

TITLE 8
PUBLIC UTILITIES

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CHAPTER 1
UTILITY SERVICES

SECTION:

- 8-1-1: Water Shutoff Authorized; Timing
8-1-2: Rates And Charges; Contestation Procedure

8-1-1: **WATER SHUTOFF AUTHORIZED; TIMING:** The city may at any time, without notice to the water user, shut off the water from any main or from any part or all of the water system for the purpose of making repairs or extensions, or for other purposes, and it shall not be liable for any interference with work or operation of business or other damage that may result from shutting off of water for the purpose of making repairs or for the purpose of laying or relaying mains, hydrants, or other connections. (Ord. 248, 5-7-2001)

- 8-1-2: **RATES AND CHARGES; CONTESTATION PROCEDURE¹:**
- A. Discontinuance For Nonpayment: All rates and charges for utility service shall be due by the recipient thereof, or the owner of the property, to which the same is supplied within ten (10) days after the first day of each month, and if not paid within twenty (20) days after the first day of each month, utility (water and garbage) services to the premises shall be discontinued.
- B. Enforcement Official: The city council shall cause to be appointed a person to fill the position of a city designee and prescribe the duties thereof.
- C. Complaint; Right To Request Hearing: Any person who shall contest any charge as being excessive, or complain of being charged for services not rendered, or seek to protest a proposed termination of utility services as being unjustified, shall have the right to request, in

1. See also section 8-2-22 of this title.

writing, an informal hearing before the city designee any time within fifteen (15) days after the first day of the month when the billing becomes due. The written request shall be rendered to the city clerk-treasurer who in turn will forward a copy to the city designee, and upon the receipt of the request for hearing, immediately schedule an informal hearing to be held at the city hall. The complainant shall be given the opportunity to present evidence in support of his position to the city designee. The city designee shall take evidence from the city clerk-treasurer as to the reasonableness, fairness, and validity of the charges and shall render his decision within twenty four (24) hours after closing the hearing. The city designee shall notify the complainant, in writing, of the decision.

- D. **Appeal Decision:** If the complainant feels aggrieved by the decision of the city designee, he may appeal that decision to the city council. Such an appeal can be filed, in writing, with the city clerk-treasurer within fifteen (15) days after the decision is rendered by the city designee. After an appeal has been filed, the city council shall notify the complainant of the time and place that it shall consider the appeal. The complainant shall have the right to be present at the appeal. The council shall review the decision of the city designee and give full consideration to the evidence presented by the complainant. After discussion, the council shall render its decision. The council shall instruct the clerk-treasurer to notify the complainant, in writing, of its decision and the amount that is due, if any.
- E. **Decision Adverse To Complainant:** If the decision rendered by the city designee, or by the city council, if an appeal has been taken to that body, is adverse to the complainant, he shall pay the charges owing within five (5) days after the decision has been rendered or city utility services to his premises shall be terminated. No utility services shall be terminated during the course of the hearing or appeal procedure described in subsections A through D of this section. (Ord. 248, 5-7-2001)
- F. **Discontinued Services; Restart Fee:** Once utility services are discontinued, and before services shall be resumed, the person desiring resumption of these services shall pay a restart fee as prescribed by the city council, together with all arrearages due and owing the city. (Ord. 248, 5-7-2001; amd. 2011 Code)

CHAPTER 2

WATER AND SEWER REGULATIONS

SECTION:

- 8-2- 1: Department Established
- 8-2- 2: Application For Connection And Use
- 8-2- 3: Rules And Regulations
- 8-2- 4: City Not Responsible For Damage
- 8-2- 5: Emergency Shutoff Of Water
- 8-2- 6: Access For Inspection
- 8-2- 7: Service Pipes And Fixtures
- 8-2- 8: Restrictions Of Water Use
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- 8-2-16: Tampering Or Obstructing
- 8-2-17: Extent Of Service
- 8-2-18: Water Or Sewer Connections Outside City
- 8-2-19: Extension Of Water Mains
- 8-2-20: Sewer Connection Permit And Specifications
- 8-2-21: Hookup Fee Required
- 8-2-22: Billing; Rates, Charges And Deposit

