# TITLE 10

## WATER AND SEWER

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*City of Wallace*
CHAPTER 1
WATER SUPPLY

SECTION:

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10-1-1:  FINDINGS; DECLARATION OF POLICY: It is the duty of the City to secure the general health of the City, and to prevent and remove nuisances, and to provide the City with water, and to make regulations to prevent the introduction of contagious diseases into the City, to make quarantine laws for that purpose, and to enforce such laws, and rules and regulations adopted pursuant to such laws, within the City limits and within five (5) miles of the City limits; to secure the general health of the City, and its inhabitants and residents, and all persons within said City, it is necessary that provision be made for furnishing adequate supply of pure, sanitary and wholesome water at all times; in order that an adequate supply of pure, sanitary and wholesome water be so provided, the watershed or sheds from which the water supply of said City and its inhabitants and persons within said City is obtained must be kept at all times in a pure and sanitary condition, and free from every kind and species of excreta, garbage, house slops, kitchen wastes, decaying, foul or noxious matter, and from refuse from pens, corrals, barns or other places in which animals or fowl are customarily harbored and kept, and free from every manner of contamination. The City has heretofore by its Ordinance 474\(^1\) granted a franchise for the construction and operation of a system of waterworks to supply water to said City and its inhabitants, and by said Ordinance has agreed to adopt and enforce such ordinances as may be necessary to protect the grantee named in said Ordinance against the pollution of the source of water supply. (1944 Code § 6-301; amd. 2000 Code)

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1. See Title 15, Chapter 3 of this Code.
10-1-2: **DEFINITIONS:** As used in this Chapter, the following words and terms shall have the meanings ascribed to them in this Section:

**CITY:** The City of Wallace, Shoshone County, Idaho, and to it alone.

**OWNER:** Includes the State, County, City, town, corporation, firm, company, institution, person, or persons owning or operating any water supply or water purification plant.

**PUBLIC WATER SUPPLY:** Includes any and all water supply systems or other means of conveying water to consumers, whether privately or Municipally owned, where water is furnished to any community, collection or number of individuals.

**WATERSHED:** That area which contributes by drainage to a stream the water that falls upon it, and from which stream the public water supply is obtained. (1944 Code § 6-302)

10-1-3: **DOMESTIC WATER:**

**A. Duty To Supply:** It shall be the duty of the City and the owner of a plant or system to supply water to the inhabitants and residents of, and persons within the City for domestic purposes, to keep said water free from all impurities, accumulations of sediment, offal, refuse, dead animals and all other foreign substances which tend to injure the health of the consumers of such water.

**B. Bacteriological Examinations:** The owner shall have bacteriological examinations made of the water as it enters the supply mains for distribution to the City as often as necessary to maintain the clean and pure quality of the water, and not less often than once each month, and the health officer from the Panhandle Health District may demand more frequent examinations.

**C. Water Purification Plants:** Water purification plants must be of such a character and must be operated in such a manner that the water after purification shall have as little taste or odor as possible. (1944 Code § 6-303; amd. 2000 Code)

City of Wallace
10-1-4:  WATERSHED SANITATION:

A. Adoption: The City Council hereby adopts by reference the standards as set forth in the Federal Clean Water Act with regard to watershed sanitation. (2000 Code)

B. Applicability: The provisions of this Chapter in regard to watershed sanitation shall apply to and be enforced at all places within five (5) miles of the City.

C. Fishing Boating, Bathing Or Wading: No fishing, boating, bathing or wading shall be permitted in any public water supply reservoir, lake or pond, or in any streams tributary to the same; provided, however, that wading, walking in, or entering the public water supply reservoir, lake, pond or stream by persons engaged in necessary work of altering, repairing or doing other work upon said reservoir, lake, pond or stream shall not be construed to be a violation of this Section.

D. Picnicking Or Camping:

1. Prohibited: No picnicking or camping on the watershed shall be permitted as set forth in the Federal Clean Water Act.

2. Sanitary Provisions Required: Picnickers, campers or residents of the watershed must make adequate sanitary provision for the disposal of excreta; and all privies must comply with the standards as set forth in the Federal Clean Water Act and must be fly- and rodent-proof, and before the construction thereof must be approved by the health officer from the Panhandle Health District.

3. Trash; Rubbish: All trash and rubbish must be burned or buried in a trench and covered with soil; no garbage, house slop, kitchen waste or other forms of decaying foul, or noxious matter, either solid or liquid, shall be thrown, spread or otherwise deposited on the surface of the ground and all shall comply with the Federal Clean Water Act.

E. Animals: No hog pen, cattle pen, horse or mule lot, rabbit hutch, poultry house, hitching or standing place for horses or cattle, or any other place where animal manure accumulates shall be maintained or used within two hundred fifty feet (250') of any of said reservoirs, ponds, streams, and tributaries.
F. Construction, Industrial, Recreational Camps: No construction, industrial or recreational camps shall be established or maintained within the area of the watershed, nor shall any number or group of laborers be employed in lumbering, mining or other operations within the watershed area, without giving advance notice thereof to the health officer from the Panhandle Health District, who will prescribe rules and regulations to govern the conduct of such work pertaining to the sanitary protection of the water supply during such operations. (1944 Code § 6-304; amd. 2000 Code)

10-1-5: PENALTY:

A. Violation: Any person who shall violate any of the provisions of this Chapter, upon conviction of such violation, shall be subject to penalty as provided in Section 1-4-1 of this Code.

B. Separate Offense: Each and every violation shall constitute a separate offense. (1944 Code § 6-305; amd. 2000 Code)
CHAPTER 2
SEWERS AND DRAINS

SECTION:

10-2-1: Definitions
10-2-2: Required Use Of Public Sewer
10-2-3: Building Sewers And Connections
10-2-4: Use Of Public Sewers
10-2-5: Protection Of Sewage Works
10-2-6: Powers And Authority Of Inspectors
10-2-7: Penalties
10-2-8: Validity And Severability
10-2-9: Effective Date

10-2-1: DEFINITIONS:

BOD: Biochemical oxygen demand (BOD) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at twenty degrees centigrade (20°C), expressed in milligrams per liter (mg/L).

BUILDING DRAIN: That part of the lowest horizontal piping of a drainage system which receives the discharge of sanitary waste inside the walls of the building and conveys it to the building sewer, beginning five feet (5') outside the inner face of the building wall.

BUILDING SEWER: The pipeline from the building drain to the point of connection with the public sewer. Also referred to as "sewer lateral".

CITY: The City of Wallace, Idaho, or its authorized or designated agent, representative, or deputy thereto.

CLEAR WATER: Any water not being sanitary sewage. Examples include, but are not limited to, stormwater, groundwater, or surface water.

