



NOTICE OF PUBLIC MEETING
Monday, January 27, 2020
CITY COUNCIL CHAMBERS
680 Park Avenue
Idaho Falls, ID 83402
3:00 p.m.

The public is invited to attend. This meeting may be cancelled or recessed to a later time in accordance with law. If you need communication aids or services or other physical accommodations to participate or access this meeting or program of the City of Idaho Falls, you may contact City Clerk Kathy Hampton at 612-8414 or the ADA Coordinator Lisa Farris at 612-8323 as soon as possible and they will accommodate your needs.

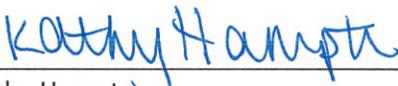
COUNCIL WORK SESSION

Times listed in parentheses are only estimates.

Call to Order and Roll Call

- Mayor:
 - Calendars, Announcements and Reports (10)
 - Acceptance and/or Receipt of Minutes
 - Action Desired:* To receive recommendations from the Planning and Zoning Commission
- Council:
 - Liaison Reports and Council Concerns (10)
- Fire Department:
 - Business License Ordinance Discussion (20)
- Public Works:
 - Snow Removal Update (15)
 - Sewer Ordinance Revision Discussion (15)
- Multiple Departments:
 - E-Scooter/E-Bike Follow-up Discussion (45)
- Training:
 - Meeting Protocols (15)

DATED this 24th day of January, 2020



Kathy Hampton
City Clerk



MEMORANDUM

TO: Honorable Mayor and Council

FROM: Brad Cramer, Community Development Services Director

DATE: January 10, 2020

RE: January 07, 2020, Planning Commission Action

Planning Commission took the following action during the January 7, 2020 meeting.

- 1. PUD16-005 PLANNED UNIT DEVELOPMENT AMENDMENT. Linden Trails Townhomes.** Generally south of Broadway, west of S Bellin Rd., north of Pancheri Dr. and east of S Old Butte Rd. On January 7, 2020, the Planning Commission recommended to the Mayor and City Council that they reject the approval of the amendment to planned unit development as proposed on the basis that they have an approved amendment that was approved in July of 2019 and there needs to be more discussion between the developer and the Community Development Department of the appropriateness and the best way to continue with this PUD and there is no indication that they are suffering financially or any adverse consequences as the developer to continue the development with the PUD concept. .
- 2. RZON19-014 Rezone. REZONE. Zoning Ordinance Amendment.** Amendment of Title 11, Chapter 3 Zoning Regulations of the Comprehensive Zoning Ordinance, Section 11-3-4(D), Table 11-3-3 Dimensional Standards for Accessory Structures in Residential Zones and Section 11-3-4(E), Supplemental standards for the TN Zone. On 1-7-20 the Planning and Zoning Commission recommended to the Mayor and City Council approval of the amendment as presented.
- 3. RZON19-015 REZONE. Zoning Ordinance Numbering.** Amendment to Title 11 Comprehensive Zoning Ordinance, Section 11-2-6 standards for Allowed Land Uses general sequencing and numbering of the ordinance. On 1/7/20 the Planning and Zoning Commission recommended to the Mayor and City Council approval of the amendment as presented.
- 4. PLAT19-027 FINAL PLAT. Linden Trails Addition, Division 4.** Generally south of Broadway, west of S Bellin Rd., north of Pancheri Dr. and east of S Old Butte Rd. On 1/7/20, the Planning and Zoning Commission recommended to the Mayor and City Council approval of the final plat as presented.

RECOMMENDED COUNCIL ACTION: To receive recommendation(s) from the Planning and Zoning Commission pursuant to the Local Land Use Planning Act (LLUPA).



PARKS & RECREATION COMMISSION MEETING
NOVEMBER 4, 2019
ACTIVITY CENTER
12:00 Noon

Members in Attendance: B. Combo, C. White, T. Reinke, W. Johnson, P. Lloyd, D. Radford, J. Hammon, M. Hill, C. Horsley, R. Campbell, J. Forbes, P. Holm

