8-11-02 GENERAL PROVISIONS

Section 8-11-02.01 Definitions

Apartment shall mean a room or suite of rooms in a multiple-family structure which is arranged, designed or used as a single housekeeping unit, and which includes permanently installed complete kitchen and sanitary facilities.

Assisted Living / Residential Care Facility shall mean a retirement facility licensed and regulated by the State of Idaho, with restrictions on the size and occupancy of sleeping areas.

Biochemical Oxygen Demand (BOD) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter in five (5) days under standard laboratory procedures set forth in the latest edition of *Standard Methods*, expressed in milligrams per liter.

Boise Area of Impact shall mean an area mutually agreed upon, including plan and ordinances, between the Boise City and Ada County, as provided for by Idaho Code 67-6526 and 50-1306. The boundaries and provisions of the Area of Impact can be found in Title 11, Chapter 15 of the Boise City Code.

Boise City (City) shall mean the municipal corporation known as The City of Boise City, Idaho.

Change of Use shall mean such time as the nature of the business for which a structure is used has changed, or the primary use of the structure has changed.

Combined Wastewater shall mean wastewater containing stormwater, infiltration or inflow, which is ordinarily prohibited from entering public sanitary sewers.

Commercial shall mean any business, industrial, institutional, or non-profit enterprise. This shall include, but is not limited by, hotels, motels, assisted living facilities, schools, churches, and non-residential condominiums.

Condominium shall mean real estate, portions of which are designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of those portions. Real estate is not a condominium unless the undivided interests in the common elements are vested in the unit owners.

Contributor shall mean any person who directly or indirectly contributes or discharges wastewater into the Boise City sewer system.

Date Sewer System is Available shall mean the date the public sewer, to which the building or structure is to be connected, is accepted by the City Engineer as ready for use.

Developer or Subdivider shall mean any person who subdivides and/or improves undeveloped land for industrial, commercial, residential or mixed use, and thereby creates a demand for city sewer services.

Director shall mean the Public Works Department Director, or the authorized representative as designated by the Director.

Discharge shall mean the disposal of sewage, holding tank waste, water or any other substance into the wastewater system of the city.

Domestic (sanitary) Wastes or Wastewater shall mean liquid or water-carried wastes from the noncommercial preparation and handling of food, or containing human excrement and similar matters from toilets and the sanitary plumbing systems of dwellings, commercial buildings, industrial facilities and institutions. When analyzed by standard methods, domestic waste shall contain approximately three hundred (300) mg/l of TSS and three hundred (300) mg/l of BOD.

Duplex shall mean a detached building containing two (2) dwelling units. Each unit must be capable of functioning as a dwelling unit independently of the other.

Dwelling Unit means one (1) or more rooms and single kitchen designed for, or occupied as, a unit by one (1) family for living and cooking purposes, which is located in a single family or multi-family dwelling.

Financial Hardship shall be deemed to exist when an owner's annual family gross income is at or below the income level indicated for a family of similar size on the current "Low Income Guidelines" chart employed by the City in the administration of the Community Development Block Grant program, and shall be verified by the previous year's Federal tax return.

Flag Lot shall mean a lot having access to a public or private street via a narrow private driveway, the frontage of which is generally forty (40) feet or less in width.

Flow shall mean the volume of wastewater.

Gravity Flow Sewer system shall mean that part of the wastewater system which uses gravity, as opposed to lift stations, pumps, or pressure lines, to transport sewage to the waste treatment facility.

Gross Acre shall mean an acre of ground including all public rights-of-way and private streets within the development.

Heating and/or Cooling System Discharge shall mean the water discharged from any use such as heating, air conditioning, cooling or refrigeration, or to which the only pollutant added is heat.

Individual (private) Wastewater Disposal System shall mean a septic tank, cesspool or similar self-contained receptacle or facility which collects and/or treats or otherwise disposes of wastewater and which is not connected to the Boise City Sewer system.

Industrial Wastes or Wastewater shall mean the liquid and water-carried wastes from industrial processes or discharged from industrial plants, including wastewater from pretreatment facilities and polluted cooling water, as distinct from domestic wastewater.

Large Open Space Lots with Low Sewer Impact shall mean lots in excess of five (5) acres with open space use, which have single family dwelling equivalent (SFDE) density, calculated on fixture units, of less than one (1) SFDE per five (5) acres and to which the general public has unrestricted access.

Lateral Sewer shall mean those public sewers which are eight inches (8") or less in diameter.

Low Consumption User is a commercial user whose use is comparable in quantity to a residential user, as determined by the use of standard engineering references.

Low Income Discount shall mean a reduction of 30% in the amount charged for residential sewer service calculated in accordance with Section 8-11-07.02.

Mobile Home Park shall mean any area, tract, plot or parcel of land, developed as a planned unit development and designed primarily for placement of mobile homes, located and maintained for

dwelling purposes, on lots that are rented on a permanent or semi-permanent basis.

Monitored Connection shall mean a connection having measuring and sampling devices, installed near the discharger's point of connection to the wastewater system, that are used to determine flow, BOD, and TSS values suitable for fee calculations.

Multi-family Dwelling shall mean a structure, or portion thereof, containing three (3) or more dwelling units excluding attached single family townhouse units located on individual lots.

Owner shall mean the person holding record title to the property.

Over sizing shall mean the term for the circumstance where the City has required the developer to install a sewer of a size or capacity greater than eight inches (8").

Permanent Lift Station shall mean sewer pumping facilities which take the place of the gravity flow sewer system on a permanent basis according to the Master Sewer Plan.

Person shall mean any individual, joint venture, partnership, firm, corporation, association, club or organized group, trust, estate, governmental entity or any other legal entity, or their legal representatives, agents, or assigns.

Private Service Line shall mean that part of a sewer, connected to the Boise City Sewer system located within private property or private sewer service easement. Owned by the property owner and not maintained by Boise City.

Private Sewer shall mean the same as private service line.

Public Service Line shall mean that part of a sewer constructed from the sewer tap-in of the existing lateral, manhole, trunk sewer or interceptor sewer to the right-of-way line of the public sewer easement. Public service lines are owned by the City of Boise.

Public Sewer shall mean the sewer which is part of the Boise City sewer system, subject to the ownership, control and maintenance of the City.

Residential shall mean a Single Family dwelling, Duplex, Multi-Family dwelling, Apartment, Townhouse, non-commercial Condominium, or Mobile Home park.

Restaurant shall mean any sandwich shop, pizza parlor, full service, fast food, or other eating establishment where food is prepared, served or provided for the public.

Sanitary Sewer shall mean a public sewer which carries wastewater, and to which storm surface and ground waters are not generally admitted, including the pipe or conduit system and appurtenances for the collection, transportation, pumping and treatment of wastewater. This definition includes the terms public sewer, sewer system, public service line.

Septage shall mean any wastewater from holding tanks such as vessels, chemical toilets, campers, trailers, recreation vehicles, septic tanks, sealed vaults and vacuum-pump trucks.

Service Bill shall mean the consolidated bill issued monthly or quarterly by Utility Billing which itemizes the separate charges for each service provided to the customer.

Sewage shall mean wastewater.

Sewer shall mean a pipe or conduit which collects and carries wastewater to a treatment plant.

Sewer Connection Credits shall mean a single family dwelling equivalent (SFDE) value given for previously paid trunk and treatment sewer capacities permanently removed or demolished to be used as a credit toward future connection fees, subject to the provisions of 8-11-06.06C.

Single Family Dwelling shall mean a building designed for use and occupancy by no more than one family.

Single Family Dwelling Equivalent (SFDE) shall mean, for the purpose of calculating treatment connection fees, a typical peak month daily average discharge from a single family dwelling, specifically defined as 282 gallons per day of flow, 0.54 pounds per day of BOD, and 0.54 pounds per day of TSS. For the purpose of calculating trunk connection fees, a **SFDE** shall mean a typical peak hour discharge from a single family dwelling of 22.2 gallons per hour. A **SFDE** generates a fixture unit count, as defined in the Uniform Plumbing Code, of twenty-one (21).

Standard Methods shall mean procedures described in the most recent edition of "Standard Methods for the Examination of Water and Wastewater" as published by the American Public Health Association, American Water Works Association, and the Water Environment Federation.

Strength of Wastewater (waste strength) shall mean the quality of wastewater discharged as measured by its elements, including its constituents and characteristics.

Structure shall mean anything constructed or erected, except fences, which requires permanent location on the ground, or is attached to something having location on the ground, which is designed or intended for the shelter, enclosure, or protection of persons, animals, chattels, or property of any kind, and which is determined by the Department to have a potential for impact on the Boise City sewer system.

Suspended Solids or Total Suspended Solids (TSS) shall mean the total suspended matter that floats on the surface of, or is suspended in, water, wastewater or other liquids, and which is removable by laboratory filtering in accordance with procedures set forth in "Standard Methods", expressed in milligrams per liter.

Tap-in (sewer tap-in) shall mean a sewer service connection to an existing sewer lateral, trunk, interceptor sewer or manhole.

Temporary Lift Stations shall mean sewer pumping facilities which, on an interim basis, take the place of gravity flow sewer systems and are designated as temporary by the Master Sewer Plan.

Townhouse shall mean an attached single family dwelling unit located on a platted lot and for which the individual owner may acquire title to the unit and lot.

Trunk Line (sewer trunk line) shall mean a gravity sewer larger than eight inches (8") in internal diameter, and shall also include pressure sewer lines. A trunk sewer line shall be of such size and location by which to serve the projected growth in population and sewer use of any area within Boise City and the Boise Area of Impact, and to provide an adequate system for the collection, transmission and disposal of sanitary sewage from residential and commercial users within and

without the City.

Unmonitored Connection shall mean a connection where the discharger's flow is determined by winter water use, and the BOD and TSS values are set at typical levels for the discharger category.

User shall mean generally, the owner, tenant, trustee, mortgage receiver or occupier of premises which are connected to the wastewater system.

Wastewater (sewage) shall mean any liquid or water-carried industrial or sanitary wastes, whether treated or untreated, including polluted heating and/or cooling water from dwellings, commercial buildings, industrial facilities and institutions, which is contributed or permitted to enter the public sewer system.

Wastewater System, Wastewater Treatment System, Wastewater Works shall mean any devices, facilities, structure, equipment or works owned or used by the city for the purpose of the transmission, storage, treatment, recycling and reclamation of industrial and domestic wastes from within or without the city, or necessary to recycle or reuse water at the most economical cost over the estimated life of the system (including intercepting sewers, outfall sewers, public service lines, pumping, power, and other equipment and their appurtenances, but excluding private service lines, extensions, improvements, additions, alterations or any remodeling thereof). This definition shall also include elements essential to provide a reliable recycled supply such as standby treatment units and clear well facilities; and any works, including the land and sites that may be acquired, that will be an integral part of the treatment process or is used for the ultimate disposal of residues resulting from such treatment.

Wet-line Sewer shall mean an operating public sewer capable of serving a structure immediately upon connection.

Winter Water Use shall mean the average of the previous winter's (four months) water consumption as recorded by the user's commercial water meter. If the residential user is attached to a private well, water consumption is based on the number of residents in the home. Where internal water use is separately metered, a twelve month average water consumption may be used.

Working Day shall mean the time between the hours of eight o'clock (8:00) A.M. and five o'clock (5:00) P.M. on any day except Saturday, Sunday, and any national, state or local holidays or days of observation during which the Public Works Department is not open for regular business.