COMMERCIAL: Any non-domestic user operating a business for profit within the City limits who is not an industrial user as defined herein.

FLOW: The volume of sewage being discharged into the sewage system from all sources including domestic, commercial and industrial uses and infiltration.

GARBAGE: Solid wastes from the domestic and commercial preparation, cooking and dispensing of food, and from the handling, storage and sale of produce.

INDUSTRIAL USERS: Any non-domestic/non-commercial user with an indirect discharge of effluent industrial waste into a POTW by means of pipes, conduits, pumping stations, force mains, constructed drainage ditches, surface water intercepting ditches, and all constructed devices and appliances appurtenant thereto. This term includes Federal, State, and local facilities as part of the regulated community, since such entities are subject to Federal pretreatment regulations.

INDUSTRIAL WASTES: The liquid wastes from industrial manufacturing processes, trade or business as distinct from sanitary sewage.

MULTIPLE BUILDING DEVELOPMENT: Includes the various types of developments that would have common or joint ownership areas such as condominiums, townhouses, mobile home parks or courts, shopping centers, etc.

NATURAL OUTLET: Any outlet into a watercourse, pond, ditch, lake or other body of surface or ground water.

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City of Wallace
OWNER: A person owning real property which is, or proposes to be, connected to the sewage system.

PERSON: Any individual, firm, company, association, society, corporation or group.

pH: The logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution with a pH value of 7 being neutral.

PRETREATMENT: The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to, or in lieu of, introducing such pollutants into the POTW. This reduction or alteration can be obtained by physical, chemical, or biological processes; by process changes; or by other means, except by diluting the concentration of the pollutants unless allowed by an applicable pretreatment standard.

PROPERLY SHREDDED GARBAGE: The wastes from the preparation, cooking and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half inch (1/2") in any dimension.

PUBLIC SEWER: A sewer in which all owners of abutting properties have equal rights, and is controlled by public authority.

PUBLICLY OWNED TREATMENT WORKS (POTW): Any device and system used in the storage, treatment, recycling and reclamation of Municipal sanitary sewage or industrial wastes of a liquid nature to implement section 201 of the Act.

SFSD: South Fork Coeur d'Alene River Sewer District.

SANITARY SEWER: A sewer which carries sanitary sewage and to which storm, surface and ground waters are not admitted.

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SERVICE CONNECTION: The point at which the building sewer connects to the publicly owned main sewer line.

SEWAGE OR WASTE MATTER: A combination of the water carried wastes from residences, business buildings, institutions and industrial establishments.

SEWER: A pipe or conduit for carrying sewage.

SEWER LATERAL: The pipeline from the building drain to the point of connection with the publicly owned main sewer line. Also referred to as "building sewer".

SEWER LATERAL REPLACEMENT PROGRAM (LRP): A program providing for the inspection, repair and replacement of private sewer laterals for deficiencies in an effort to decrease the volume of inflow and infiltration (I&I) entering the sewer system.

SEWER USER: Any individual, firm, company, association, society or corporation or group who has connected to the sewer system.

SLUG: Any discharge of water, sewage or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes for more than five (5) times the average twenty four (24) hour concentration or flows during normal operation.

STORM DRAIN (Sometimes Termed STORM SEWER): A sewer which carries storm and surface waters and drainage, but excludes sanitary sewage and industrial wastes, other than unpolluted water such as cooling water.

SUPERINTENDENT: The person designated by the City of Wallace, to supervise the operation of the wastewater system who is charged with certain duties and responsibilities by this chapter, or duly authorized representative.

SUSPENDED SOLIDS (SS): Solids, organic or inorganic, that either float on the surface of, or are in suspension in water,
sewage, or other liquids, and which are remov-
able by laboratory filtering as prescribed in
"Standard Methods for the Examination of Water
and Waste Water" and referred to as nonfilter-
able residue.

WASTEWATER
SYSTEM:
All City of Wallace facilities for collecting and
pumping of sewage.

WATERCOURSE: A channel in which a flow of water occurs,
either continuously or intermittently. (Ord.
2018-05, 12-12-2018)

10-2-2: REQUIRED USE OF PUBLIC SEWER:

A. It shall be unlawful for any person to place, deposit, or permit to be
deposited in any unsanitary manner on public or private property
within the City of Wallace or any area under the jurisdiction of the
City of Wallace, any human or animal excrement, garbage or other
objectionable waste.

B. It shall be unlawful to discharge to any natural outlet within the City
limits of the City of Wallace, or in any area under the jurisdiction of
the City of Wallace, any sewage or other polluted waters, except
where suitable treatment has been provided in accordance with sub-
sequent provisions of this chapter.

C. Except as hereinafter provided, it shall be unlawful to construct or
maintain any privy, privy vault, septic tank, cesspool, or other facility
intended or used for the disposal of sewage.

D. The owner of all the houses, buildings, or properties used for human
occupancy, employment, recreation, or other purposes situated
within the City of Wallace and abutting on any street, alley, or right-
of-way in which there is now located or may in the future be located
any public sanitary sewer of the City of Wallace, is hereby required
at its expense to install suitable toilet facilities therein, and to
connect such facilities directly with the proper public sewer in
accordance with the provisions of this chapter, within thirty (30) days
after date of official notice to do so, provided that said public sewer
is within two hundred feet (200') of any property line. (Ord. 2018-05,
12-12-2018)
10-2-3: BUILDING SEWERS AND CONNECTIONS:

A. No unauthorized person shall uncover, make any connections with, or opening into; use; alter; or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the City.

B. All disposal by any person into the sewer system shall conform to the State Plumbing Code. Connections for the purpose of discharging clear waters shall be directed to the storm sewer system. Any discharge that cannot be directed to the storm sewer system must be approved by permit authorized by the City of Wallace.

C. There shall be two (2) classes of building sewer permits: 1) for residential, wastewater service, and 2) to commercial, institutional/governmental or industrial wastewater service. In either case, the owner or his agent shall make a request in writing to the City of Wallace describing the volume and nature of the discharge. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the City.

D. A building sewer permit will only be issued and a sewer connection shall only be allowed if it can be demonstrated that the downstream sewerage facilities, including sewers and pump stations have sufficient reserve capacity to adequately and efficiently handle the additional anticipated waste load.

E. All costs and expense incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the City of Wallace from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

F. A separate and independent building sewer connection shall be provided for every building. Each independent sewer connection (lateral) shall be owned and maintained by the property owner from the building to the mainline and shall be maintained by the property owner.

G. The City of Wallace reserves the right to connect any eligible building or contract for connection at the owner's expense. Should the owner fail to pay or contract for payment of such expenses, the City may: 1) file the expenses for reimbursement with the County, to be collected with Property Taxes; or 2) utilize available legal remedies to collect the expenses. Should the City collect such expenses over time, a reasonable interest rate, to be established by
the City Council resolution, shall be assessed. Extended delinquency is cause for disconnecting the service, which costs for both disconnection and reconnection will be billed to the property owner.

H. Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the City and paid for by the property owner, to meet all requirements of this chapter.

I. The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench, shall all conform to the requirements of chapter 3, "Plumbing", of this title, or other applicable rules and regulations of the City of Wallace. In absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the State Plumbing Code shall apply.

J. Whenever possible the building sewer shall be brought to the building at an elevation below the basement floor. No building sewer shall be laid parallel to and within three feet (3') of any bearing wall, which might thereby be weakened. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such drain shall be lifted by approved artificial means and discharged to the building sewer, in conformance with section 10, chapter 3 - Plumbing of the Sewer Department Rules and Regulations.

K. Sewer Lateral Replacement Program (LRP) inspection and repair: The purpose of this program is to decrease the volume of inflow and infiltration (I&I) which enters the sewers by repairing or replacing private sewer laterals. The program shall initiate inspections periodically so that the condition of private laterals can be accurately assessed and repaired or replaced as necessary.

1. For private sewer laterals installed prior to 2015, an owner must have their private sewer lateral inspected by video for defects when any of the following events occur:

   a. A house or business is to be sold which was constructed prior to 2010, before the sale closes.

   b. An owner takes out a building permit for more than ten thousand dollars ($10,000.00) for a house or twenty five thousand dollars
($25,000.00) for a business which was constructed more than five (5) years prior.

c. An inspection of a sewer main line is conducted by City sewer crews or approved agent who identify excessive inflow and infiltration from a private sewer lateral or identify that private sewer lateral repairs are needed from the close circuit television (CCTV) inspection in the main line.

d. No house or business shall be required to have their lateral inspected more than once every five (5) years. If the City determines that the lateral is in need of repair, the City will review the video of the lateral inspection and rate it based on the City of Wallace’s most current sewer lateral replacement program. A sewer lateral receiving a rating of one thousand (1,000) points or more would require repair or replacement.

e. Once a lateral has a failed rating of one thousand (1,000) points or more, the property owner will be notified by the City and the property owner shall repair the lateral within ninety (90) days. If the lateral has not been repaired after ninety (90) days, an additional charge of fifty dollars ($50.00) per month will be billed to the owner for noncompliance.

2. Beginning in 2030, an owner who had their private sewer lateral installed on or after 2015 must have their private sewer lateral inspected by video for defects when any of the following events occur:

a. A house or business is to be sold which was constructed prior to 2010, before the sale closes.

b. An owner takes out a building permit for more than ten thousand dollars ($10,000.00) for a house or twenty five thousand dollars ($25,000.00) for a business which was constructed more than five (5) years prior.

c. An inspection of a sewer main line is conducted by City sewer crews or approved agent who identify excessive inflow and infiltration from a private sewer lateral or identify that private sewer lateral repairs are needed from the close circuit television (CCTV) inspection in the main line.

d. No house or business shall be required to have their lateral inspected more than once every five (5) years. If the City determines
that the lateral is in need of repair, the City will review the video of the lateral inspection and rate it based on the City of Wallace's most current sewer lateral replacement program. A sewer lateral receiving a rating of one thousand (1,000) points or more would require repair or replacement.

e. Once a lateral has a failed rating of one thousand (1,000) points or more, the property owner will be notified by the City and the property owner shall repair the lateral within ninety (90) days. If the lateral has not been repaired after ninety (90) days, an additional charge of fifty dollars ($50.00) per month will be billed to the owner for noncompliance.

3. The owner may apply for an extension up to ten (10) months to complete repairs. The extension period will begin at the end of the ninety (90) day period. The fine of fifty dollars ($50.00) per month would continue to accrue during this extension period and will be due in full at the end of the ten (10) month extension if work is not completed. All penalty fines collected will go into the Sewer Repair and Maintenance Fund.

4. Should the owner fail to pay the bill or have their lateral repaired, the City may repair the lateral and: a) file the expenses for reimbursement with the County, to be collected with Property Taxes; or b) utilize available legal remedies to collect the expenses. Should the City collect such expenses over time, a reasonable interest rate, to be established by the City Council resolution, may be assessed. Extended delinquency is cause for disconnecting the service, which costs for both disconnection and reconnection will be billed to the property.

L. Existing sump pumps, roof drains, and roof downspouts that currently discharge to the sanitary sewer system, shall be redirected to the storm sewer system and/or disconnected, mechanically severed or altered. Replaced connections shall conform to standards described in subsection B of this section.

M. All future connections of sump pumps, roof drains, and roof downspouts shall be built to standards described in subsection B of this section. No person(s) shall connect sump pumps, roof drains, and roof downspouts, for the purpose of discharging clear waters to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.
N. The connection of building sewer laterals into the public sewer shall conform to the requirements of the Building Code and chapter 3, "Plumbing," of this title, or other applicable rules and regulations of the City of Wallace, or the procedures set forth in appropriate specifications of the International Plumbing Code. All such connections shall be made gastight and watertight. Any deviations from the prescribed procedures and materials must be approved by the City before installation. The applicant for the building sewer permit shall notify the City when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the City or an authorized representative.

O. All excavations for building sewer installation shall take reasonable safety measures to protect the public from hazard, following established industry standards for excavation and installation existing at the time of the excavation/installation. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the City of Wallace.

P. The City of Wallace and the South Fork Sewer District (SFSD) have an active memorandum of understanding established on March 16, 1978 that explains responsibilities of each Governing Body (appendix #1 on file in the City).

Q. No person shall disconnect any sewage connection without first notifying the City of Wallace. After such notification and approval by the City, the connection may be disconnected and sealed in such a manner so as to prevent the passage of any liquid, substance, gas, or odor into or out of said sewage line. Pipe sealing shall be completed using a sewer cap or repair coupling. Sealing shall not in any way impede the flow of sewage within the sewage main, and shall be of sufficient thickness, strength and design to equal the sewage main. The City shall be notified upon completion of sealing and any excavation for such a sealing shall be left open for sufficient time for the City to inspect the same. (Ord. 2018-05, 12-12-2018)

10-2-4: USE OF PUBLIC SEWERS:

A. No person shall discharge, or cause to be discharged, any storm-water, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer.
B. Stormwater and all other drainage shall be discharged to such sewers as are specifically designated as storm sewers, or to a natural outlet approved by the City and meeting all appropriate local, State, and Federal rules and regulations. Industrial cooling water or unpolluted process waters may be discharged on approval of the City of Wallace and the South Fork Sewer District (SFSD), to a storm sewer, sanitary sewer, or natural outlet. If discharged to the sanitary sewer system, additional approval will be required from the SFSD.

