

ORDINANCE NO. 21-1

AN ORDINANCE OF THE BAYVIEW WATER AND SEWER DISTRICT, A POLITICAL SUBDIVISION OF THE STATE OF IDAHO; AMENDING ORDINANCE 90-1, SECTION 5.6 NEW CONSTRUCTION EXTENDING SYSTEM; PROVIDING FOR SEVERABILITY; PROVIDING REPEAL OF CONFLICTING ORDINANCES; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED, by the Board of Directors of the Bayview Water and Sewer District of Kootenai County, as follows:

Section 1: Amendment to Section 5.6 New Construction Extending System:

5.6 New Construction Extending System: Owners of land within the District which will not have frontage or legal access to the Collector System at the time of Closure of the LID, may nevertheless be permitted or required to hook into the system, subject to the following terms and conditions:

- (a) The right to hook into the system shall be granted only by written agreement with the Board, which shall have the discretion to accept or deny applications based upon the existing and anticipated availability of capacity at the Treatment Facility and in the Collector System;
- (b) All costs of extending the Collector System to the subject property shall be borne by the application, with no right to reimbursement or credit for costs except as provided herein;
- (c) All construction shall be completed according to detailed plans and specifications submitted to and approved by the Board or the District Engineer, with the terms of construction specifically contemplating periodic inspection and final certification by the Engineer at the applicant's expense;
- (d) The applicant shall, prior to commencement of construction, pay the full Capitalization Fee calculated according to this Ordinance, based upon the total number of Parcels and ERs to be serviced by the extension of the System; ~~provided that the applicant shall be entitled to a credit to compensate the applicant for the cost of construction of the extension of the Collector System, such credit to be the lesser of: (a) the actual contract price for construction of the extension of the Collector System; or (b) \$1,000 per ER to be serviced. No credit shall be allowed with respect to any Capitalization Fee which is not paid prior to commencement of construction as provided herein (whether such unpaid Capitalization Fee pertains to new Parcels created after commencement of construction, or to improvement or expanded use of existing Parcels, or otherwise);~~
- (e) Following completion and certification of construction, the extension of the Collector System and the Building Sewer(s) shall be conveyed to the District, along with any necessary easements, and shall thereafter be considered part of the Bayview Sewer System for all purposes.

Section 2: The ordinance is hereby declared to be severable. Should any portion of this Ordinance be declared invalid by a court of competent jurisdiction, the remaining provisions shall continue in full force and effect and shall be read to carry out the purposes of the ordinance before the declaration of partial invalidity.

Section 3: All provisions of the current ordinances of the Bayview Water and Sewer District which conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

Section 4: This Ordinance shall be effective upon passage and publication as provided by law.

PASSED at a meeting of the Board of Directors held on the 26th day of March, 2021.

APPROVED by the Chair this 26th day of March, 2021.

Ali Spahn, Chair

Attest:

Jessi Roe, District Secretary and Administrator