(6832, Amended, 01/10/2012; 6768, Amended, 02/16/2010; 6641, Amended, 02/19/2008, 6428, Amended, 10/18/2005; 6121, Amended, 01/29/2002; 5877, Repealed & Replaced, 12/15/1998)

Section 8-11-02.02 Abbreviations

- A. **BOD** shall mean biochemical oxygen demand;
- B. **l** shall mean liter;
- C. **mg** shall mean milligrams;
- D. **mg/l** shall mean milligrams per liter;
- E. **SFDE** shall mean single family dwelling equivalent;
- F. **TSS** shall mean total suspended solids.

(5877, Repealed & Replaced, 12/15/1998)

Section 8-11-02.03 Miscellaneous Provisions

A. No Permits Issued for Construction Unless in Compliance

No permit shall be issued for the construction of any building or structure in the City on any lot, tract, or parcel of land adjoined by a public sewer, unless the plans and specifications show connections which comply with this Ordinance.

B. Sewer Annexation Covenant

Any sewer user located outside the Boise City limits, but within the Boise Area of Impact, who connects to the public sewer shall be required to execute a request for annexation on the form provided by the Public Works Department.

C. Service Outside Boise Area of Impact

Persons outside the Boise Area of Impact may request connection to the Boise City Sewer system for use of the excess or surplus capacity of the treatment system. Wastewater service may be provided to persons outside the Area of Impact only if the terms and conditions of the service have been approved by the City Council and the terms and conditions of this Ordinance and any applicable State or Federal regulations have been satisfied.

D. Septage Hauling

Septage hauled to Boise City Wastewater treatment facilities will comply with the follow in

1. Vehicles
Any vehicle used for the purpose of transporting or hauling septage, sewage or effluent shall be watertight and airtight.
2. Compliance
Every person licensed to transport septage shall comply with all applicable codes and ordinances of the City, and all standards, rules and regulations relating to health and safety prescribed by the Department of Health and Welfare of the State of Idaho, and the Central District Health Department.
3. Septage will not be accepted at any Boise City Wastewater Treatment Facility or any site or facility discharging to a Boise City Wastewater Treatment Facility except pursuant to a written agreement with Boise City setting forth discharge terms, including payment of fees, which the City deems reasonable and necessary.

(ord-16-14, Amended, 4/15/14; 6832, Amended, 01/10/2012; 6697, Amended, 12/16/2008; 6641, Amended, 02/19/2008; 5877, Repealed & Replaced, 12/15/1998)

Section 8-11-03 REGULATIONS FOR INDUSTRIAL AND COMMERCIAL DISCHARGERS

For the purpose of promoting the health, safety and general welfare of its citizens, Boise City has adopted regulations governing the discharge of industrial and commercial wastewater into publicly owned treatment works. These regulations are contained in Title 8, Chapter 14, Boise City Code.
(5877, Added, 12/15/1998)

Section 8-11-04 CONNECTION REQUIREMENTS

Section 8-11-04.01 New Construction

Except as provided in subsection 8-11-09.03, all new structures constructed within the Boise City and the Boise Area of Impact shall be connected to wet-line sewer.
(6832, Amended, 01/10/2012; 5877, Repealed & Replaced, 12/15/1998)

Section 8-11-04.02 Change of Use

Any existing structure which is not otherwise required to connect to the wastewater system under the provisions of this Ordinance, shall be required to connect if a change of use of the structure occurs, and if there is an increased demand on the wastewater system.

(5877, Repealed & Replaced, 12/15/1998)

Section 8-11-04.03 Existing Structure For Which Connection Fees Have Been Paid

Except as provided in subsection 8-11-09.02, any building or structure existing at the time sewer becomes available to the property and for which connection fees have been paid by any person, shall be connected to the Boise Public Sewer system not later than nine (9) months from the date sewer service is available to the property on which the building or structure is located.

(5877, Repealed & Replaced, 12/15/1998)

Section 8-11-04.04 Existing Structure For Which Connection Fees Have Not Been Paid

Any building or structure existing at the time sewer becomes available to the property, for which connection fees have not been paid by any person, shall not be required to be connected to the Boise City Sewer system unless immediate connection is required to protect public health or connection is required by a public agency.

(6363, Amended, 12/07/2004; 5877, Repealed, 12/15/1998)

Section 8-11-05 WASTEWATER COLLECTION SYSTEM

Section 8-11-05.01 Every Structure Must be Individually Connected

Every building, structure or sewer user connecting to the Boise City sewer system shall be separately and independently connected, by a separate private service line, to a public sewer, except as provided in subsection 8-11-09.01, and as follows:

A. Exception for Townhouses

Each sewer user within a townhouse shall not be required to be separately and independently connected by a separate service line to a public sewer if 1) for each building the private service line is of an adequate size to meet the wastewater requirements of the joint users; and 2) the townhouse development includes, within its covenants or homeowner's agreement, suitable arrangements for maintenance of the private service lines serving the development.

B. Exception for Industrial, Commercial, Apartments, Condominiums, and Accessory Buildings

Each sewer user within an industrial, commercial, apartment complex, condominium development, or residential accessory building shall not be required to be separately and independently connected to a public sewer if: 1) for each building, and/or development, the private service lines are of adequate size to meet the wastewater requirements of the joint users; and 2) the property is under single ownership on a single tax parcel.

(6516, Amended, 11/14/2006; 6428, Amended, 10/18/2005; 5877, Repealed & Replaced, 12/15/1998)

Section 8-11-05.02 Service Lines; User Responsibilities

A. Installation

The owner of any property connecting to the Boise City Sewer system is responsible for the installation, expense, and risk associated with the construction and operation of the private service line. The owner is also responsible for the installation, expense, and risk of all other wastewater pipes, machinery, plumbing fixtures and apparatus within the property, which may be required for collecting, treating, and discharging wastewater from the premises.

B. Maintenance

The owner shall be responsible, at owner's expense, for:

1. the cleaning, unstopping, maintenance, and repair of the private service line, and, shall keep the private service line, as well as all pipes, fixtures, appliances and apparatus on the property, watertight and in good working order to prevent discharge of combined wastewater or prohibited substances into the public sewer; and
2. the replacement of any portion of the private service line which, in the opinion of the Public Works Department, has become so damaged or disintegrated as to be unfit for further use, or is in such condition as to permit infiltration into the wastewater system or exfiltration of wastewater into the surrounding soil.
3. the cleaning, unstopping, and maintenance of the public portion of the service line to remove rocks, roots and debris that originated from private property and settled into the public service line. Repair of the public service line will be the responsibility of the City.

All repairs shall be completed within thirty (30) days after written notification from the Public Works Department. If the owner fails or refuses to complete repairs required by the Department, the Department may cause the repairs to be completed and charge the owner for the costs of such repairs. If the costs of the repairs are not paid by the owner they may be treated as any other delinquent service fees owed to the City.

C. Liability

The City is not responsible for any loss or damage caused by negligence or want of care on the part of the owner, or the contractor of the owner, in installing, maintaining, using, or operating private service lines, wastewater pipes, fixtures, appliances, and apparatus. The owner shall hold the City harmless from any loss or damage that may be directly, or indirectly, occasioned by the installation or malfunction of any private service line or private appurtenances.

D. Compliance

All users shall comply with the limitations and prohibitions placed on the discharge of wastewater from their premises by standards set by, or incorporated by reference in, this Ordinance, as well as all other requirements of this Ordinance. No user shall make, or permit another person to make, a connection to such user's private service line which would allow the discharge of wastewater from property not otherwise served by the Boise City Sewer system.

(6428, Amended, 10/18/2005; 5877, Repealed & Replaced, 12/15/1998)

Section 8-11-05.03 Inspections; Right of Access

- A. The Public Works Department may inspect the equipment and facilities of any users at any reasonable time to ascertain compliance with applicable ordinances, rules, and regulations. Persons or occupants of premises where wastewater is created or discharged shall allow Department personnel ready access to the premises for the purposes of inspection, sampling,

records examination and copying, and performance of their duties. The Department shall have the right to set upon the user's property such devices as are necessary to conduct sampling, inspection, compliance-monitoring, and/or metering operations. Where a user has security measures in force which would require proper identification and clearance before entry into its premises, the user shall make the necessary arrangements with the security guards so that, upon presentation of suitable identification, Department personnel will be permitted to enter without delay for the purposes of performing their specific responsibilities. While performing the necessary work on private property, Department personnel shall observe all security and safety rules applicable to the premises, as established by the user.

- B. If a duly authorized representative of the Department is refused admission to a user's premises, the Department may discontinue sewer service to the premises until the Department has been afforded reasonable access to the premises and private sewer system, so as to accomplish the inspection or sampling.

(5877, Repealed & Replaced, 12/15/1998)

Section 8-11-05.04 Tap-Ins

A. **General**

Responsibility for the construction and cost of the sewer tap-in and public service line, located in a public right-of-way or sanitary sewer easement, shall be that of property owner whose property is being connected to the wastewater system, or the person causing the connection to be made. Upon completion and acceptance by the Public Works Department, the sewer tap-in and public service line shall become a part of the Boise City Sewer system.

B. **Permit Required**

A sewer tap permit, issued by the Public Works Department, is required prior to the construction or repair of any sewer tap-in, including the plugging of any old tap at the time the new tap is constructed, as well as any construction or repair of any public sewer system pipe located in a public right-of-way or sanitary sewer dedicated easement which is connected to an existing sewer lateral, trunk, interceptor or manhole. Applications for the permit may be obtained from the Department. All applicable sewer connection fees must be paid prior to issuance of a sewer tap permit. This sewer tap permit will expire 180 days from the date of issuance. A separate plumbing permit shall not be required for tap-ins to the public sewer system, although plumbing permit requirements shall be applicable to all plumbing work upon private property.

1. **Failure to Obtain Permit**

Any person who shall commence any work for which a permit is required by this Code, without first having obtained that permit shall, if subsequently permitted to obtain the permit, pay double the permit fee fixed by subsection 8-11-07.03(E) for such work.

2. **Exception for Emergency Work**

This provision shall not apply to emergency work when it shall be proved to the satisfaction of the Department that such work was urgently necessary, and that it was not practical to obtain a permit before commencement of the work. In all such cases, a permit must be obtained as soon as it is practical to do so. A double fee shall be charged if there is an unreasonable delay in obtaining the permit.

3. **Waiver for Certain Developments**

The requirement of a sewer tap permit may be waived if a development has requirements of platting with separate conditions for payment of sewer tap fees with the inspection fees.

C. **Construction Specifications**

Construction of the sewer tap-in shall conform to the Boise City “sewer tap” specifications, available at the Boise City Public Works Department, and issued to the applicant at the time of permit application. Only plumbers licensed in accordance with the provisions of Chapter 1 of Title 14 of the Boise City Code, or contractors having a valid Idaho Public Works License, shall be authorized to make the actual tap-in to the Boise City sewer.

D. **Approval of Public Works Department Required**

Prior to, and during, any work or alteration on any Boise City sewer as part of a sewer tap-in, the proposed sewer tap-in must be inspected and approved by a Public Works Inspector. Request for inspection must be made to the Public Works Department at least twenty-four (24) hours prior to the proposed sewer tap-in. Inspections will be made during a normal working day.

E. **Failure to Inspect**

Any person who connects to the Boise City sewer system without inspection and approval by a Public Works Inspector may be required, at their expense, to excavate the pipeline facilities constructed and disconnect the sewer tap-in from the public sewer, in order for proper inspection to be made. This disconnection must be made in compliance with subsection 8-11-05.05.

(6717, Amended, 06/16/2009; 5877, Repealed & Replaced, 12/15/1998)

Section 8-11-05.05 Plugs

A. **Sewer Plug Permit Required**

It shall be a violation of this section for any person to abandon, remove or cause to be abandoned or removed, any sewer service line(s) attached or connected to the Boise City Sewer system without first obtaining a sewer plug permit from the Public Works Department. Applications for the permit may be obtained from the Department.