C. No person shall discharge or cause to be discharged the following described substances, materials, waters, or wastes if it appears likely in the opinion of the City of Wallace or the SFSD that such wastes can harm either the sewers, sewage treatment process, or equipment; have an adverse effect on the receiving stream; or can otherwise endanger life, limb, public property, or constitute a nuisance. In forming its opinion as to the acceptability of these wastes, the City of Wallace and the SFSD will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, and maximum limits established by regulatory agencies. The substances prohibited are:

1. Any liquid or vapor having a temperature higher than one hundred fifty degrees Fahrenheit (150°F) (65°C).

2. Any waters or wastes containing toxic or poisonous materials; or oils, whether emulsified or not, in excess of one hundred milligrams per liter (100 mg/L) or containing substances which may solidify or become viscous at temperatures between thirty two degrees (32°) and one hundred fifty degrees Fahrenheit (150°F) (65°C).

3. Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths (3/4) horsepower or greater shall be subject to the review and approval by the City.

4. Any waters or wastes containing strong acid, iron pickling wastes, or concentrated plating solution whether neutralized or not.

5. Any waters or wastes containing iron, chromium, copper, zinc, lead, cadmium, or similar objectionable or toxic substances; or wastes exserting an excessive chlorine requirement, to such degree that any such material received in the composite sewage at the
sewage treatment works exceeds the limits established by the South Fork Sewer District for such materials.

6. Any waters or wastes containing phenols or other taste or odor-producing substances, in such concentrations exceeding limits which may be established by the City as necessary after treatment of the composite sewage, to meet the requirements of the State, Federal, or other public agencies of jurisdiction for such discharge to the receiving waters.

7. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the City in compliance with applicable State or Federal regulations.

8. Any wastes or waters having a pH in excess of 9.5.

9. Any mercury or any of its compounds in excess of 0.0005 mg/L as Hg at any time except as permitted by the City in compliance with applicable State and Federal regulations.

10. Any cyanide in excess of one milligram per liter (1 mg/L) at any time except as permitted by the City in compliance with applicable State and Federal regulations.

11. Materials which exert or cause:

   a. Unusual concentrations of inert suspended solids (such as, but not limited to, Fullers earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate);

   b. Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions);

   c. Unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works;

   d. Unusual volume of flow or concentrations of water constituting "slugs" as defined herein.

12. Waters or wastes containing substances which are not amenable to treatment or reduction by the SFSD sewage treatment process, or are amenable to treatment only to such degree that the sewage
treatment plant effluent cannot meet the requirements of agencies having jurisdiction over discharge to the receiving waters.

13. Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas.

14. Any water or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the sewage treatment plant.

15. Any waters or wastes having a pH lower than 5.5 or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works.

16. Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with proper operation of the sewage works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, garbage, whole blood, paunch manure, hair and fleshings, and entrails, either whole or ground by garbage grinders.

D. If any waters or wastes are discharged or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in subsection C of this section, and/or which are in violation of the standards for pretreatment provided in 40 CFR 403 and any amendments thereto, and which in the judgement of the City may have a deleterious effect upon the sewage works, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the City may:

1. Reject the wastes;

2. Require pretreatment to an acceptable condition for discharge to the public sewers in accordance with the U.S. EPA pretreatment requirements. National Categorical Pretreatment Standards found in 40 CFR chapter 1 subchapter N parts 405 - 471 are hereby incorporated and made enforceable under this Code;

3. Require control over the quantities and rates of discharge; and/or
4. Require payment to cover the added costs of handling and treating the wastes not covered by existing taxes or sewer charges, under the provision of subsection 10-2-3K4 of this chapter. If the City and the SFSD permit the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the City, and subject to the requirements of all applicable codes, ordinances and laws.

E. Grease, oil, and sand interceptors shall be provided when, in the opinion of the City, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand, or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the City, and shall be located as to be readily and easily accessible for cleaning and inspection.

F. Where preliminary treatment or flow-equalizing facilities are provided, they shall be maintained continuously in satisfactory and effective operation by the owner at the owner's expense.

G. Each industrial business shall be required to install a control manhole when required by the City upon the City's identification of a need to monitor and/or regulate the drainage. The owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such manhole, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the City. The manhole shall be installed by the owner at the owner's expense and shall be maintained by the owner so as to be safe and accessible at all times.

H. The owner of any property serviced by a building sewer carrying industrial wastes may be required upon request to provide laboratory measurements, tests, and analyses of water and wastes to illustrate compliance with this chapter and any special conditions for discharge established by the City of Wallace or SFSD having jurisdiction over the discharge.

The number, type, and frequency of laboratory analyses to be performed by the owner shall be as stipulated by the City of Wallace, but no less than once per year the industry must supply a complete analysis of the constituents of the wastewater discharge to assure
that compliance with the Federal, State, and local standards are being met. The owner shall report the results of measurements and laboratory analyses to the City of Wallace at such times and in such manner as prescribed by the City of Wallace. The owner shall bear the expense of all measurements, analyses, and reporting required by the City of Wallace. At such times as deemed necessary the City of Wallace reserves the right to take measurements and samples for analyses by an outside laboratory service.

I. All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this chapter shall be determined in accordance with regulations established by the Environmental Protection Agency/Idaho Department of Environmental Quality/Panhandle Health District, and shall be determined at the control manhole provided, or upon suitable samples taken at said control manhole. In the event that no special manhole has been required the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb, and property. The particular analyses involved will determine whether a twenty four (24) hour composite of all outfalls of a premises is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from 24-hour composites of all outfalls, whereas pHs are determined from periodic grab samples.

J. No statement contained in this section shall be construed as preventing any special agreement or arrangement between the City of Wallace and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the City of Wallace for treatment, subject to payment therefor, in accordance with this chapter, by the industrial concern provided such payments are in accordance with Federal and State guidelines for User Charge System. (Ord. 2018-05, 12-12-2018)

10-2-5: PROTECTION OF SEWAGE WORKS:

A. No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, or tamper with any structure, appurtenance, or equipment, which is a part of the sewage works. Any person violating this provision shall be guilty of a misdemeanor subject to the
penalties described in section 10-2-7 this chapter. (Ord. 2018-05, 12-12-2018)

10-2-6: POWERS AND AUTHORITY OF INSPECTORS:

A. The City and other duly authorized employees of the City of Wallace, bearing proper credentials and identification, shall be permitted to enter all properties for purposes of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this chapter.

B. The City or authorized representative shall have no authority to inquire into any processes, including metallurgical, chemical, oil refining, ceramic, paper, or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterway or facilities for waste treatment.

