

CHAPTER 2 Water Service

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8-2-1: **PURPOSE.** The purpose of this Chapter is to:

- (A) Establish reasonable rules and regulations for the operation of the Water Department.
- (B) To establish reasonable fees to be charged to customers receiving Water Service and provide fair, orderly, and efficient procedures for collection and termination of delinquent accounts.
- (C) To establish a fair and equitable means of having persons who hook into and receive a direct and immediate benefit from existing Water System by requiring them to participate in the capital cost of water mains fronting upon their property and which have been constructed at taxpayer expense or from revenues derived from the operation of the Water System.
- (D) To establish a fair and equitable charge for the actual cost of materials and labor expended by the City whenever City crews install infrastructure to provide Water Service for a Customer.
- (E) To protect the public health and welfare by controlling cross-connections or other sources or potential sources of contamination to the City water supply.

(F) To provide a clean, efficient and adequate water system for the residents of the City.
(Ord. 229-05-19, 5/21/2019)

8-2-2: **DEFINITIONS.**

(A) Certain terms used in this Chapter shall have the meanings ascribed below:

- (1) **APPLICANT:** Any person who owns Customer Property and, who (with respect to such Customer Property) desires to become a Customer and/or a Water User.
- (2) **BACKFLOW:** The flow other than in the intended direction of flow, of any non-potable waters, foreign liquids, gases or harmful or offensive substances into the City water supply as a result of reduced, negative, or back pressure.
- (3) **BACKFLOW PREVENTION ASSEMBLY:** An apparatus that prevents Backflow that is on the most current list of approved backflow prevention assemblies certified by the University of Southern California Foundation for Cross-Connection Control and Hydraulic Research.
- (4) **CALCULATED GROSS SYSTEM VALUE:** The Gross System Value calculated by the City on any Connection Fee Calculation Date in accordance with the methodology set forth in Section 8-2-24 of this Code.
- (5) **CCI-ENR:** The Construction Cost Index as published from time to time by the Engineering News-Record for U. S. Cities. (See <http://www.enr.com>).
- (6) **CLASSIFICATION:** The classification of a Customer Property, as specified in Section 8-2-9 of this Code, for purposes of determining how many Equivalent Domestic Users (or EDUs) are associated with such Customer Property.
- (7) **CONNECTION FEE CALCULATION DATE:** The date of any calculation of the Water System Connection Fee undertaken pursuant to Section 8-2-24 of this Code.
- (8) **CROSS-CONNECTION:** Any physical arrangement whereby the

City water system is connected or potentially connected with any other water supply system, sewer, drain, conduit, pool, storage reservoir or any other source of water supply which contains or may contain contaminated water, chemicals, sewage or other waste or liquids which may be harmful to human health or which may deleteriously affect the City water supply.

- (9) CURB STOP: The Service Line valve owned by the City and located near the property line of the Customer Property.
- (10) CUSTOMER: Any person who owns Customer Property to which Water Service is actually provided.
- (11) CUSTOMER LINE: The water pipe, valves, and fittings laid on the Customer Property from, but not including, the Water Meter or (if there is no Water Meter) the Curb Stop to the place, location, building, structure, and/or improvement provided with Water Service, that is physically capable of being provided with Water Service, or to which an Applicant or Customer seeks to have Water Service provided.
- (12) CUSTOMER PROPERTY: The parcel of land on which is located any place, location, building, structure, and/or improvement provided with Water Service, that is physically capable of being provided with Water Service, or to which an Applicant or Customer seeks to have Water Service provided.
- (13) EQUIVALENT DOMESTIC USER (or EDU): A hypothetical Customer Property with needs for Water Service equivalent to one residential unit.
- (14) EQUITY BUY-IN METHODOLOGY: The methodology for calculating Water Service Connection Fees as set forth in this Chapter.
- (15) EXISTING CUSTOMER: Any Customer whose Service Line was connected to the Water System prior to the relevant Collection Fee Calculation Date.

- (16) FRONTAGE: The side of a parcel of land abutting on a public street from which primary pedestrian access to the street is made.
- (17) GROSS SYSTEM VALUE: The total Net Cost to replace all System Assets including all design, engineering and construction costs associated therewith, together with all System Cash Revenues held in the City Water System Capital Improvement Fund, all as determined according to generally accepted engineering and accounting practices.
- (18) INITIAL GROSS SYSTEM VALUE: The Gross System Value for the end of the year 2016 as determined by Schiess & Associates, PC, Engineering Company as set forth in that certain Engineering Report dated July 24, 2017, a copy of which shall be filed with the City Clerk immediately following the publication of the Ordinance adopting this Chapter and which shall be there maintained for inspection by the public.
- (19) MONTHLY WATER SERVICE FEE: The monthly fee charged pursuant to Section 8-2-28 of this Code for Water Service.
- (20) MONTHLY WATER SERVICE RATE: The monthly charge per EDU for Water Service, which shall be specified from time to time by Resolution of the Council.
- (21) NET COST: An amount equal to the cost of any System Improvement less any portion of such amount paid by a state or federal grant or with in-kind donations or grants in aid of development by a private person or entity. Such amount shall include amounts expended for the design, construction or construction management services necessary to install or otherwise put such improvements into an operable condition.
- (22) NET SYSTEM VALUE: The Gross System Value at the time of any Connection Fee Calculation Date minus

any Outstanding System Indebtedness, Unfunded Depreciation, and state or federal grants, all determined as of the most recent Connection Fee Calculation Date.

- (23) NEW CUSTOMER: Any Applicant or Customer who connects a Service Line (or who desires to connect a Service Line) to the Water System after the relevant Collection Fee Calculation Date.
- (24) OPEN HOSE: The use of water through a hose without a nozzle or other pressure-limiting device or assembly.
- (25) OUTSTANDING SYSTEM INDEBTEDNESS: The aggregate unpaid principle balance of any indebtedness attributable to any bond or loan secured, obtained or issued by the City for the purpose of constructing System Assets, or for the purpose of enlarging, expanding or rehabilitating such improvements as such indebtedness exists at the time of any Connection Fee Calculation Date.
- (26) SERVICE CHARGE: The charge specified in Section 8-2-32(A) of this Code.
- (27) SERVICE LINE: The water pipe, valves, and fittings laid from a Water Main to the Water Meter (if present on the particular Customer Property), or (if there is no Water Meter on the particular Customer Property) the Curb Stop.
- (28) SYSTEM ASSETS: All of the Water Mains, Service Lines, distribution lines, water lines, water pipes, connections, Curb Stops, Water Meters, water tanks, water pumps, backhoes, motor vehicles, equipment, inventory, supplies, insurance, agreements, water rights and permits, and other real or personal property of any kind together with other appurtenances owned or operated by the City, used (in whole or in part) for the purpose of providing domestic or culinary water to Customer Property or for the purpose of providing the operation and maintenance of such property.

