

CITY OF DALTON GARDENS
ORDINANCE NO. 178
SUBSURFACE SEWAGE DISPOSAL SYSTEMS

AN ORDINANCE OF DALTON GARDENS, IDAHO SETTING FORTH THE REQUIREMENTS FOR INSTALLATION AND MAINTENANCE OF SUBSURFACE SEWAGE DISPOSAL SYSTEMS INCLUDING PROVISIONS MANDATED BY THE CITY'S SEWAGE MANAGEMENT AGREEMENT WITH PANHANDLE HEALTH DISTRICT 1; AND PROVIDING SPECIAL RULES AND REGULATIONS FOR BUSINESS LICENSE APPLICANTS AND OWNERS; AND PROVIDING FOR THE REPEAL OF TITLE 7, CHAPTER 4 OF THE CITY CODE OF THE CITY OF DALTON GARDENS.

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

SECTION 1: TITLE:

This Ordinance shall be known as the SUBSURFACE SEWAGE DISPOSAL SYSTEMS ORDINANCE OF DALTON GARDENS, IDAHO.

SECTION 2: AUTHORITY:

This Ordinance is authorized under the provisions of Idaho Code §67-6518 and other State enabling statutes.

SECTION 3: PURPOSE:

This Ordinance is to protect the health, safety, and general welfare of the public and for the protection and preservation of the Rathdrum Prairie Aquifer.

SECTION 4: APPLICATION OF PROVISIONS:

This Ordinance is applicable to owners and users of all subsurface sewage disposal systems installed or to be constructed after the effective date hereof.

SECTION 5: REPEALER:

This Ordinance repeals the entire Title 7, Chapter 4 of the City Code of the City of Dalton Gardens, Idaho, with this Ordinance replacing said title and chapter.

SECTION 6: OPERATION AND MAINTENANCE REQUIREMENTS FOR ALL PROPERTY WITH SUBSURFACE SEWAGE DISPOSAL SYSTEMS SHALL BE AS FOLLOWS:

A. Residential units shall not exceed one single family dwelling per acre. Accessory living units are prohibited. An accessory living unit is considered above and beyond a single family dwelling and is defined as a building or portion(s) of a building, located on the same lot, but separate from the principal dwelling, with habitable space. Habitable space is defined as any enclosed area with cooking and bathing facilities. Toilets and sinks are allowed in accessory structures.

B. Notice shall be sent by the City to all property owners reminding them to pump their sewage systems every five years.

C. When an existing subsurface sewage disposal system is pumped, a manhole riser to within six inches of the surface and an inspection riser to the surface shall be installed.

D. All septic pumpers doing business in Dalton Gardens should report to the City the condition, location, size and type of tank and disposal system, and date of pumping.

E. Non-domestic wastewater disposal onto the ground or into the ground subsurface is prohibited. Non-domestic wastewater is defined as any wastewater that is not produced as sanitary wastewater from restroom facilities, showers or kitchens. Critical materials disposal onto the ground or into the ground subsurface is prohibited. Critical materials are defined as any liquid, semi-liquid, flowable or water soluble solid that is listed on the most current Superfund Amendments and Reauthorization Act, Title III (SARA III) List of Lists published by the Office of Toxic Substances, U.S. Environmental Protection Agency, Washington D.C. or is required by the U.S. Occupational Safety and Health Administration to have a material safety data sheet (MSDS).

F. A method to determine wastewater flows from non-residential uses must be implemented by non-residential users to assure that effluent loading does not exceed that of 250 gallons per acre per day. The Health District must have access to this information prior to their approval of new commercial facilities or changes in use of existing commercial facilities.

SECTION 7: IN THE COMMERCIAL DISTRICT:

A. The following enforcement procedures will be utilized in the Commercial Zoned District to address wastewater quantity overage issues. It shall be the property owner's and business license holder's responsibility to correct wastewater quantity overage issues.

B. All property owners and business license applicants who own or lease commercially zoned property within Dalton Gardens shall sign a copy of the wastewater restriction document at every new application or renewal. Each property owner and business license applicant shall receive a copy of water conservation methods brochure. The wastewater restriction document explains the requirements of the Sewer Management Agreement which the City has in force with the Panhandle Health District.

C. For business license renewal purposes, water readings shall occur in March of each calendar year. For use in determining wastewater quantity, water readings from the Dalton Water Association will be available by March 31st of each year. The Business license renewal process will use the March readings for wastewater quantity compliance. Other methods approved by the City shall be considered in determining the wastewater quantity. Business licenses are to be issued July 1st of each year.

D. Wastewater quantity must be in compliance by July 1st of each year for the City to be able to issue the standard business license.

