

Chapter 8-12

GEOTHERMAL SYSTEM REGULATIONS

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Section 8-12-01 PURPOSE AND SCOPE

For the purpose of developing, managing and utilizing geothermal resources belonging to Boise City and for distributing said geothermal resources to users, a system for the development, distribution and disposal of geothermal resources shall be constructed, extended, maintained, repaired, replaced, operated and removed by Boise City by which to provide an adequate system for the development, distribution and disposal of geothermal resources for the purpose of space heating and cooling and such other uses and purposes for which said system may be used.

Section 8-12-02 DEFINITIONS

COLLECTION PIPELINE:

The main pipeline through which the spent geothermal resources are piped from the return lines of users to the disposal system.

RETURN LINES:

The pipelines running from the property line of the user to the collection pipeline.

SERVICE LINES:

Are defined to include both the supply and return lines of the user.

SUPPLY LINES:

The pipelines running from the transmission pipeline to the right-of-way line of the user.
(Ord. 4883, 12-9-85)

TAP-IN:

Are defined to include the saddles, valves and appurtenances necessary to conduct to the transmission and collection pipelines.

TRANSMISSION PIPELINE:

The main pipeline through which the geothermal resources are piped from the well to the supply line of users.

Section 8-12-03 SERVICE CONNECTION PROCEDURES

- A. Application: Any person desiring to connect a building or structure to Boise City's geothermal system may apply for such service connection with the Department of Public Works on forms provided for that purpose. The Director of Public Works, or his authorized representative, shall approve or deny said application within thirty (30) days of its filing. A decision to deny shall be accompanied by written findings thereon.
- B. Change in Use or Change in Identity of User: A new application must be made to, and approved by, the Department of Public Works upon any change in the use of the property or in the identity of the user at a property.
- C. Lapse in Use: If geothermal service is discontinued to any property for any reason and if a request to reactivate geothermal service to the property is made. The request to reactivate geothermal service shall be made and considered in the same manner and in all respects as a new application.
- D. Construction of Tap-Ins and Service Lines and Installation of Meters: The City shall construct all tap-ins and service lines and install meters. Upon completion, the tap-ins and service lines shall become a part of the public geothermal system.
- E. Meters:
 - 1. All geothermal service will be rendered only through meters.
 - 2. Each user shall have a separate meter to register the amount of water utilized.
 - 3. All meters will be furnished by, and remain the property of Boise City. Boise City reserves the right to establish the size and location of all meters and the amount of space which must be left unobstructed for the installation and future maintenance and operation of the meter.
 - 4. Meters will be maintained by Boise City as far as ordinary wear and tear is concerned, but the user shall be responsible to Boise City for any injury to, or loss of, any meter arising out of or caused by the user's negligence or carelessness or that of his servants, employees, members of his household or any person upon his premises under or by his consent. The user shall not permit anyone, except an agent of Boise City or otherwise lawfully authorized, to remove, inspect or tamper with the meter of Boise City, or other property of Boise City.
 - 5. The user shall notify Boise City of any damage to, or of any cessation in registration of, the meter as soon as it comes to the user's knowledge.
 - 6. If the user requests that the meter be located in a place where accessibility to Boise City is difficult, a remote read out shall be installed at the user's expense.
- F. Service Connection Standards and Inspections: All approved service connections to the geothermal systems shall comply with the following requirements:

