



Operating Rules & Regulations
Third Revision
(Effective February 20, 2024)
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Section I: Definitions

- 1.1 **Access Easement.** The term “Access Easement” means a perpetual easement granting the District physical access to Residential Sewer System as defined herein.
- 1.2 **Action Item.** An Action Item is a matter for which the Board may take final action by motion or resolution.
- 1.3 **BBRWSD.** BBRWSD means the Bottle Bay Recreational Water and Sewer District.
- 1.4 **Bedroom.** A Bedroom is a room or separate structure designed primarily for sleeping but is not a Dwelling Unit as defined herein. A bedroom is characterized by a bed, door(s) that can be used to close off the room from the remainder of the dwelling or the outside, and a closet and/or cabinet where clothing may be hung-up on hangers. A separate bunk house or sleeping shack is deemed a Bedroom. A fold-out couch in a den open to other rooms in the dwelling, for example, is not a Bedroom.
- 1.5 **Board.** The Board of Directors of the Bottle Bay Recreational Water and Sewer District.
- 1.6 **Branch Line.** A pressurized sewer line that leaves the Force Main to service Parcels not on the Force Main.
- 1.7 **Building Location Permit.** A Building Location Permit is means a permit issued by the Bonner County Planning Department pursuant to Bonner County Revised Code section 11-101.
- 1.8 **Capitalization Fee.** The fee calculated and collected according to Ordinance, for parcels created or otherwise brought under this Ordinance representing a fair share of the net value of the sewer system, as allocated to an individual parcel of land.
- 1.9 **Chair.** The Chair means the person presiding at the Board meeting.
- 1.10 **Commercial Member.** A business or association (such as a non-profit association) or other entity determined by the Board, with one or more Connection Rights associated with real property.
- 1.11 **Compliance Officer.** The Board’s designee to communicate with Members on permits and other system compliance matters.

- 1.12 **Connection Right.** A right when capacity exists and the appropriate fees have been paid, associated with and running with real property, to connect to the District’s Sewer System and to discharge sewage when certain conditions are met.
- 1.13 **Director.** Director means an elected member of the District’s Board of Directors.
- 1.14 **District.** The Bottle Bay Recreational Water & Sewer District aka Bottle Bay Sewer District.
- 1.15 **District Operator.** A person(s) licensed by the Idaho Board of Drinig Water and Wastewater Professionals and assigned by the District to maintain, repair and operate the Sewer System. A District Operator may be an employee of the District or an employee of the contractor hired by the Board of Directors to perform maintenance, repair, operations, and technical services for the District. Also known as the Licensed Operator.
- 1.16 **District Rules & Regulations.** A document containing the rules and regulations of the District passed by a vote of the majority of the Board of Directors at any regular meeting or at any special meeting called for that purpose.
- 1.17 **Downstream.** The term downstream indicates the direction of wastewater flow, usually from the origin of the wastewater to final destination of wastewater processing.
- 1.18 **Dwelling Unit.** A Dwelling Unit is a structure or mobile home capable of independent living. A dwelling is characterized by sleeping space or bedrooms, toilet, bathing facilities, and a kitchen that includes a sink and cooking and refrigeration equipment. A dwelling may be attached to another dwelling, such as a basement apartment or guest house under a common roof.
- 1.19 **Encroachment Permit.** Written or verbal permission to temporarily or permanantly displace or obstruct the Sewer System.
- 1.20 **Equivalent Residential Unit (ERU).** An ERU means a volume of wastewater recognized nationally as produced from a dwelling containing up to four bedrooms.
- 1.21 **Fines.** The term “Fine” is used to distinguish penalties for failure to comply with applicable rules and regulations. The term means the same as a “charge.”
- 1.22 **Force Main.** The main sewer line that transports effluent under pressure to the lift station at the District Office.
- 1.23 **House Line.** A privately owned sewage line connecting a dwelling or building to the Residential System.
- 1.24 **Idaho Department of Environmental Quality (IDEQ).** The Idaho state agency that issues the District with a Wastewater Reuse Permit to operate. The District is subject to many IDEQ rules and regulations.
- 1.25 **Inhabited.** A building that is occupied for one (1) day or more.
- 1.26 **Inspection Deposit.** The term “Inspection Deposit” is a security deposit to insure payment of fees and fines associated with the inspection and approval of a Sewer Permit.
- 1.27 **Landowner.** The “landowner” is the Real Property Owner as defined herein.
- 1.28 **Lateral Line.** The line transporting effluent from the Residential System pump basin to the Force Main.
- 1.29 **Licensed Operator.** The “Licensed Operator” is the District Operator as defined herein.
- 1.30 **Member.** All owners of Parcels within the District boundaries are by statute included in the District as Members. Those Members who have prepaid their capitalization fee shall be referred to in this Rules as Vested Members. Those Vested Members who are connected to the system are referred to in these Rules Serviced Members.
- 1.31 **Mobile Home.** A mobile home is a transportable prefabricated structure that has the characteristics of a Dwelling Unit as defined herein and is situated in one particular place on the property and capable of use for permanent or seasonal living accommodation. A Mobile Home is deemed a Dwelling Unit.
- 1.32 **Office.** Office means the District Office located at 8680 Bottle Bay Road, Sagle, Idaho 83860
- 1.33 **Parcel.** Any lot or tract of land now existing or hereafter created through a division or subdivision process, and any other parcel of real property recognized by Bonner County as a separate legal parcel which would