Members Not In Attendance: B. Lee, K. Hope, T. Hersh, J. LoBuono

CALL TO ORDER – B. COMBO

B. Combo called the meeting to order at 12:01.

APPROVAL OF MINUTES

W. Johnson motioned to approve the October 7th minutes. C. White seconded. Motion carried.

DIRECTOR'S REPORT – P. Holm

P. Holm reported on the following:

- An upcoming phone meeting will be scheduled with Pro's Consulting and the Commissioners to discuss the vision and funding options of the Comprehensive Plan.
- Future budget concerns that are daunting considering the systematic failure of Parks and Recreation maintenance structures and facilities.
- The purchase of Funland by Parks and Recreation that includes the name, the Octopus, and the Ferris wheel. He discussed the asbestos problem in the huts on the property. He advised the plan is to have Funland incorporated into a part of the zoo.
- The purchase of the 4H building has been finalized.
- The Splash Pad RFQ's will open by the fiscal calendar year and they hope to begin construction at Reinhart Park by June or July.
- TAP Grants were discussed including projects on the Pancheri Bridge, the Meppen Canal Trail Project and the Yellowstone Highway Project.
- The golf irrigation problem and the intent to apply for a loan from the Idaho Water Resource Board.
- The War Bonnet awards and the date changes for 2020.
- The Boo at the Zoo numbers this year were the second largest ever.

- The E-Scooter Ordinance change.

There was board discussion on priorities going forward. The following items were suggested:

1. They would like to hear from Pro's Consulting regarding finance options specific to our state. They would also like the input from all the user groups the Commission has heard from incorporated into the final report.
2. The board would like someone from the Idaho Falls Legal Department and or Finance Department to discuss funding options.
3. The board would like to know more about the budget process for the Parks and Recreation Department and City.
4. Details on the Joint Use Agreement with the school districts.
5. The economic impact of hosting state events such as state wrestling tournaments, softball tournaments, etc.
6. Our user fees, and if we need to consider changes.

Meeting adjourned at 1:37 p.m.

Next meeting will be held January 6, 2020.

*Recorded by:
Tracy Sessions, Clerk, Parks & Recreation*

November 18, 2019
Idaho Falls Sister City Youth Approved Meeting-Minutes

Attendees:

Max Medema	Charlie Medema	Heather Medema
Mike Medema	Charlotte Combs	Laura Combs
Jackie Sugai	Jackson Corbridge	Tate Corbridge
Gabe Padron	Nicholas Cebull	Peter Cebull
Chad Mahoney	Aurora Mahoney	McKenzie Mclsaac
Edward Mclsaac	Kendra Peck	Nathan Peck
Abby Gallegos	Izabel Kelley	Stephanie VanAusdeln
Jo Gallegos	Robert Gallegos	Aiden Gallegos
Maggie Boring	Wendy Boring	Jorge Padron
Carter Thompson	Jenniferr Thompson	Tim Thompson
Anna St. Michel	Kylie Eaton	Samatha Gohl
Rylee Young	Gabe Perkins	Patrick Perkins
Molly Perkins	Michelle Perkins	David Eaton
Katie Eaton	Whitney St. Michel	

Membership:

All applications need to be updated and signed by guardian. **Membership dues for the 2019/2020 year in the amount of \$25.00 for individual membership and \$35.00 for families with two or more students in IFSCY.** Membership will become delinquent as of January 1 if dues are not paid. (Article II Section 1 of Bylaws)

Application form received for Gabe and Patrick Perkins.

Membership Dues received for Gabe and Patrick Perkins check number 581 for \$35.00).

Membership dues received for Tate Corbridge, Jackson Corbridge, Brennan Corbridge (\$40.00 cash).

Approval of minutes:

Chad Mahoney motioned to approve the November 6, 2019 meeting minutes and the motion was seconded by Peter Cebull Voted and unanimously approved.

Treasurer's Report:

Treasurer Report is scheduled for the next meeting. Lori Kidwell, Treasurer was absent this evening.

Point System Information:

See "IFSCY Bylaws"

David Eaton reviewed the eligibility requirements (point system).

According to Article VII Section 5 to receive an invitation to participate in the exchange with Tokai-Mura students must meet the following participation criteria:

The top 15 students in priority points will be invited to participate in the exchange. Priority points are defined as 1: the total of the participation points earned directly by the student, 2) points earned by parents (or those acting in parental capacity) assigned to the specific student (parents have the choice of splitting their points equally among their students or assigning all of their points to one specific student in their family).

Must have attended at least 50% of meetings and activities of the Idaho Falls Sister Cities Youth Program in the 16 month period prior to the invitations being sent (September 1 of even numbered year to December 31 of the odd numbered year (just prior to the invitations being issued). Students who join after September 1 of even-numbered years will have this requirement evaluated based upon the time period from their date of member to December 31 of the odd numbered year.

Parents points go to their student or students. If parents have two or more students their points can be divided up equally amongst their children or all of their points can be given to one of their students.

Points are deducted from any student who has previously been to Tokai-Muri, Japan.

Points are added if a student has declined a prior invitation to Tokai-Muri, Japan.