E. The City will contact property owners in writing, by April 15th of each year to inform them of any wastewater quantity overage. It is up to the property owner to determine the cause of the wastewater quantity overage. The contact will initially be in the form of a notice that is sent to the property owner. The notice will state that the property is currently in violation of the Sewer Management Agreement and that it is the property owner's responsibility to rectify the wastewater quantity overage and that if not rectified by July 1st, the business owners on the property will be unable to renew their business license. This notice shall also contain a copy of the signed wastewater agreement and the water conservation methods flyer.

F. The city shall notify the Panhandle Health District of any non-compliant property owners.

G. The City will attempt to contact the non-compliant property owners in person by April 15th to begin a wastewater quantity assessment. The assessment will determine how water is being used on the property and whether or not there is water leakage on the property. The property owner will complete the assessment and return the report to the City of May 1st of each year.

H. Once the property owner has determined the cause of the wastewater quantity overage, the property owner will take steps to resolve the issue.

I. The property owner shall maintain regular contact with the City during the period of determining compliance.

J. Once the property owner believes that it has have resolved the issue and achieved compliance, the property owner shall provide proof of wastewater quantity compliance to the City by the second week of June of each year to be placed on the Council agenda for the first Thursday in July. Proof may be, but is not limited to receipts of plumbing (leaks repaired) or daily/weekly water meter readings. The City shall forward a report to the Panhandle Health District on the progress of the property owner's compliance with the regulations. If compliance has been achieved, and all other health district regulations have been met, the District shall "sign off" on the business license application or renewal.

K. If the property owner has not achieved compliance by June 15th, the property owner has the option of requesting an extension to achieve compliance. The extension request shall be in writing and considered by the City Council at their July meeting.

SECTION 8: NON-COMPLIANCE:

In the event a commercial property owner has not achieved compliance as above set forth, the City shall have the right to withhold, or refuse to renew, a business license until compliance is actually achieved.

SECTION 9:

Any appeal or request for variance shall be as set forth in Title 5, Chapter 8 of the City Code of Dalton Gardens, Idaho.

SECTION 10: SEVERABILITY

Should any section, clause, or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, it shall not affect the validity of the remaining portions of this Ordinance.


SECTION 11: CONFLICTING ORDINANCE PROVISIONS

If any conflict occurs between this Ordinance and provisions of the other City Ordinances, the more restrictive Ordinance shall take precedence.

SECTION 12: EFFECTIVE DATE.

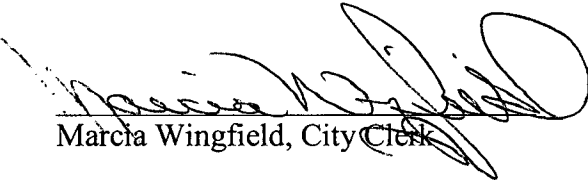
This Ordinance shall take effect and be in full force upon its passage, approval and publication on one (1) issue of the Coeur d'Alene Press.

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 3rd day of November, 2005.



Dan Franklin, Mayor

ATTEST:



Marcia Wingfield, City Clerk

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO, }
County of Kootenai, } ss.

Kattie Hay

..... 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 Legal Notice

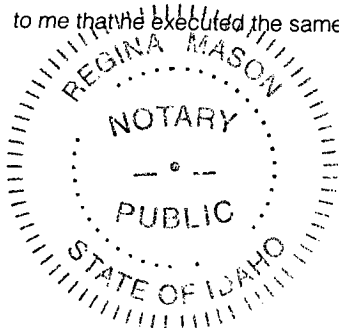
of which the annexed is a printed copy, was published in the regular Wednesday issue of said newspaper for one consecutive day commencing on the 7 day of December 2005 and ending on the 7 day of December 2005, and such publication was made as often during said period as said Daily newspaper was regularly 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 Kattie Hay. On this 7 day of December in the year of 2005, before me, a Notary Public, personally appeared Kattie Hay, known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.

Regina Mason

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

MY COMMISSION EXPIRES 6/18/09



**CITY OF DALTON
GARDENS, IDAHO
SUMMARY OF
ORDINANCE NO. 178
SUBSURFACE SEWAGE
DISPOSAL SYSTEMS**

AN ORDINANCE OF DALTON GARDENS, IDAHO, SETTING FORTH THE REQUIREMENTS FOR INSTALLATION AND MAINTENANCE OF SUBSURFACE SEWAGE DISPOSAL SYSTEMS INCLUDING PROVISIONS MANDATED BY THE CITY'S SEWAGE MANAGEMENT AGREEMENT WITH PANHANDLE HEALTH DISTRICT 1; AND PROVIDING SPECIAL RULES AND REGULATIONS FOR BUSINESS LICENSE APPLICANTS AND OWNERS; AND PROVIDING FOR THE REPEAL OF TITLE 7, CHAPTER 4, OF THE CITY CODE OF THE CITY OF DALTON GARDENS.