legally allow such Parcel to be improved with a residence or other structure for human use and/or occupancy, or which would otherwise be deemed benefited by the availability of sewer service provided by the District. Additionally, the term Parcel shall include a unit in a condominium project for which a condominium plan shall have been recorded, and any unit having final approval as part of a planned unit development, but only where no further platting or other governmental approvals are required.

- 1.34 **Published.** The term Published means publication in the Bonner County Daily Bee.
- 1.35 **Pump Controller.** The pump controller is a device that controls the sewer pump motor and contains sensors to protect the motor and detect pump failure. As used herein, the term “Pump Controller” as used in these Rules includes simple power disconnect boxes.
- 1.36 **Real Property Owner.** The person or persons with record title of a Parcel within the boundaries of the District. The Real Property Owner is the Member and is not necessarily the person(s) living on the property and paying the bills.
- 1.37 **Recording Secretary.** The Recording Secretary is the person who attends a Board meeting and drafts meeting minutes for later approval by the Board. The District contracts for this service.
- 1.38 **Recreational Vehicle.** A recreational vehicle (RV) is a trailer or large vehicle designed for camping.
- 1.39 **Residential System Siting Permit (“RSSP”).** The required District permit to begin construction of a Residential System, also known as the “Sewer Permit.”
- 1.40 **Residential System.** The system from the point the House Line connects to the septic tank/pump basin to the Force Main connection, including the Pump Control Box.
- 1.41 **Residential System Requirements (“RSR”).** A document containing the District’s technical requirements (installation, equipment, testing, inspection, and acceptance, etc.) for a Residential System.
- 1.42 **Rule.** The term “Rule” means a section of these Operating Rules and Regulations.
- 1.43 **Service.** Acceptance of sewage or wastewater (effluent) from a Serviced Member via a connection to the Residential System and the District’s collection, for treatment and disposition of same.
- 1.44 **Sewer Permit.** The required District permit to begin construction of a Residential System, also known as the Residential System Siting Permit.
- 1.45 **Sewer System.** All Bottle Bay Recreational Water and Sewer District facilities for collecting, pumping, treating, and disposing of sewage. The term “Sewer System” is inclusive of the Residential System.
- 1.46 **Stop Work Notice.** Notice posted by District at a project or construction site requiring discontinuance of work until a specific action is taken.
- 1.47 **Upstream.** The term upstream indicates a direction of flow opposite of the downstream flow, usually described from one physical point to another physical point.
- 1.48 **Website.** The District’s Website is <http://www.bottlebaydistrict.org/>.

Section II: Authority and Scope of Rulemaking.

- 2.1 **Authority for Rulemaking.** The Board is authorized to establish Rules and Regulations pursuant to the General Power of the Board set forth in Idaho Code Section 42-3212.
- 2.2 **Scope of Rulemaking.** These Rules and Regulations shall be a part of the contract between the District and every individual, trustee, firm, corporation, association, or company for the delivery and use of any sewer service within the District’s Service boundaries as set forth on the Vicinity Map attached as Appendix A. Every individual, trustee, firm, corporation, association, and/or company agrees that in making application for Service, receiving Service, and/or for the continuation of Service, he/she/they shall be bound to these Rules and Regulations.
- 2.3 **Adoption of Constitutional, Statutory and Regulatory Authority, Severance.** These Rules and Regulations are intended to comply with applicable provisions of the Idaho Constitution, state statutes, and

the regulations of the IDEQ. Where the District is granted authority to exceed state requirements the District's regulations shall take precedence. If any provision herein is held by a court of law to be unconstitutional or otherwise unenforceable, the remaining provisions shall remain in full force and effect.