- (29) **SYSTEM CAPACITY:** The total number of Equivalent Domestic Users (or EDUs) that may be reasonably and prudently served by the Water System at the time of a Connection Fee Calculation Date, as calculated and determined in accordance with sound and generally accepted engineering principles.
- (30) **SYSTEM CASH RESERVES:** All cash revenues and reserves held or controlled by the City in the City Water System Capital Improvement Fund.
- (31) **SYSTEM ENHANCEMENTS:** Any improvement, expansion, increase in capacity, or enhancement of any System Asset or any new System Asset added to the Water System installed, purchased, or otherwise acquired solely for the use of the Water System.
- (32) **UNFUNDED DEPRECIATION:** An amount of depreciation for depreciable System Assets, calculated in accordance with generally accepted accounting principles determined as of any Connection Fee Calculation Date for which no reserve has been set aside or otherwise maintained in the Water System Capital Improvement Fund for the purpose of repairing, replacing or rehabilitating existing System Assets.
- (33) **WATER DEPARTMENT:** The City’s Public Works Department.
- (34) **WATER MAIN:** Water pipe, valves, and fittings laid in a street, road, alley, or easement within the City or within an easement controlled by the City or pursuant to a permit or license issued to the City.
- (35) **WATER METER:** A water meter, i.e., the device (of whatever configuration) that measures water flow and/or usage, as well as its enclosure, valve, and related appurtenances.
- (36) **WATER SERVICE:** The supply and provision of water from the Water System.

- (37) **WATER SYSTEM:** All of the System Assets necessary to properly supply, provide, and distribute domestic or culinary water to Customer Property.
- (38) **WATER SYSTEM BOND:** Any bonded indebtedness issued for the purpose of constructing, enlarging, rehabilitating, or expanding the capacity of the Water System.
- (39) **WATER SYSTEM LOAN:** Any loan, the proceeds of which were used to construct, enlarge or increase Water System capacity or to rehabilitate any portion of the Water System.
- (40) **WATER USER:** Any person—regardless of whether such person is a property owner, landlord, tenant, agent, or otherwise—who receives Water Service or who has the ability to receive Water Service on a Customer Property.

(Ord. 215-08-17, 8/15/2017); (Ord. 216-10-17, 10/17/2017); (Ord. 229-05-19, 5/21/2019).

8-2-3: **CITY TO HAVE EXCLUSIVE MANAGEMENT AND CONTROL.** The City shall have exclusive control and management of the Water System and shall have exclusive management and control of the supply and distribution of water to the inhabitants thereof. The City may make such rules and regulations as are necessary for the complete management, control, distribution, and supply of water within and without the City.

(Ord. 229-05-19, 5/21/2019).

8-2-4: **EXCLUSIVITY OF WATER SYSTEM.**

- (A) **Granting of Franchise Prohibited.** No person shall be granted any franchise or permit to furnish or supply any inhabitant within the boundaries of the City any water for domestic or culinary use or for sprinkling of lawns and gardens within any portion thereof where the Water Mains have been extended or may hereafter be extended so as to supply said property with water.
- (B) **Private Emergency Wells.** Notwithstanding the foregoing, each property or lot within the City may construct one private emergency well, subject to the following provisions:
 - (1) **Definition of Emergency.** As used in this section, “emergency” means any sudden and unforeseen condition in relation to the Water System that constitutes a clear

and present danger to life, health, or property. “Emergency” specifically does not include any condition precipitated by intentional actions of the City taken in accordance with the provisions of this Chapter, including (but not limited to) Section 8-2-6, 8-2-7, and 8-2-33.

- (2) **Restrictions.** Every private emergency well shall be subject to the following restrictions:
- (a) The well is only for use in an emergency and may not be connected to the primary building on the property to provide water for domestic or culinary uses, including the irrigation or sprinkling of lawns, gardens, or plants.
 - (b) The well may not be connected in any way to the Water System.
 - (c) Because the well may not be considered an accessory or other use of property, the property on which the well is located must be located in a zone that specifically allows for private wells (*e.g.*, as a permitted use or conditional use, subject to other applicable law) and the well itself must comply with all applicable zoning requirements (for example, setbacks).
 - (d) The well must comply with all applicable laws, including the regulations of the Idaho Department of Water Resources and the Idaho Department of Environmental Quality.
 - (e) The property owner must obtain and maintain a permit from the City for the well.
- (3) **Application for Permit.** Any property owner desiring a well permit in accordance with this subsection (B) must submit an application containing the property owner’s name and contact information; the property’s address and legal description; the zone in which the property is located; the name and contact information of the person constructing the well; the details of the well itself; evidence of the property owner’s compliance with any requirements of the Idaho Department of Water Resources and/or the Idaho Department of Environmental Quality; a visual depiction (or site map) of the property showing the location of the well, any infrastructure relating to the well, utility easements on the property, other buildings on the property, and any other details relevant to the well; consent to an initial and, thereafter, annual site inspection of the well; and any other details necessary to evaluate the safety of the well. A non-refundable application fee in the amount of \$100 shall be paid at the time the application is submitted.
- (4) **Site Inspection.** Once the application is submitted, the City will conduct a site inspection to verify the details of the application and the well’s compliance with this subsection (B). This inspection shall be in addition to any other inspection required under the circumstances of the well (for example, building inspections).

- (5) **Permit Approval and Annual Re-Inspection.** After the site inspection if the City determines that the well complies with all the requirements of this subsection (B), the City personnel who conducted the site inspection may approve the application, issue a permit, and inform the Mayor and the City Clerk. After a permit is issued, the City may inspect the well no more than annually, after providing reasonable notice to the property owner. The failure to allow such annual inspection shall be cause for the City to revoke the permit and require the property owner to remove the well and completely fill in and remediate the location of the well in accordance with state statutes.