If this is a students last chance to go to Tokai-Muri, Japan points are added.

Students must be in good standing with the Idaho Falls Sister Cities Youth Program and in compliance with the Code of Conduct.

The student and their family must have participated in the hosting of the delegations from Tokai-Mura during the previous odd-numbered year.

The IFSCY Board Members will send out the invitations in late January or early February.

Any student who receives an invitation needs to respond "yes they are going" or "no they are not going".

Jo Gallegos asked about students who participated but are not active (specifically Charlotte Sun, their exchange student). Where do their points go?

Fundraisers:

JACL Bento Box Donation

A check in the amount of \$200.00 will be sent to the Idaho Falls Sister City Youth Group for helping them out with the Bento Boxes.

Winter Carnival

The date for the IFSCY Winter Carnival is December 28, 2019. Set up begins at 12:30. Doors open at 1:00. Clean up begins at 6:45.

The first shift for students and adults will begin at 12:30 and ends at 3:45.

The second shift for students and adults begins at 3:45 and ends at 7:00.

Sign up sheet for Winter Carnival volunteers went around as well as a sign up sheet for food donations (water, hot dogs, hamburgers, etc).

Whitney got permission from the school districts to place the posters in the schools.

Student Exchange Information:

Whitney St. Michel sent a note to Tokai-Muri Sister City and asked for potential dates for the exchange. Haruka will get the dates as soon as she can.

Donations from Sydel's

Sydel's have donated items to the Youth group. The Youth Group will meet on December 7 at 11:00 to 1:00 to help David Eaton take pictures of items, price items and place them on the internet.. David Eaton will call to schedule this meeting at the public library.

Skyping

Kendra email the Tokai-Muri Sister City Group and asked if we could Skype with them sometime during the month of December. They said Skyping need to be in January or February.

Reminder:

The next meeting for Idaho Falls Sister City Youth is scheduled for December 4, at 7:00 pm at the Idaho Falls Public Library. December 7th is a meeting to price items donated by Sydels' and December 28 is the Winter Carnival.

Please put the dates on your calendar.

Student Activity:

Meeting minutes for 11-18-2019

Izzy Kelley and Abby G had a lesson about Japanese hand gestures, and what they did was they started with a slide show to teach everyone all of the hand gestures, and then once they were done with this, they did a Kahoot with all of the signals, and people had to put in the correct answers for what the correct interpretation was. Just some things that you should and shouldn't do.

Next meeting, we will have Aurora teach a lesson next meeting.

Meeting Adjourned:

Gabe Padron motioned to adjourn meeting. It was seconded by Abby Gallegos.

December 4, 2019
Idaho Falls Sister City Youth Approved Meeting-Minutes

Attendees:

Whitney St. Michel	Anna St. Michel	Kylie Eaton
Wendy Boring	Maggie Boring	Lori Kidwell
Sam Hawker	Max Medema	Charlie Medema
Heather Medema	Michael Medema	Nicholas Cebull
Gabe Padron	Abby Gallegos	Jo Gallegos
Aidan Gallegos	Gabe Perkins	Michelle Perkins
Laura Kelley	Izabel Kelley	Stephanie Van Ausdeln
Rebecca Smith	Tim Thompson	Carter Thompson
Kendra Peck	Samantha Gohl	Rylee Young
Nathan Peck	Jorge Padron	Melinda Cebull
David Eaton	Katie Eaton	Chad Mahoney
Aurora Mahoney		

Membership:

All applications need to be updated and signed by guardian. **Membership dues for the 2019/2020 year in the amount of \$25.00 for individual membership and \$35.00 for families with two or more students in IFSCY.** Membership will become delinquent as of January 1 if dues are not paid. (Article II Section 1 of Bylaws)

Application form received for Izabel Kelley.

Code of Conduct form received from Maggie Boring, Izabel Kelley, Max Medema, Aurora Mahoney, Gabe Perkins and Stephanie VanAusdeln.

Membership Dues received from Aurora Mahoney check number 102. Izabel Kelley paid \$30.00 cash.

Approval of Minutes:

Whitney St. Michel motioned to approve the November 18, 2019 meeting minutes. It was seconded by Kendra Peck. Voted and unanimously approved.

Treasurer's Report:

Treasurer Report was given by Lori Kidwell. Income and current balance was given. Lori stated she will give the Treasurer's report at the next meeting.

Fundraisers:**Winter Carnival -- A Reminder**

The date for the IFSCY Winter Carnival is December 28, 2019. Set up begins at 12:30. Doors open at 1:00. Clean up begins at 6:45.