2.4 **Adoption of Ordinances and Rules.**

2.4.1 **Promulgation and Amendment of Ordinances.** The Board shall hold a public hearing prior to the adoption or amendment of an ordinance. A notice of hearing and a summary of the ordinance shall be Published and the full ordinance and notice of hearing posted on the District's office door and on the District's website at least ten (10) days prior to the hearing.

2.4.2 **Promulgation and Amendment of Rules.** The Board shall hold a public hearing prior to the adoption or amendment of a Rule. Notice of the public hearing and the proposed Rule shall be posted on the District's office door and on the District's website at least ten (10) days prior to the hearing.

2.4.3 **Notice of Amendment of Schedule of Fees, Charges and Fines.** An amendment to the Rules regarding the Schedule of Rates, Charges, Fees, Tolls and Fines shall be Published within (10) days of the public hearing and include that portion of the schedule that is being amended. Notice shall also be posted as set forth in Section 2.4.2. A current rate item that is increased by an amount less than five percent (5%) shall not require notice and hearing.

2.4.4 **Adoption and Effective Date of Rules and Ordinances.** After the public hearing, the Board shall deliberate and adopt (or decline to adopt) the ordinance or Rule. If adopted, a summary of the ordinance shall be Published within thirty (30) days of adoption. The ordinance shall take effect upon publication. Rules need not be Published and the Board shall set an effective date upon adoption of the Rule. Notice of new and amended Rules and ordinances shall be published in the District's quarterly newsletter and shall be posted in full on the District website.

2.5 **Prior Operating Rules Rescinded.** Any and all prior Operating Rules and Regulations are hereby rescinded.

Section III: Sewer Permits.

3.1 **Sewer Permit Required.** A valid District issued Sewer Permit, is required for construction of a Residential Sewer System connection to the Force Main. A Member whose property is serviced at the adoption of these Rules is deemed to hold a valid Sewer Permit.

3.2 **Sewer Permit Application Required.** A Sewer Permit application is required prior to the construction of sewer facilities that are intended for connection to the Sewer System, for a modification of existing facilities connected to the Sewer System, or when new construction creates a material change to the Residential System as previously permitted including the construction of an additional bedroom(s).

3.3 **Sewer Permit Not Required.**

3.3.1 **Minor Repair.** A Sewer Permit is not required for repair of the Residential System resulting from clogged or broken piping or of malfunctions in an electrical or mechanical system where such repair does not expand or materially alter the system.

3.3.2 **Subsurface Sewage Disposal Systems.** A Sewer Permit is not required for the construction and installation of a subsurface sewage disposal system with no intended connection to the District's sewer system EXCEPT in the following circumstances: (a) the Panhandle Health District declines to issue a permit for a subsurface sewage disposal system and the District agrees to provide a connection; and/or (b) the dwelling place is or will be located within two hundred (200) feet of the District's force main or branch line and the District asserts its authority under Idaho Code section 42-3212(l) to require connection; and/or (c) in the District's sole judgment, subsurface sewage disposal poses an immediate or future threat of contamination of the waters of Lake Pend Oreille.

3.4 **Application Procedure.**

3.4.1 **Submission of Application.** All Sewer Permit applications shall be made in writing on a form provided by the District for that purpose. The application form is set forth in Appendix B. The form may be submitted by the Landowner or by an authorized agent (contractor) of the Landowner for the premises to be served. However, in all cases, the Landowner is the responsible party and bears the liability for compliance with these Rules and for fees, charges and fines.

3.5 **Contents of Sewer Permit Application For New Construction.**

3.5.1 **Application Form.** The Sewer Permit application form for new construction shall require the applicant to provide the following information: (a) The name and mailing address of the landowner; (b) The name and address of the applicant if different than the landowner; (c) Legal description of the parcel; (d) Whether a capitalization fee has been paid; (e) Whether an Access Easement has been granted to the District; (f) Whether application is for a main dwelling or ADU or both; (g) Number of bedrooms in the dwelling or ADU; (h) a site plan showing the proposed location of the following Residential System components: (1) septic tank/pump basin, type and size thereof; (2) lateral line; (3) house Line; (4) pump control box location; (5) District Force Main connection; (i) Well (existing or proposed); (j) Decks and landscaping such as retaining walls, hard surface patios or anything affecting future access to the Residential System; (k) Setbacks required by IDEQ and the District; and (l) All easements located upon the Parcel.