(Ord. 229-05-19, 5/21/2019); (Ord. 253-03-21, 3/16/2021); (Ord. 261-04-21, 4/20/2021).

8-2-5: **CITY NOT LIABLE FOR DAMAGES.** The City shall not be liable for damages caused by interruptions of water supply, scarcity of water, accidents to water works or mains or during the time of alterations, additions, or repairs or for any other unavoidable causes. Nothing herein is intended to create any private duty to any Customer or create a private right of action against the City, on account of any failure by the City or its officers, agents, or employees to provide water service or comply with the provisions of this Chapter.

(Ord. 229-05-19, 5/21/2019).

8-2-6: **RIGHT TO TURN OFF WATER.** The City may turn off water within the Water System when deemed necessary to maintain or repair the Water System (or any portion thereof), when ordered to do so by the Mayor or Council, or as otherwise specified in this Chapter.

(Ord. 229-05-19, 5/21/2019).

8-2-7: **MAYOR MAY LIMIT USE OF WATER.** In times of, or in anticipation of, scarcity of water, or when the Water Department is unable to furnish a sufficient supply of water, the Mayor may, by public proclamation, limit the use of water to such extent as may be necessary for the public good. Such proclamation shall be published in two consecutive issues of the official newspaper, or conspicuously posted in two or more public places within the City, and after such publication or posting, the proclamation shall have the same force and effect as a City ordinance.

(Ord. 229-05-19, 5/21/2019).

8-2-8: **WATER METERS.**

- (C) **Authority to Place Meter.** The City may, at its sole discretion, place a Water Meter on any Service Line and change the method of billing from a flat rate to a metered rate.

- (D) **Ownership of Meters.** All Water Meters installed by the City shall remain the property of the City and may be removed or replaced by the City at any time.
- (E) **Maintenance of Meters.** The City shall maintain and repair all Water Meters that are owned by the City. Where replacement, repair, or adjustment of any Water Meter is rendered necessary by the act, neglect, or carelessness of the Customer or Water User on any Customer Property, any expense incurred by the City thereby shall be charged against and collected from the Customer who owns such Customer Property or Water Meter, and Water Service may be discontinued until the Water Meter is repaired, replaced, or adjusted.
- (F) **Meters; Location and Access.** Water Meters shall be located near the property line of the Customer Property or within the structure to which Water Service is provided. The Customer shall keep the area adjacent to the Water Meter free from trees, shrubbery, or other obstructions and shall allow the City access to the Water Meter during normal working hours of any day of the week.

(Ord. 229-05-19, 5/21/2019).

8-2-9: **EQUIVALENT DOMESTIC USER (OR “EDU”) CLASSIFICATION.** All Customer Properties that are not billed at a metered rate will be subject to Classification as to the number of EDUs necessary to provide Water Service to such Customer Property. The Classification of a Customer Property determines the number of EDUs associated with the Customer Property, which is used in determining the Monthly Water Service Fee for such Customer Property due from the Customer. Customer Properties are Classified pursuant to the following chart:

CLASSIFICATION	NUMBER OF EDUs
Single Dwelling Unit (per residence, apartment unit, mobile home, or trailer)	1.00
Assembly Hall or Lodge (no café)	1.00
Bar or Tavern (per seat)	0.06
Barber and Beauty Shops (per chair)	0.50
Bowling Alley (per lane)	0.50
Café, up to 50 seats– (additional for each additional 25 seats)	2.00 1.00
Car Wash (per stall)	2.00
Clinic and Hospitals (no beds) (additional for each bed)	2.00 0.50
Commercial Food Preparation	2.00

CLASSIFICATION	NUMBER OF EDUs
Churches (single congregation)	2.50
(additional for each additional congregation)	2.50
(additional for kitchen)	1.00
Garage or Maintenance Shop	1.00
Hotels and Motels	
(per unit with showers)	0.46
(per unit without showers)	0.33
(additional per unit with kitchen)	0.20
Bunkhouse with showers	0.46
(without showers)	0.33
Laundromat, up to 10 washers	4.00
(additional for each additional washer)	0.30
Office, up to 20 employees	1.00
(additional for each additional employee)	0.03
Dry Store, up to 20 employees	1.00
(additional for each additional employee)	0.03
Grocery Store	2.00
(additional if butcher shop included)	1.00
Service Station with Public Restrooms	2.00
(without Public Restrooms)	1.00
Showers and bathrooms (per average person per day)	0.12
School (no cafeteria) per student and employee	0.03
(with cafeteria per student and employee)	0.05
Trailer Parks	
(per Permanent Resident Trailer)	1.00
(per Overnight Trailer without showers)	0.33
(per Overnight Trailer with showers)	0.46
(Dump Station)	4.00
Swimming Pools (per average person per day)	0.06
Public Restrooms per toilet, urinal, etc.	0.10

Such chart has been taken from a user rate comparison chart, provided to the City by engineering staff and created in accordance with generally accepted engineering principles, based on

information from the United States Geological Survey and the United States Environmental Protection Agency, which the Council finds to be credible and a reasonable method (in the absence of meters) for allocating fees in relation to usage

(Ord. 229-05-19, 5/21/2019).

8-2-10: **INSPECTION OF PREMISES.** Free access for inspection shall, upon such reasonable notice as the circumstances permit, be allowed to all persons authorized by the City to enforce the provisions of this Chapter, to all Customer Property. Inspections by City or its authorized agent may be made of any existing Customer Property. The City's agent shall inspect any Customer Property if there is cause to believe that a Cross-Connection exists or that a Backflow Prevention Assembly should be installed pursuant to this Chapter. Whenever a Cross-Connection or other source of contamination to the water supply is found, or it is determined that a Backflow Prevention Assembly is necessary, the City shall immediately terminate Water Service to such Customer Property and the Water Service shall not be resumed until the Cross-Connection or source of contamination is eliminated or an appropriate Backflow Prevention Assembly has been installed in accordance with this Chapter.

(Ord. 229-05-19, 5/21/2019).

