

CITY OF DALTON GARDENS

ORDINANCE NO. 70

AN ORDINANCE PROVIDING FOR THE MAINTENANCE AND CONSTRUCTION OF INDIVIDUAL SUBSURFACE SEWAGE SYSTEMS, DESCRIBING THE PURPOSE OF THIS ORDINANCE, PROVIDING TO WHOM IT IS APPLICABLE, GIVING DEFINITIONS, PRESCRIBING THAT NO SUCH SYSTEM CAN BE INSTALLED OR CONTINUED IF EFFLUENT LOADING EXCEEDS THE EQUIVALENT OF ONE HOUSE TO THE ACRE, STANDARDS FOR NEW SUBSURFACE SEWAGE RECORDATION OF THE DATE OF INSTALLATION, LOCATION, SIZE AND TYPE OF COMPONENT, FOR THE REGULAR PUMPING OF SUCH SYSTEM, FOR THE RECORDING OF PUMPING, REQUIRING THE CITY CLERK TO REPORT THE NUMBER OF SYSTEMS INSTALLED AND REPAIRED OR PUMPED TO THE PANHANDLE HEALTH DISTRICT #1; PRESCRIBING PENALTIES FOR VIOLATION OF THIS ORDINANCE, AND THE EFFECTIVE DATE HEREOF:

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF DALTON GARDENS:

SECTION 1: PURPOSE: The purpose of this Ordinance is to insure that the disposal of sewage shall be accomplished in a safe and sanitary manner in order to protect the public health, safety and welfare to the greatest possible extent.

SECTION 2: APPLICABILITY: This Ordinance is applicable to all underground individual sewage disposal systems installed or to be constructed after the effective date of this Ordinance.

SECTION 3: DEFINITION: The term "individual subsurface sewage disposal system" shall mean any system of piping, treatment devices or other facilities (excluding chemical toilets) that store, convey, treat, or dispose of sewage.

SECTION 4: UNLAWFUL ACTS: It shall be unlawful for any person to do any of the following acts:

(a) To install or allow to continue in operation any subsurface individual sewage system if effluent loading exceeds the equivalent of one house to the acre, other than municipally owned systems.

(b) To construct any subsurface individual sewage system in any other manner than:

1. A separate tank with a manhold riser to within six (6) inches of the ground surface and an inspection riser to ground surface;

2. Record the date of installation, location, size and type of component in the system, together with load size, at the City Hall.

(c) To fail to pump all systems when the sludge depth is one-third of the liquid depth of the tank or every five (5) years, whichever event occurs first.

(d) To fail to report to the City Hall when an existing system is pumped and to install inspection risers to surface and manhole risers to within six (6) inches of the surface, and to record the condition, location, size and type of tank and disposal system and the date of pumping.

SECTION 6: The City Clerk shall annually report the number of systems installed, repaired or pumped to the Panhandle Health District #1.

SECTION 7: Any person or corporation violating any of the provisions of this Ordinance, shall be subject to fine of not more than Three Hundred Dollars (\$300.00) or imprisonment in the County jail not to exceed Six (6) Months, or both

such fine and imprisonment.

SECTION 8: SEVERABILITY: If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held to be invalid or unconstitutional by any Federal or State court or administrative or governmental agency of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

SECTION 9: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 10: This ordinance shall take effect and be in full force and effect upon its passage and approval and publication in one issue of the Coeur d'Alene Press, a newspaper of general circulation in the City of Dalton Gardens.

Passed under suspension of the rules upon which a roll call vote was taken and duly enacted an ordinance of the City of Dalton Gardens at a regular meeting of the Mayor and City Council held on the 7 day of September, 1978.

James C. Howard
Mayor

ATTEST:

Lucy A. Stoney
City Clerk

AFFIDAVIT OF PUBLICATION

CITY OF DALTON GARDENS
ORDINANCE NO. 70

AN ORDINANCE PROVIDING FOR THE MAINTENANCE AND CONSTRUCTION OF INDIVIDUAL SUBSURFACE SEWAGE SYSTEMS, DESCRIBING THE PURPOSE OF THIS ORDINANCE, PROVIDING TO WHOM IT IS APPLICABLE, GIVING DEFINITIONS, PRESCRIBING THAT NO SUCH SYSTEM CAN BE INSTALLED OR CONTINUED IF EFFLUENT LOADING EXCEEDS THE EQUIVALENT OF ONE HOUSE TO THE ACRE, STANDARDS FOR NEW SUBSURFACE SEWAGE RECORDATION OF THE DATE OF INSTALLATION, LOCATION, SIZE AND TYPE OF COMPONENT, FOR THE REGULAR PUMPING OF SUCH SYSTEM, FOR THE RECORDING OF PUMPING, REQUIRING THE CITY CLERK TO REPORT THE NUMBER OF SYSTEMS INSTALLED AND REPAIRED OR PUMPED TO THE PANHANDLE HEALTH DISTRICT NO. 1; PRESCRIBING PENALTIES FOR VIOLATION OF THIS ORDINANCE AND THE EFFECTIVE DATE THEREOF:

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF DALTON GARDENS:

SECTION 1: PURPOSE: The purpose of this Ordinance is to insure that the disposal of sewage shall be accomplished in a safe and sanitary manner in order to protect the public health, safety and welfare to the greatest possible extent.

SECTION 2: APPLICABILITY: This Ordinance is applicable to all underground individual sewage disposal systems installed or to be constructed after the effective date of this Ordinance.

SECTION 3: DEFINITION: The term "individual subsurface sewage disposal system" shall mean any system of piping, treatment devices or other facilities (excluding chemical toilets) that store, convey, treat, or dispose of sewage.

SECTION 4: UNLAWFUL ACTS: It shall be unlawful for any person to do any of the following acts:

(a) To install or allow to continue in operation any subsurface individual sewage system if effluent loading exceeds the equivalent of one house to the acre, other than municipally owned systems.

(b) To construct any subsurface individual sewage system in any other manner than:

1. A separate tank with a manhole riser to within six (6) inches of the ground surface and an inspection riser to ground surface;

2. Record the date of installation, location, size and type of component in the system, together with load size, at the city Hall.

(c) To fail to pump all systems when the sludge depth is one-third of the liquid depth of the tank or every five (5) years, whichever event occurs first.

(d) To fail to report to the City Hall when an existing system is pumped and to install inspection risers to surface and manhole risers to within six (6) inches of the surface, and to record the condition, location, size and type of tank and disposal system and the date of pumping.

SECTION 6: The City Clerk shall annually report the number of systems installed, repaired or pumped to the Panhandle Health District No. 1.

SECTION 7: Any person or corporation violating any of the provisions of this Ordinance, shall be subject to fine of not more than Three Hundred Dollars (\$300.00) or imprisonment in the County jail not to exceed Six (6) Months, or both such fine and imprisonment.

SECTION 8: SEVERABILITY: If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held to be invalid or unconstitutional by any Federal or State court or administrative or governmental agency or competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

SECTION 9: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 10: This ordinance shall take effect and be in full force and effect upon its passage and approval and publication in one issue of the Coeur d'Alene Press, a newspaper of general circulation in the City of Dalton Gardens.

Passed under suspension of the rules upon which a roll call vote was taken and duly enacted an ordinance of the City of Dalton Gardens at a regular meeting of the Mayor and City Council held on the 7th day of September, 1978.

s/ James C. Howard
Mayor

ATTEST:
Lowry A. Howry
City Clerk
Legal No. 38
Sept. 13, 1978

STATE OF IDAHO,
County of Kootenai,

} ss.

Carol Hedge

being first duly sworn

upon oath deposes and says:

1. I am now and at all times hereinafter mentioned was a citizen of the United States, resident of the State of Idaho, over the age of twenty-one years and not a party of the above entitled action.

2. I am now and at all times hereinafter mentioned was the printer (principal clerk) of the "Coeur d'Alene Press," a newspaper printed and published daily except Sunday in Coeur d'Alene, Kootenai County, Idaho, and having a general circulation in said county.

3. The

Notice

of which the annexed is a printed copy, was published in the regular

issue of said newspaper for consecutive

commencing on the 13 day of Sept 1978, and

ending on the 13 day of Sept 1978, and such

publication was made as often during said period as said

newspaper was regularly issued.

4. That said newspaper has been continuously and uninterruptedly published in said Kootenai County, during a period of more than seventy-eight consecutive weeks immediately prior to the first publication of said notice.

Carol Hedge

Subscribed and sworn to before me this 13 day of Sept

1978

Roberta Manley
Notary Public for the State of Idaho,
residing at Coeur d'Alene, Idaho.

LEADER

2192