1. **Failure to Obtain Permit**

Any person who shall commence work without first obtaining the required permit shall, if subsequently permitted to obtain a permit, pay double the permit fee provided for in subsection 8-11-07.03(F).

2. **Exception for Emergency Work**

This provision shall not apply to emergency work when it shall have been proved, to the satisfaction of the Department, that such work was urgently necessary and that it was not practical to obtain a permit before the commencement of the work. A double fee shall be charged if there is an unreasonable delay in obtaining the permit.

B. **Plug or Cap Required**

Any person abandoning, removing, or causing to be abandoned or removed, a private service line attached or connected to the Boise City Sewer system shall plug or cap such service line at a location between the service line and property (easement) line in a manner and location approved by the Public Works Department. The cost and installation of the plug shall be the responsibility of the person who disconnects such service line from the Boise City Sewer system.

C. **Inspection Required**

Prior to, and during, any work or alteration of the private service line as part of the plugging or capping, the proposed plug or cap must be inspected by a Public Works Inspector. Request for inspection should be made to the Public Works Department at least twenty-four (24) hours prior to the proposed sewer plugging. Inspections will be made during a normal working day.

D. Failure to Inspect

Any person who disconnects, plugs or caps a service line in violation of this Code Section, may be required, at their own expense, to excavate the service line to allow an inspection to be made. (6832, Amended, 01/11/2012; 5877, Repealed & Replaced, 12/15/1998)

Section 8-11-05.06 Construction of Sewer

A. Location

All public sewers shall be installed only in the dedicated public streets or alleys or in easements that grant to the city rights that are at least equal to rights it would enjoy in the dedicated streets or alleys.

B. Specifications

The size of the sewers required to serve any part of the city shall be determined by the Public Works Department. The slope, depth, alignment, and materials of construction of the sewers, as well as the methods to be used in excavation, placing of the pipe, jointing, testing, backfilling the trench, and all other work shall conform to the requirements of this Code, and any policies and specifications promulgated by the city, as well as laws, rules, and regulations of federal, state, and local entities. All phases of public sewer construction shall be inspected and approved by the City.

C. Licenses

No person except plumbers licensed in accordance with the provisions of Chapter 1 of Title 14 of the Boise City Code, or contractors having a valid Idaho Public Works License shall be authorized to install a public service line. No person except contractors with a valid Idaho Public Works License shall install a public sewer.

D. Private Development Projects

All public sewers required to serve a proposed subdivision or other significant development shall be installed, or caused to be installed, by the subdivider or developer in accordance with the provisions of this Ordinance.

E. Ownership Transferred and Maintenance Assumed by City

Upon City issuance of a certificate of final completion, the City shall assume ownership and maintenance of the public sewer. However the developer shall be responsible for correcting any defects that shall be found or occur within the warranty period.

(5877, Repealed & Replaced, 12/15/1998)

Section 8-11-05.07 Financing Sewers

The costs of constructing sewer trunk and lateral lines shall be financed and paid for as follows:

- A. From the Sewage Works Fund created by this Chapter and as authorized by the Council; or
- B. By the creation of a local improvement district as provided by Chapter 17, Title 50, Idaho Code; or
- C. By the property owners specially benefitted by the construction of the trunk and lateral sewer; or
- D. By a combination of A, B, and C as in the judgment of the City Council may be fair and

equitable in consideration of the benefits accruing to the property owners within the area in which the sewer trunk and lateral lines will be constructed, as well as the financial condition of the City and the property owners in the area.
(5877, Repealed & Replaced, 12/15/1998)

Section 8-11-05.08 Extensions and Reimbursement Percentages

A. Construction

A user may, with prior approval of the City, finance and construct an extension to the sewer system, if the extension is designed and constructed in accordance with City standards.

B. Reimbursement

1. The user may be reimbursed, as outlined below, for the proportionate cost of the sewer benefiting adjacent or other property by entering into a written agreement with the City if any of the following apply:
 - a. The extension is located outside the user's property (offsite) and provides sewer service to adjacent or other property;
 - b. The extension is within the user's property (onsite) and is a gravity sewer larger than eight (8") in diameter;
 - c. The eight inch (8") diameter gravity sewer within the user's property (onsite) is required by Public Works to be deeper than twelve (12) feet to serve upstream properties.
 - d. The extension is a permanent lift station and/or force main; or
 - e. The extension is a temporary lift station and/or force main which the City has required to be oversized in order to accommodate an area larger than the developer's property.
2. To be eligible for reimbursement, the user must, unless otherwise approved by the City Engineer, do the following:
 - a. Design the sewer facilities in accordance with the City master sewer plan and receive City approval of the sewer construction plans and specifications;
 - b. Construct sewers in accordance with the City approved plans and specifications;
 - c. Receive three (3) bids for the sewer construction and select the lowest responsive bid as determined in a public bid opening; and
 - d. Receive preliminary plat approval from City Council for the development being served by the sewer.

C. Amount of Reimbursement

1. Offsite Gravity Extensions

The amount of reimbursement owed to the user for offsite sewer extensions shall be based upon actual construction costs and may also include reasonable engineering and easement acquisition costs approved by the City.

2. Onsite Gravity Extensions

The amount of reimbursement owed to the user of onsite "oversizing or overdepth" line extensions shall be determined by multiplying the percentages listed below in tables, by the actual construction costs for the various pipe sizes and depths required for the project. Engineering costs for onsite oversizing and overdepth sewer construction are not eligible for reimbursement.

- a. Onsite Sewer Pipeline Reimbursement Percentage

Pipe Size (inches)

Pipe Depth (FT)	8	10	12	15	18	21	24	27	30	36	42
12 or less	0%	11.8%	21.7%	33.5%	44.9%	53.3%	59.8%	64.9%	68.6%	78.8%	82.7%
13	6.1%	17.9%	26.6%	37.1%	47.4%	55.1%	61.1%	65.9%	69.5%	79.2%	83.0%
14	12.1%	23.9%	31.4%	40.6%	49.9%	56.9%	62.5%	66.9%	70.3%	79.6%	83.2%
15	17.6%	29.4%	35.9%	44.0%	52.4%	58.8%	63.9%	68.0%	71.2%	80.0%	83.5%
16	22.7%	34.5%	40.2%	47.3%	54.7%	60.6%	65.3%	69.1%	72.1%	80.5%	83.8%
17	27.4%	39.2%	44.1%	50.4%	57.0%	62.3%	66.6%	70.2%	73.0%	80.9%	84.1%
18	31.8%	43.6%	47.8%	53.3%	59.3%	64.0%	68.0%	71.3%	73.9%	81.3%	84.4%
19	33.8%	45.6%	49.6%	54.7%	60.3%	64.9%	68.7%	71.8%	74.3%	81.6%	84.6%
20	35.9%	47.7%	51.3%	56.2%	61.4%	65.7%	69.3%	72.4%	74.8%	81.8%	84.8%
21	37.3%	49.6%	53.0%	57.6%	62.5%	66.6%	70.0%	73.0%	75.3%	82.1%	84.9%
22	39.8%	51.6%	54.7%	58.9%	63.6%	67.4%	70.7%	73.5%	75.7%	82.3%	85.1%
23	41.6%	53.4%	56.4%	60.3%	64.7%	68.3%	71.4%	74.1%	76.2%	82.6%	85.3%
24	43.4%	55.2%	57.9%	61.6%	65.7%	69.2%	72.1%	74.7%	76.7%	82.8%	85.5%
25	45.2%	57.0%	59.5%	62.9%	66.7%	70.0%	72.8%	75.2%	77.2%	83.1%	85.7%
26	46.9%	58.7%	61.0%	64.2%	67.8%	70.8%	73.5%	75.8%	77.7%	83.4%	85.9%
27	48.5%	60.3%	62.4%	65.4%	68.8%	71.6%	74.2%	76.4%	78.1%	83.6%	86.1%
28	50.0%	61.8%	63.8%	66.6%	69.7%	72.4%	74.8%	76.9%	78.6%	83.9%	86.3%
29	51.5%	63.3%	65.2%	67.7%	70.7%	73.2%	75.5%	77.5%	79.1%	84.2%	86.5%
30	53.0%	64.8%	66.5%	68.8%	71.6%	74.0%	76.1%	79.0%	79.6%	84.4%	86.7%

Onsite Sewer Manhole

Reimbursement Percentage

Pipe Size (inches)

Pipe Depth (FT)	8	10	12	15	18	21	24	27	30	36	42
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12 or less	0%	1.9%	4.7%	10.5%	15.7%	22.7%	28.7%	43.0%	46.9%	59.2%	63.7%
13	7.6%	9.5%	12.0%	17.4%	22.2%	28.7%	34.2%	47.4%	51.0%	62.3%	66.5%
14	14.0%	15.9%	18.3%	23.3%	27.7%	33.9%	38.9%	51.2%	54.5%	65.0%	68.9%
15	19.6%	21.5%	23.7%	28.4%	32.6%	38.2%	42.9%	54.4%	57.5%	67.4%	71.0%
16	24.5%	26.4%	28.5%	32.9%	36.8%	42.0%	46.5%	57.3%	60.2%	69.4%	72.8%
17	28.9%	30.8%	32.7%	36.8%	40.5%	45.5%	49.7%	59.8%	62.5%	71.2%	74.4%
18	32.7%	34.6%	36.4%	40.4%	43.8%	48.5%	52.4%	62.0%	64.6%	72.8%	75.8%
19	36.2%	38.1%	39.8%	43.5%	46.8%	51.2%	55.0%	64.0%	66.4%	74.2%	77.1%
20	39.3%	41.2%	42.8%	46.3%	49.4%	53.6%	57.2%	65.8%	68.1%	75.5%	78.2%
21	42.1%	44.0%	45.5%	48.9%	51.8%	55.8%	59.2%	67.4%	69.6%	76.7%	79.3%
22	44.6%	46.5%	48.0%	51.2%	54.0%	57.9%	61.1%	68.9%	71.0%	77.7%	80.2%
23	46.9%	48.8%	50.3%	53.3%	56.0%	59.7%	62.8%	70.3%	72.3%	78.7%	81.1%
24	49.1%	51.0%	52.3%	55.3%	57.9%	61.4%	64.3%	71.5%	73.4%	79.6%	81.9%
25	51.0%	52.9%	54.2%	57.1%	59.5%	62.9%	65.8%	72.6%	74.5%	80.4%	82.6%
26	52.8%	54.7%	56.0%	58.7%	61.1%	64.3%	67.1%	73.7%	75.5%	81.2%	83.2%
27	54.5%	56.4%	57.6%	60.2%	62.5%	65.7%	68.3%	74.7%	76.4%	81.9%	83.9%
28	56.1%	58.0%	59.1%	61.7%	63.9%	66.9%	69.4%	75.6%	77.2%	82.5%	84.4%
29	57.5%	59.4%	60.6%	63.0%	65.1%	68.0%	70.5%	76.4%	78.0%	83.1%	85.0%
30	58.9%	60.8%	61.9%	64.2%	66.3%	69.1%	71.5%	77.2%	78.8%	83.7%	85.5%

3. **Permanent Lift Station Extensions**

The amount of reimbursement owed for the construction of a permanent lift station and/or force main shall be based upon actual construction costs and may also include reasonable engineering and landscaping costs approved by the City.

4. **Temporary Lift Station Oversizing**

The amount of reimbursement owed for installation of an oversized temporary lift station and/or force main shall be determined by estimating the cost of constructing a lift station and force main to serve only the development, subtracted from the actual construction costs incurred by the developer.