The first shift for students and adults will begin at 12:30 and ends at 3:45.

The second shift for students and adults begins at 3:45 and ends at 7:00.

Student Exchange Information

Haruka gave Whitney tentative dates of July 29 through August 8 or 9th, 2020 for the Student Exchange to Japan. Whitney priced airline tickets and as of today the estimates range from \$1,800 to \$2,500 depending on if the group flies from Idaho Falls or flies out of Salt Lake City.

There will be a total of fifteen students and three chaperones: Lori Kidwell, Jorge Padron, and Katie Eaton.

Activity Reminder

The Youth Group will meet on December 7 at 11:00 to 1:00 to help David Eaton organize items donated by Judy Sydel. The group will organize magazines according to the name of magazine, organize magazines month by month, take pictures of each cover, place them in boxes and write a descriptor of the contents.

Invitation of Students

The Idaho Falls Sister City Youth Executive Board will meet in January to determine the fifteen students and to send out invitations to students.

Signing Christmas Cards

Jorge Padron had Christmas Cards printed up so that our group could sign each card and send the card to each individual in Tokai-Muri Sister City organization. Kendra asked that each student stay after the student activity to sign cards.

Reminder:

January's meeting dates for Idaho Falls Sister City Youth is scheduled for January 8 and January 20, 2020, at 7:00 pm at the Idaho Falls Public Library.

Student activity will take place on December 7th at the Idaho Falls Public Library to organize magazines and prepare them for sale on the internet.

December 28 is the Winter Carnival scheduled at the Ice Skating Rink. First shift begins and 12:30. Please put the dates on your calendar.

Student Activity:

Meeting minutes for 12-04-2019

This lesson was taught by Aurora Mahoney. This lesson is about a form of both art and acting called Kabuki. Aurora taught the history as well as the meaning of it. The idea behind the mask is very important. They are painted on a person's face and represent multiple things based on their color. A couple of things that we learned about are history and the setup was that the setup was the back was two trapdoors. There's a long walkway into the crowd. Some history that we learned was that these actors ran in families. For some time, women were not allowed, but now they are allowed to be actors. We then got to make our own masks.

While we made the masks, we also wrote Christmas cards. If anyone who wanted to write Christmas cards, but couldn't, then write your letter, and give it to us at the activity on Saturday.

Meeting Adjourned:

Aurora Mahoney motioned to adjourn meeting. It was seconded by Max Medema.



MEMORANDUM

TO: Mayor and Council

FROM: Duane A Nelson

DATE: Friday, January 24, 2020

RE: Proposed amendment to City Code Chapter 10 Title 7 and addition of Chapter 17 to Title 4 of the City Code to establish a requirement for business registry

Attached for discussion is an ordinance of the City of Idaho Falls, Idaho amending Chapter 10, Title 7 of the City Code and adding Chapter 17 to Title 4 of the City Code. These ordinance changes are to establish a requirement for businesses located in the City of Idaho Falls to register with the City Clerk.

The risk to the public and emergency personnel of the City of Idaho Falls can be considerably lessened when emergency response personnel have current and accurate information about the conditions, conduct, and operations of a business during an emergency response. This ordinance will allow the Fire Department Prevention Division to better identify, inspect and verify that the accurate use, permits, and maintenance is being performed within these properties. This ordinance will continue to assist the Fire Department in establishing of a safe and secure community for our public and emergency responders.

The City Attorney has prepared the Draft Ordinance.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, AMENDING CHAPTER 10, TITLE 7 OF THE CITY CODE; ADDING CHAPTER 17 TO TITLE 4 OF THE CITY CODE TO ESTABLISH A REQUIREMENT FOR BUSINESSES LICENSED PURSUANT TO THE INTERNATIONAL FIRE CODE TO REGISTER WITH THE CITY CLERK; PROVIDING SEVERABILITY, CODIFICATION, PUBLICATION BY SUMMARY, AND ESTABLISHING EFFECTIVE DATE.

WHEREAS, Idaho Code § 50-307 authorizes the City to regulate businesses within the City and levy and collect business regulation fees; and

WHEREAS, the Council desires to ensure the safety of the public from fire and other public nuisances; and

WHEREAS, emergency and fire responses are inherently risky and dangerous to both the public and the City's professional firefighters; and

WHEREAS, the risk to emergency public safety employees can be considerably lessened when emergency responders have current and accurate information about the conditions at the scene of an emergency and have an accurate contact for the owner or operator of a business to receive real-time information about the unique and specific conditions that may exist at the scene of the emergency.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF IDAHO FALLS, IDAHO, THAT:

SECTION 1. Chapter 10, of Title 7 of the City Code of the City of Idaho Falls, Idaho, is hereby amended as follows:

7-10-3: AMENDMENTS AND ADDITIONS TO THE INTERNATIONAL FIRE CODE

...