C. Any authorized employees of the City of Wallace bearing proper credentials and identification shall be permitted to enter all private properties for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the sewage works lying within the right-of-way of the City's sewer line. All entry and subsequent work on said easement or right-of-way shall ensure any private property affected is returned to a similar condition as it existed prior to the entry. (Ord. 2018-05, 12-12-2018)

10-2-7: PENALTIES:

A. The knowing violation of any provision or failure to comply with any requirement of this chapter shall constitute a misdemeanor, and shall be subject to a fine in the amount of one thousand dollars ($1,000.00) or six (6) months in jail, or both such fine and imprisonment. (Ord. 2018-05, 12-12-2018)

10-2-8: VALIDITY AND SEVERABILITY:

A. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

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City of Wallace
B. This chapter is hereby declared to be severable. Should any portion of this chapter 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 purpose(s) of this chapter before the declaration of partial invalidity. (Ord. 2018-05, 12-12-2018)

10-2-9: EFFECTIVE DATE:

A. This chapter shall be effective upon passage and publication as provided by law. (Ord. 2018-05, 12-12-2018)
CHAPTER 3

PLUMBING

SECTION:

10-3-1: Construction And Use Of Buildings
10-3-2: Installations Under City Engineer
10-3-3: Authority Of City Engineer
10-3-4: Connection Required
10-3-5: Prohibited Openings, Connections And Deposits
10-3-6: Deposits Near Sewer Prohibited
10-3-7: Permits
10-3-8: Duties Of Plumbers
10-3-9: Inspections
10-3-10: Materials
10-3-11: Grades
10-3-12: Pipes
10-3-13: Traps
10-3-14: Joints
10-3-15: Fixtures Trapped
10-3-16: Showers
10-3-17: Closets
10-3-18: Closet Vaults And Cesspools
10-3-19: Violation; Penalty

10-3-1: CONSTRUCTION AND USE OF BUILDINGS: No person shall hereafter erect or remodel any building, by addition or otherwise, within the limits of the City so that any part of such building may be inadequate or defective in respect to plumbing, ventilation, sewerage or other usual or necessary precaution for the security of life or health; nor shall any builder, owner, lessee, or occupant of any building or premises allow anything to be done in or about such building or premises dangerous to life or health. (1944 Code § 3-1101)

10-3-2: INSTALLATIONS UNDER CITY ENGINEER: All sanitary drains and plumbing arrangements hereafter constructed
within the limits of the City shall be done under the personal supervision of
the City Engineer. (1944 Code § 3-1102)

10-3-3: AUTHORITY OF CITY ENGINEER: The City Engineer shall
have authority to enter upon any premises at reasonable
hours, and examine any drains or plumbing; and if any substances are
discharged therein liable to injure the drains or stop the flow of sewerage,
or if the plumbing or drains are defective, the Engineer shall notify the
owner or occupant, or the plumber if the work is new and has not been
approved, and if within reasonable time, not to exceed ten (10) days, the
wrong is not remedied, the Engineer may employ any other licensed
plumber to remedy the wrong caused by the one who did the original work,
if the plumber was at fault; and upon the completion of such work the City
Attorney shall commence suit in the name of the City before any court
having jurisdiction thereof, to recover the entire amount of expense of such
plumbing and costs of suit, of the owner or occupant, or of the plumber and
his bondsmen, if the plumber is at fault. (1944 Code § 3-1103)

10-3-4: CONNECTION REQUIRED: Within ten (10) days after notice
from the City Engineer, the owner or occupant of any building
or premises within two hundred feet (200') from a sewer that is occupied a
portion of the day, shall connect with the City sewers all water closets,
wash stands, slop stands, sink, or other plumbing arrangements of such
premises, or, if proper drainage facilities do not exist, such owner or
occupant shall provide at least one water closet suitably arranged for use
as a urinal and slop stand; and if such building is used as a laundry or
boarding house, suitable sinks and slop stands shall be provided in addition
to and separate from the closet. If within the period of such notice the
owner or occupant does not comply with all the requirements of this
Chapter and other regulations of the City Council, the City Engineer may
employ any licensed plumber to provide the fixtures at the expense of the
City, and upon the completion of the work the City Attorney shall commence
suit against the owner or occupant, in the name of the City, before any
court having jurisdiction thereof, to recover the entire amount of expense of
such plumbing and costs of suit. (1944 Code § 3-1104)

10-3-5: PROHIBITED OPENINGS, CONNECTIONS AND DEPOSITS:

A. No plumber, drain layer, or other person shall open or uncover any
manhole, air inlet, flush tank, or private connection with the public
sewer without permission of the City Engineer; nor shall any of the

City of Wallace
persons leave openings, or fixtures, without ample protection against admission of dirt, rubbish, or other injurious matter.

B. No spring, creek, surface or drainage water, cesspool, boiler, radiator, refrigerator, or soda fountain shall connect directly with the city sewers; but open fixtures properly vented and trapped shall be provided. (1944 Code § 3-1105)

10-3-6: **DEPOSITS NEAR SEWER PROHIBITED:** No person shall deposit or cause to be deposited upon the ground, or in any hole or vault in the ground, within two hundred feet (200') of any sewer, any wash or waste water, liquid or solid filth, except what is necessary to manure the soil; and all vaults or cesspools within two hundred feet (200') of any sewer, must be filled with clean gravel to within one foot (1') of the surface, then one-half ($'\frac{1}{2}$) of a barrel of lime shall be thrown in and again filled with clean gravel even with the surface of the ground and in case of subsequent settlement more gravel must be added. (1944 Code § 3-1106)

10-3-7: **PERMITS:**

A. Permit Required: Every plumber or drain layer, before laying any drain or doing any plumbing work on any building within the limits of the city, except repairing (and repairs are limited to mending leaks in the drain or vent pipes and forcing out obstructions in the pipes) shall required to obtain a permit from the city of Wallace, Idaho. Said permit shall be issued to state licensed plumbers only and shall include an annual fee of thirty dollars ($30.00)\(^1\), to be paid at the time of the issuance of the permit. Each person requesting a permit shall first provide to the city clerk proof of licensing, a certificate of insurance for bonding or otherwise, and any other relevant documentation required for licensed plumbers as may from time to time be required, in support of said city permit.

B. Posting: Said permit shall be posted at the place of business of the entity to whom the permit is issued and upon reasonable request shall be made available for inspection by a representative of the city of Wallace, Idaho.

C. Revocation: Permits may be revoked by the city of Wallace at any time the city deems sufficient cause exists to so revoke; including,

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but not limited to, when the city deems the public health, safety or welfare are endangered or threatened, and should the city find that the entity is not licensed or forbidden to do business in the state of Idaho. Any person accepting a permit and holding a permit shall be held to have waived all rights to damages on account of revocation. (Ord. 2001-02, 2-13-2001)

10-3-8: DUTIES OF PLUMBERS:

A. Notify Engineer: The plumber shall notify the city engineer of the time all work will be commenced requiring a permit; he shall also arrange times with the engineer for inspection of sewer and cesspool connections and tests shall be performed by the plumber in the presence of the engineer.