Pursuant to Idaho Code §50-901A, Ordinance 178 of the City of Dalton Gardens is summarized as follows:

1. Ordinance 178 repeals the entire Title 7, Chapter 4 of the Dalton Gardens City Code and puts in place revised regulations and requirements for subsurface sewage disposal systems in the city limits of Dalton Gardens, Idaho.

2. The Ordinance provides that waste water flows for non-residential units must be monitored so that effluent loading does not exceed 250 gallons per acre per day.

3. Residential units shall not exceed one single family dwelling per acre. Accessory living units with cooking and bathing facilities are not allowed.

4. Notices will be given to residential owners reminding them to pump their septic tanks every five years and to install a man-hole riser and inspection riser to the surface when pumped.

5. Non-domestic waste water and critical materials disposal is prohibited.

6. In the Commercial District, all property owners and business license applicants who own or lease property will sign a copy of the waste water restrictions which will contain the requirements of the City's Sewer Management Agreement with the Panhandle Health District.

7. The Ordinance provides for a business license issuance or renewal process, and requires compliance with those stated requirements to obtain a business license.

8. Non-compliant Commercial property owners and Panhandle Health District will be notified if there exists waste water quantity overages.

9. The Commercial property owner shall provide proof of waste water quantity compliance and obtain a "sign off" by Panhandle Health District prior to issuance of a business license.

10. The Ordinance provides that the City has a right to withhold, or refuse to renew, a business license until compliance is actually achieved.

11. Any appeal or request for a variance shall be as set forth in title 5, Chapter 8 of the Dalton Gardens City Code.

12. Ordinance 178 shall be effective after publication of the Summary in one (1) issue of the Coeur d'Alene Press.

13. The full text of Ordinance 178 is available at the City of Dalton Gardens City Hall Building.

DATED this 1st day of December 2005.

Dan Franklin, Mayor

ATTEST:

Marcia Wingfield, Clerk

Legal 8373

December 7, 2005

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO, }
County of Kootenai, } ss.

Kattie Hay 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.

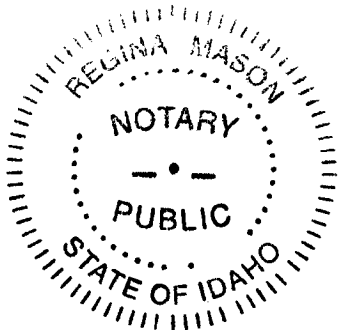
3. The Legal Notice

of which the annexed is a printed copy, was published in the regular Monday issue of said newspaper for one consecutive day commencing on the 10 day of October 2005, and ending on the 10 day of October 2005, and such publication was made as often during said period as said Daily 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 Kattie Hay. On this 10 day of October in the year of 2005, before me, a Notary Public, personally appeared Kattie Hay, known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.

Regina Mason
Notary Public for the State of Idaho,
residing at Coeur d'Alene, Idaho.

MY COMMISSION EXPIRES 6/18/09



NOTICE OF PUBLIC HEARING CITY OF DALTON GARDENS PLANNING & ZONING COMMISSION October 25, 2005

The Dalton Gardens Planning and Zoning Commission will hold a public hearing on October 25, 2005 to hear the following Municipal Code amendment:

AN ORDINANCE OF DALTON GARDENS, IDAHO, A POLITICAL SUBDIVISION OF THE STATE OF IDAHO, SETTING FORTH THE REQUIREMENTS FOR INSTALLATION AND MAINTENANCE OF SUBSURFACE SEWAGE DISPOSAL SYSTEMS INCLUDING PROVISIONS MANDATED BY THE CITY'S SEWAGE MANAGEMENT AGREEMENT WITH PANHANDLE HEALTH DISTRICT 1; AND PROVIDING SPECIAL RULES AND REGULATIONS FOR BUSINESS LICENSE APPLICANTS AND OWNERS; AND PROVIDING FOR THE REPEAL OF THE CITY CODE OF THE CITY OF DALTON GARDENS.

The public hearing will be held at 6360 4th Street, Dalton Gardens, Idaho at 6:00 p.m. on Tuesday, October 25, 2005. All interested persons are invited to appear and show cause, if any, why such item should or should not be adopted. Copies of the amendments are available at City Hall during regular office hours (9:00 a.m. to 5:00 p.m., Monday through Friday). City Hall is accessible to persons with disabilities. Anyone desiring accommodations for disabilities related to these documents or to the hearing can contact the City Clerk, 772-3698 at least 48 hours prior to the public hearing.

Attest:
Marcia Wingfield
City Clerk
Legal 8056
October 10, 2005