(A). Subsection of 105.1.1 Permits required shall be adopted as follows:

105.1.1

A property owner or owner's authorized agent who intends to conduct an operation or business, or is currently conducting or operating a business, or install or modify systems and equipment that are regulated by this Code, or to cause any such work to be

performed, shall first make application to the Fire Code Official and obtain the required permit. Businesses regulated by this Code shall also register their business with the Clerk.

(~~BA~~). Subsection of 105.1.2 Types of permits shall be adopted as follows:

Permit Fees:

105.1.2.1 Each operational permit fee shall be in an amount set from time to time by Resolution of the Council;

105.1.2.2 Each construction permit fee shall be in an amount set from time to time by Resolution of the Council; and,

105.1.3 Where multiple permits are required for the same location, the Fire Code Official may authorize to consolidate such permits into one permit.

113.3 Failure to obtain any require_fire code permit, prior to engaging in activities, operations, practices or functions, as set forth in the International Fire Code, shall constitute a violation of the code. The activity, operation, or practice will be issued a stop work order until a permit has been obtained and a double permit fee collected.

(~~CB~~) Subsection 105.7.1 Automatic fire-extinguishing systems shall be amended to read as follows:

A construction permit and Life Safety License is required for the installation of or modification to an automatic fire extinguishing system. Maintenance performed in accordance with this code is not considered a modification and does not require a permit.

1. Contractors performing maintenance on automatic fire-extinguishing systems shall obtain a Life Safety License prior to commencing work and shall provide a copy of the maintenance report to the Fire Code Official at the completion of the work performed.
2. The Fire Code Official is authorized to not require a plan review fee for modifications to automatic fire-extinguishing systems where ten (10) or fewer sprinkler heads are affected in the scope of work. A Life Safety License and permit are required to be submitted to the Fire Code Official for review prior to the start of the project and a record of completion shall be permitted to the Fire Code Official at the completion of the project.

(~~DC~~) Subsection 105.7.6 Fire alarm and detection systems and related equipment shall be amended to read as follows:

A construction permit and Life Safety License is required for installation of or modification to fire alarm and detection systems and related equipment. Maintenance performed in accordance with this code is not considered a modification and does not require a permit.

1. Contractors performing maintenance on fire alarm and detection systems shall obtain a Life Safety License prior to commencing work and shall provide a copy of the maintenance report to the Fire Code Official at the completion of the work performed.

| ~~(ED)~~ Subsection 105.7.7 Fire pumps and related equipment shall be amended to read as follows:

A construction permit and Life Safety License is required for installation of or modification to fire pumps and related fuel tanks, jockey pumps, controllers, and generators. Maintenance performed in accordance with this code is not considered a modification and does not require a permit.

1. Contractors performing maintenance on fire pumps and related equipment shall obtain a Life Safety License prior to commencing work and shall provide a copy of the maintenance report to the Fire Code Official at the completion of the work performed.

| ~~(EE)~~ Subsection 109.4 Violation penalties shall be amended to read as follows:

Persons or entities who violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, repair or do work in violation of the approved construction documents or directive of the Fire Code Official, or of a permit or certificate used under the provisions of this code, as amended, shall be guilty of a misdemeanor. Each twenty-four (24) hour period that a violation continues after due notice has been served shall be deemed a separate offense.

| ~~(GF)~~ Subsection 111.4 Failure to comply shall be amended to read as follows:

Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to pay a fine in an amount set from time to time by Resolution of the Council.

| ~~(HG)~~ Subsection 113.6 Life Safety License required shall be adopted as follows:

Any person or entity shall obtain a Life Safety License from the Fire Code Official prior to performing any installation, modification, inspection, testing, or maintenance on a Life

Safety System in the City of Idaho Falls. Life Safety Licenses shall be valid for the calendar year issued. The fee for a Life Safety License shall be in an amount set from time to time by Resolution of the Council. All Life Safety Licenses shall be non-transferrable.

(~~H~~) Subsection 113.7 Penalties for violation of license requirement shall be adopted as follows:

Any person or entity who violates any rules or regulations as written on the license application, shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than three-hundred dollars (\$300). Each twenty-four (24) hour period that a violation continues after due notice has been served shall be deemed a separate offense.

(~~I~~) Subsection 113.8 Payment of permits, licenses and fees shall be adopted as follows:

All costs, fees, and payments associated with any permit or license provided for in the Fire Code shall be paid to the City of Idaho Falls City Treasurer's Office or as otherwise specified by the Fire Department.