Engineering costs for the design of the lift station and/or force main are not eligible for reimbursement.

(6030, Amended, 01/30/2001; 5877, Repealed & Replaced, 12/15/1998)

Section 8-11-05.09 Developer Agreements and Methods of Reimbursement

A written agreement, not to exceed ten (10) years, shall be prepared which provides for reimbursement of the user's proportionate costs of sewer benefitting adjacent or other property. Depending on the

reimbursement amount owed to the user and the amount of potential reimbursement credit, the agreement will include one or more of the following reimbursement items in the order listed below, up to the reimbursement amount:

- A. The equivalent assessment fees owed or paid by the user as required under subsection 8- 11-06.03(C);
- B. The inspection fees owed or paid by the user as required under subsection 8-11-06.05(B);
- C. The trunk connection fees paid by the user as required by subsection 8-11-06.03(A);
- D. Reimbursement of trunk connection fees and equivalent assessment fees received by the City as others connect to the sewer from an area, downstream of the user's property, mutually agreed upon by the City and the user; and
- E. Reimbursement of trunk connection fees and equivalent assessment fees, received by the City, as others connect to the sewer from an area, upstream of the user's property, mutually agreed upon by the City and the user.

(6717, Amended, 06/16/2009; 5877, Repealed & Replaced, 12/15/1998)

Section 8-11-05.10 Sewer Easement Acquisition Policies

In order to provide for a uniform and equitable treatment of property owners of lands subject to Boise City sewer easement acquisition, and to adequately protect the best interests of Boise City, the following policies are adopted as procedural guides to be followed in sewer easement acquisition:

- A. Define and map the proposed easement acquisition;
- B. Research ownership or obtain a preliminary title policy for the property to be included in
- C. Provide each owner of property within the proposed easement a written notice of the
- D. Obtain an "opinion of value" or "appraisal" for the property proposed for easement
- E. Offer the dollar amount stated in the "opinion of value" or "appraised value" to the
- F. Conduct good faith negotiations with the property owner if the value offered is rejected;
- G. Obtain a final settlement of the easement acquisition purchase or proceed with

(6030, Amended, 01/30/2001; 5877, Repealed & Replaced, 12/15/1998)

Section 8-11-05.11 Lift Stations

- A. Designation of Lift Stations
The Public Works Department shall designate a lift station as either temporary or permanent, consistent with the Master Sewer Plan, at the time such station is placed into service. The Public Works Commission may, upon request when special circumstances exist, change the designation of a lift station.
- B. Installation of Temporary Lift Stations
Temporary lift stations may only be installed if the installation is in accordance with public policy

and approved by the Public Works Department. The party installing the temporary lift station shall be responsible for all construction costs and shall ensure that the temporary lift station is completed in accordance with the requirements of the Department. Ownership, maintenance and operation of the temporary lift station shall transfer to Boise City at the time the temporary lift station is accepted as operational by the Department.

(5877, Repealed & Replaced, 12/15/1998)

Section 8-11-05.12 Food Disposal Units

A. Policy

It is the declared policy of the City to discourage and prevent discharge of food wastes into the sanitary sewer system when such food wastes could be disposed of in another manner. Where disposal of food wastes, particularly by commercial and institutional users of the system is allowed, the method and manner of such disposal shall be as required in the subsequent portions of this Section.

B. Connection of Food Disposal Units

Domestic and commercial food waste disposal units shall be connected and trapped separately from any other fixture or compartment, except that a continuous waste with a flow directing partition will be acceptable for domestic units. All units may have either automatic or hand-operated water supply controls; however, domestic units shall be provided with an approved inlet cover having waterway passages for use during grinding operations.

C. No Discharge through a Grease Interceptor

No waste from a food waste grinder shall be discharged into or through a grease interceptor.

D. Commercial Grinders

Commercial type food grinders shall be provided with not less than a two inch (2") waste line. Each waste line shall be trapped and vented as provided in the Plumbing Code.

E. Food Waste Grinder Requirements

All food waste grinder equipment shall be designed to meet the following requirements:

1. Particle size: 100 percent shall pass a No. 2 screen (2-mesh);
2. 95 percent shall pass a No. 4 screen (4-mesh);
3. Fibers shall not exceed two and one-half inches (2 1/2") in length;
4. Vegetable stems shall not exceed one inch (1") in length, and leaf sections shall not exceed one-half inch (1/2") in the largest dimension;
5. Equipment must be self scouring with no fouling surfaces to cause objectionable odors, freed from electrical or mechanical hazards, and of durable construction;
6. Such food waste grinders shall be installed under and in direct connection with a sink or other approved receptacle, supplied with water and discharged through a trap to a sanitary sewer system.

F. Installation Requirements for Commercial Grinders

Waste grinders and their installation in restaurants, institutions, food processing or storage plants, and similar operations shall meet the requirements of this Ordinance, as well as the Plumbing Code of Boise City. An installation will be permitted only upon the finding of the Department of Public Works that other methods of disposal are not feasible and that the City sewer system can properly handle the waste.

G. Food Waste Disposal Units Must Comply

The installation, operation, and maintenance of any equipment or method to be used for food waste disposal units shall comply with all the provisions of this Ordinance and the regulations of the Building, Housing, Electrical, Mechanical, Plumbing and Fire Prevention Ordinances of Boise City, and if there is any conflict between the provisions of this Ordinance and the applicable Building, Housing, Electrical, Mechanical, Plumbing and Fire Prevention codes and ordinances of the City, such codes and ordinances shall prevail over the provision of this Ordinance.

(5877, Repealed & Replaced, 12/15/1998)

Section 8-11-06 FEE AUTHORITY; CREDITS

(5877, Added, 12/15/1998)

Section 8-11-06.01 Annual Review for Fees

The fees imposed by this ordinance shall be reviewed annually and revised periodically as required.

(5877, Repealed & Replaced, 12/15/1998)

Section 8-11-06.02 When Connection Fees Are Due

Unless otherwise specified, the connection fees imposed by subsection 8-11-06.03 must be paid prior to initiation of sewer service, change in use of a property already connected to sewer, or any increase in the discharge levels of flow.

(5877, Repealed & Replaced, 12/15/1998)

Section 8-11-06.03 Capital Fees

A. Trunk Connection Fees

A trunk connection fee shall be imposed upon every person initiating sewer service, changing use of a property already connected to sewer, or increasing the discharge levels of flow. The fee shall be based on values typical of the discharger category, unless otherwise addressed by separate contract.

Fees for a change in use or an increase in discharge levels are calculated on an incremental basis as described in subsection 8-11-06.03(F).

B. Treatment Connection Fees

A treatment connection fee shall be imposed upon every person initiating sewer service, changing use of a property already connected to sewer, or increasing the discharge levels of flow, BOD, or TSS. The fee shall be based upon flow, BOD, and TSS values typical of the discharger category, unless otherwise addressed by separate contract. Fees for a change in use or an increase in discharge levels are calculated on an incremental basis as described in subsection 8-11-06.03(F).

A treatment plant connection fee using a fee structure that includes ammonia-nitrogen (NH₃-N) as a component may be charged if the City determines, after reviewing the relationship between actual or anticipated BOD and ammonia-nitrogen (NH₃-N) discharges, that an atypical discharge is or will be occurring. An atypical discharge will be evaluated against the treatment system design and operating parameters. (A rate system that includes ammonia-nitrogen will have a lower BOD rate than a rate system that does not include ammonia-nitrogen.)

C. Equivalent Assessment Fees

Any person initiating sewer service with the Boise City Sewer system who has not otherwise paid for, or contributed proportionately toward, the costs and expenses of constructing a sewer adjacent to or passing through the property, whether that be by the City, a local improvement district, or a private developer, and who subsequently desires to connect to the sewer system, shall be required to pay an additional connection (equivalent assessment) fee computed as follows, unless otherwise approved by the Public Works Commission:

1. For lots up to 86,000 square feet in area, the fee shall be calculated on the basis of the area of the lot;
2. For single family flag lots whose area within 125 feet of the assessable frontage is less than 6,000 square feet, or lots with no assessable frontage, a minimum equivalent assessment will be calculated based on a lot of less than 6,000 square feet.
3. For lots greater than 86,000 square feet in area, the fee shall be calculated on the basis of the area of the lot fronting the sewer within 125 feet of the frontage. However, in no case shall the assessment be less than that for a lot of 86,000 square feet in area;
4. For single family lots in excess of 86,000 square feet in area, the frontage for the property shall only be assessed on the side of the property for which the sewer service is being provided. For all other uses the assessed frontage shall be calculated on each side of the lot in which sewer is fronting the property, unless otherwise waived by the Public Works Commission. However, in no case shall the assessment be less than that for a lot of 43,560 square feet in area;
5. Large lots which can legally be further subdivided in the future, and which are not fully utilized by the existing development, will only be charged for the improved area and/or logical boundary of future subdivision/development, with a minimum equivalent assessment fee equal for a lot of 43,560 square feet;
6. For large lots over two acres in size, which front two or more streets and can legally be subdivided in the future, the fee shall be calculated on the average street frontage basis using the area of the lot fronting the sewer within 125 feet of the frontage. For example, a lot with frontage on two (2) streets will have the entire area within 125 feet of the frontage calculated and this area divided by two (2) to determine the average street frontage in square feet. However, in no case shall the assessment be less than that for a lot of 86,000 square feet in area;
7. The equivalent assessment fee may be adjusted to reflect the benefit received by large, open space lots which have a low impact on the sewer system or other criteria as determined by the Public Works Commission. When the equivalent assessment fees for these properties create undue hardship, or fees for such properties are inequitable in the consideration of the Public Works Commission, the equivalent assessment fee shall be calculated on single family dwelling equivalents. The fee for properties complying with all the above criteria shall be calculated by multiplying the number of single family dwelling equivalents (SFDE's), based on fixture unit count, by the equivalent assessment amount for a lot of 43,560 square feet. The total equivalent assessment shall not be less than the assessment for a lot of 86,000 square feet.

D. New Development Eight Inch Equivalency

For sewers constructed outside of a public right of way, an eight inch equivalency fee shall be charged, based upon any or all of the following:

1. Relevant actual construction, engineering, and inspection costs for other sewers

- constructed by the developer within the development;
2. The actual construction and engineering, costs of the sewer on which the assessment is due, updated by *Engineering News Record* construction cost index; or
3. Any other relevant factors that may affect the amount of the assessment.
This fee shall be in addition to any other applicable assessment fee and may be reduced by the Public Works Department to reflect additional costs incurred by the developer to upgrade the sewer to current standards.

E. Public Service Line Fee

A fee shall be charged for each public service line provided by the City, based on the size of the service line.

F. Change of Use

Any person changing use of a property already connected to sewer, or increasing the discharge levels of flow, BOD, or TSS, shall pay trunk and treatment fees. These fees will be based on the difference in flows and waste strengths applicable to the property change in use, or increased levels of discharge, less the flows and waste strengths applicable to the most intensive original sewer use at the property within the past ten (10) years. If for example, a single family residence served by sewer is demolished and replaced with a restaurant, the fees will be based on the difference between the typical flows and waste strengths for a restaurant and typical flows and waste strengths for a residence.