8-2-11: **INSPECTION OF NEW CONSTRUCTION.** No place, location, building, structure, and/or improvement shall be connected to the Water System unless such place, location, building, structure, and/or improvement has been inspected by the City or its agent and found free of any Cross-Connection or other conditions for which a Backflow Prevention Assembly is required by this Chapter.

(Ord. 216-10-17, 10/17/2017); (Ord. 229-05-19, 5/21/2019).

8-2-12: **INSTALLATION AND MAINTENANCE.** All Water Mains and all Service Lines and other connections from the Water Main up to and including the Water Meter and/or Curb Stop shall be maintained, owned, and exclusively controlled by the City. Service Lines shall be installed at the sole expense of the Customer served by such Service Line. Such Customer shall also be responsible for all costs to install the Service Line and to repair damage caused by such connection to the street, sidewalk, Service Line, Water Main, or any other public facilities or infrastructure.

(Ord. 229-05-19, 5/21/2019).

8-2-13: **REQUIRED PERMITS.**

- (A) **Permits and Fees.** It shall be unlawful to install, alter, or connect any Water Service without first obtaining a permit from the City and paying all of the required fees set forth in this Chapter. Applications for Water Service shall be made at the office of the City Clerk.
- (B) **Permit to Excavate.** No person shall dig into or under any public right-of-way, street, or public sidewalk for the purpose of laying, removing, or repairing any Water Main, Service Line, or Customer Line without first obtaining a permit from the City. If any private person desires to perform any work relating to the Water System or Water Service that requires excavation within a public right-of-way, such person shall obtain a public right-of-way permit under Chapter 3 of this Title, in addition to any permit required hereunder.
- (C) **Permit to do Plumbing.** No plumber or other person shall, without first obtaining a permit from the City:
 - (1) make any connections to a Water Main or Service Line;
 - (2) make alterations in any conduit, pipe, or other fixture connecting to any Water Main or Service Line;
 - (3) connect pipes where they have been disconnected; or
 - (4) turn water off or on at a Curb Stop supplying any premises.
- (D) **Permit for Lawn Sprinkler System.** No person shall install, construct, or connect any lawn sprinkler system, pump, or device to the Water System, without first obtaining a permit therefor from the City Clerk. Such person shall pay a permit fee in the amount of \$65.00 and shall complete an application for such installation. The application shall include:
 - (1) the name, address, and telephone number of the installer;
 - (2) if a professional installer will be utilized, the contractor's license number of the professional installer; and
 - (3) a detailed description of the lawn sprinkler system to be installed, including the specific location and configuration of all Backflow Prevention Assemblies and devices installed in conjunction therewith

(Ord. 89, 10/09/2002); (Ord. 177-08-13, 8/20/2013); (Ord. 229-05-19, 5/21/2019).

8-2-14: **EXTENSION OF WATER MAINS WITHIN CITY.** The City may extend Water Mains within the City at City expense whenever, in the City's sole discretion, such extension is necessary for the health, welfare, or safety of Customers or the residents of the City, provided however nothing herein shall require that such extension be made at City expense. The City may require any person desiring Water Service to install a Water Main along the entire Frontage of such person's property at the expense of such person.

(Ord. 229-05-19, 5/21/2019).

8-2-15: **EXTENSION OF WATER MAINS OUTSIDE CITY.** Water Mains shall not be extended outside the boundaries of the City unless adequate excess water is available for such service and the Council approves of such extension.

(Ord. 229-05-19, 5/21/2019).

8-2-16: **CUSTOMER EXTENSION OF WATER MAIN.** The Customer or Applicant shall be responsible for the costs of extending the Water Main to the Customer Property, provided however the City may by written agreement agree to collect a portion of such costs from any other Customer who subsequently connects to such Customer-supplied Water Main.

(Ord. 229-05-19, 5/21/2019).

8-2-17: **ARRANGEMENT OF SERVICE PIPES.** The Service Lines must be so arranged that the water supply to each building, place of business, or tract of land shall be controlled by a separate curb stop placed near the property line, unless permission for a different arrangement is first authorized in writing by the City.

(Ord. 229-05-19, 5/21/2019).

8-2-18: **BRANCH SERVICE.** No Service Line or connection serving more than one Customer Property shall be made. Where an existing Service Line or connection provides service to multiple Customer Properties, the City may terminate Water Service until a separate Service Line or connection for each Customer Property is provided at the Customer's expense. If the City does not terminate Water Service to such existing services, the established rate shall be charged for each Customer Property receiving Water Service from the existing Service Line or connection.

(Ord. 229-05-19, 5/21/2019).

8-2-19: **CUSTOMER LINE MAINTENANCE.** All water users shall at their own expense keep their Customer Lines, connections, and other apparatus in good repair and in a condition that avoids waste of water. Customer Lines that become frozen are the responsibility of the Customer, provided the City may thaw the same and charge the Customer for the fair and reasonable costs therefor.

(Ord. 229-05-19, 5/21/2019).

8-2-20: **FIRE SERVICE CONNECTION.** All fire service connections between Water Mains and property lines shall be installed and maintained by the City, at the expense of the owner or occupant of the premises served, and shall be the property of the City. At the time of making application for Water Service the Applicant shall file with the City detailed plans showing all piping installed or to be installed for fire protection, all fire gates, automatic sprinklers, and all other outlets, gates, or appurtenances. Each fire service connection shall have a gate valve with an adequate valve box installed between the main and the property line of the premises served. No fire service connection larger than six inches shall be installed without the advance written permission of the Council. Upon receipt of such application, the City shall determine the cost for the installation of such service, taking into consideration the length and size of pipe and the condition of street and sidewalk, all relative to the character of service, and such cost shall be paid by the Applicant before such installation is made. No Customer receiving Water Service shall use a fire service connection for any purpose other than for fire protection. If the City finds a fire connection is being used for any purpose other than for fire protection upon any premises, the owner or occupant shall be notified and if such improper conditions are not corrected within ten (10) days, Water Service to the entire premises may be shut off until proper adjustments are made. (Ord. 229-05-19, 5/21/2019).

8-2-21: **FIRE HYDRANTS.** All public fire hydrants shall be maintained by the Water Department. All paid or volunteer firefighters shall have free access to such hydrants. No other person shall draw or attempt to draw any water from a fire hydrant unless such person has the written permission of the City. The City may assess an equitable charge for water drawn from a fire hydrant. In addition, any unauthorized use of a fire hydrant, including drawing or attempting to draw water from a fire hydrant, is an infraction. (Ord. 229-05-19, 5/21/2019).