8-2-1: **DEPARTMENT ESTABLISHED:** There is hereby established a sewer and water department which shall consist of such personnel as may be provided by the mayor and city council. (Amd. Ord. 175, 7-12-2010)

8-2-2: **APPLICATION FOR CONNECTION AND USE:** Application for the use of water and sewer services must be made at the office of the city clerk-treasurer. Every such application must be made by

the owner or tenant of the property to be benefited, and the applicant must agree to conform to the rules and regulations established from time to time as condition for water and sewer service. (Amd. Ord. 175, 7-12-2010)

8-2-3: RULES AND REGULATIONS:

- A. **Council Authority:** The mayor and city council may make or prescribe such rules and regulations as they shall deem advisable, such rules to be enforced after approval by the mayor and council by resolution.
- B. **Scope:** Said rules and regulations may cover water bill adjustments, charges for water service for periods of less than one month, disconnection and reconnecting of water service and charges for unmetered water service.
- C. **Adoption Of Regulations For Public Drinking Water:** The current edition of the Idaho regulations for public drinking water systems (IDAPA section 58.01.08 et seq.) as promulgated by the Idaho department of environmental quality as promulgated by the Idaho department of health and welfare, and as now or hereafter amended, is adopted as law by the city together with all subsequent amendments. The most current version of these regulations shall prevail. (Amd. Ord. 175, 7-12-2010)

8-2-4: CITY NOT RESPONSIBLE FOR DAMAGE: The water may at any time be shut off from the mains without notice for the purpose of making repairs, extension or other necessary purposes. Persons having boilers supplied by direct pressure from the mains are cautioned against danger of explosion or collapse, and the city shall not be responsible for the safety of boilers on the premises of any water consumer. (Amd. Ord. 175, 7-12-2010)

8-2-5: EMERGENCY SHUTOFF OF WATER: The mayor, or any officer appointed by him, is hereby authorized to order the use of water curtailed, at his discretion, during any emergency occurring in the city. (Amd. Ord. 175, 7-12-2010)

8-2-6: ACCESS FOR INSPECTION: Officers and employees of the city sewer and water department shall have free access at proper hours of the day to all parts of buildings to which water may be

delivered from the city mains, for the purpose of inspecting the condition of the pipes and fixtures, and the manner in which the water is used. Should access under these terms and for these reasons be denied by the tenant or owner, water service may be discontinued by the city sewer and water department. (Amd. Ord. 175, 7-12-2010; amd. 2011 Code)

8-2-7: **SERVICE PIPES AND FIXTURES:** All service pipes and fixtures on private property are the responsibility of the owner and shall be kept in good repair and protected from freezing at the property owner's expense. The property owner shall be responsible for all damages resulting from leaks or breaks in service pipes and fixtures. Water will not be furnished to a water service where there is a leak in the service piping or in a fixture; and when a leak is discovered, the water service may be discontinued immediately. If a water service has been discontinued and there is a leak, it shall not be turned on until all leaks have been repaired. (Amd. Ord. 175, 7-12-2010)

8-2-8: **RESTRICTIONS OF WATER USE:** No person supplied with water from the city mains will be entitled to use water for any other purpose than specified in his application, nor shall a person supply water to other families, nor allow them to take water off his premises. (Amd. Ord. 175, 7-12-2010)

8-2-9: **UNLAWFULLY ACCESSING CITY WATER:** No water service connection or cross connection from the public water supply to any premises shall be installed or continued in use unless the water supply is protected with a backflow device as required by the Idaho regulations for public drinking water, latest edition, specifically; but, without limitation, IDAPA section 58.01.08.543 (2010) or any subsequent amendments pertaining to cross connections shall be followed¹. Should the owner or occupant of the premises turn on the water, or suffer or cause water to be turned on, after it has been shut off at the curb cock, it will be turned off at the main, and a charge as set by the city council must be paid before the same shall be turned on again. (Amd. Ord. 175, 7-12-2010; amd. 2011 Code)

8-2-10: **LEAKY FAUCETS:** Water will not be furnished where there are defective or leaking faucets, closets or other fixtures, and

1. See also article A of this chapter.

when such may be discovered, the supply will be withdrawn until the proper repairs are made by the property owner. (Amd. Ord. 175, 7-12-2010)