3.5.2 **Access Easement.** Unless already recorded, the Landowner shall execute and deliver to the District a District-provided Access Easement permitting District staff to enter the subject property for the purpose of inspection, repair and replacement of the Residential Sewer System.

3.5.3 **Inspection Deposit.** The application must be accompanied by payment of the Inspection Deposit as set forth in the Schedule of Rates and Charges. Appendix C. The deposit less fees and fines shall be refunded to the applicant upon the issuance of a Sewer Permit.

3.5.4 **Agent Authorization.** The District must have the Landowner's authorization to work with an agent (contractor) on matters concerning the sewer project. If the application is submitted by the agent, written authorization from the Landowner should accompany the application. An application submitted by an agent (contractor) will not be accepted without such authorization.

3.5.5 **Parcel Identification.** In the application, the Landowner or agent shall specify the parcel of real property to be serviced by the sewer service connection. If the application is accepted by the District and a permit issued, the sewer service connection may only be used for the parcel described in the application.

3.6 **Contents of Sewer Permit Application for Modified Connection.** The application for a modified sewer connection shall contain any changes to the items listed for new construction (Section 3.5.1).

3.7 **Incomplete Application.** An application will be deemed incomplete unless (a) it is signed and submitted to the District by the Landowner or agent; (b) describing the parcel to be served; (c) accompanied by payment of the Inspection Deposit and Capitalization fee (if applicable); (d) an Access Easement has been delivered to the District or previously recorded in the records of Bonner County, Idaho; and (e) if applicable, a written authorization for the District to work with the agent (contractor) on the project.

3.8 **Building Location Permit (BLP).**

3.8.1 **BLP with Intention to Connect.** Where the Landowner intends to connect to the Sewer System, or modify an existing connection, the District will not sign-off on the County BLP application unless and until the Sewer Permit has been issued for the subject property.

3.8.2 **BLP with no Intention to Connect.** The District will conditionally sign-off on a BLP application where the Landowner does not intend to, or is not required to connect to the Sewer System. The District's sign-off is on condition that the Landowner may be required to connect in the event sewer service becomes available to the parcel.

- 3.9 **Activation of Service.** Upon satisfactory final inspection by the Licensed Operator, and payment of all fees and charges, a District officer shall sign the Sewer Permit application authorizing “Activation of Service.” Upon Activation of Service, the District shall return to the Landowner any remaining inspection deposit fees and a copy of the application form containing the District officer’s signatures.
- 3.10 **Denial of Sewer Permit.** At the Landowner’s request, the District shall issue a decision letter denying the Sewer Permit and stating the reasons therefore.
- 3.11 **Commencement of Construction without a Sewer Permit.** A notice of violation shall be issued to the Landowner if construction has commenced on the subject property prior to the issuance of a Sewer Permit. The Landowner shall have a seven (7) day grace period to make application without penalty. The grace period shall begin upon service of the violation as set forth in Section VII. If the application is not received by the District by 5pm of the 7th calendar day after service, the Landowner shall be fined \$1,000.00. The Landowner shall be fined an additional \$200.00 for each seven (7) day period thereafter until the Sewer Permit Application is submitted to the District. In the event the District determines the submitted application is incomplete, the grace period shall terminate. Where extraordinary circumstances exist the Compliance Officer may extend the grace period or suspend the violation period to a date certain by written notice to the Landowner.
- 3.12 **Landowner Responsibility.** In all cases, the Landowner is the responsible party regardless of who signs the application for a new or modified connection. Any unpaid fines or charges are the responsibility of the Landowner. Authorization for the District to work with an agent (contractor) does not relieve the Landowner from responsibility for the payment of fines and changes.
- 3.13 **Line Extension.** The District shall, at its cost, extend the Force Main or construct a branch line to within two hundred (200) feet of the property boundary of the Vested Member’s parcel. A non-Vested Member shall bear the full cost for access to the Force Main. The cost of line extension shall include the reasonable time and expense of the Licensed Operator and the administrative cost of documentation, inspections and approvals by licensing agencies. The District shall have the right to approve the contractor engaging in work external to the Residential Sewer System and to impose an inspection schedule subject to enforcement under these Rules.
- 3.14 **Cost of Connection.** A Landowner whose parcel is unserved shall bear the full cost to construct sewer facilities located on the parcel including the septic tank, pump, pump controller, all piping and the physical connection to the Force Main or Branch Line. A Landowner whose parcel is presently serviced but desires or is required to modify the residential system shall bear the cost of the physical modifications including the replacement of the pump controller, if necessary, to satisfy the current standards set forth in the RSRs (see section 9.04 of the RSRs).
- 3.15 **District’s Obligation to Repair.** The District’s obligation to repair and replace the Residential Sewer System in accordance with these Rules shall commence upon the issuance of the Sewer Permit.
- 3.16 **“Will Serve” Letters.** Upon request, the District will issue a “Will Serve Letter” to a Member or developer concerning a specific parcel of property located within the District. A “Will Serve Letter” means a letter from the District and issued to a Member or developer that makes a conditional statement that, as of the date of the letter, sewer service is available to the subject property. Compliance with the District’s RSRs is always a condition of service. If service is unavailable, the District will issue a letter explaining the reasons the District is unable to service the subject property.
- 3.17 **Violation of Sewer Permit Requirements.** Failure to obtain a required Sewer Permit or a violation of the conditions of approval are subject to penalties as set forth in the Schedule of Rates, Charges Fees, Tolls and Fines. Appendix C.
- 3.18 **Variance from System Requirements, Standards of Review.** The Board may grant a variance from the Residential System Requirements where the Board finds adequate evidence of the following special conditions and circumstances: (a) Conditions apply to the property that do not apply generally to other properties in the District, and result from lot size, shape, topography, soil conditions or other circumstances over which the Landowner/applicant has no control; (b) The special conditions and circumstances do not result from the actions of Landowner/applicant; (c) The granting of the variance is not in conflict with the