1. The applicant shall notify the Boise City Public Works Department no less than twenty-four (24) hours prior to commencing connection work.
 2. Except for the meter, all portions of geothermal service within the owner's building, or within the building owner's property lines, shall be the responsibility of, and provided by, the building owner or user, and operation and maintenance of all such plumbing and related appurtenances shall remain the responsibility of the building owner or user, except that, by written agreement between Boise City and the building owner or user, responsibility of ownership, operation, or maintenance of the geothermal service may be otherwise assigned. Service connection work and materials located on the building owner's property shall be in conformance with written and illustrated minimum standards and specifications issued by the Department of Public Works for such purposes.
 3. Upon completion of the permitted service connection, the applicant shall promptly notify the Public Works Department to request a service connection inspection.
 4. Upon inspection by the Public Works Department, the applicant may be required to re-perform his work, in whole or in part, if in the opinion of the Department, the initial service connection work does not comply with applicable Department standards and specifications, or is otherwise hazardous to public safety.
 5. All completed and approved service connections shall remain inoperable, through deactivation of the meter, until such time as a service account is activated.
- G. **Violations:** It shall be a violation of this Chapter for any person to construct or cause the construction of a service line or tap-in without approval of the Department of Public Works. Separate plumbing, mechanical and other applicable permits shall not be required for tap-ins and service lines constructed by the City, to the geothermal system, although plumbing, mechanical and other permit requirements may be applicable to all work performed by the property owner upon the property owner's property.
- H. **Inspection:** All requests for inspection must be made to the Public Works Department at least twenty-four (24) hours prior to the requested inspection. Inspections will be made between the hours of eight o'clock (8:00) A.M. and five o'clock (5:00) P.M., Monday through Friday, excluding holidays.
- I. **Failure to Inspect:** Should the applicant or his duly authorized agent connect facilities to the geothermal system without the facilities being inspected and approved by the Public Works Department, the party responsible for the connection shall be required, at his expense, to excavate the connection, if necessary, and disconnect the connection from the system, in order that a proper inspection can be made, whereupon compliance with this Chapter will be required if no application had been previously made.

(Ord. 4883, 12-9-85)

Section 8-12-04 USER SERVICE PROCEDURES

- A. **Account Activation and Deactivation**
After a service connection has been completed and approved, any person desiring geothermal

service shall notify the Public Works Department. The Public Works Department shall activate a service account for the user's connection and the Department of Public Works shall activate the user's meter. Any user desiring to discontinue geothermal service shall notify the Public Works Department and upon deactivation of the service account, the Department of Public Works shall deactivate the user's meter.

(Ord. 4883, 12-9-85)

- B. Service Deposits: Prior to activation of a service account, the City may require a reasonable cash deposit to insure payment for the use of geothermal resources to be furnished by the City. The City Council, by resolution, may establish deposit amounts and guidelines for requiring such deposits.
- C. Determination of Service Fees: There is hereby established a system of periodic service fees and charges for the purpose of equitably imposing upon all users the costs and expenses of construction, operation, maintenance, repair and replacement of the geothermal system and facilities. The determination of periodic service fees and charges may be based upon business needs of the system and other considerations, including but not limited to:
 - 1. Facility Replacement. Accumulate a reserve for replacement within the service area of distribution and disposal facilities and works. Such reserve shall be based on the total historical costs and estimated life of the applicable facilities and equipment. One rate schedule for service fees in this category will be devised and shall be the basis for charges to all customers in the service area.
 - 2. Construction, Operation and Maintenance. Recover, equitably from users, the costs and expenses incurred by Boise City in constructing, operating and maintaining the geothermal distribution system.
 - 3. Fixed Charge for Zero Use. Apportion equitably among all users those fixed costs which continue to be incurred whether or not individual users utilize the system. Such costs include, but are not limited to, costs attributable to providing basic office staff for the administration of the geothermal system. Payment of these costs shall be made by all customers, including those with zero flow. (Ord. 4883, 12-9-85)
 - 4. Prevailing Natural Gas Rates. Establish a goal that geothermal rates should result in an estimated savings of at least twenty percent (20%) from the prevailing prices users would have to pay for comparable natural gas service. City staff shall review service rates and make recommendations to Council whenever prevailing prices of similar natural gas service are changed.
- D. Review and Revision of Service Fees: The charges and fees hereinafter imposed shall be reviewed and revised periodically as required and the charges and fees provided by this Chapter are hereby levied and assessed against each lot, parcel or other property having any connection with the geothermal system.
- E. Service Fees: The amount and rate of service fees shall be established by resolution of the City Council. Geothermal customers will be sent written notice of a proposed increase in geothermal service rates prior to Council consideration of the resolution. Any increase of geothermal service fees in excess of five percent (5%) shall require published notice and a public hearing.
- F. Billing of Service Charges: The Treasurer shall mail regular billing statements to each user,

which shall include:

1. Account handling charges, if any; and
 2. Rate charges showing the type of user, number of gallons of water drawn from the system and the total charges therefor.
- G. Estimated Bills: Boise City shall endeavor to have each user's meter read at regular intervals to determine the cost of the geothermal service. In the event Boise City's meter reader is unable to gain access to the premises to read the meter on his regular trip, Boise City may estimate the user's consumption for the current billing period based on known consumption for a prior period adjusted for variation in temperature on a degree day basis; subsequent readings will be adjusted for difference between estimated and actual. Estimated bills shall carry appropriate notice to that effect.