G. Prepayment of Connection Fees

Any owner of an existing single family residence within Boise City and the Boise Area of Impact, to which Boise City Sewer system service is unavailable, may prepay the connection fees required by this Section at the rates in effect at the time of prepayment, subject to the following conditions:

1. The property for which connection fees are being prepaid must have an existing single family residence constructed on it;
2. The property owner will be required to enter into an agreement with the City of Boise which shall absolve the City of any requirement to provide sewer service to the property. This agreement shall be recorded in the Office of the Ada County Recorder;
3. A reasonable administrative fee shall be paid upon execution of the prepayment agreement to cover set-up, monitoring, and recording fees and costs;
4. The connection fees paid to the City prior to the provision of wastewater system service shall be paid prior to the date on which sewer becomes available; and
5. Any connection fees paid to the City prior to the provision of wastewater system service shall be in cash and shall be non-refundable. The deferral of connection fees as provided for in Section 8-11-08 shall not be available to property owners electing to prepay connection fees.

H. Sewer Deposit for Future Connection of a New Subdivision

If a wet sewer is not adjacent to a subdivision or development of land in which the Council has required, as a condition for approving the subdivision plat or development, construction and installation of a wet-line sewer served by an interim treatment system in accordance with detailed plans and specifications receiving prior approval, the subdivider or developer shall pay a deposit to the Treasurer of Boise City. This deposit shall be paid prior to the certification of the plat by the City Engineer, for the future connection of the sewer or interim treatment system to the wet sewer subsequently constructed and installed adjacent and adjoining the subdivision or development of land. The money so paid shall be deposited to the Sewage Works Fund to be

used for the purposes provided in subsection 8-11-01.08 of this Ordinance.

I. Temporary Lift Station Upgrade Fee

If the Public Works Department has approved the use of a temporary lift station to serve a proposed development and if the lift station is undersized to serve the geographical area which may contribute flow to the temporary lift station, the City Council may, as a condition of approving the subdivision or development plat, require the developer to pay a fee for upgrading of the lift station and/or permanently extending the sewer to serve the development if it is needed prior to the logical extension of the gravity sewer.

(Ord-19-15, Amended, 5/12/15; 6832, Amended, 01/11/2012; 6717, Amended, 06/16/2009; 6594, Amended, 08/28/2007; 6536, Amended, 01/30/2007; 6516, Amended, 11/14/2006; 6046, Amended, 04/10/2001; 6030, Amended, 01/30/2001; 5877, Repealed & Replaced, 12/15/1998)

Section 8-11-06.04 Operation and Maintenance Fees

A. Service Charges and Fees

This provision shall establish a system of periodic service charges and fees for the purpose of equitably imposing upon all users the costs and expenses of operation, maintenance, repair, and replacement of the wastewater system. The service charges and fees shall be based upon (1) the volume and content of effluent discharged into the wastewater system of the City, and (2) the costs and expenses of operation, maintenance, repair, and replacement of the wastewater system, such charges and fees having been determined to be the benefit derived by each building, structure, or user being charged. The system of periodic service charges and fees shall consist of the following categories: Facility Replacement, Operation and Maintenance, and Fixed Charge for Zero Use.

1. Facility Replacement

The purpose of this category is to accumulate a reserve for replacement of the wastewater system. This reserve shall be based on the total historical costs for the applicable facilities and equipment.

2. Operation and Maintenance

The purpose of this category is to recover, equitably from all users, the costs and expenses incurred by the City of Boise in operating and maintaining the wastewater system.

3. Fixed Charge for Zero Use

The purpose of this category is to equitably apportion among all customers a portion of those fixed costs which continue to be incurred whether or not individual customers utilize the wastewater system. Such costs include, but are not limited to, costs attributable to providing basic office staff for the administration of the Boise City Sewer system. Payment of these costs shall be made by all customers, including those with zero flow discharge.

B. When Payment is Due

Service charges and fees imposed pursuant to this Section shall be received by the City by the due date shown on the invoice or billing statement.

C. Deposits

Deposits are not required for new service unless the user:

1. is rated as a poor credit risk by a reputable credit bureau;
2. has had an overdue bill three (3) times with any utility in the past four (4) years;
3. has supplied false information at the time of application for service; or
4. has filed for bankruptcy.

A deposit for residential service shall be equal to three months worth of estimated charges. A deposit for commercial service shall be equal to two months worth of estimated charges. The deposit will be refunded or credited when the user no longer requires service or has paid all bills satisfactorily for twelve (12) consecutive months.

Instead of paying a deposit, user may receive service if someone else signs a guarantee for his bill. This person, called the "guarantor" must be rated as a good credit risk by a reputable credit bureau. The guarantor is responsible for an amount equal to the deposit, but will be released from this obligation after twelve (12) consecutive months of satisfactory payments have been made by the user.

D. Unmonitored Connections

The monthly sewer service charge or fee for each property owner whose connection to the wastewater system is unmonitored shall be based upon the winter water use of such owner or user, plus the fixed charge for zero use.

E. Monitored Connections

The monthly service charge or fee for each sewer user whose connection to the wastewater system is monitored shall be established by the Public Works Department based upon (1) flow, (2) the concentration of BOD, (3) the concentration of TSS, (4) other special constituents that may require treatment, and (5) the fixed charge for zero use, and in accordance with monitored waste charges, unless otherwise specified by a separate contract.

If the City determines by reviewing the relationship between actual or anticipated BOD and ammonia-nitrogen (NH₃-N) discharges that an atypical discharge is or will be occurring, a monthly service charge or fee may be charged using ammonia-nitrogen (NH₃-N) as an additional component. An atypical discharge will be evaluated against the treatment system design and operating parameters. (A rate system that includes ammonia-nitrogen will have a lower BOD rate than a rate system that does not include ammonia-nitrogen.)

F. Temporary Lift Stations

For each person served by a temporary lift station, there shall be a fixed, monthly charge until such time as the property owner or sewer user is no longer served by the temporary lift station. If served by more than one temporary lift station, the temporary lift station maintenance and operation fee shall only be charged for the nearest downstream station.

G. Users Served By Wells

1. Well Meters for Commercial Users

Each commercial property owner or sewer user not serviced by a public water supplier with water, but having a private well or water supply for commercial or industrial purposes, shall install and maintain, at his or its own expense, a water meter capable of measuring the total gallons or cubic feet per day of water being used for those purposes. Such meter shall be:

- a. Approved by the Department of Public Works prior to installation;
- b. Installed within sixty (60) days after receiving written approval from the Department; and
- c. Situated upon the property to be accessible to the Department at all times during normal working hours.

The Public Works Department may waive these requirements for commercial property owners if it can be determined that the user is a low consumption user and monthly charges can be estimated by the Department.

2. Residential Well Users

The monthly sewer service charge or fee for each property owner or user whose connection to sewer is unmonitored, and whose record of water consumption is unmetered or unavailable, shall be fixed by the Public Works Department based upon the fees established in subsection 8-11-07.02(B), and the cubic feet of water discharged into the Boise City Sewer system as determined by the Department. However, in the case of single family dwellings with unmetered or unavailable water consumption records, the cubic feet discharge is determined as follows:

<u>NUMBER OF RESIDENTS</u>	<u>WATER CONSUMPTION/MONTH</u>
1	200
2	400
3	700
4	900
5	1,100
6	1,300
7	1,500
8 and above	1,700

(6832, Amended 01/10/2012; 6121, Amended, 01/29/2002; 6046, Amended, 04/10/2001; 6022, Amended, 12/05/2000; 5877, Repealed & Replaced, 12/15/1998)

Section 8-11-06.05 Miscellaneous Fees

A. Account Initiation

This is a one-time fee that will be assessed upon the initiation of a new account. It will cover the administrative costs associated with performing credit checks and establishing new account information.

B. Sewer Inspection Fees

Any person who shall install a trunk or lateral sewer shall pay a sewer inspection fee to cover the costs of inspection of the installation and construction of trunk, branch, lateral, and sewer mains and service lines, as well as inspection of the necessary and required service connections, manholes, related structures, and appurtenances in accordance with the plans and specifications on file with the Public Works Department, and in accordance with the directions and specifications of the Department. In the event sewer inspection is required during any time other than a normal working day, the developer or his contractor shall reimburse the City at rates established by the Department.

C. Deferral, Waiver, Prepayment, and Permit Administrative Fees

Reasonable administrative fees will be charged for the processing of fee deferral and waiver applications, prepayment agreements, and the issuance of permits.

D. Disconnection and Reconnection Fees

Reasonable fees may be charged to cover all costs of disconnecting and/or reconnecting sewer service that has been terminated because of non-payment of fees.

E. Septage Dumping

A charge shall be imposed for each act of dumping septage, wastewater or effluent, to a Boise City Wastewater Treatment Facility. This charge shall be based on the actual gallonage of wastewater dumped as measured by approved measuring devices or according to marked gallonage on the truck. The approved measuring devices shall be calibrated in one hundred (100) gallon increments and charges shall be made to the nearest one hundred (100) gallons. A flat fee for dumping septage, wastewater, or effluent after scheduled hours is also imposed.

F. Decant Facility Service

A charge shall be imposed for each act of receiving and disposing of sediment and debris from sewers and storm drains into a Boise City Decant Facility typically collected by means of a vehicle commonly referred to as a hydrocleaner.

G. Door Tag Fee

A fee shall be charged for hanging a door tag to warn of sewer service termination for the second and subsequent events to the same customer at the same address. There shall be no charge for the first time a door tag is hung on a property.

(Ord-16-14, Amended, 4/15/14; 6594, Amended, 08/28/2007; 6516, Amended, 11/14/2006; 6022, Amended, 12/05/2000; 5877, Repealed & Replaced, 12/15/1998)

Section 8-11-06.06 Credits

A. Residential Pump Credit

In the event installation of a pump is required to enable an existing single family residential structure to be served by the public sewer system, the user shall receive a credit of up to five thousand two hundred dollars (\$5,200) against the fees imposed under subsection 8-11-06.03(A), and the equivalent assessment (public service line fee not included) under subsection 8-11-06.03(C), if either of the following situations exist:

1. The public sewer was constructed and accepted for service prior to January 1, 1996; or
2. The public sewer was constructed on or after January 1, 1996, but was not constructed to at least the sewer design policy depth guidelines approved by the Public Works Commission.

However, the amount of the credit cannot exceed the fees imposed under subsection 8-11-06.03(A) and subsection 8-11-06.03(C).

B. Credit for Treatment Connection Fees for Commercial Property

1. For the purposes of this provision the term “owner or operator” shall mean any person who has previously paid the Boise City Sewer connection fee requirements for connection to the system.
2. Any owner or operator of a commercial, industrial, or institutional business connected to

the Boise City Sewer system who is changing the site of such business to another location having access to the Boise City Sewer system, may apply for a credit of the treatment plant connection fees imposed by subsection 8-11-06.03(B), pursuant to the procedures set forth in subsection 8-11-09.04.

3. The Public Works Department may give a credit for all or a portion of the connection fee requirements if it finds all of the following are applicable:
 - a. The nature of the business has not changed;
 - b. No additional treatment capacity will be required; and
 - c. Under the particular circumstances of the case, imposition of the connection fee requirements would impose an undue hardship upon the owner or operator.
4. The right to seek a credit for connection fees is non-transferable. Credits on the original property shall be reduced by the amount of connection fee waived.
5. The application for the treatment plant connection credit must be submitted prior to the time those connection fees are due.

C. Length of Sewer Connection Credits

Non-use of a Boise City Sewer system service connection for a period of ten (10) years shall constitute a relinquishment of any right to the use of such service connection and the wastewater system, as well as the relinquishment of any sewer connection credits. Resumption of service shall require payment of the current fees for new connections. Sewer connection credits are not transferable between parcels. Credits will be utilized in the order construction plans are reviewed by Public Works staff.