public interest in that it will not be detrimental to the public health, safety, or water quality, or materially injurious to properties or improvements in the vicinity of the subject property.

Section IV: Encroachment Permit.

- 4.1 **Encroachment Permit Required.** An Encroachment Permit is required for any work that disturbs the earth or roadway on or near the District's force main, lateral, or septic tank pump basin. Likewise, an Encroachment Permit is required for the construction or installation of a structure, object or facility that temporarily or permanently violates the setback requirements of the RSRs. A permanent encroachment is deemed a variance from the Residential System Requirements and is subject to the standards of review set forth in Section 3.18. A fee is charged for issuance of an Encroachment Permit. Appendix C.
- 4.2 **Encroachment Permit Not Required.** An Encroachment Permit is not required for minor and temporary encroachments on the sewer system that are verbally authorized by the Licensed Operator or Compliance Officer. An Encroachment Permit is also not required where the construction is subject to a Sewer Permit.
- 4.3 **Application Procedure and Issuance.** The application for an Encroachment Permit is set forth in Appendix D and shall be submitted to the District along with the applicable fee. The permit shall be issued when the application for is signed as "Issued" by a District officer.
- 4.4 **Violation of Encroachment Permit Requirements.** Failure to obtain an Encroachment Permit or a violation of the conditions of approval are subject to penalties as set forth in the Schedule of Rates, Charges Fees, Tolls and Fines. Appendix C.
- 4.5 **Denial of Encroachment Permit.** At the Landowner's request, the District shall issue a decision letter denying the Encroachment Permit and stating the reasons therefore.

Section V: Repair and Replacement of Existing Residential Sewer System.

- 5.1 **Cost of Repair and Replacement.** The District shall bear the cost of repair and replacement of the existing Residential Sewer System including a failed septic tank, pump and all sewer facilities from the septic tank to the Force Main or Branch Line. The District will also replace at its cost a failed pump controller with one meeting the latest RSR standards (see Section 9.04 of the RSRs). The Landowner is obligated to pay the cost for state inspected and District-approved electrical service from the residential breaker panel to the newly-installed pump controller and septic pump. The Landowner is also responsible for the repair and replacement of sewer system facilities upstream of the septic tank (except for the pump controller unit itself), and for the maintenance, repair and replacement of any additional septic tank(s). (Amended Feb. 20, 2024).
- 5.2 **Inflow and Infiltration.** No person shall discharge or cause to be discharged into the Sewer System any storm water, surface water, ground water, roof runoff, subsurface drainage, uncontaminated cooling water or unpolluted industrial process waters. The District shall require the Landowner, at the Landowner's expense, to remedy water inflow and infiltration to the Residential Sewer System. A Landowner's failure to comply with a request to remediate an inflow and infiltration problem will be deemed a violation of the Residential System Requirements and result in fines and charges.
- 5.3 **Pumping to Nearby Septic Tank.** When necessary to maintain service, the District reserves the right to run an above-ground, temporary service line to an adjoining septic tank.
- 5.4 **Service Interruptions.** The District reserves the right to temporarily interrupt service when necessary for repair, maintenance, or replacement of the Sewer System facilities.

Section VI: Damage to Sewer System.