B. Prosecution Of Work: When work has once commenced, it shall be prosecuted with due diligence until completed; but it shall not be considered completed until approved by the city engineer.

C. Traffic: Public travel must be impeded as little as possible.

D. Barricades: Sufficient barricades against accidents shall be placed around excavations at all times, and at night, lights shall be displayed in addition.

E. Excavations: No excavation in any street or alley shall remain open for more than forty eight (48) hours, and when such excavation is refilled it shall be done in six inch (6") layers, and shall be thoroughly tamped or puddled as directed by the city engineer.

F. Defects: Any defects in plumbing, settlement of the ground, or other damage that may arise through fault of the plumber within sixty (60) days from date of inspection shall be repaired at the expense of the plumber as provided in section 10-3-4 of this chapter.

G. Violation; Penalty: Any plumber or other person making or causing to be made any trap, contraction of pipe or other obstruction to the free flow of air throughout any system of plumbing except as provided in the regulations of the city council, shall, if a plumber, forfeit his license in addition to the penalties imposed by this chapter. (1944 Code § 3-1108)

1. See also section 8-2-5 of this code.
10-3-9: INSPECTIONS:

A. Approval Required: All work must be of good quality, free from defects and subject to the approval of the city engineer, and no drain or fixtures shall be used until so approved. Before the fixtures are placed, the whole system of pipes shall be hermetically sealed.
and filled with water to the top, and any imperfections disclosed shall be repaired before final approval.

B. Certificate Of Approval: Upon the completion of any work or drainage system done under the authority of this Chapter, and that complies with all the regulations of the City Council, the City Engineer shall issue a certificate of approval to the plumber to whom the permit authorizing the work was issued; providing, all lawful fees accruing or resulting from the work shall have been paid. (1944 Code § 3-1109)

10-3-10: MATERIALS: All plumbing fixtures, traps and catch basins shall be of nonabsorbent materials, and of patterns subject to the regulation of the City Council and approval of the City Engineer. That part of the drain or sewer pipe to a point four feet (4') outside of the building line of any building, the drain may pass under or connect, must be six inch (6") vitrified salt-glazed clay pipe; provided, that the building line of such building is on the street or alley line, and where the building line of such building is not on the street or alley line, the vitrified salt-glazed pipe passing inside such street or alley line may be diminished to four inches (4") and continue so until within four feet (4') of the line of building. All other pipes shall be of lead or cast iron properly coated with tar or asphaltum. (1944 Code § 3-1110)

10-3-11: GRADES: All drains shall be of such size and laid on such grades as the City Engineer shall direct, but in no case shall any drain be laid on a lesser grade than one-eighth inch (1/8") per two feet (2'). The expense of such engineering shall be paid by the plumber or drain layer. (1944 Code § 3-1111)

10-3-12: PIPES:

A. Placement: All pipes and fixtures shall be arranged so as to permit of any examination and repairing. They shall be amply protected from injury and no pipe shall be placed on the outside of any building except by permission of the City Engineer.

B. Change In Direction: All changes in direction of soil or waste pipes shall be made with not sharper than one-eighth (1/8) bends and Y branches of forty five degrees (45°) or less; no sanitary Ts shall be used except on written permission of the City Engineer.
C. Depth Of Underground Pipes: All underground pipes on the outside of buildings shall be laid not less than eighteen inches (18") below the surface of the adopted grade.

D. Double Hubs: No double hubs shall be used in soil or waste pipes.

E. Soil And Vent Pipes: All soil and vent pipes of any building shall terminate at least two feet (2') above the roof, five feet (5') above the highest shutters, windows or other openings, five feet (5') from any flue, and ten feet (10') from any window or opening of any other building.

F. Flashing: All soil and vent pipes terminating at the roof, to be flashed with sheet lead, not less than four (4) pounds per square foot.

G. Size Of Soil Pipe: No soil pipe shall be less than four inches (4") interior diameter and shall extend, with undiminished size, from the cesspool or drain to a proper point above the building to be drained.

H. Waste Pipes:

1. Placement: Waste pipes from all fixtures shall run as direct as practicable to the soil pipes, and pipes may be branched together before entering the soil pipe, by making proper enlargement below the junction, equal to the combined area of the pipes united; provided, the enlargement shall not be greater than the area of the soil pipes.

2. Interior Diameter: Waste pipes shall be of the following interior diameter for each of the following fixtures:

- Shower bath: 2 inches
- Bath tub: 1 1/4 inches
- Wash bowl: 1 1/4 inches
- Wash tray: 1 1/4 inches
- Sink: 1 1/2 inches
- Urinal: 1 1/2 inches
- Slop hopper: 4 inches
- Catch basin: 4 inches
- Closet: 4 inches

I. Vent Pipes:

1. Branching: Vent pipes may be branched together by making proper enlargement above the junction equal to the combined area.
of the united pipes; but no vent shall branch into the soil pipes unless by special permission of the City Engineer. Vents shall not be connected or united lower than one foot (1') above the top of the highest fixtures so united.

2. Prohibited Use: No earthenware, sheet metal, or chimney flue shall be used as a vent pipe.

3. Diameter: The vent pipe from the trap of each fixture shall be of the same size as the waste pipe, except the closet slop hopper and catch basin vents, which shall not be less than two inches (2") in diameter.

4. Length: All vent pipes thirty feet (30’) in length shall be increased one-half inch (1/2") in diameter for each additional length not exceeding thirty feet (30’).

J. Grade; Stop And Waste Cocks: All pipes serving water to any plumbing fixture shall be laid on sufficient grade, and with necessary stop and waste cocks, to drain dry when the water is shut off.

K. Cast Iron Pipes And Fittings:

1. Extra Heavy Grade: All cast iron pipes and fittings used below the two (2) top floors of buildings more than two (2) stories high shall be of the grade known to commerce as "extra heavy", and the pipe shall be of the following weight per linear foot:

<table>
<thead>
<tr>
<th>Pipe Size</th>
<th>Weight Per Foot</th>
</tr>
</thead>
<tbody>
<tr>
<td>2 inch pipe</td>
<td>5 1/2 pounds per linear foot</td>
</tr>
<tr>
<td>3 inch pipe</td>
<td>9 1/2 pounds per linear foot</td>
</tr>
<tr>
<td>4 inch pipe</td>
<td>13 pounds per linear foot</td>
</tr>
<tr>
<td>5 inch pipe</td>
<td>17 pounds per linear foot</td>
</tr>
<tr>
<td>6 inch pipe</td>
<td>20 pounds per linear foot</td>
</tr>
</tbody>
</table>

In buildings of two (2) stories or less, the standard grade may be used.