(6717, Amended, 06/16/2009; 6428, Amended, 10/18/2005; 5877, Repealed & Replaced, 12/15/1998)

Section 8-11-07 FEES AND CHARGES

(5877, Added, 12/15/1998)

Section 8-11-07.01 Capital Fees and Charges

A. Residential Trunk Connection Fees

The rate for each connection fee is hereby fixed and established as follows:

RESIDENTIAL TRUNK CONNECTION FEES	
Single Family Residence	\$1,540
Duplex, per unit	\$815
Condominium, Townhouse, Mobile Home Park, or Multi-Family (three units or more), per unit.	
Units per gross acre:	
a. 4 or less	\$1,540
b. Over 4 to, and including, 5	\$1,330
c. Over 5 to, and including, 6	\$1,085
d. Over 6 to, and including, 7	\$910
e. Over 7 to, and including, 10	\$680
f. Over 10 to, and including, 13	\$490
g. Over 13 units per gross acre	\$290

B. Residential Treatment Connection Fees

The rate for each treatment facility connection fee is hereby fixed and established as follows:

RESIDENTIAL TREATMENT CONNECTION FEES	
Single-Family Residence	\$2,035
Duplex, per unit	\$1,665
Multi-Family (three units or more), per unit	\$1,615
Mobile Home Park, per unit	\$1,615
Condominium and Townhouse, per unit	\$1,615
Assisted Living Sleeping Area, per unit	\$537

C. Commercial Connection Fees

The rate for each connection is established on the basis of equivalent single family residential units as follows:

COMMERCIAL CONNECTION FEES	
Trunk Connection	\$1,540 per SFDE
Treatment Facilities:	
Flow	\$2,280 per 1000 gallons per day
BOD	\$1,805 per pound per day
TSS	\$765 per pound per day

If the City determines that ammonia-nitrogen (NH3-N) is a component for which the user should be charged, the following rates shall apply:

COMMERCIAL CONNECTION FEES AMMONIA-NITROGEN (NH3-N) COMPONENT FEES	
Trunk Connection	\$1,540 per SFDE
Treatment Facilities:	
Flow	\$2,280 per 1000 gallons per day
BOD	\$1,395 per pound per day
TSS	\$765 per pound per day
NH3-N	\$4,325 per pound per day

D. Equivalent Assessment Fees

For lots up to 86,000 square feet in area, the fee shall be calculated on the basis of the area of the lot, in accordance with the following schedule:

EQUIVALENT ASSESSMENT FEES		
<u>AREA OF LOT</u> (In square feet)		<u>EQUIVALENT ASSESSMENT FEE</u>
	<6000	\$1,980
≥6000	<8000	\$2,310
≥8000	<10000	\$2,970
≥10000	<12000	\$3,411
≥12000	<14000	\$3,548
≥14000	<16000	\$3,691
≥16000	<18000	\$3,836
≥18000	<20000	\$3,981
≥20000	<22000	\$4,130
≥22000	<24000	\$4,274
≥24000	<26000	\$4,417
≥26000	<28000	\$4,562
≥28000	<30000	\$4,707
≥30000	<32000	\$4,856
≥32000	<34000	\$5,000
≥34000	<36000	\$5,143
≥36000	<38000	\$5,289
≥38000	<40000	\$5,437
≥40000	<42000	\$5,582
≥42000	<44000	\$5,726
≥44000	<46000	\$5,871
≥46000	<48000	\$6,015

EQUIVALENT ASSESSMENT FEES		
≥48000	<50000	\$6,163
≥50000	<52000	\$6,308
≥52000	<54000	\$6,452
≥54000	<56000	\$6,597
≥56000	<58000	\$6,741
≥58000	<60000	\$6,889
≥60000	<62000	\$7,034
≥62000	<64000	\$7,179
≥64000	<66000	\$7,323
≥66000	<68000	\$7,467
≥68000	<70000	\$7,615
≥70000	<72000	\$7,760
≥72000	<74000	\$7,905
≥74000	<76000	\$8,049
≥76000	<78000	\$8,198
≥78000	<80000	\$8,341
≥80000	<82000	\$8,487
≥82000	<84000	\$8,631
≥84000	<86000	\$8,775

For lots greater than 86,000 square feet, the assessment shall be calculated on the basis of the area of the frontage (as described in subsection 8-11-06.03(D)) at the rate of \$0.33 per square foot for sewers constructed in pavement, and \$0.28 per square foot for sewers constructed in gravel roads or other unimproved areas. However, in no case shall the assessment be less than that for a lot of 86,000 square feet.

E. Public Service Line Fees

A fee shall be charged for each public service line provided by the City, based upon the size of the service line and the following schedule.

PUBLIC SERVICE LINE FEES	
Four (4) inch service line	\$965
Six (6) inch service line	\$990
Eight (8) inch service line	\$2,670

F. Future Sewer Deposit

As required in subsection 8-11-06.03(H), the subdivider or developer shall pay two thousand dollars (\$2,000.00) to the Treasurer of Boise City prior to certification of the plat by the City Engineer.

G. Temporary Lift Station Upgrade Fees

As required by subsection 8-11-06.03(I), the subdivider or developer shall pay a fee as calculated by the Public Works Department for the developer's share of the possible upgrade of a temporary lift station serving the developer's development.

(Ord-4-14, Amended, 02/4/2014:6812, Amended, 06/14/2011: 6771, Amended, 04/13/2010; 6717, Amended, 06/16/2009; 6707, Amended, 03/17/2009; 6691, Amended, 10/28/2008; 6536, Amended, 01/30/2007; 6428, Amended, 10/18/2005; 6352, Amended, 10/12/2004; 6046, Amended, 04/10/2001; 6030, Amended, 01/30/2001; 5877, Repealed & Replaced, 12/15/1998)

Section 8-11-07.02 Operation and Maintenance Fees

A. Fixed Charge for Zero Use

There shall be a six dollars and sixty five cents (\$6.65) minimum charge for zero cubic feet of water used.

B. Charges for Unmonitored Connections

The monthly sewer charge for users with unmonitored connections to the wastewater system shall be determined as follows:

1. CHARGES FOR UNMONITORED CONNECTIONS LOCATED OUTSIDE THE BOUNDARIES OF THE FORMER BENCH SEWER DISTRICT (boundaries are shown on map maintained by the Boise Public Works Department)

<u>WASTE STRENGTH CLASSIFICATION MG/L</u>	<u>CHARGE PER 100 CUBIC FEET OF WATER USED</u>
0-200	\$2.22
>200-400	\$3.78
>400-600	\$5.45
>600-800	\$7.12
>800-1,000	\$8.78
>1,000-1,500	\$11.70

2. CHARGES FOR UNMONITORED CONNECTIONS LOCATED WITHIN THE BOUNDARIES OF THE FORMER BENCH SEWER DISTRICT (boundaries are shown on map maintained by the Boise Public Works Department)

WASTE STRENGTH CLASSIFICATION

MG/L	CHARGE PER 100 CUBIC FEET OF WATER USED
0-200	\$2.148
>200-400	\$2.777
>400-600	\$3.569
>600-800	\$4.380
>800-1,000	\$5.049
>1,000-1,500	\$6.341

C. **Charges for Monitored Connections**

The monthly service charge for fee users with monitored connections to the wastewater system shall be established according to the following rates:

- \$516.64 per thousand gallons of daily average per year.
- \$273.20 per pound of BOD daily average per year.
- \$214.54 per pound of TSS daily average per year.

If the City determines that ammonia-nitrogen (NH₃-N) is a component for which the user should be charged, the following rates shall apply:

- \$516.64 per thousand gallons of daily average per year.
- \$266.56 per pound of BOD daily average per year.
- \$214.54 per pound of TSS daily average per year.
- \$71.61 per pound of NH₃-N daily average per year.

D. **Temporary Lift Stations**

The monthly charge for each person served by a temporary lift station shall be seven dollars and twelve cents (\$7.12).

E. **Low Income Discount**

Residential customers may apply for a low income discount on residential sewer service, by making application to the Public Works Department of the city. Applications shall be submitted annually with updated financial information confirming annual family gross income. The Public Works Department may reduce the charges for sewer service by 30% upon determining that the customer is experiencing financial hardship. Financial hardship shall be deemed to exist when an owner's annual family gross income is at or below the low income level indicated for a family of similar size on the current "Low Income Guidelines" chart employed by the City in the administration of the Community Development Block Grant program, and shall be verified by the previous year's Federal tax return.

(Ord-28-16, Amended, 8/30/16; Ord-37-15, Amended, 08/25/15; Ord-44-14, Amended, 10/21/14; Ord-41-14, Amended, 09/30/2014; Ord-33-2013, Amended, 08/27/2013; 6866, Amended, 12/27/2012; 6853, Amended, 07/24/2012; 6822, Amended, 08/23/2011; 6781, Amended, 08/17/2010; 6768, Amended, 02/16/2010; 6732, Amended, 08/25/2009; 6487, Amended, 07/25/2006; 6410, Amended, 08/16/2005; 6336, Amended, 07/27/2004; 6249, Amended, 07/29/2003; 6187, Amended, 10/01/2002; 6090, Amended, 09/18/2001; 6046, Amended, 04/10/2001; 6014, Amended, 09/26/2000; 6003, Amended, 07/18/2000;. 5941, Amended, 9/28/1999; 5877, Repealed & Replaced, 12/15/1998)

Section 8-11-07.03 Miscellaneous Fees

A. **Account Initiation Fee**

The one-time fee assessed upon the initiation of a new account is twelve dollars and seventy two

cents (\$12.72). If an additional service (e.g. solid waste service) is also started at the same time, the fee will be split equally between sewer and the second service.

B. Sewer Inspection Fees

The sewer inspection fee shall be one dollar and seventy cents (\$1.70) per lineal foot of sewer installed, excluding service lines. For inspections which are required during any time other than a normal working day, the contractor or developer shall reimburse the City at a rate of forty-five dollars (\$45.00) per hour.

C. Administrative Fees

1. Residential Deferral

There shall be charged a fifty dollar (\$50.00) administrative fee, per agreement, for the processing of deferrals for trunk connection fees and treatment facilities connection fees.

2. Commercial/Restaurant Deferral

There shall be charged a two hundred fifty dollar (\$250.00) administrative fee, per agreement, for the processing of deferrals for trunk connection fees and treatment facilities connection fees.

3. Equivalent Assessment Deferral

There shall be charged a fifty dollar (\$50.00) administrative fee for the processing of each deferral for equivalent assessment fees.

4. Commercial Treatment Credit

There shall be charged a two hundred fifty (\$250.00) administrative fee for the processing of each Commercial Treatment Plant Connection Credit application.

5. Waiver Application Fees

There shall be charged a twenty-five (\$25.00) administrative fee for the processing of each waiver application.

6. Prepayment Fees

There shall be charged a fifty dollar (\$50.00) administrative fee for the processing of each prepayment agreement.

D. Commercial and Restaurant Down Payments Required

In the case of a deferral agreement between the City and a commercial or restaurant user, an initial payment of twenty percent (20%) of the imposed connection fees shall be required at the time the agreement is signed.

E. Tap-In Permit Fee

A permit fee of seventy-five (\$75.00) shall be charged for each sewer tap.

F. Sewer Plug Permit Fee

A permit fee of fifty dollars (\$50.00) shall be charged for each structure, regardless of the number of service lines.

G. Disconnection and Reconnection Fees

The total fee for disconnecting and reconnecting sewer service shall be Three-hundred dollars (\$300).

H. Septage Dumping

The charge shall be eighty one dollars and seventy cents (\$81.70) per thousand gallons of septage, sewage, or effluent dumped, but such charge shall never be less than five dollars (\$5.00) for each use or act of dumping. The surcharge for after hours dumping shall be ten dollars (\$10.00).