- 6.1 **Damage to Residential Sewer System.** The Landowner shall be liable to the District for damage to the Landowner's Residential Sewer System, or the Residential Sewer System of a neighboring Landowner, caused by the negligence of the Landowner or a contractor engaged by the Landowner. Failure to timely remediate the damage shall be deemed a violation of the RSRs and subject to enforcement penalties.
- 6.2 **Clogged Septic Tank Baffle.** The Landowner shall be liable for remediation of a clogged septic baffle.

- 6.3 **Damage to the Force Main or Branch Line.** The Landowner shall be liable to the District for damage to the Force Main or Branch Line caused by the Landowner or a contractor engaged by the Landowner even though the damage occurs external to the Landowner's property.
- 6.4 **District Rights.** The above statements of liability shall not be deemed to limit the District's right to pursue damages in law and equity from any party causing damage to the Sewer System.

Section VII: Residential System Requirements.

- 7.1 **Compliance with RSRs.** All new and modified connections shall be designed and constructed in compliance with the District's Residential System Requirements (RSRs) as set forth in Appendix E. Failure to comply with the RSRs and inspection requirements will subject the Landowner to fines as set forth in the Schedule of Rates and Charges. Appendix C.

Section VIII: Administration and Enforcement

- 8.1 **Change in Ownership, Pump Out.** When ownership of a vested parcel changes hands, the new owner is required to give notice to the District. A fee is charged for changing the District's ownership records. The District shall, at the Landowner's expense, pump out of the septic tank of a serviced parcel when the parcel changes ownership.
- 8.2 **Capitalization Fee.** Non-vested Members shall pay a Capitalization Fee calculated for the net value of the Sewer System at time of vesting.
- 8.3 **Monthly Fees.** The following monthly fees shall be billed and collected by the District on a quarterly basis. Member invoices shall be mailed or delivered electronically within the first two-weeks of the quarter and payment shall be due on the last day of the quarter.
- 8.3.1 **Basic Fee.** Vested Members shall pay a Basic Fee for the general repair, maintenance, administration and capital improvement of the Sewer System.
- 8.3.2 **Service Fee.** Vested Members who are connected to the Sewer System shall pay a Service Fee, in accordance with these Rules, for the operation of the Sewer System.
- 8.3.3 **WEP Fee.** Vested Members shall pay their fair share of the repayment of the loan from IDEQ for the Wastewater Expansion Project.
- 8.3.4 **Additional Bedrooms.** A Dwelling Unit or property containing more than four bedrooms shall pay 25% of the Service fee for each additional bedroom. An RV Parking Pad connected to the Residential Sewer System is deemed a Bedroom.
- 8.3.5 **Additional Dwellings.** An additional Dwelling Unit on the same parcel, using the same connection to the force main, shall pay an additional Service Fee for each additional Dwelling Unit.
- 8.4 **Adoption of Schedule of Rates, Charges, Fees, Tolls and Fines.** The Board shall adopt and amend from time to time a Schedule of Rates, Charges, Fees, Tolls and Fines pursuant to the rulemaking requirements in Section 2.4 hereof. Such Schedule shall be incorporated herein as Appendix C.
- 8.5 **ERU Per Dwelling Unit.** Each Residential Dwelling Unit is assigned one ERU. A commercial dwelling unit or other facility connected to the Sewer System shall be assigned ERUs in accordance with the particular use and demand upon the Sewer System. For example, a commercial operation generating three (3) times as much wastewater as an average single-family detached housing unit would be assigned three (3) ERUs.
- 8.6 **Mobile Home.** A mobile home is a Dwelling Unit.
- 8.7 **Presumption of Dwelling Unit.** Separate structures located on the property shall be presumed as Dwelling Units unless determined otherwise upon inspection by the District.
- 8.8 **RV Parking Pad.** An RV Parking Pad connected to the Residential Sewer System is deemed a Bedroom. A sealed connection to the Residential Sewer System is required.