(6719, Amended, 06/16/2009; 4883, 12/09/1985; 4782, 04/30/1984; 4883, 12/09/1985; 4993, 03/10/1987))

Section 8-12-05 DELINQUENT FEES, DISCONNECTION AND LIEN

- A. Payment: All service charges and fees not paid within thirty (30) days when due shall become delinquent.
(Ord. 4883, 12-9-85)
- B. Disconnection: In case of nonpayment or delinquency in payment of service fees required by this Chapter, the Department of Public Works is hereby authorized and directed to disconnect and plug the connection to the geothermal system.
(Ord. 4883, 12-9-85)
- C. Lien: The amount of all delinquent service fees which are due and payable shall constitute a lien upon and against the property or premises being served by and connected to the geothermal system. The delinquent service fees, together with a penalty added thereto of ten percent (10%), or higher as may be authorized by law, shall be certified to the Treasurer, ex-officio Tax Collector, of Ada County in the manner and at the time required by Idaho Code.
(Ord. 4883, 12-9-85)

Section 8-12-06 TERMS AND CONDITIONS OF GEOTHERMAL SERVICE

All users of the geothermal system shall be subject to the following terms and conditions:

- A. All water within the geothermal system shall be and remain the property of the City and no user shall divert or utilize more water than is reasonably necessary, in the opinion of the City, to serve the user and no user shall physically consume, remove or deplete any water flowing within the system.
- B. It shall be unlawful for any person to permit or cause the flow of any substances or wastes into the geothermal system.
- C. The City reserves the right to cease operation of the geothermal system, or any part thereof, and cancel such services as may be provided by the system, for reasons of emergency maintenance and repair as determined by the Department of Public Works. The City shall diligently endeavor to provide the earliest and widest possible user and public notice prior to such emergency actions.

- D. The City may, by resolution of the City Council, establish regular seasonal time periods of geothermal system operation and in-operation, and provision of services to users shall be contingent on such resolutions.
- E. The City shall in no way assume any liability, direct or implied, for any user damages or injuries incurred as a result of loss of the geothermal reservoir or temperature or of service interruption or cancellation, when such loss, interruption or cancellation is due to circumstances beyond the control of the City, or due to operational actions authorized by this Chapter.
- F. The City shall in no way warrant or guarantee the chemical quality, temperature or pressure of the geothermal fluid delivered to users, nor assume any liability, direct or implied, for corrosion, scaling or similar physical degradation of user service lines or private equipment utilized beyond the meter of each user.
- G. Geothermal service supplied to a user is for the sole use of such user and shall not be remetered or sub-metered for sale to others nor shall the water be piped beyond the confines of said user's premises for use at other locations, without first obtaining written permission from Boise City.
- H. Representatives of Boise City shall be given access to the premises of the user at all reasonable hours for obtaining meter readings, for shutting off the flow of geothermal service for reasons prescribed in this Chapter, for inspection of piping and appliances, for inspecting, removing, repairing or protecting from abuse or fraud any of the property of Boise City installed on the premises and for any other purpose in the normal customary operations associated with the conduct of business activity. Access shall be granted at all times for emergency purposes. Boise City may refuse geothermal service, or suspend service, on refusal of legitimate access to the property. In the event of recurring inaccessibility, Boise City, at its option, may relocate its metering equipment at the user's expense.
- I. Except in the case of an emergency, no one other than personnel of Boise City shall open or close any of Boise City's service lines or valves in any public or private line.
- J. The user shall give immediate notice to Boise City of leaks. All leaks in service lines from the user's meter to and through the building and back to the general vicinity of the meter shall be promptly repaired by the user. On failure to make such repairs with reasonable dispatch, Boise City may turn off the geothermal service and the service will not be turned on until Boise City has been reimbursed in full for all proper and necessary expenses incurred in shutting off and turning on the water. No adjustment of bills on account of leakage shall be made unless leakage results from fault or neglect of representatives or agents of Boise City.