8-2-22: **WATER SERVICE OUTSIDE CITY.** Water Service to any Customer Property that is located outside the boundaries of the City shall not be provided unless a written service contract has been executed between the City and the Customer or Applicant. Agreements pertaining to Water Service for Customer Property located outside the City shall specifically reserve to the City the right to terminate such Water Service without cause at any time upon at least thirty days' advance written notice. (Ord. 229-05-19, 5/21/2019).

8-2-23: **CUSTOMER ACCOUNTS.** All fees, charges, and other amounts due under this Chapter in relation to any Customer Property shall be the obligation of the Customer, regardless of whether the Customer is the actual Water User and regardless of any arrangement between the Customer and Water User. If a Water User, who is not the owner of the Customer Property and

therefore is not the Customer, establishes an account in relation to such Customer Property, the Water User must act as the authorized agent of the Customer and with the Customer's written approval.

(Ord. 229-05-19, 5/21/2019).

8-2-24: **WATER SYSTEM CONNECTION FEE.** For purposes of furthering the Equity Buy-In Methodology, the City establishes a Water System Connection Fee, imposed pursuant to this Section.

(A) **Findings.**

- (1) The City owns and operates the municipal Water System and System Assets necessary to provide a sanitary, efficient, and satisfactory water supply system to Customers. The City has also established a Water System Capital Improvement Fund into which revenues derived from the operation of the System are deposited and from which all enterprise expenses are paid. A portion of the fund balance in such Water System Capital Improvement Fund is comprised of System Cash Reserves and a depreciation account sufficient to maintain the financial integrity of the System. All the System Assets were acquired with revenues derived from providing Water Service, ad valorem tax revenues, state and federal grants, and private "in lieu" grants or donations.
- (2) Whenever an Applicant connects to the Water System and becomes a New Customer, he or she receives the benefit of the Net System Value. The Net System Value is not considered in establishing the Monthly Water Service Rate or Monthly Water Service Fee charged to Customers pursuant to Section 8-2-28 of this Code, except to the extent necessary to pay debt service for indebtedness incurred to construct System Enhancements.
- (3) The Water System has the capacity to provide Water Service to a finite number of Customers in terms of cumulative capacity as well as peak demand, which capacity is a function of the limits set forth in the City's water rights and permits, as well as the mechanical capacity of the City to maintain satisfactory flow and pressure in the Water System, as necessary to provide for the health, safety, and welfare of the Customers and City residents. Whenever a New Customer connects to the System or whenever an Existing Customer enlarges his or her Service Line, such connection or enlargement diminishes the total capacity of the System to maintain adequate pressure and water supply.
- (4) The establishment of a System Water Connection Fee will provide a means for a "buy-in" of system equity by New Customers who connect to the Water System or by Existing Customers who enlarge their existing water service connections.

- (5) In *Loomis v. City of Hailey*, 119 Idaho 434, 807 P.2d 1272 (1991), the Idaho Supreme Court recognized that the Idaho Revenue Bond Act (Idaho Code § 50-1027, et seq.) authorizes collection of water and sewer connection fees as long as such fees are allocated and budgeted in conformity with the Idaho Revenue Bond Act and are not established primarily for the purpose of raising revenue. Specifically, the Court recognized that a city ordinance authorizing the collection of “equity buy-in” water and sewer service connection fees from new users based upon a formula which defines the current value of the system and fairly apportions a share of such value to the new user, was reasonable and did not require a new user to pay an excessive amount such as would constitute an unlawful tax.
 - (6) This holding in *Loomis*, subsequently approved of in *Viking Construction, Inc. v. Hayden Lake Irrigation District*, 149 Idaho 187 (2010) and *North Idaho Building Contractors Association v. City of Hayden*, 158 Idaho 79 (2015), forms the basis for the Equity Buy-In Methodology employed by the City.
 - (7) Customers who connect to a City-owned Water Main located immediately adjacent to their property receive a direct benefit from such Water Mains and such benefit is directly proportional to the length of the frontage of the Water Main along their property. Whenever such Water Mains are constructed at private expense or are donated to the City, the City may enter into reimbursement agreements with such private donors in order to allow such donors to recover a proportionate share of the costs of construction of such water mains, proportional to the length of frontage owned by such subsequent Customer along such Water Mains. However, the costs of such privately funded Water Mains is not included in the methodology used to calculate the Water System Connection Fee contemplated by this Chapter.
- (B) **Imposition of Water System Connection Fee.** No Applicant or New Customer shall connect to a City-owned Water Main, Service Line, Curb Stop, or Water Meter, nor shall an Existing Customer enlarge an existing Customer Line or Service Line connected to a Water Main, Curb Stop, or Water Meter, unless he or she has first paid a Water System Connection Fee, as established pursuant to this Section, in relation to each Customer Property to be connected or the Service Line of which is to be enlarged. Such Water System Connection Fee shall be collected by the City Clerk at the time a building permit is issued for any structure utilizing such connection or, if no building permit is required, then prior to the issuance of a permit under Section 8-2-13 of this Code. The amount of such Water Service Connection Fee shall be calculated in accordance with the methodology set forth in this Chapter. Notwithstanding the foregoing, no Water System Connection Fee shall be required if the connection is made or required solely for the purpose of providing fire protection capacity.
- (C) **Methodology.** The amount of the Water Service Connection Fee shall be calculated by dividing the Net System Value by the System Capacity (expressed in a number of EDUs) as calculated at the time of any Connection Fee Calculation Date and the resulting amount shall be the base Water Service Connection Fee for any Customer Property that is

connected to the City Water System for the first time after the relevant Connection Fee Calculation Date. This base Water Service Connection Fee shall be adjusted as set forth in Subsection (D) of this Section, as applicable to the particular Customer Property of the New Customer. In the event an Existing Customer desires to enlarge or expand the size of his or her existing Service Line connection, then the amount of the Water Service Connection Fee shall be equal to the base Water Service Connection Fee, as adjusted in the manner set forth in Subsection (D) of this Section, less the base Water Service Connection Fee calculated with respect to the Customer's existing Service Line or a one inch Service Line, whichever is greater. Once the amount of the Water Service Connection Fee has been determined by using such methodology, the City shall adopt a Resolution setting forth the amount of such base Water Service Connection Fee to be charged until a new connection fee is calculated on the next Connection Fee Calculation Date.