- 8.9 **Sanitary Facilities in Other Buildings.** Sanitary facilities such as a toilet, sink or shower, located in a structure designed and used for purposes other than sleeping, such as a shop or art studio, shall not be assessed any fee additional to the dwelling's ERU Fees.
- 8.10 **Change of Use.** A Member may request inspection by the District when a structure's use has changed or the fees for its present use no longer conform to these amended rules.
- 8.11 **Commencement of Service Fee.** The Service Fee shall commence upon issuance of a Sewer Permit, physical connection to the Sewer System, and authorization for Activation of Service. If the connection is made on or before the 15th day of the month, the Service Fee will be deemed to have started on the 1st day of the month. If the connection is made after the 15th day of the month, the Service Fee will be deemed to have started on the first day of the following month. The Service Fee shall be applied regardless of occupancy of the dwelling or plumbing connections to the septic tank.
- 8.12 **Notice of Violation.** Service of notice of violation may be accomplished in the following manner: (a) delivery of the notice of violation by US Mail, return receipt requested, to the Landowner's address of record with the Bonner County Assessor or the District, and/or the landowner's address on a permit application; (b) service upon the person of the Landowner with certification of service by the Board representative; (c) service upon the Landowner's contractor or other representative; or (d) posting of the notice of violation in a conspicuous location on the property if there is an inhabited dwelling on the property or construction of a dwelling has commenced. The notice of violation shall set forth a date certain when the fine will be imposed absent remediation of the violation. Where fines are imposed for continuing violations, no additional notice shall be required.
- 8.13 **Stop Work Order.** The Compliance Officer is authorized to issue a Stop Work Order where the landowner refuses to comply with these Rules and/or the continuing violation poses a health hazard or a material threat to the safety or functioning of the Sewer System.
- 8.14 **Delinquent Payments.** Pursuant to Idaho Code Section 42-3212(1) and not later than the first day of August, the Treasurer shall certify all delinquent fees, rates, tolls and charges to Bonner County's property tax collection authority.
- 8.15 **Appeal.** A Member shall have the right to appeal to the Board a decision of the Compliance Officer including a refusal to grant a permit and the imposition of fines and fees. The Board's decision is final. Further appeal shall be directed to the District Court.

Section IX: Board of Directors

9.1 Board Meetings.

- 9.1.1 **Regular Meetings.** As required under Idaho Code Section 42-3210, the Board shall meet monthly. So long as the Board meets at regularly scheduled intervals, the annual meeting schedule may be posted once each year on the door of the District office and on the District website. Otherwise, notice of the day, time, and location of each regular Board meeting shall be posted on the Office door and on the website no less than five (5) calendar days before the meeting. For example, if the meeting is held on a Tuesday, the meeting notice shall be posted by 8 am on Thursday. An agenda for each meeting shall be posted on the Office door and on the website no less than forty-eight (48) hours prior to the meeting time.
- 9.1.2 **Special Meetings.** The Board may hold special meetings as needed. The meeting day, time and location and agenda shall be posted on the Office door and on the website no less than twenty-four (24) hours before the meeting.
- 9.1.3 **Emergency Meetings.** The meeting notice and agenda posting requirements may be waived in the event of an emergency. An emergency is a situation that involves injury or damage to persons or property or immediate financial loss, and where the notice and agenda requirements of this section would make such notice

impractical, or increase the likelihood or severity of such injury, damage or loss. The justification for the Emergency Meeting shall be articulated by the Chair and recorded in the meeting minutes.

- 9.1.4 **Virtual Meetings.** The Board may meet by electronic means where Directors can speak to one another and the public may speak as permitted under the Rules. Unless waived by the Idaho Governor, Attorney General, or by statute, the District shall provide a physical meeting place in which at least one Director is in attendance.
 - 9.1.5 **Agenda.** The meeting Agenda shall list the subjects to be considered by the Board. Subjects for which the Board may take action by resolution shall be noted with the words "Action Item." The posted Agenda may be amended and reposted no less than forty-eight (48) before a regular meeting or twenty-four (24) hours before a special meeting. An agenda may also be amended at or after the commencement of a meeting by (a) motion; (b) stating a good faith reason why the item was not included in the posted agenda; (c) adopted by a majority of the quorum; and (d) the vote and justification set forth in the meeting meetings.
 - 9.1.6 **Minutes.** Meeting minutes shall be drafted by the Recording Secretary and approved by the Board at the next regular meeting. The minutes shall list the Directors and District staff in attendance, and, where practical, the names of any members of the public in attendance. The minutes shall summarize discussion and action items, and shall set forth the wording of adopted resolutions either within the body of the minutes or by separate attachment to the minutes.
 - 9.1.7 **Record of Resolutions.** The Board shall maintain a record by number of all adopted resolutions.
 - 9.1.8 **Public and Member Participation.** The Chair shall recognize, for at least three (3) minutes time, any member of the public who wishes to address the Board on a non-agenda item. The Chair shall, at the outset of a public hearing, announce a maximum speaking time for all those wishing to address the Board. The Chair shall recognize for a reasonable amount of time those Members who have a direct property interest in an agenda item, such as compliance with or relief from RSRs, or an appeal from a permit decision. The latter shall be deemed quasi-judicial and the affected Landowner shall be granted due process of law. The Chair shall terminate public and Member participation prior to Board deliberation on an Action Item.
- 9.2 **Election of Directors and Officers.**
- 9.2.1 **Number of Directors.** Pursuant to Idaho Code Section 42-3207, there shall be five (5) Directors.
 - 9.2.2 **Qualifications of Directors.** Pursuant to Idaho Code Sections 42-3202B, 42-3207, a Director shall be qualified to vote in the State of Idaho and be (a) an actual resident of the District or (b) an actual resident of Idaho who owns land within the District.
 - 9.2.3 **Election and Terms.** Pursuant to Idaho Code Section 42-3211, an election of Directors shall be held biennially on odd-numbered years. Directors shall serve staggered terms of six (6) years. Current Directors and their terms of office are set forth in Appendix F.
 - 9.2.4 **Appointing Directors.** Pursuant to Idaho Code Section 42-3210, when a vacancy occurs (departing Director), the Board shall, within thirty (30) days, appoint a new Director to serve until the next biennial election, at which time the position will be open to candidates to fill-out the term of the departing Director. The Recording Secretary shall note in the minutes the end date of the departing Director's term of office.