I. Decant Facility Service

The fees for decant disposal service shall be a minimum of \$49.91 for up to one cubic yard of material, plus \$49.91 for each additional cubic yard rounded up to the nearest whole yard. This charge shall be based on the amount of materials deposited into the Decant Facility as determined from a physical measurement of the debris pile by a Boise City employee.

J. Door Tag Fee

A door tag fee of \$110 shall be charged to the customer for the second and all subsequent times a door tag is hung on the property prior to sewer service termination.

(Ord-28-16, Amended, 8/30/16; Ord-37-15, Amended, 08/25/15; Ord-41-14, Amended, 09/30/2014; Ord-16-14, Amended, 4/15/14; Ord-33-2013 Amended 08/27/2013; 6866, Amended, 11/27/2012; 6822, Amended, 08/23/2011; 6781, Amended, 08/17/2010; 6732, Amended, 08/25/2009; 6641, Amended, 02/19/2008; 6594, Amended, 08/28/2007; 6536, Amended, 01/30/2007; 6487, Amended, 07/25/2006; 6428, Amended, 10/18/2005; 6410, Amended, 08/16/2005; 6336, Amended, 07/27/2004; 6249, Amended, 07/29/2003; 6187, Amended, 10/01/2002; 6090, Amended, 09/18/2001; 6022, Amended, 12/05/2000; 6014, Amended, 09/26/2000; Manual, Amended, 12/07/1999; 5941, Amended, 09/28/1999; 5877, Repealed & Replaced, 12/15/1998)

Section 8-11-08 FEE DEFERRAL PROCEDURES

(5877, Added, 12/15/1998)

Section 8-11-08.01 Deferral of Commercial Trunk and Treatment, Connection Fees

In order to promote the growth and economic development of Boise City, the payment of connection fees for commercial properties (other than restaurants) may be deferred as follows:

- A. The owner or operator of the property shall submit an application provided by the Public Works Department;
- B. Upon receipt and verification of the application, the Department shall prepare an agreement for the deferral of payment of the connection fees;
- C. The term of the agreement shall not exceed two (2) years;
- D. The owner or operator shall post an irrevocable letter of credit, Certificate of Deposit, Payment Bond, Security Bond, or other acceptable assurances, as may be approved by the Boise City Attorney’s Office, for the sum of the connection fees and interest to be charged on the unpaid balance;
- E. Payments shall be made in equal installments on a monthly, or quarterly basis, at the option of the applicant and as prescribed by the agreement. Interest shall be assessed at the *Wall Street Journal’s* prime rate as published on the date the agreement is signed, plus three percent (3%);
- F. The agreement will be recorded in the Office of the Ada County Recorder; and
- G. In the event the property owner or authorized representative defaults on the terms of the agreement prior to final payment, sewer connection fee credits will be granted to the property under the following conditions:
 - 1. The total credit given will be based on the principal payments received, plus amounts collected from a Letter of Credit, Bond, or other assurance used to secure the agreement, less any costs incurred by the City in collecting the remaining balance owned on the agreement; and

2. The credit will be recorded with the property as a single family dwelling equivalent based on rates in effect at the time the agreement was executed.

H. In the event the property is an existing structure at the time of sewer connection, and additional connection (equivalent assessment) fees are imposed pursuant to subsection 8- 11-06-03(C), the owner may incorporate the commercial trunk and treatment connection fees into an agreement as set forth in section 8-11-08.04.

(6871, Amended, 08/17/2010; 6641, Amended, 02/19/2008; 6363, Amended, 12/07/2004; 5877, Repealed & Replaced, 12/15/1998)

Section 8-11-08.02 Deferral of Restaurant Trunk and Treatment Connection Fees

In order to promote the growth and economic development of Boise City and in recognition of the unique impact of restaurants upon the Boise City Sewer system, the payment of connection fees for restaurants may be deferred as follows:

- A. The owner or operator of the restaurant property shall submit an application provided by the Public Works Department;
- B. Upon receipt and verification of the application, the Department shall prepare an agreement for the deferral of the payment of connection fees; [The option to defer fees will not be extended to owners or operators, including partners within limited liability companies or corporations, who have defaulted on previous restaurant deferrals, whose payments on previous deferrals were past due on three (3) or more occasions or who have outstanding sanitary sewer or solid waste utility billings with the City of Boise]
- C. The term of the agreement shall not exceed ten (10) years;
- D. The owner or operator shall post an irrevocable letter of credit, Certificate of Deposit, payment bond, or other financial assurances approved by the City Attorney's Office for the sum of the connection fees and interest to be charged on the unpaid balance;
- E. Payments may be made in equal installments on a monthly or quarterly basis at the option of the applicant and as prescribed by the agreement. Interest shall be assessed at the *Wall Street Journal's* prime rate as published on the date the agreement is signed; and
- F. The agreement shall be recorded in the Office of the Ada County Recorder.
(6697, Amended, 12/16/2008; 6641, Amended, 02/19/2008; 6203, Amended, 12/17/2002; 6121, Amended, 01/29/2002; 6030, Amended, 01/30/2001; 5877, Repealed & Replaced, 12/15/1998)

Section 8-11-08.03 Deferral of Residential Trunk and Treatment, Connection Fees

Payment of connection fees, by an owner of an existing residential structure, may be deferred as follows:

- A. The Public Works Department shall prepare an agreement for the deferral of the payment of fees;
- B. The term of the agreement shall not exceed fifteen (15) years.
- C. Payments shall be made in equal installments on either a monthly, or quarterly basis, at the option of the applicant and as prescribed by the agreement;

- D. Interest on the unpaid balance will be assessed at the *Wall Street Journal's* prime rate, as published on the date the agreement is signed; and
- E. The agreement shall be recorded in the Office of the Ada County Recorder. (6641, Amended, 02/19/2008, 6363, Amended, 12/07/2004; 5877, Repealed & Replaced, 12/15/1998)

Section 8-11-08.04 Deferral of Equivalent Assessment Fees

Additional connection (equivalent assessment) fees imposed pursuant to subsection 8-11- 06.03(C) may be deferred as follows:

Payment of connection fees, by an owner of an exiting structure, may be deferred as follows:

- A. The Public Works Department shall prepare an agreement for the deferral of the payment of fees;
- B. The term of the agreement shall not exceed fifteen (15) years;
- C. Payments shall be made in equal installments on either a monthly, or quarterly basis, at the option of the applicant and as prescribed by the agreement;
- D. Interest on the unpaid balance will be assessed at the Wall Street Journal's prime rate as published on the date the agreement is signed.
- E. The agreement shall be recorded in the Office of the Ada County Recorder. (6717, Amended, 06/16/2009; 6641, Amended, 02/19/2008, 6594, Amended, 08/28/2007; 6363, Amended, 12/07/2004; 5877, Repealed & Replaced, 12/15/1998)

Section 8-11-09 WAIVERS AND APPEALS

(5877, Added, 12/15/1998)

Section 8-11-09.01 Waiver of Individual Physical Connection

The requirement of individual physical connection may be waived by the Public Works Department if, under the particular circumstances of the case, compliance would impose undue hardship on the property owner. Waivers shall not be granted for subdivisions that are being proposed for platting where new roads and utilities must be constructed, or for more than one (1) multi-family dwelling with separate ownership. In granting the waiver, the Department may impose such reasonable conditions as it deems appropriate. Any application for waiver shall be submitted to the Department in accordance with the waiver procedures set forth in subsection 8-11-09.04 of this Ordinance. Connection to sewer may still be required by other City departments or Public agencies.

(5877, Repealed & Replaced, 12/15/1998)

Section 8-11-09.02 Waiver of Requirement to Connect

The Public Works Department may waive the connection requirements of subsections 8-11-04.03 if the public health does not require immediate connection and the Department finds any of the following:

- A. That within five (5) years prior to the date upon which connection fees are due the individual wastewater disposal system serving the building for which a connection waiver is sought, was installed or rebuilt in accordance with a permit issued by the Central District Health Department.

If the individual wastewater disposal system was installed three (3) years or less from the date sewer connection fees are due, a waiver may be granted for a period not to exceed five (5) years from the date of installation. If the individual wastewater disposal system was installed more than three (3) years from the date sewer connection fees are due, a waiver may be granted for a period of up to two (2) years from the date such waiver is sought;

- B. That the single family dwelling for which a connection waiver is sought is located on a parcel of land five (5) acres or more in size;
- C. That the owner of a building is experiencing financial hardship. Financial hardship shall be deemed to exist when an owner's annual family gross income is at or below the income level indicated for a family of similar size on the current "Moderate Income Guidelines" chart employed by the City in the administration of the Community Development Block Grant Program, and shall be verified by the previous year's Federal tax return; or
- D. That the owner of the property has prepaid connection fees prior to sewer being available in accordance with subsection 8-11-06.03(G).

Application for the waiver must be made by the building owner, prior to the date connection fees are due, in accordance with the waiver procedures set forth in subsection 8-11-09.04 of this Ordinance.

(6717, Amended, 06/16/2009; 6363, Amended, 12/07/2004; 6030, Amended, 01/30/2001; 5877, Repealed & Replaced, 12/15/1998)

Section 8-11-09.03 Wet-line Waiver

- A. The Public Works Department may waive the wet-line connection requirement specified in subsection 8-11-04.01, subject to such reasonable conditions that the Department deems appropriate, if it finds all of the following applicable:
 - 1. The extension of wet-line sewer to the structure is not financially feasible for the property owner and/or the City;
 - 2. Until sewer service is available, the structure can be adequately served by:
 - a. a septic tank which will be compatible with future sewer lines; or
 - b. another existing sewage treatment alternative (package treatment plant, lagoon system, or central septic tank) which is reasonably available and has been approved and certified by the appropriate government agency as adequate to service the structure until sewer service becomes available. The existence of the maintenance agreement for the alternate treatment system shall also be taken into consideration;
 - 3. The proposed construction is compatible with the other goals and policies of the Boise City Comprehensive Plan.

(6832, Amended, 01/10/2012; 6228, Amended, 04/29/2003; 5877, Repealed & Replaced, 12/15/1998)

Section 8-11-09.04 Waiver Procedures; Commercial Treatment Credit Procedure

- A. All requests for waivers, as well as a request for a Commercial Treatment Credit must comply with the following procedures:
 - 1. An application must be submitted to the Public Works Department on a form provided by the Department. If the Department does not provide such a form, the application must be submitted to the Department in writing; and
 - 2. The application must state the specific grounds upon which the waiver is sought.

- B. Upon receipt of the application, the Department shall review it and make a decision, in writing, within thirty (30) days. The decision of the Department may be appealed to the Public Works Commission.
- C. Notice of appeal shall be filed with the Department within fifteen (15) days of the Department's written decision granting or denying the waiver request, and should state the specific grounds upon which the appeal is based.
- D. Upon receipt of the notice of appeal, the Public Works Commission shall review it at a regularly scheduled meeting of the Commission. Notice of the time and place at which the Commission shall review the appeal shall be provided to the applicant within five (5) days of the date scheduled for review of the appeal. On the scheduled review date, the applicant may appear and present testimony to the Public Works Commission.
- E. The applicant shall bear the burden of demonstrating eligibility for a requested waiver. The decision of the Commission granting or denying a waiver, as well as its findings, shall be in writing. The decision of the Commission may be appealed in accordance with subsection 8-11-09.09 of this ordinance.

(6832, Amended, 01/10/2012; 5877, Repealed & Replaced, 12/15/1998)

Section 8-11-09.05 Sewage Pump Appeal for Undue Hardship

In the event a single family building owner is required to install a pump and believes the required installation creates an undue hardship, the building owner may file an appeal with the Public Works Commission, citing the reasons for the undue hardship and requesting a hearing before the Commission. The Commission shall hold a hearing pursuant to the appeal procedures set forth in subsection 8-11-09.08 of this Ordinance.