8-2-11: TAPPING OR CONTAMINATION UNLAWFUL:

- A. **Supervision; Inspection:** All tapping of mains must be done by the superintendent of waterworks, or under his direct supervision. All connections to the water system and all service lines will be inspected prior to being buried.
- B. **Prohibitions:** No water service shall be provided through any lines or connections buried prior to inspection. No person shall knowingly inject or otherwise place hazardous or harmful substances into the water system.
- C. **Violation; Penalty:** Any person violating the provisions of this section shall be deemed guilty of a misdemeanor and shall be subject to the maximum fine for a misdemeanor allowable under Idaho law. (Amd. Ord. 175, 7-12-2010)

8-2-12: FAILURE OF WATER SUPPLY: The city shall not be liable under any circumstances for a deficiency or a failure in the supply of water, whether by the shutting off of the water to make repairs or connections, or for any cause whatsoever. (Amd. Ord. 175, 7-12-2010)

8-2-13: METERS:

- A. **Property Of City:** All meters shall be and remain the property of the city.
- B. **Reading Meters:** Except when weather conditions or other circumstances make reading of the meters impractical, the meters will be read monthly. (Amd. Ord. 175, 7-12-2010)

8-2-14: SPRINKLING:

- A. **Authority To Suspend; Notice:** The city reserves the right, in case of shortage of water or for any other cause, to make an order forbidding or suspending the use of water for sprinkling, and the mayor and council may, in their discretion at any time, make such

order by giving notice in one issue of a legal newspaper of the city or a newspaper of general circulation within the city, or by printed notices delivered in person by someone designated by the mayor and council, to the applicants for the use of said water. Any person violating such order shall be deemed guilty of a misdemeanor and subject to fine, and the water shall be turned off and the same shall not be turned on again until such charge is paid in full. (Amd. Ord. 175, 7-12-2010; amd. 2011 Code)

B. Unlawful Use Of Water:

1. No person shall use any water for sprinkling during the progress of any fire in the city, and sprinkling shall immediately be stopped when an alarm of fire is sounded in any part of the city, and shall not be begun until the fire has been extinguished.

2. For any violation of the provisions of this subsection, said person shall be guilty of a misdemeanor. (Amd. Ord. 175, 7-12-2010)

8-2-15: WASTE OF WATER:

- A. It shall be unlawful for any person to permit water to run or be wasted. All outlets must be kept closed except during the time which water is being drawn for necessary use.
- B. Letting the water run to prevent freezing in cold weather or to keep water cool in warm weather is prohibited.
- C. The owner of any premises shall keep his faucets, closets and other fixtures and his pipes to curb line in good repair and free from leaks. (Amd. Ord. 175, 7-12-2010)

8-2-16: TAMPERING OR OBSTRUCTING:

- A. No person except a firefighter in the performance of his duty shall open or in any way tamper with any fire hydrant connected with the water system unless permission first be obtained from the superintendent.
- B. No person shall place upon or about any water gate connected with the water system any material substance whatsoever which will prevent access at all times to such hydrant or gate, and no vehicle shall be allowed to stand within eight feet (8') of such hydrant.

- C. The use of a private hose at the time of or during an alarm of fire is strictly prohibited unless for protection of property. (Amd. Ord. 175, 7-12-2010)

8-2-17: **EXTENT OF SERVICE:** The service pipes must be so arranged that the supply to each separate house or premises may be controlled by a separate stopcock placed within or near the curb. Where water is already supplied through one service to several houses or families, the mayor and council may, at their discretion, either decline to furnish water until separate services are provided or continue the supply on condition that one person shall pay for all on the same service. (Amd. Ord. 175, 7-12-2010)

8-2-18: **WATER OR SEWER CONNECTIONS OUTSIDE CITY:**

- A. Water: There shall be no water lines outside the city limits connected to the city water lines except by special permit granted by the city council.
- B. Sewer: There shall be no sewer lines outside the city limits connected to the city sewer lines except by special permission of the council. (Amd. Ord. 175, 7-12-2010)

8-2-19: **EXTENSION OF WATER MAINS:**

- A. Extending Mains To City Limits: The city shall extend its waterworks and sewer mains no farther than the city limits, as the said city limits shall or may be extended from time to time.
- B. Manner Of Connecting Water Mains:
1. For each and every service connection to the city waterworks system, the city will extend its water mains in order that such service connections may be made in the following manner: Each person, corporation, partnership, etc., desiring service connection may lay all necessary water mains at their own expense under the approval of the mayor and council from the former city limits, which existed just prior to the time the territory in which the service connection desired is located was brought into the corporate limits, to the point where service connection is to be made, and the city shall extend its nearest water main to such former city limits at city expense.