- 9.2.5 **Transition of Board.** If new Directors are elected or appointed for terms beginning in July of odd-numbered years, the outgoing Board shall hold a regular or special meeting in July and adjourn sine die. The new Board shall, immediately thereafter, convene and, as a first order of business, elect a presiding officer pro tempore. The Recording Secretary shall prepare minutes for both meetings and note the terms of the new and continuing Directors.
- 9.2.6 **Election of Officers.** In July of odd-numbered years, or within thirty (30) days of its initial meeting (whichever is later), the new Board shall elect a Chair, who shall be the President of the District; a Vice-Chair, who shall be Vice President of the District; a Secretary and a Treasurer. One Director may serve as Secretary/Treasurer. The general duties of each officer shall be set forth in the District's Bylaws.
- 9.2.7 **Compliance Officer.** In July of odd-numbered years, or within thirty (30) days of its initial meeting (whichever is later), the Board shall appoint a Compliance Officer who may be a Director. The Compliance Officer shall be charged with the duty to communicate with Members and staff regarding permits and other issues of compliance with the Residential System Requirements. The Board shall have discretion at any time to remove and/or replace a Compliance Officer.
- 9.3 **Adoption of Annual Budget, Tax Levy, Audit.**
- 9.3.1 **Budget Preparation.** The Treasurer shall prepare a preliminary budget for the next fiscal year and present it to the Board at the regular Board meeting in the month of June. The Board shall approve publication of the budget at its regular meeting in the month of July. If necessary, the Board may schedule a special meeting in July or August for this purpose.
- 9.3.2 **Notice of Publication.** Upon approval of the budget for publication, the Chair shall set a date in the month of August for a public hearing on the budget. Pursuant to Idaho Code Sections 42-3228, 3229, the Secretary shall cause notice of the public hearing and a complete copy of the budget to be Published within ten (10) calendar days of the hearing date, and shall, at least ten (10) calendar days prior to the hearing post notice of the public hearing date and a copy of the proposed budget on the District's office door. In addition, the budget and hearing notice shall be posted on the District's website.
- 9.3.3 **Adoption of Budget.** After the public hearing on the budget and within the month of August, the Directors shall deliberate and adopt a budget for the next fiscal year. The Treasurer shall deliver a copy of the adopted budget to Bonner County as required.
- 9.3.4 **Amended Budget.** The Board may amend the budget from time to time. The procedure for amending the budget shall mirror the procedure for adopting the original budget.
- 9.3.5 **Tax Levy.** Pursuant to Idaho Code Section 42-3214, on or before the first day of September, the Board shall determine the amount of tax revenue necessary for paying the expenses of organization and operation of the District for the next fiscal year. The Treasurer shall timely report same to the County on form L-2 (Dollar Certification of Budget Request to Board of County Commissioners).
- 9.3.6 **Audit.** The Board shall, from time to time, engage a qualified auditor to undertake and report an annual audit of the District's finances. The Treasurer shall report the audit results to the Board and the Idaho State Legislature as required by law.
- 9.4 **Newsletter.** The Board shall cause a quarterly newsletter to be sent to every vested Member and it shall contain, at a minimum, notice of new or amended fees, Rules and ordinances. In addition, the District's budget and schedule of current fees shall be published in the Newsletter at least annually.