(D) **Fee Adjustments based on Service Line.** For purposes of calculating the Water Service Connection Fee for each Customer Property of a New Customer, the relevant fee shall be adjusted as specified in this subsection.

- (1) If the desired Service Line is one inch (or less) in diameter, no adjustment is necessary.
- (2) If the desired Service Line is more than one inch in diameter, but less than or equal to two inches in diameter, the Water Service Connection Fee shall be increased by the increase in cost to the City from the cost of a one-inch Service Line, as estimated in a fair and equitable manner by the Water Department as of the date of the request.
- (3) If the desired Service Line is greater than two inches in diameter, the Water Service Connection Fee shall be increased by an amount determined by the Water Department, with the written agreement of the Council.

(E) **Periodic Adjustment of Net System Value.** Not less than once every five years, the Council shall review and adjust the base Net System Value as provided in this Subsection. Such adjustment shall be made by multiplying the Initial Gross System Value by a fraction, the numerator of which is the CCI-ENR for the year such adjustment is made and the denominator of which shall be the CCI-ENR for the year 2017. The Net Cost of any System Enhancements (after adjustment by the CCI-ENR index) made to the Water System since the last Connection Fee Calculation Date shall then be added to such adjusted Gross System Value and the resulting amount shall be considered as the Calculated Gross System Value for the following period. The Net System Value shall then be determined by the deducting from such Calculated Gross System Value any and all Outstanding System Indebtedness, Unfunded Depreciation, and state or federal grants, as may exist as of the then-current Connection Fee Calculation Date. Using this newly calculated Net System Value, the amount of the base Water Service Connection Fee shall then be determined in accordance with the methodology set forth in Subsection (C) hereof.

(Ord. 103, 12/14/2005); (Ord. 135-9-08, 4/15/2008); (Ord. 215-08-17, 8/15/2017); (Ord. 229-05-19, 5/21/2019).

8-2-25: **WATER SYSTEM CAPITAL IMPROVEMENT FUND.** A Water System Capital Improvement Fund is hereby established into which all revenues derived from Water System Connection Fees collected pursuant to Section 8-2-24 of this Code shall be deposited. Expenditures from this Fund shall be made only for the purposes set forth in Section 8-2-26 of this Code, when authorized by the Council. In no event shall any of the revenues so collected be used for General Fund purposes, operational expenses of the Water System (e.g., utility costs, labor costs or administrative expense), or for any purpose unrelated to the maintenance of the Water System or the development, expansion, or rehabilitation thereof.

(Ord. 215-08-17, 8/15/2017); (Ord. 229-05-19, 5/21/2019).

8-2-26: **DISBURSEMENT OF FUNDS.** Disbursements may be made from the Water System Capital Improvement Fund for the following purposes only:

- (A) Construction and installation of City water wells, water tanks, pumps, electrical panels, water lines, and appurtenances.
- (B) Construction, installation and extension of City Water Mains and Service Lines, including costs of construction of mains with excess capacity.
- (C) Payment of principal and interest on any Water System Loan, Water System Bond, or other bond issued by the City to defray the cost of construction, extension, or betterment of the Water System of System Assets.
- (D) Reimbursement of front footage connection fees, described in Section 8-2-27 of this Code, to any person who has constructed that portion of a Water Main for which a front footage connection fee has been charged by the City, provided a reimbursement agreement has been approved by the Council and executed by the person.
- (E) Repair, maintenance, rehabilitation, and enlargement of any capital improvement of the Water System or System Assets.
- (F) Purchase of motor vehicles, backhoes, and other mechanical equipment used primarily for the maintenance, repair, enlargement, or improvement of the Water System or System Assets.

(Ord. 215-08-17, 8/15/2017); (Ord. 229-05-19, 5/21/2019).

8-2-27: **FRONT FOOTAGE CONNECTION FEES.** Before connecting to any portion of a public Water Main constructed at the sole expense of a private person or entity, any person desiring such connection shall pay, in addition to the Water System Connection Fee described in Section 8-2-24 of this Code, a Front Footage Connection Fee of thirty dollars per foot of Frontage of the property to be served by such Water Main. Notwithstanding the foregoing, no Front Footage

Connection Fee shall be charged to the private person who constructed such portion of the Water Main. If any person constructs a Water Main entirely at his or her expense and dedicates it to the City, the City may, by written agreement, pay over to such person all Front Footage Connection Fees collected by the City with respect to such Water Main from any other person who subsequently connects to such water main. In no event shall such agreement extend over a period of greater than ten years nor shall such agreement be assignable to any other party or successor in interest.

(Ord. 215-08-17, 8/15/2017); (Ord. 229-05-19, 5/21/2019).

8-2-28: **MONTHLY WATER SERVICE FEE.** The City shall impose a Monthly Water Service Fee, which shall be charged to each Customer each month in the amount computed pursuant to this Section.

(A) **Metered Rates.** [RESERVED].

(B) **Non-Metered Rates.** The Monthly Water Service Rate, as specified by Resolution of the Council, shall apply to all Customer Properties charged on a non-metered basis. Each non-metered Customer Property shall be subject to Classification, as described in Section 8-2-9 of this Code. Each non-metered Customer Property shall be charged a Monthly Water Service Fee, which is equal to the Monthly Water Service Rate multiplied by the number of EDUs associated with such Customer Property (as determined by the Classification).

(Ord. 89, 10/09/2002; Ord. 126, 12/18/2007; Ord. 136-10-08, 6/17/2008); (Ord. 202-02-16, 2/16/2016); (Ord. 212-06-17, 6/27/2017); (Ord. 229-05-19, 5/21/2019).