2. All extensions of water mains made in the territory in which the service connection is desired to be made shall be and become the property of the city as soon as such extensions are connected to the waterworks system of the city.

3. The person applying for such service connection must furnish all necessary pipe, and must lay such pipe in each place or places as directed by the mayor and council, and the size of all such pipe shall be sufficient to furnish adequate fire protection for the area to be serviced and as directed by the mayor and council. (Amd. Ord. 175, 7-12-2010)

8-2-20: SEWER CONNECTION PERMIT AND SPECIFICATIONS:

- A. Permit Required; Conditions: No person shall make any connection with any public sewer until a permit has been obtained from the city clerk-treasurer and signed by the mayor. The permit shall indemnify and hold harmless the city from all suits, accidents and damages consequent thereto, or by reason of any opening in the street, alley or highway made by such person or by any person employed by a licensed person or for any other purpose whatever, and that the permittee will replace and restore the street, alley or highway to as good a state and condition as was at the time of commencement of said work, and that the permittee shall conform in all respects to the rules and regulations of the city relating to streets, alleys and highways.
- B. Construction And Connection Specifications: The same permit obtained for sewer connection will also require that the person making connection will conform with materials specifications adopted by the council. Specifications may be changed from time to time at the discretion of the council. All sanitary sewer interceptors, mains, or laterals shall conform in all respects to these specifications. (Amd. Ord. 175, 7-12-2010)

8-2-21: HOOKUP FEE REQUIRED: In order for the approval of a permit or application for connection to the city water and sewer systems, such permit or application must be accompanied by a hookup fee. The amount of hookup fees shall be established by resolution duly adopted by the council. These fees may be adjusted from time to time in the same manner and procedure as the amount of the fee is established. Water hookup fees and sewer hookup fees will be treated as two (2) separate charges. (Amd. Ord. 175, 7-12-2010)

8-2-22: BILLING; RATES, CHARGES AND DEPOSIT¹:**A. Sewer And Water Service Billing:**

1. All bills for sewer and water charges shall be due monthly at the established rates. When water is supplied by the city, the portion of the bill for domestic water service cannot be paid separately from the portion for sewer service.

2. In the event where domestic water is supplied, and any part thereof is not paid in full within fifteen (15) days after date when due, water service shall be discontinued immediately and shut off. Before the domestic water shall be turned on again, all delinquent domestic water and sewer charges shall be paid up to the end of the term as assessed.

3. In the event water is turned off for the nonpayment of domestic water and sewer charges as herein provided, there shall be assessed in addition to all delinquent amounts a charge, the amount to be established by resolution duly adopted by the council. This charge is assessed for expense for shutting off the service, which shall be restored again.

4. In the event a deposit has been made for securing the payment for domestic water used, this deposit will be forfeited to the amount due the city for the domestic water and sewer services rendered.

B. Charges Payable To Clerk-Treasurer: All charges will be due and payable at the office of the clerk-treasurer on the first day of each month, and when any charges or rates are not paid within fifteen (15) days from the due date, water shall be shut off from the premises. Water shall not be turned on again until all requirements of subsection A of this section are met.

C. Sewer And Water Service Charge Rates:

1. There is hereby levied and imposed on all users of the city sewer and water system for the use, maintenance, operation, extension and reconstruction of the city sewer and water system a monthly charge.

1. See also section 8-1-2 of this title.

2. The city council will review these rates at least every two (2) years and adjust them if necessary.

3. The city will assure that funds will be made available by appropriate means to adequately maintain the system, including provision of power, chemicals, testing, debt service and equipment replacement.