2. Standard Grade: Standard grade of lead pipe shall be the Lead Industries Association standards, which are as follows:

<table>
<thead>
<tr>
<th>Pipe Size In Inches</th>
<th>Weight Per Foot Pounds Ounces</th>
</tr>
</thead>
<tbody>
<tr>
<td>1&quot;</td>
<td>2 0</td>
</tr>
<tr>
<td>1 1/4&quot;</td>
<td>2 8</td>
</tr>
<tr>
<td>1 1/2&quot;</td>
<td>3 8</td>
</tr>
<tr>
<td>2&quot;</td>
<td>4 0</td>
</tr>
<tr>
<td>3&quot;</td>
<td>4 12</td>
</tr>
<tr>
<td>4&quot;</td>
<td>8 10</td>
</tr>
</tbody>
</table>

City of Wallace
Sheet lead shall weigh not less than four (4) pounds per square foot.

L. Fastened To Joists Or Walls: All pipes not resting on a solid bed of earth shall be securely fastened to joists or walls with iron straps or hangers.

M. Strainers: All waste pipes, except those of water closets, shall be provided with strong metallic strainers securely fastened in place. (1944 Code § 3-1112)

10-3-13: TRAPS:

A. Specifications: All traps, except grease traps, shall be of the same diameter as the pipes. They shall have at least a one and one-fourth inch (1 1/4") seal, and shall be crowned to protect from syphonage; they shall also be provided with a trap screw for cleaning.

B. Grease Traps:

1. Outside Building: Grease traps on the outside of a building shall be properly vented and made of cement, earthenware or brick, and shall not be less than twelve inches (12") in diameter.

2. Inside Building: Inside grease traps shall be made of lead or cast iron, having an airtight screw for cleaning, at least four inches (4") in diameter. (1944 Code § 3-1113)

10-3-14: JOINTS:

A. Clay Pipe: All clay pipe joints shall be made with oakum gaskets and Portland cement; one part clean, sharp sand to one part of Portland cement, or cement equally good, firmly pressed into place with the hands.

B. Iron Pipe: All iron pipe joints shall be made with oakum gaskets and soft lead thoroughly caulked. All lead pipe joints shall be wiped with solder joints; no so-called solder unions will be allowed. Joints of iron and lead pipe shall be made by inserting a brass sleeve of ferrule into the iron pipe and caulking the joint with the oakum and lead, and the joint of the ferrule with the lead pipe shall be a wiped joint. All joints must be left smooth on the inside. The union of

City of Wallace
hopper, closet, bowl and soil pipe shall be made with a Raymond ferrule, or equally good ferrule.

C. Separate Trench Required: Water and soil pipes shall not be laid in the same trench. (1944 Code § 3-1114)

10-3-15: **FURTHER TRAPPED**: All plumbing fixtures or openings for the reception of sewerage shall be separately trapped as near the fixtures as possible, and no waste from any fixture shall empty into the trap of another. The sewerage from laundries, boarding house kitchens, bars and counters shall pass through a suitable grease trap. (1944 Code § 3-1115)

10-3-16: **SHOWERS**: The floors of all shower stalls shall be lined with sheet lead, and be turned up the side walls at least six inches (6"), when laid on cement or concrete, to be given a coating of asphaltum on both sides, including the upstands, if laid on wood, place a layer of asphalt saturated building paper under the pan and coat the inside and upstands with asphaltum, securely solder the two inch (2") waste to the lead pan, using a brass shower pan strainer of an approved pattern. (1944 Code § 3-1116)

10-3-17: **CLOSETS**: All water closets shall be sufficiently flushed after service with clear water. Outside closets may be hopper closets and they may be flushed by direct service; but no hopper closet shall be placed or used on the inside of any building that is occupied. Inside closets shall be syphon, washouts or other patterns, meeting the approval of the City Engineer, and shall be flushed indirectly from a separate tank. (1944 Code § 3-1117)

10-3-18: **CLOSET VAULTS AND CESSPOOLS**: All closet vaults and cesspools shall be constructed with adequate provisions for ventilation and cleaning out, and no vault or cesspool may be connected with any building until so arranged as to prevent the admission of sewer gas to the building. (1944 Code § 3-1118)

10-3-19: **VIOLATION; PENALTY**: Any person who omits or refuses to comply with, or willfully violates any of the provisions of this Chapter, shall be deemed guilty of a misdemeanor, and upon conviction

*City of Wallace*
thereof shall be subject to penalty as provided in Section 1-4-1 of this Code. (1944 Code § 3-1120; amd. 2000 Code)
CHAPTER 4
SEWER RATES

SECTION:

10-4-1: Sewer Rates And Fees
10-4-2: Billings And Payment Of Monthly Charges
10-4-3: Delinquencies
10-4-4: Disconnection Of Service For Nonpayment
10-4-5: Repeal Of Conflicting Ordinances
10-4-6: Severability
10-4-7: Effective Date

10-4-1: SEWER RATES AND FEES:

A. Monthly Sewer Rates: The City of Wallace shall assess a monthly rate for properties connected to the sewer system.

1. Equivalent Residence: One equivalent residence, hereinafter referred to as ER, shall be defined as the sewage flow from one typical single-family residence. The sewage flow from one typical single-family residence is eighteen (18) cubic feet (CF) of sewage per day, 0.2 pounds of biochemical oxygen demand (BOD₅) per day, and 0.2 pounds of suspended solids (SS) per day based on average residential water usage.

2. Measuring; Sampling: The City may install a measuring device in the sewer service line at any time to determine the amount of wastewater and/or collect wastewater samples for testing. After measuring and/or sampling, the City may adjust the user charge to conform to actual usage.

3. Minimum Charge: Each sewer user billed separately shall pay a minimum charge per month regardless of actual flow. The minimum charge shall be one ER as calculated in this section.
4. Nonresidential Users:

   a. Fees: Commercial and industrial connections shall pay sewer usage fees as determined by the formula noted below:

   \[ ER = \frac{\text{(annual residential water usage in cubic feet)}}{12 \text{ months} \times 548 \text{ CF}} \]

   A commercial customer may have their ERs reviewed once annually if requested prior to January 1 of the year in which the assessment will apply.

   b. Appeal Of ERs: A commercial customer may appeal the number of ERs to the City of Wallace by filing written notice with the City Clerk outlining the reason for the customer's appeal. The City Clerk will deliver the protest to a Review Board, which will consist of two (2) City Council members appointed by the Mayor. If the customer is unable to reach an agreement with the Review Board (2 appointed Council members) they may appeal to the City Council at the next regular Council meeting. The Review Board and the City Council shall make their decision of the appeal solely based on the ERs. Any appeals are due by November 1st of the year proceeding the next billing cycle.