Section 8-12-07 GEOTHERMAL SYSTEM FUND

There is hereby created a special Fund to be known and designated as the Geothermal System Fund. All service charges and fees received and collected pursuant to the provisions of Section 8-12-4 and all monies and receipts from contract charges or from any other source as provided by the provisions of this Chapter shall be deposited to the credit of the Geothermal System 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 geothermal system

and facilities; and

- B. Constructing and extending the geothermal system and facilities.
(Ord. 4883, 12-9-85)

The Treasurer shall bill and receive all service charges and fees required by this Chapter.
(Ord. 4883, 12-9-85)

Section 8-12-08 FINANCING IMPROVEMENTS

- A. Improvements to the geothermal system, including but not limited to the purchase, acquisition or condemnation of private property, and the planning, design, construction, reconstruction, extension, enlargement, purchase or acquisition of the system and the facilities, may be financed and paid for as follows:

1. From the Geothermal System Fund created by this Chapter and as authorized by the Council; or
2. By the issuance of Municipal bonds; or
3. By the creation of local improvement districts as provided by Chapter 17, Title 50, Idaho Code; or
4. By the property owners specially benefitted by the improvements; or
5. By any combination of the above or any other method which, in the judgment of the Council, may be fair and equitable in consideration of the benefits accruing to the general public, benefits accruing to the property owners within the area in which the improvements will be constructed and the financial condition of the City and the property owners in the area.

(Ord. 4883, 12-9-85)

- B. Contribution to Cost of System: Any person, firm, partnership, corporation or association or property owner who has not otherwise paid for, or contributed proportionately toward, the costs and expenses of constructing the geothermal system or improvements, whether that construction be by the City, a local improvement district or a private developer, and who subsequently desires to connect to the geothermal system, shall be required to pay the service charges and fees as required by this Chapter.

(Ord. 4883, 12-9-85)

- C. Extensions: The extension to the geothermal system by the user, when accepted by the City, shall thereafter constitute a part of the geothermal system of the City and all right, title and interest in and to such extensions shall be held by the City and be used, operated, maintained and managed by the City as part of its geothermal system.

Section 8-12-09 PENALTIES

Any person, firm or corporation violating any of the provisions of this Chapter shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in an amount not exceeding three hundred dollars (\$300.00) or be imprisoned for a period not exceeding six (6) months.

Section 8-12-10 CIVIL REMEDIES

In addition to, and exclusive of the criminal remedy provided by this Chapter, the following civil remedies may be invoked:

- A. Injunction: The City may seek a temporary restraining order, or may institute injunctive, abatement or any other appropriate proceedings to prevent or temporarily or permanently enjoin or abate existing or proposed violations of the provisions of this Chapter.
- B. Disconnection: The City may discontinue service to any user who fails to comply with the provisions of this Chapter after ten (10) days' written notice to comply, sent by registered mail to said user.
- C. Damages: Any person, firm, company, corporation, partnership or association violating any of the provisions of this Chapter and by such violation causing Boise City additional costs to collect, transmit and treat water produced within the system, or causing Boise City to be subjected to civil penalties imposed by State or Federal agencies, or causing Boise City to lose, or jeopardize the holding of, any permit for the use of the Boise River in conjunction with its geothermal system, shall be subjected to the full remedies available to Boise City pursuant to State and Federal law.

Section 8-12-11 APPEAL FROM DECISION OF DEPARTMENT

Any property owner, or user of the system, aggrieved by any decision rendered by the Department of Public Works pursuant to this Chapter may appeal such decision to the City Council. Such appeal shall be in writing, describing the decision and the grounds for the appeal, and shall be filed with the City Clerk within ten (10) days after the date of the administrative decision. The City Council shall have the power to approve, revise or amend the decision of the Department and the decision of the City Council shall be final.

Section 8-12-12 SEVERABILITY

It is the intention of the Council that the provisions of this Chapter are severable, and if any provision of this Chapter shall be declared unconstitutional or invalid by the judgment or decree of a court of competent jurisdiction, such unconstitutionality or invalidity shall not affect or invalidate any of the remaining provisions of this Chapter.

(Ord. 4711, 2-14-83)