(~~K~~) Subsection 113.9 Fees shall be adopted as follows:

113.9.1 Structural plan review fees. Structural plan review fees will be charged at a rate in an amount set from time to time by Resolution of the Council. Upon request from the Fire Code Official, the City reserves the right to charge additional structural plan review fees for large or complex structural plan submissions.

113.9.2 Fire alarm plan review fees. Fire alarm plan review fees will be charged at a rate in an amount set from time to time by Resolution of the Council. This fee includes plan review and one (1) acceptance test field inspection by fire prevention personnel. An additional fee, in an amount set from time to time by Resolution of Council, will be charged for inspection of fire alarm systems exceeding this amount.

113.9.3 Fire sprinkler system plan review fees. Fire sprinkler system fees will be charged at a flat rate in an amount set from time to time by Resolution of the Council. This fee includes plan review, and one (1) acceptance field inspection. Field inspections are to include fire service underground, rough-in inspection, hydro-test with all heads in place, and final acceptance test of system. An additional fee, in an amount set from time to time by Resolution of Council, will be charged for inspection of fire sprinkler systems exceeding this amount.

113.9.4 Fire pump review fees. Fire pump fees will be in an amount set from time to time by Resolution of the Council. This fee includes plan review and response and acceptance testing of the fire pump.

113.9.5 Alarm response fee. The Fire Code Official is authorized to charge a maximum fee in an amount set from time to time by Resolution of the Council per occurrence for fire apparatus response to Life Safety System activation where the service contractor fails to contact the Fire Code Official and/or Fire Dispatch Center when servicing such systems or excessive responses to the same location. The fee does not apply to a false alarm which is defined as the willful and knowing initiation or transmission of a signal, message or other notification of an even of fire when no such danger exists. The fee, subject to review by the Fire Code Official will apply to nuisance alarms exceeding four (4) responses to the same location within a thirty (30) day period. Nuisance alarms are defined as any alarm caused by mechanical failure, malfunction, improper installation, or lack of proper maintenance, or any alarm activated by a cause that cannot be determined. The fee will be charged to the business owner and/or service contractor after review by the Fire Code Official

(~~LK~~) Subsection 5604.1.1 Prohibited storage shall be adopted to read as follows:

The storage of explosives and blasting agents is prohibited within the Corporate Limits of the City of Idaho Falls.

Exception: The Fire Code Official may issue a permit, pursuant to Section 105, to allow the use of explosives and blasting agents within the Corporate Limits of the City of Idaho Falls. Such permit shall prescribe conditions and restrictions for the use of explosives and blasting agents, consistent with this chapter.

(~~ML~~) Subsection 5704.2.9.6.1 Locations where above-ground tanks are prohibited shall be amended to read as follows:

The storage of Class I and Class II liquids in above-ground tanks outside of buildings is prohibited within the Corporate Limits of the City of Idaho Falls.

Exceptions:

1. The Fire Code Official, with approval of the Fire Chief, may allow protected above-ground tanks at motor vehicle fuel dispensing stations. Protected above-ground tanks may be allowed where underground rock formations or water levels make it extremely difficult or impossible to install underground tanks or underground install is cost prohibitive for limited use fuel dispensing stations. Such tanks shall meet the UL 2085 listing and comply with Sections 2306.2, 3104.17.2, 5704.2.7.3.5, 5704.2.9, and 5704.2.13.2. Each approved tank shall not exceed twelve thousand (12,000) gallons in individual capacity and no more than forty-eight thousand (48,000) gallons in aggregate capacity may be stored in this manner on any one property within the City.

2. The Fire Code Official, with approval of the Fire Chief, may allow the use of temporary above-ground storage tanks at construction sites, earth moving projects or gravel pits. Such tanks shall comply with Sections 3104.17.2, 5704.2.9, and Section 5706 in its entirety.

2.1 The storage of flammable or combustible liquids in above-ground tanks, and the dispensing of combustible liquids into vehicles from above-ground tanks, shall not be permitted in the following zones as defined by the City Zoning Ordinance and located within the current Official Zoning Map: RP, RP-A, R-1, R-2, R-2A, R-3, R-3A, P-B, and RMH.

(~~NM~~) Subsection 5706.2.4.4 Locations where above-ground tanks are prohibited shall be amended to read as follows:

The limits in which new bulk plants in accordance with Section 5706.2.4.4, where flammable or combustible liquids are received by tank vessels, pipelines, tank cars, or tank vehicles, and are stored in blended in bulk for the purpose of distributing such liquids by tank vessels, pipelines, tank cars, tank vehicles, or containers are prohibited within the Corporate Limits of the City of Idaho Falls.

