

ORDINANCE NO. 93- /
AMENDING ORDINANCE NO. 90-1

AMENDMENTS TO ORDINANCE NO. 90-1 TO CLARIFY THE DEFINITIONS OF BIOCHEMICAL OXYGEN DEMAND (BOD₅), EQUIVALENT RESIDENCE (ER), AND SUSPENDED SOLIDS (SS); AMENDMENTS TO THE ASSIGNMENT OF EQUIVALENT RESIDENCE FACTORS BASED UPON THE DEFINITIONS AMENDED HEREIN; AND AMENDMENTS TO METHOD OF CALCULATION OF CAPITALIZATION FEES.

BAYVIEW WATER AND SEWER DISTRICT
KOOTENAI COUNTY, IDAHO

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

WHEREAS, the Bayview Water and Sewer District of Kootenai County, Idaho (the "District"), is a water and sewer district organized and existing under and pursuant to the laws of the State of Idaho; and

WHEREAS, the Board of Directors for the District (the "Board") has previously adopted Ordinance No. 90-1 on February 21, 1990, for the purpose of providing for the construction, ownership, operation, and maintenance of an effluent sewer collection system and treatment site disposal facility servicing Local Improvement District No. 1 of the Bayview Water and Sewer District; providing for allocation of construction, operation, and maintenance expenses to users; and providing for hook-up requirements; providing for other matters properly relating thereto; and

WHEREAS, the District desires to amend said Ordinance to clarify the definitions of Biochemical Oxygen Demand (BOD₅), Equivalent Resident (ER), and Suspended Solids (SS); amendments to Section 3 - Determination of Equivalent Residence Factors for Specific Uses based upon said amended definitions; and to amend the method of calculation of Capitalization Fees in Section 5 - Costs of Construction and/or Acquisition; Lid Assessments and Capitalization Fees.

NOW, THEREFORE, BE IT FURTHER ORDAINED by the Board of Directors of the Bayview Water and Sewer District as follows:

PURPOSE AND APPLICABILITY

1.1: The District hereby determines and declares that Ordinance 90-1 be amended to clarify the definition of Equivalent Residence (ER) and modify the Calculation of Capitalization Fees associated with waste water services provided by the District to those Users and Parcels in or near the District who are benefitted by the sewer system owned and operated by the Bayview Water and Sewer District.

AMENDMENTS

2.1: The following sections of Ordinance 90-1 shall be amended as follows:

2.2: Section 2 - Definition for BOD₅, paragraph 5, page 2, shall be amended to include the following:

The BOD₅ contribution by the typical Equivalent Residence shall be 225 milligrams per liter, resulting in a daily load of 0.42 pounds per day.

2.3: Section 2 - Definition for Equivalent Residence of "ER", paragraph 4, page 3, shall be amended to include the following:

One typical single-family residence or "ER" shall be based on a waste water flow of 225 gallons per day (gpd).

2.4: Section 2- Definition for Suspended Solids (SS), paragraph 6, page 5, shall be amended to include the following:

The SS contribution by the typical Equivalent Residence shall be 225 milligrams per liter, resulting in a daily load of 0.42 pounds per day.

2.5: Section 3.1 - Assignment of Equivalent Residence Factors, last paragraph of Item F, page 8, shall be amended to read 225 gallons per day. The reference to 250 gallons per day shall be deleted.

2.6: Section 3.1 - Assignment of Equivalent Residence Factors, Item G, page 8, shall be deleted and replaced with the following:

Parcels discharging industrial wastes or producing average dry weather flows measured at the Building Sewer is in excess of 5% of 225 gallons per day (greater than 260 gpd) or the BOD₅ or SS loadings as measured going into the septic tank in excess of 5% of 0.42 lbs/day (greater than 0.44 lbs/day) then the Board will designate the ER allocation. No quantity discounts shall be allowed, and the District may assess reasonable surcharges on waste flows with BOD₅ or SS concentrations above 225 milligrams per liter.

2.7: Section 5.3, Item B - Calculation of Capitalization Fee, page 11, shall be amended to include the following:

(iii) PLUS an inflation factor fee which shall be based on the current Engineering News Record Index as published in the month and year the capitalization fee is being calculated.