4. The city will notify water users each year about distribution of charges and costs.

D. Special Rates:

1. The monthly water and sewer charges for commercial, industrial and institutional establishments may be adjusted to the quality of the particular sewage, also quantity, and said adjustments may be accomplished by a resolution duly adopted by the council.

2. For all structures not coming within any of the above classifications, including such structures to which water is supplied from sources other than the municipally owned water system, sewer and water charges shall be fixed in such amounts as may be recommended and approved by the city council.

E. Utility Fund Deposit Required:

1. From each tenant or lessee of property, the clerk-treasurer shall, before city water, sewer, refuse collections and other such monthly services are furnished, collect and receive a utility account deposit equal to two (2) months' charges for all utility services rendered to the premises occupied or owned by that individual.

2. All such deposits shall be placed in the sewer and water department checking account.

3. Upon termination of service for any cause, should there be a balance due and returnable to the patron, the same shall be refunded by check made to the patron personally.

4. The clerk-treasurer will be required to keep a record of deposits held and deposits returned, and also the disposition of each deposit. This record shall be kept in conjunction with sewer and water department records which show status of each water service patron. (Amd. Ord. 175, 7-12-2010)

CHAPTER 2

WATER AND SEWER REGULATIONS

ARTICLE A. CROSS CONNECTIONS

SECTION:

- 8-2A-1: Definitions
- 8-2A-2: Installation Permit Application
- 8-2A-3: Cross Connection Restrictions
- 8-2A-4: Use Of Backflow Prevention Devices
- 8-2A-5: Cross Connection Inspection
- 8-2A-6: Additional Remedies
- 8-2A-7: Violation; Penalty

8-2A-1: **DEFINITIONS:** For the purpose of this article, the following terms shall have the meanings ascribed to them in this section:

BACKFLOW: The flow, other than the intended direction of flow, of any foreign liquids, gases, or substances into the distribution system of a public water supply.

BACKFLOW PREVENTION DEVICE: A device to counteract back pressure or prevent back siphonage.

CONTAMINATION: The entry into or presence in a public water supply of any substance which may be deleterious to health and/or quality of the water.

CROSS CONNECTION: Any physical arrangement whereby a public water supply is connected, directly or indirectly, with any other water supply system, sewer, drain, conduit, pool, storage reservoir, plumbing fixture, or other device which contains or may contain contaminated water, sewage, or other

waste or liquids of unknown or unsafe quality which may be capable of introducing contamination to the public water supply as a result of backflow.

HEALTH OFFICER: Authorized agent.

PUBLIC WATER SUPPLY: Any system or water supply intended or used for human consumption or other domestic uses, including source, treatment, storage, transmission and distribution facilities, where water is furnished to any collection or number of individuals, or is made available to the public for human consumption or domestic use.

PURVEYOR: The city of Bancroft or its authorized agent.

SUPERVISOR: The public works supervisor of the city of Bancroft or his authorized agent. (Ord. 185, 8-4-1980)

8-2A-2: **INSTALLATION PERMIT APPLICATION:** If cross connection control devices are found to be necessary, the owner of the property served must apply to the purveyor for a specific installation permit. (Ord. 185, 8-4-1980)

8-2A-3: **CROSS CONNECTION RESTRICTIONS:**

A. Protection Of Water Supply: No water service connection to any premises shall be installed or continued in use by the purveyor unless the water supply is protected by backflow prevention devices as may be required by this article. The installation or maintenance of a cross connection which will endanger the water quality of the potable water supply of the city shall be unlawful and is prohibited. Any such cross connection now existing or hereafter installed is hereby declared to be a public nuisance and the same shall be abated. The control or elimination of cross connections shall be in accordance with this article, together with the latest edition of the appropriate manual of standard practices pertaining to the cross connection control approved by the state of Idaho.