(~~ON~~) Section 5806.2 Limitations shall be amended to read as follows:

Storage of flammable cryogenic fluids in stationary containers outside of buildings is prohibited within the Corporate Limits of the City of Idaho Falls.

(~~PΘ~~) Section 6104.2.1 Restricted zones shall be adopted as follows:

Storage of liquefied petroleum gas is restricted within all zones in the City, as defined by the City Zoning Ordinance and located within the current City's Official Zoning Map.

Exception: Storage of liquefied petroleum gas is permitted, consistent with this chapter, within the Industrial and Manufacturing Zones I&M-1 and I&M-2, as defined by the City Zoning Ordinance and located within the current City's Official Zoning Map.

SECTION 2. Chapter 17, of Title 4 of the City Code of the City of Idaho Falls, Idaho, is hereby added as follows:

4-17-1: DEFINITIONS – Certain words and phrases used in this Chapter are defined as follows

ENGAGING IN BUSINESS - the practice of engaging in commerce with the object of gain, profit, benefit, or advantage.

FIRE CODE - the International Fire Code, 2015 Edition, as adopted by the City.

FIRE OPERATION PERMIT – A permit issued by the Idaho Falls Fire Department pursuant to the requirements of the Fire Code.

4-17-2: **REQUIREMENT TO REGISTER BUSINESSES REQUIRING A FIRE OPERATIONAL PERMIT:** Any person, partnership, corporation, or other legal entity intending to engage or actually engaging in any business which requires a Fire Operational Permit shall register with the Clerk. Registration shall be valid for a consecutive period of twelve (12) months. Separate registrations shall be required for each outlet, branch, location, or place of business within the City that requires a Fire Operational Permit.

4-17-3: **REGISTRATION FORM:** The Clerk shall prescribe a registration form. The registration form shall include, at a minimum,

- (A) the registered business owner’s name,
- (B) the name of the registered business,
- (C) the specific Fire Operation Permit required by the registered business,
- (D) the form of the registered business (i.e. sole proprietorship, partnership, or corporation),
- (E) the street address of the registered business,
- (F) the registered business owner’s business and residential telephone number,
- (G) name and telephone number for the registered business’s contact person (if other than the business’s owner),
- (H) the zoning of the property on which the registered business will be conducted,
- (I) the registration’s expiration date, and
- (J) any other information deemed by the Clerk to be necessary to keep an accurate registry of businesses.

The Clerk shall also prepare a description of the businesses which require a Fire Operational Permit and shall publish the description on the City’s website and maintain a copy for public inspection in the Clerk’s office.

4-17-4: **BUSINESS REGISTRATION FEE:** All businesses required to register under this Chapter shall pay an registration fee in an amount set from time to time by Resolution of the Council at the time of registration.

4-17-5: **RENEWAL:** Prior to expiration of a business’s registration, all businesses required to register under this Chapter must renew the business registration by confirming with the Clerk that the registration on file is current and pay a registration fee set from time to time by Resolution of the Council.

4-17-6: **REGISTRATION NONTRANSFERABLE:** No business registration issued pursuant to this Chapter shall be automatically transferred to a new owner. A new business registration shall be required in the event of a change in business ownership.

4-17-7: **DUTY TO UPDATE LOCATION:** In the event that a registered business relocates from its registered location, a business owner shall be required contact the Clerk and update the business's registration with the new location. There shall be no fee imposed for updating a registered business's location.

4-17-8: **EXEMPTIONS:** The requirements of this Chapter shall not apply to
(A) Any governmental entity, or
(B) Any business required by the Fire Code to obtain a construction permit.

4-17-9: **FAILURE TO REGISTER:** Any person or entity which
(A) fails to register a Business requiring a Fire Operational Permit,
(B) provides a false statement contained in the registration, or
(C) otherwise fails to comply with the requirements of this Chapter

shall be guilty of a misdemeanor, punishable by a fine set from time to time by Resolution of the Council or imprisonment for not more than one (1) year, or by both such fine and imprisonment for any single violation.

SECTION 3. Savings and Severability Clause. The provisions and parts of this Ordinance are intended to be severable. If any section, sentence, clause, or phrase of this Ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause, or phrase of this Ordinance.

SECTION 4. Codification Clause. The City Clerk is instructed to immediately forward this Ordinance to the codifier of the official municipal code for proper revision of the Code.