ENFORCEABILITY CLAUSE

3.1: The District shall enforce and seek remedies for breaches of the terms of this Ordinance, as provided by the laws of the State of Idaho.

REPEALER CLAUSE

4.1: All ordinances or resolutions of this District or parts thereof, insofar as they are in conflict with this Ordinance, are hereby repealed and rescinded.

SEVERABILITY CLAUSE

5.1: If any section, subsection, sentence or provision hereof or the application thereof to any particular circumstance shall ever be held invalid or unenforceable, such holding shall not affect the remainder hereof, which shall continue in full force and effect and applicable to all circumstances to which it may validly apply.

EFFECTIVE DATE

6.1: This Ordinance shall be in full force and effect upon its publication according to law in the Coeur d'Alene Press, a newspaper of general distribution in the District, and hereby designated as the official newspaper for the publication of this Ordinance.

PASSED AND ADOPTED the 29th day of September, 1993.

ATTEST:

Debra Pedd
District Secretary

Paul J. Benson
Board Chairman

CERTIFICATE OF ADOPTION OF ORDINANCE

I, the undersigned, as Secretary of the Bayview Water and Sewer District of Kootenai County, Idaho, hereby certify that the foregoing Ordinance duly adopted at a meeting of the Board of Directors of said District, duly and specially held at the regular meeting place thereof on the 29th day of September, 1993, of which meeting all members of said Board had due notice, and at which a majority thereof were present; and that at said meeting said Ordinance was adopted by the following vote:

AYES, and in favor thereof, Directors:

Paul Blum
Shirley Hansen
Charles Walker
Leroy Ellis

NOES, Directors:

none

ABSENT, Directors:

William Spaulding

ABSTAINED, Directors:

none

I further certify that I have carefully compared the same with the original Ordinance on file and of record in my office; that said Ordinance is a full, true, and correct copy of the original Ordinance adopted at said meeting; and that said Ordinance has not been amended, modified, or rescinded since the date of its adoption, and is now in full force and effect.

IN WITNESS WHEREOF, I have set my hand and affixed the official seal of the District on the 29th day of September, 1993.

Debra Peck
District Secretary

RESOLUTION NO. 93-1

A RESOLUTION OF THE BAYVIEW WATER AND SEWER DISTRICT, A QUASI-MUNICIPAL CORPORATION OF THE STATE OF IDAHO, PROVIDING FOR A SEWER RATES; PROVIDING FOR THIS RESOLUTION TO REMAIN IN FULL FORCE AND EFFECT FROM AND AFTER THE 29TH DAY OF SEPTEMBER, 1993.

WHEREAS, the Board of Directors (the "Board") of the Bayview Water and Sewer District (the "District") has deemed it in the public interest to set sewer rates so that sewer revenues will adequately fund the expenditures required by the E.P.A. Grant and I.D.E.Q. Grant to be placed in the Sewer Reserve and Replacement Fund.

NOW THEREFORE BE IT RESOLVED BY THE BOARD OF THE BAYVIEW WATER AND SEWER DISTRICT AS FOLLOWS:

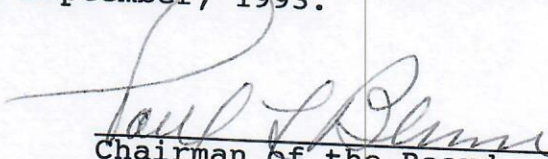
1. SEWER RATES. Pursuant to Idaho Code, sewer rates within the District are hereby set at the following amounts:

\$15.00 per Equivalent Residence per Month

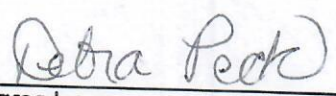
Equivalent Residence shall be as determined and defined in Ordinance 90-1 and as amended in Ordinance 93-1.

2. REVENUES. Any extra monies raised in accordance with this resolution shall be transferred to the Sewer Reserve Fund.

3. EFFECTIVE DATE. This resolution shall be in full force and effect from and after the 29th day of September, 1993.


Chairman of the Board

ATTEST:


Secretary