8-2-29: **SEASONAL WATER SERVICE CHARGE.** If, during any calendar year, more than five head of livestock will be maintained for more than 30 days on a Customer Property or if any nonresidential Customer Property will have more than 1/20th of an acre of lawn or cultivated area, the Customer owning such Customer Property shall inform the Water Department in writing on or before June 1st of each year. In addition to the regular monthly charges for Water Service, the following annual rates shall be charged to any Customer using City water for lawn sprinkling, irrigation, or livestock watering:

Each Customer Property on which five or more head of livestock are maintained for more than 30 days per calendar year (per five head of livestock or fraction thereof).	\$ 60.00
Each nonresidential Customer Property with lawn or cultivated area measuring more than 1/20 th of an acre (per acre or fraction thereof).	\$ 60.00

On or before October 1st of each year, the City Clerk shall furnish each Customer a statement of the amount due for seasonal water service. If any Customer Property is discovered that is required

to pay a Seasonal Water Use Charge, where such Customer has not reported the seasonal water usage as required by this Section, the Customer shall be charged a Service Charge.

(Ord. 89, 10/09/2002); (Ord. 126, 12/18/2007); (Ord. 136-10-08, 6/17/2008); (Ord. 202-02-16, 2/16/2016); (Ord. 212-06-17, 6/27/2017); (Ord. 229-05-19, 5/21/2019).

8-2-30: **MULTIPLE SERVICE.** Where a single Customer is supplied with water through more than one Service Line, charges shall be computed separately for each Service Line, unless otherwise approved by the Council.

(Ord. 229-05-19, 5/21/2019).

8-2-31: **WATER RATES OUTSIDE CITY.** Monthly rates charged for Water Service outside the boundaries of the City, whether metered or non-metered, shall be equal to the rates charged for Water Service inside the boundaries of the City, including minimums.

(Ord. 202-02-16, 2/16/2016); (Ord. 229-05-19, 5/21/2019).

8-2-32: **SERVICE CHARGES.**

- (A) Whenever in this chapter a Service Charge is authorized, the City may assess and collect a Service Charge in the amount of \$35.00.
- (B) In place of the Service Charge specified above, the City may assess and collect a Special Service Charge, in the amount of \$52.50, which amount the Council finds, does not exceed the actual cost to the City, for service calls which are requested on Saturday, Sunday, a legal holiday, or during a time other than normal working hours and which are only for the convenience and benefit of the Customer, or which are necessitated because of plumbing which does not meet the requirements of the Uniform Plumbing Code.

(Ord. 229-05-19, 5/21/2019).

8-2-33: **BILLING ADMINISTRATION.**

(A) **Billing Periods.** All regular billing periods shall be on a calendar monthly basis. Any Customer Property provided Water Service for any portion of a month shall be charged the established rate for the entire month. Billings for Water Service shall commence upon the earliest of the following to occur:

- (1) Issuance of a building permit for any Customer Property.
- (2) Connection of any Service Line serving the Customer Property to any Main Line, Water Meter, or Curb Stop owned by the City.

(3) Change in the nature of the Classification for any Customer Property.

In the event any of such events occur prior to the commencement of a calendar month or billing cycle, the Customer shall be charged on a pro-rated basis for water service provided until commencement of the next billing cycle.

- (B) **Billing Procedures.** Metered accounts shall receive a billing separate from non-metered accounts. All accounts shall be charged the Monthly Water Service Fee and such other fees and charges as specified in this Chapter.
- (C) **Due Date.** Bills rendered for Water Service are payable upon receipt and become past due ten days from the date on which rendered. When the past due date falls on a Saturday, Sunday, a legal holiday, or on a day when City offices are not open for business, the next regular business day is considered the past due date. Bills shall be deemed paid on the date payment is received by the City.
- (D) **Delinquent Accounts.** Whenever a Customer's account is not paid within forty days from the past due date, the City Clerk shall assess a delinquency charge in the amount of \$5.00 for each month the account is delinquent, which charge shall be added to any balance due. The City may also terminate Water Service to the Customer Property of the delinquent Customer and in such event a Service Charge shall be added to the Customer's account balance arising from the service to terminate such Water Service. Interest at a rate of one percent (1%) per month shall accrue on the unpaid balance of all delinquent accounts, including any unpaid delinquency fees or charges (including the delinquency charge and the Service Charge to terminate Water Service to the Customer Property of the delinquent Customer). If Water Service is terminated for delinquency, it shall not be restored until the account is brought current and all the amounts owing are paid in full, unless a written agreement for installment payments is approved by the Water Department (subject to ratification at the next meeting of the Council). The Service Charge to disconnect the Customer Property shall be payable whenever a service trip is made for the purpose of terminating Water Service, regardless of whether Water Service is actually terminated. All payments shall be applied first to any unpaid delinquency charges and disconnect fees, then to accrued interest, and finally to the outstanding utility charges in the same order as the utility charges were incurred.
- (E) **City Clerk to Furnish Statements.** The City Clerk shall furnish a monthly statement of the amount due for Water Service each month to each Customer. The failure of any Customer or Water User to receive a statement shall not excuse or release the Customer from the obligation to pay for Water Service.

(Ord. 89, 10/09/2002); (Ord. 126, 12/18/2007); (Ord. 130, 1/15/2008); (Ord. 136-10-08, 6/17/2008); (Ord. 139-13-08, 12/16/2008); (Ord. 173-04-13, 6/27/2013); (Ord. 202-02-16, 2/16/2016); (Ord. 212-06-17, 6/27/2017); (Ord. 229-05-19, 5/21/2019).

8-2-34: **WASTE PROHIBITED.** It shall be unlawful for any water user to waste water or allow it to be wasted by improper use or by faulty facilities. Water is being wasted if, for example: water from the Water System is not being used for a beneficial purpose (as defined by the Idaho Department of Water Resources); an extraordinary and unnecessary amount of water is being drawn from the Water System by a Water User; or if a Water User is irrigating by any Open Hose. If water from the Water System is being wasted by any Water User, the City may terminate the Water Service to the Customer Property on which the water is being wasted, until the issues causing the waste are remedied to the satisfaction of the Water Department.

(Ord. 229-05-19, 5/21/2019).

8-2-35: **TAMPERING UNLAWFUL.** It shall be unlawful to damage, adjust, or tamper with any portion of the City Water System or appurtenances, whether located upon public or private property, without having first obtained the express permission of the City. If any person damages the Water System or in any way causes the City to expend extraordinary costs as a result of such unlawful acts, the City may assess and collect the same from the person committing the same, or from the parent or guardian of any minor who commits such acts. Such amounts may be included upon the person's regular monthly billing statement for water service as an extraordinary service charge, and upon the person's failure or refusal to pay the same, Water Service may be terminated in accordance with the procedures set forth in this Chapter.