(5877, Repealed & Replaced, 12/15/1998)

Section 8-11-09.06 Service Charges and Capital Fees Appeals

A. Notice of all service charges and fees fixed and established by the Department of Public Works pursuant to subsection 8-11-06.04 shall be given by mailing notice thereof to the owner, if known, or the occupant or person in custody, control and possession of said property. Any property owner, or user of the sewer system, feeling aggrieved by the service charges or rates established by the Department may, within ten (10) days after the mailing of said notice, file a notice of appeal with the Public Works Commission. The Commission shall hold a hearing pursuant to the appeal procedures set forth in subsection 8-11-09.08 of this Ordinance.

B. Capital fees fixed and determined by the Department of Public Works, pursuant to subsection 8-11-06.03 may, within ten (10) days of notice of the amount of such charges, be appealed to the Public Works Commission. The Commission shall hold a hearing pursuant to the appeal procedures set forth in subsection 8-11-09.08 of this Ordinance.

(6022, Amended, 12/05/2000; 5877, Repealed & Replaced, 12/15/1998)

Section 8-11-09.07 Appeal of Decision to Disconnect Sewer

Decisions of the Public Works Director or designee to allow disconnection of sewer service may be appealed to the Public Works Commission, within ten (10) calendar days of the date the hearing decision is rendered, using the provisions set forth in 8-11-9.08. The decision of the Commission upon appeal may be appealed to the Boise City Council in accordance with 8-11-09.09.

(6022, Amended, 12/05/2000; 5877, Repealed & Replaced, 12/15/1998)

Section 8-11-09.08 Appeal Procedures

- A. The Commission shall hold a hearing on the appeal not less than ten (10) nor more than sixty (60) days after receipt of notice of the appeal.
- B. The Commission shall have the power to revise, correct, or confirm the charges.
(5877, Repealed & Replaced, 12/15/1998)

Section 8-11-09.09 Appeal from Decision of the Commission

The decision of the Commission may be appealed to the City Council by filing a notice of appeal with the City Clerk within ten (10) days of written notice of the Commission’s decision. Such appeal may be filed by the aggrieved party or the Public Works Department. The Council shall have the power to approve, amend, or reverse the decision of the Commission and the decision of the Council shall be final.
(5877, Repealed & Replaced, 12/15/1998)

Section 8-11-10 PROHIBITIONS

(5877, Added, 12/15/1998)

Section 8-11-10.01 Interference with Boise City Sewer System Prohibited

It is unlawful for any person to break, block, damage, destroy, uncover, deface or tamper with any property, equipment, or appliance constituting a part of the Boise City sewer system. It is unlawful to trespass upon the property of the City and interfere in any manner with the operation of the Boise City sewer system, or the property, equipment, manholes, piping, or appliances of the wastewater collection system and treatment facilities. No person shall open any public sewer manhole without the permission of the Public Works Department, nor shall any person deposit any type of refuse into the sewer manholes.
(5877, Repealed & Replaced, 12/15/1998)

Section 8-11-10.02 Falsifying Information

Any user who knowingly makes false statements, representations or certifications in any application, record, plan or other document filed with the City, or who falsifies, tampers with or knowingly renders inaccurate any monitoring device or method required under this ordinance, commits a misdemeanor under this Code.
(5877, Repealed & Replaced, 12/15/1998)

Section 8-11-10.03 Unlawful to Occupy or Use Building Without Connection

It shall be unlawful to occupy or use any building or structure in violation of this Ordinance, and any violation of this Ordinance shall be punishable as a misdemeanor.
(5877, Repealed & Replaced, 12/15/1998)

Section 8-11-10.04 Septage Dumping Prohibited

Within Boise City and the Boise Area of Impact, it shall be unlawful for any person to deposit, dump, place, or leave septage, sewage, effluent, or other byproduct from any individual a wastewater disposal system, at a location other than a designated Boise City treatment facility. Septage will not be accepted at any Boise City Wastewater Treatment Facility or any site or facility discharging to a Boise City Wastewater Treatment Facility except pursuant to a written agreement with Boise City setting forth discharge terms, including payment of fees, which the City deems reasonable and necessary.
(Ord-16-14, Amended, 4/15/14; 6641, Amended, 02/19/2008, 5877, Repealed & Replaced, 12/15/1998)

Section 8-11-10.05 Harmful Substances Prohibited

Unless allowed by a service contract or industrial discharge permit, it shall be unlawful to permit or cause flow of any of the following substances into the public sewer:

- A. Any grease, fatty material, offal, or garbage;
- B. Any stone dust, sand, dirt, gravel, sawdust, metal filings, broken glass, or any other material which may cause an obstruction in the sewer;
- C. Gasoline, benzene, fuel oil, phenols, or cresols, or any petroleum products or volatile liquids, or any wastes which create a fire explosion hazard;
- D. Milk, or any liquid milk waste products, in quantities in excess of ten (10) gallons during each twenty-four (24) hour period;
- E. Any cyanide, phenols, or other chemical substance which interferes with or prevents the functioning of the sewer system or wastewater treatment facilities;
- F. Paint or waste products from paint manufacturing;
- G. Radioactive wastes;
- H. Any material from cesspools and septic tanks, other than effluent;
- I. Any other matter, substance, or liquid deleterious to the sewer system and wastewater treatment facilities or which shall endanger the employees, operation, or treatment processes of wastewater disposal, or which shall cause encrustation or otherwise chemically or physically corrode or erode the sewer system and wastewater treatment facilities. In no case shall wastes with a pH lower than 5.0 be permitted into the public sewer.

(6516, Amended, 11/14/2006; 5877, Repealed & Replaced, 12/15/1998)

Section 8-11-10.06 Emergency Suspension of Service

The City may, after informal notice to the user in writing or in person or by telephone, order the suspension of wastewater system service if it appears to the City that an actual or threatened discharge presents an imminent or substantial danger to the health or welfare of persons or the safety of property, or substantial danger to the environment.

(5877, Repealed & Replaced, 12/15/1998)

Section 8-11-10.07 Infiltration Prohibited; Stormwater; Excess Discharge

Inflows of surface and excessive infiltration are prohibited. Such prohibited sources of inflow shall include, but not be limited to, the following: Heating or cooling system discharges in excess of two thousand (2,000) gallons per day, stormwater connections, subwater drains, foundation drains, roof drains, street drains. Infiltration greater than two hundred (200) gallons per day per inch diameter per mile of pipe shall be prohibited. Variances may be granted as determined by the Public Works Department.

(5877, Repealed & Replaced, 12/15/1998)

Section 8-11-11 PENALTIES AND REMEDIES

(5877, Added, 12/15/1998)

Section 8-11-11.01 Criminal Penalties

Any person violating any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor. Upon conviction the penalty shall be a fine not to exceed three hundred dollars (\$300.00) or imprisonment in the County jail for a period not exceeding six (6) months, or both.

(6097, Amended, 11/13/2001; 5877, Repealed & Replaced, 12/15/1998)

Section 8-11-11.02 Civil Remedies

In addition to, and exclusive of, the criminal remedy provided by this Ordinance, the City may institute any civil action provided by law including, but not limited to, injunctive relief or other actions to prevent, restrain, enjoin, correct, abate, or to recover costs for a violation of this Ordinance. Furthermore, any person violating any of the provisions of this Ordinance which shall cause the City:

- A. Additional costs to collect, transmit and treat sewage produced within the Boise City Sewer system;
- B. To be subject to civil penalties imposed by State or Federal Environmental Protection Agencies; or
- C. To lose, or jeopardize the holding of, any permit for the use of the Boise River in conjunction with its sewerage treatment system; shall be subjected to the full remedies available to the City under State and Federal law including recovery of costs.

(6097, Amended, 11/13/2001; 5877, Repealed & Replaced, 12/15/1998)

Section 8-11-11.03 Delinquency of Payments

- A. All Boise City Sewer system charges and fees not paid within or by the time periods required by this Ordinance, or dates required under agreements entered into in accordance with Section 8-11-08, shall be considered delinquent.
- B. All Boise City Sewer system and service charges and fees which are delinquent will be charged a late payment charge of one and one-half percent (1.5%) per month which will be added to the outstanding balance. In addition, all sewer system charges, excluding service charges, which are due and payable shall constitute a lien upon and against the property or premises being served by and connected to the Boise City Sewer system. The delinquent charges, together with a penalty of ten percent (10%) added thereto shall be certified to the Treasurer, ex-officio Tax Collector of Ada County in the manner and at the time required by Section 50-1008, Idaho Code.

(5877, Repealed & Replaced, 12/15/1998)

Section 8-11-11.04 Disconnection of Sewer for Nonpayment

- A. **Sewer service can be discontinued for any of the following reasons:**
 - 1. Failure to pay sewer fees by the due date;
 - 2. Failure to submit any deposits imposed pursuant to this ordinance;
 - 3. Failure to abide by the terms of a sewer fee payment arrangement or agreement;
 - 4. Misrepresenting the identity of the user to receive service;

5. Failure to apply for service or connecting to the Boise City Sewer System without the knowledge or approval of the City;
6. Failure to abide by any provision of this ordinance.

B. Notice and Right to Hearing

Except in the event that public health requirements dictate immediate disconnection, written notice of the intent to terminate service shall be provided to the user at least fourteen (14) calendar days prior to the disconnection/termination date. In the case of a rental arrangement the property owner will be sent a courtesy copy of the notice. The notice of termination shall contain the following:

1. the users name and last known mailing address;
2. the address or addresses where the service is being provided;
3. a statement of the basis for the proposed termination;
4. if the proposed termination is for non-payment of fees, a statement of the amount of such non-payment;
5. a statement that the user has ten (10) calendar days upon receipt of the registered letter to request a pre-termination hearing before the Public Works Director or his/her designee;
6. a statement that if the user does not request a hearing or appear at the hearing, the basis for the termination, including the amount of fees due, will be deemed to be correct and the user's sewer service may be disconnected immediately thereafter.

The pre-termination hearing shall be held no sooner than seven (7) calendar days from the date the request for hearing is made by the user. If the user appears at the hearing, the Public Works Director or designee shall hear the user's evidence and testimony, review and examine the testimony and evidence presented and render a decision based upon such testimony and evidence and upon the records of the City. The Public Works Director or designee may render a decision at the hearing or may render a decision in writing, and in such case will mail or otherwise provide a written copy of the decision to the user. The decision of the Public Works Director or designee may be appealed to the Public Works Commission within ten (10) calendar days of the date the decision is rendered using the provisions set forth in 8-11-9.08. If the user fails to request a pre-termination hearing, appear at the hearing or fails to timely appeal a decision of the Director or designee determining that the termination of service should proceed, the Director or designee may issue an order to shut off and discontinue service to the user.

Prior to termination, the City shall notify the Central District Health Department, appropriate plumbing authority and the user's water service provider. A request will be made by the City to shut off water service to the affected premises prior to sewer disconnection. Except in an emergency, sewer service disconnection will not take place after noon on Fridays, Saturdays, Sundays, City of Boise holidays or after noon on any holiday eves.

Reconnection of sewer will take place only after the reason for the termination has been remedied including the payment of all overdue system fees and charges, deposits, disconnection fees and reconnection fees.

(6697, Amended, 12/16/2008; 6097, Amended, 11/13/2001; 6022, Amended, 12/05/2000; 5877, Repealed & Replaced, 12/15/1998; 6637, Amended, 1/22/2008)