5. Rates Set By Council: The monthly rates assessed to properties shall be set by the City Council through the passage of a resolution by law. A disconnected or unoccupied property may still be assessed a fee as established by resolution of the City Council.

B. New User Facility Fee (NUFF): The owners of property connecting to the City of Wallace sewer system, directly or by connecting to a private system that connects to the City sewer system shall be subject to a new user facility fee which includes inspection costs. The NUFF shall be paid in advance or at the time the building permit is issued.

1. The new user facility fee (NUFF) and service connection fee for new or modified connections to the Wallace sewer system shall be equal to the number of ERs times the NUFF and the sewer permit fee for a single-family residence. In no case shall the NUFF and permit fee be less than that for one single-family residence (1 ER). The fee for a single-family residence (1 ER) shall be the sum of:
   a) NUFF, b) permit fee, and c) inspection fee described as follows.

2. The new user facility fee and service connection fee shall be set by resolution adopted by the City Council.
3. In instances where an improvement on a property has previously been connected to the sewer system and complied with the connection fee(s) in force at the time of connection, the above listed fees do not apply. If, however, the connection involves an increase in the number of ERs or an increase in demand on the system, then the connection is subject to these fees for the increase only.

4. A permit and inspection fee shall be set by the City Council and shall be paid to the City of Wallace at the time the application is filed. The applicant, as a condition of permit authorization, must provide information describing its wastewater constituents, characteristics, and type of activity.

5. A NUFF does not include the cost to install a lateral service line from the structure to the main. (The cost to install a new lateral service shall be borne entirely by the property owner.) All new user facility fees shall be paid in an amount as set by the City Council.

6. An owner may apply for a waiver of the NUFF where they can establish through sufficient verifiable documentation that the property previously had a connection.

C. Sewer Fee Use: All sewer fees collected including sewer capitalization rates, monthly sewer rates, connection fees, and reconnection fees shall be used by the City of Wallace for the sole purpose of improving and maintaining the City sewer system.

D. Other Fees And Charges: The City hereby establishes other fees and charges, including but not limited to, permit, review and inspection fees, periodic service charges and other fees for the use of, and for service rendered by the City. The rates, charges and fees provided by this chapter are hereby levied and assessed against each lot, parcel of land, building or property having any connection with the sanitary sewer of the City or otherwise discharging sanitary sewage, industrial wastewater or other liquids directly into the sanitary sewer of the City. The rates, charges and fees shall be billed to and paid by the owner of each lot, parcel of land, building or property served by the sewer system. (Ord. 2018-06, 12-12-2018)

10-4-2: BILLINGS AND PAYMENT OF MONTHLY CHARGES:

A. Billings; Sewer Repair And Maintenance Fund: All billings and fees levied and assessed hereunder shall be made by the City Clerk, and all monies received hereunder shall be delivered to the City Clerk
who shall deposit the same to a special account to be known as the Sewer Repair and Maintenance Fund.

B. Due Date: Such fees shall be due and payable to the City Clerk on a quarterly basis. For new construction, the annual user charge shall be computed from the date the service connection has been inspected and approved or when the building being served is substantially completed, whichever is the latest date. For new commercial construction completed during the eight (8) lawn sprinkling months, the sewer user charges shall be based on the use of five hundred forty eight (548) CF per month or actual use, whichever is less. (Ord. 2018-06, 12-12-2018)

10-4-3: DELINQUENCIES:

A. Penalty: The City may assess an appropriate penalty for delinquency as established through resolution.

B. Lien Against Property: Where allowed by law, all delinquent charges or fees, as provided by this chapter, not paid after the final determination of the sewer user’s account shall be imposed as a lien against and upon the property or premises against which such charge or fee is levied or assessed, and the City Clerk shall, at the time of certifying the City taxes, certify such delinquencies together with all penalties to the Tax Collector of Shoshone County, Idaho, and when so certified, the same shall be a lien upon the property. All monies collected by the Clerk under the provisions of this section shall be paid over to the City Treasurer in the same manner as is required for the payment of other City monies.

C. Use At New Location: The owner of any property leaving a delinquency in sewer fees at any location shall not be entitled to the use of the sewer system at any new location until all fee delinquencies are paid. (Ord. 2018-06, 12-12-2018)

10-4-4: DISCONNECTION OF SERVICE FOR NONPAYMENT:

A. Termination Of Water Service For Nonpayment: If a sewer user has not paid the billing within fourteen (14) days from the date of the statement, it shall be deemed delinquent. The City shall give notice to the owner and occupant of the delinquency, and provide an opportunity to cure the delinquency within fourteen (14) days of the
notice. Failure to cure the delinquency may allow the City to cause the water supplied to said sewer user to be turned off from the premises where sufficient agreement exists between the City and any associated water district, with the City taking notice that, without water, the sewer system of the user cannot be used and shutting off the water is the only way to prevent the use of the sewer for non-payment; provided, if the charges are not paid within fourteen (14) days after the delinquency notice, and if no penalty is due for nonpayment of water charges, an additional penalty as set by resolution of the City Council will be added to the account and must be paid to restore service.

B. Discontinue Sewer Service: The provisions of this chapter shall apply to all property served with sanitary sewer within and outside the corporate limits of the City, including all property owned or occupied by the United States of America, Shoshone County, and the State of Idaho, and in case of nonpayment or delinquency, the City or its authorized representative is hereby authorized and directed to disconnect and/or plug the sewer connection with the sewer system and direct the water district to terminate the water supply to the property.

C. Penalty For Unlawful Reconnection: If any person turns on a disconnected service without authority after the service has been turned off or disconnected from the premises on account of nonpayment of rates or other violation of this chapter or the rules and regulations pertaining to the sewer service shall be guilty of a misdemeanor and shall be subject to penalty as provided in section 10-2-7 of this title for each offense. (Ord. 2018-06, 12-12-2018)

10-4-5: **REPEAL OF CONFLICTING ORDINANCES:** All ordinances or parts of ordinances of the City of Wallace which conflict with the provisions of this chapter are hereby repealed to the extent of such conflict. (Ord. 2018-06, 12-12-2018)

10-4-6: **SEVERABILITY:** This chapter is hereby declared to be severable. Should any portion of this chapter 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 purpose(s) of this chapter before the declaration of partial invalidity. (Ord. 2018-06, 12-12-2018)

City of Wallace

September 2019
10-4-7: **EFFECTIVE DATE:** This chapter shall be effective upon passage and publication as provided by law. (Ord. 2018-06, 12-12-2018)