(Ord. 229-05-19, 5/21/2019).

8-2-36: **UNLAWFUL CONTAMINATION OR CROSS-CONNECTION.** It shall be unlawful for any person to introduce or permit the introduction of pollution or contamination of any kind into the City water supply system. It shall be unlawful for any person to install or maintain any Cross-Connection within the City.

(Ord. 216-10-17, 10/17/2017); (Ord. 229-05-19, 5/21/2019).

8-2-37: **BACKFLOW PREVENTION ASSEMBLIES AND DEVICES.**

- (A) It shall be unlawful to install, relocate or remove a Backflow Prevention Assembly without a permit, as provided in this Section.
- (B) Backflow Prevention Assemblies shall be installed by the property owner, tenant, occupant, lessee, or other user of the Water System where the nature and extent of the activities conducted or the materials used or stored on the premises would present a hazard to the public health or be deleterious to the quality of the City water supply should a Cross-Connection occur. Even though Cross-Connections may not exist at the time, Backflow Prevention Assemblies shall be installed under circumstances including, but not limited to the following:

- (1) Premises having an auxiliary water supply;
 - (2) Premises having internal cross-connections that are not correctable, or having intricate plumbing arrangements which make it impracticable to ascertain whether or not cross-connections exist;
 - (3) Premises where entry is restricted so that inspections for cross-connections cannot reasonably be made;
 - (4) Premises having a history of cross-connections being established or reestablished;
 - (5) Premises on which any substance is handled under pressure so as to permit the entry of any harmful substance into the Water System;
 - (6) Premises having pumps or devices which may affect the pressure within any line connected to the Water System.
- (C) All Backflow Prevention Assemblies shall be installed in accordance with the Uniform Plumbing Code, as is presently adopted by the City or as may be amended hereafter. All such assemblies shall also be installed in accordance with the Cross-Connection Control Manual, 7th Edition, published in April 2012 by the Pacific Northwest Section, American Water Works Association Cross-Connection Control Committee. The City Clerk shall at all times maintain a copy of such Cross-Connection Control Manual in the offices of the City Clerk. Such copy shall contain a certification issued by the City Clerk that such copy has been filed for use and examination by the public.
- (D) All Backflow Prevention Assemblies shall be installed by the property owner at his expense and shall be of a type commensurate with the degree of hazard which exists or which could exist. An air-gap separation or a reduced pressure principle backflow prevention assembly shall be installed where the public water supply may be contaminated with sewage, industrial waste of a toxic nature, or other contaminant which could cause a public health hazard. In all other cases where the contaminant may be objectionable but not hazardous to the public health, a double check valve assembly, an air-gap separation, a pressure vacuum breaker, or a reduced pressure principle backflow prevention assembly shall be installed. All Backflow Prevention Assemblies and the installation thereof shall be approved by the City Plumbing Inspector or his agent or designated representative.
- (E) All Backflow Prevention Assemblies installed pursuant to this Chapter, except atmospheric vacuum breakers, shall be inspected and tested by a certified tester at the time of initial installation, relocation, or substantial repair and annually thereafter, or more often if deemed necessary by the City. Whenever a Backflow Prevention Assembly is found to be defective, it shall be repaired, overhauled, or replaced at the owner's expense. The City or its agent shall retain adequate records of all inspections, tests, or repairs made pursuant to this Chapter.
- (F) If a Backflow Prevention Assembly is found to be necessary, the owner, tenant, occupant, or lessee of the property shall obtain an installation permit from the City, specifying the

type and location of such assembly. It shall be unlawful to install, relocate, or remove a Backflow Prevention Assembly without a permit.

(Ord. 177-08-13, 8/20/2013); (Ord. 216-10-17, 10/17/2017); (Ord. 229-05-19, 5/21/2019).

8-2-38: **TERMINATION AND RESTORATION OF WATER SERVICE.**

- (A) **Involuntary Termination of Water Service.** Water Service may be involuntarily discontinued to any Customer Property only pursuant to the provisions of this Chapter. The City may charge a Service Fee when Water Service is involuntarily terminated to any Customer Property.
- (B) **Voluntary Termination of Water Service.** Whenever a Customer desires to voluntarily terminate his or her existing customer service account, he or she shall notify the City Clerk of such desire and execute a written request for termination of Water Service. Such Customer shall be required to pay a Service Charge before Water Service will be terminated to the specified Customer Property. Notwithstanding any written request for termination of Water Service, the Customer shall remain liable for any amount due and owing to the City arising from the City's provision of Water Service. Upon receipt of such written request for termination of Water Service, the City shall have no obligation to refund all or any portion of the payments made in advance by the Customer for Water Service for the remainder of the billing cycle. In the event a Customer fails to execute or deliver such notice request or fails to pay the required Service Charge, the Customer shall continue to be responsible for Water Service provided to the Customer Property notwithstanding that the Customer Property may have been sold, transferred, or conveyed to another person and that such new owner, transferee, or recipient may have used or received the benefit of Water Service billed to the previous owner.
- (C) **Temporary Termination of Water Service.** Whenever a Customer desires to temporarily terminate or shut off Water Service to any of such Customer's Customer Property, he or she shall notify the City Clerk of such desire and execute a written request for temporary termination of Water Service, which shall also specify when the Customer desires Water Service to be restored. Such Customer shall be required to pay a Service Charge before Water Service will be terminated to the specified Customer Property. Additionally, before Water Service is restored to the Customer Property, the Customer shall be required to pay all of the charges, including the Monthly Water Service Fee, that would have been paid for such Customer Property if Water Service had not been terminated.
- (D) **Restoration of Water Service.** In any event, whenever an Applicant or Customer desires to restore Water Service to a Customer Property that was actually provided with Water Service at any time within the prior 12 months, the Applicant or Customer shall be required to pay all of the charges, including the Monthly Water Service Fee, that would have been paid for such Customer Property if Water Service had not been terminated, unless a written agreement providing otherwise is approved by the Council.

(Ord. 212-06-17, 6/27/2017); (Ord. 229-05-19, 5/21/2019).