- B. City Requirements: The supervisor shall have the authority to establish requirements more stringent than state regulations if he deems that the conditions so dictate. The purveyor shall adopt rules and regulations as necessary to carry out the provisions of this article. (Ord. 185, 8-4-1980)

8-2A-4: USE OF BACKFLOW PREVENTION DEVICES:

- A. Installation: Backflow prevention devices shall be installed at the ties on the premises or the materials used in connection with service connection or within any premises where, in the judgment of the purveyor, the nature and extent of the activities, or the materials stored on the premises, would present an immediate and dangerous hazard to health and/or be deleterious to the quality of the water should a cross connection occur; even though such cross connection does not exist at the time the backflow prevention devices 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 intricate plumbing arrangements which make it impractical to ascertain whether or not cross connection exists.
 3. Premises where entry is restricted so that inspections for cross connections cannot be made with sufficient frequency or at sufficiently short notice to assure that cross connections do not exist.
 4. Premises having a repeated history of cross connections being established or reestablished.
 5. Premises on which any substance is handled under pressure so as to permit entry into the public water supply, or where a cross connection could reasonably be expected to occur. This shall include the handling of process waters and cooling waters.
 6. Premises where materials of a toxic or hazardous nature are handled in such a way that if back siphonage should occur, a serious health hazard might result.
 7. The following types of facilities will fall into one of the above categories where a backflow prevention device is required to protect

the public water supply. A backflow prevention device shall be installed at these facilities:

- a. Hospitals, mortuaries, clinics.
- b. Laboratories.
- c. Metal plating industries.
- d. Sewage treatment plants.
- e. Food or beverage processing plants.
- f. Chemical plants using a water process.
- g. Petroleum processing or storage plants.
- h. Radioactive material processing plants or nuclear reactors.
- i. Others specified by the state of Idaho.

8. Other premises, as specified by the supervisor, where backflow prevention devices are required to protect the public water supply.

B. Type Of Device; Degree Of Hazard:

1. The type of protective device required shall depend on the degree of hazard which exists.

2. An air gap separation or a reduced pressure principle backflow prevention device 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 health or system hazard.

3. In case of a substance which may be objectionable but not hazardous to health, a double check valve assembly, air gap separation, or a reduced pressure principle backflow prevention device shall be installed.

C. Installation At Meter: Backflow prevention devices required by this article shall be installed at the meter, at the property line of the premises where meters are not used, or at a location designated by the purveyor. The device shall be located so as to be readily accessible for maintenance and testing, and furthermore, where no part of the device will be submerged.

- D. Supervision: Backflow prevention devices required by this article shall be installed under the supervision of and with the approval of the purveyor.
- E. Approved Model: Any protective device required by this article shall be a model approved by the supervisor. A double check valve assembly or a reduced pressure principle backflow prevention device will be approved if it has successfully passed performance tests of the state of Idaho or other testing laboratories satisfactory to the state of Idaho and the supervisor. These devices shall be furnished and installed by and at the expense of the customer.
- F. Inspection And Testing: Backflow prevention devices installed pursuant to this article, except atmospheric vacuum breakers, shall be inspected and tested annually, or more often if necessary. Inspections, tests and maintenance shall be at the customer's expense. Whenever the devices are found to be defective, they shall be repaired, overhauled or replaced at the customer's expense. Inspections, tests, repairs and records thereof shall be accomplished under the purveyor's supervision by certified testers.
- G. Underground Sprinkling Devices: No underground sprinkling device will be installed without adequate backflow prevention devices at the point from which the water for irrigation is taken from the public water supply.
- H. Failure To Cooperate; Termination Of Service: Failure of the customer to cooperate in the installation, maintenance, testing or inspection of backflow prevention devices required by this article shall be grounds for terminating water service to the premises, or, in the alternative, the installation of an air gap separation at the customer's expense. (Ord. 185, 8-4-1980)

8-2A-5: CROSS CONNECTION INSPECTION:

- A. Inspection And Approval: No water shall be delivered to any structure hereafter built within the city or within areas served by city water until the same shall have been inspected by the purveyor for possible cross connections and been approved as being free from same.
- B. Industrial Construction: Any construction for industrial or other purpose which is classified as hazardous facilities pursuant to subsection 8-2A-4A7 of this article, where it is reasonable to

anticipate intermittent cross connections, or as determined by the supervisor, shall be protected by the installation of one or more backflow prevention devices at the point of service from the public water supply or any other location designated by the purveyor.

- C. **Periodic Inspections:** Inspections shall be made periodically of all buildings, structures, or improvements of any nature now receiving water through the city system, for the purpose of ascertaining whether cross connections exist. Such inspections shall be made by the purveyor. (Ord. 185, 8-4-1980)

8-2A-6: **ADDITIONAL REMEDIES:** In the event an improper cross connection is not corrected within the time limit set by the supervisor, or, in the event the purveyor is refused access to any property for the purpose of determining whether or not cross connections exist, delivery of water to the property shall cease until the deficiency is corrected to the purveyor's satisfaction. In addition, the purveyor may effect the necessary repairs or modifications at the expense of the property owner and refuse delivery of water to the property until the cost thereof shall have been paid. (Ord. 185, 8-4-1980)

8-2A-7: **VIOLATION; PENALTY:** Any person who violates, disobeys, omits, neglects, refuses to comply with, or resists the enforcement of any of the provisions of this article or the rules and regulations as adopted by the purveyor shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall, for each offense, be subject to penalty as provided in section 1-4-1 of this code. (Ord. 185, 8-4-1980; amd. 2011 Code)

CHAPTER 3

GARBAGE COLLECTION SYSTEM

SECTION:

- 8-3-1: Definitions
- 8-3-2: System Operation
- 8-3-3: Garbage Collection; Fees
- 8-3-4: Collection Billing; Delinquency
- 8-3-5: Collection Refusal Prohibited

8-3-1: **DEFINITIONS:** For the purposes of this chapter, the following terms, phrases, words and their derivations shall have the meanings given in this section, as follows:

ASHES: The residue from the burning of wood, coal, coke or other combustible materials.

CITY: The city of Bancroft, Idaho.

GARBAGE: Putrescible animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food.

PERSON: Any person, firm, partnership, association, corporation, company or organization of any kind.

REFUSE: Any putrescible and nonputrescible solid wastes (except body wastes), including garbage or rubbish, ashes, street cleanings, dead animals, abandoned automobiles and solid market and industrial waste.

RUBBISH: Nonputrescible solid waste (including ashes), consisting of both combustible and non-combustible waste, such as paper, cardboard,

tin cans, yard clippings, wood, glass, bedding, crockery and similar materials. (Ord. 201, 4-9-1984)

8-3-2: **SYSTEM OPERATION:** The sanitary service system of the city shall, by such means as the city council deems appropriate, collect and dispose of all garbage, rubbish, refuse, paper, glass, tin cans, crockery, ashes and other debris, and shall operate this service; and the rates and charges and regulations provided by this chapter shall be and remain applicable thereto until duly amended as provided by law. (Ord. 201, 4-9-1984)

8-3-3: **GARBAGE COLLECTION; FEES:**

- A. Collection; Payment Of Fees: All garbage in the city shall be collected by the city or its duly authorized agent or contractor as often as is necessary to maintain and preserve sanitation of the community. Temporary failure to make such collections due to circumstances beyond the control of the city shall not relieve the occupant or owner of the premises from the payment of sanitary service fees provided in this chapter.
- B. Collection Fees: Fees for sanitary service shall be as may be set from time to time by the city council. (Ord. 201, 4-9-1984; amd. 2011 Code)

8-3-4: **COLLECTION BILLING; DELINQUENCY:**

- A. Billing With Utility Charges: The city is authorized to add the sanitary service charges provided in this chapter to the charges for utility service and shall submit the same as a separate item in a statement in connection with sewer and water service bills. (Ord. 201, 4-9-1984; amd. 2011 Code)
- B. Delinquency
 - 1. The city is authorized to discontinue service to any premises if the entire utility bill is not paid, including the charge provided in this chapter for sanitary service. Said charges shall become delinquent as provided for utility charges and shall be subject to the same penalties.

2. If the service charges established in this chapter are not paid when due, such sums as may be delinquent may be recovered by the city in an action at law against the owner or occupant, or both. Penalties provided under this section shall be in addition to those provided in subsection B1 of this section. (Ord. 201, 4-9-1984)

8-3-5: **COLLECTION REFUSAL PROHIBITED:** No person shall be permitted to refuse to accept the sanitary service provided in this chapter, and the failure of any person to receive such service shall not exempt such person from the payment of charges provided in this chapter. (Ord. 201, 4-9-1984)