SECTION 5. Publication. This Ordinance, or a summary thereof in compliance with Idaho Code, shall be published once in the official newspaper of the City, and shall take effect immediately upon its passage, approval, and publication.

SECTION 6. Effective Date. This Ordinance shall be in full force and effect from and after its passage, approval, and publication.

PASSED by the City Council and APPROVED by the Mayor of the City of Idaho Falls, Idaho, this ____ day of _____, 2020.

CITY OF IDAHO FALLS, IDAHO

REBECCA L. NOAH CASPER, MAYOR

ATTEST:

KATHY HAMPTON, CITY CLERK

(SEAL)

STATE OF IDAHO)
) ss:
County of Bonneville)

I, KATHY HAMPTON, CITY CLERK OF THE CITY OF IDAHO FALLS, IDAHO,
DO HEREBY CERTIFY:

That the above and foregoing is a full, true and correct copy of the Ordinance entitled, "AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, AMENDING CHAPTER 10, TITLE 7 OF THE CITY CODE; ADDING CHAPTER 17 TO TITLE 4 OF THE CITY CODE TO ESTABLISH A REQUIREMENT FOR BUSINESSES LICENSED PURSUANT TO THE INTERNATIONAL FIRE CODE TO REGISTER WITH THE CITY CLERK; PROVIDING SEVERABILITY, CODIFICATION, PUBLICATION BY SUMMARY, AND ESTABLISHING EFFECTIVE DATE."

(SEAL)

KATHY HAMPTON, CITY CLERK



MEMORANDUM

TO: Honorable Mayor and City Council

FROM: Chris H Fredericksen, Public Works Director

DATE: January 21, 2020

RE: Sewer Ordinance Revision – Idaho Department of Environmental Quality

Attached for review and discussion are proposed modifications to City Ordinance, Title 8, Chapter 1 - Sewers. The Idaho Department of Environmental Quality (IDEQ) has recently taken over primacy of wastewater discharges in Idaho from the Environmental Protection Agency (EPA).

This past year was the first that IDEQ staff completed Pretreatment Program inspections and as part of those inspections the IDEQ requested several changes to our Sewer ordinance. Public Works staff have worked with the IDEQ and our Legal Department to accommodate those changes and to update the ordinance.

CHAPTER 1 SEWERS

SECTION:

- 8-1-1: Purpose
- 8-1-2: Definition of Terms
- 8-1-3: Abbreviations
- 8-1-4: Administration
- 8-1-5: Scope of Chapter
- 8-1-6: Sewage to be Discharged into Wastewater Treatment System
- 8-1-7: Storm Water Not Permitted in Sanitary Sewer
- 8-1-8: Unpolluted Water Discharged to Storm Drain
- 8-1-9: National Pretreatment Standards: Prohibited Discharges
- 8-1-10: National Pretreatment Standards: Categorical Standards
- 8-1-11: State Requirements
- 8-1-12: Local Limits
- 8-1-13: Right of Revision
- 8-1-14: Dilution
- 8-1-15: Special Agreements
- 8-1-16: Approval Required for Wastewater
- 8-1-17: Pretreatment Facilities
- 8-1-18: Deadlines for Compliance with Applicable Pretreatment Requirements
- 8-1-19: Additional Pretreatment Measures
- 8-1-20: Accidental Spill Prevention Plans
- 8-1-21: Connection to Sanitary Sewer Required
- 8-1-22: Sewer Service
- 8-1-23: Sewer Service Connection Fees
- 8-1-24: Sewer Service Repair
- 8-1-25: Permit Required to Work on Public Sewer
- 8-1-26: Notice of Inspection
- 8-1-27: Right to Revoke Permission
- 8-1-28: Sewer Construction Specifications
- 8-1-29: Submission of Information
- 8-1-30: Injury to Sewerage System Unlawful
- 8-1-31: State Requirement
- ~~8-1-32: Accidental Discharges/Slug Control Plans~~
- 8-1-~~33~~32: Wastewater Discharge Permit Requirements
- 8-1-~~34~~33: Wastewater Discharge Permits—Existing SIU's
- 8-1-~~35~~34: Wastewater Discharge Permits—New Sources and New User
- 8-1-~~36~~35: Wastewater Discharge Permits-Extra-Jurisdictional Users
- 8-1-~~37~~67: Wastewater Discharge Permit Application Contents
- 8-1-~~38~~37: Signatory and Certification Required
- 8-1-~~39~~38: Wastewater Discharge Permit Decisions
- 8-1-~~40~~39: Wastewater Discharge Permit Contents

- 8-1-4140: Wastewater Discharge Permit Appeals
- 8-1-412: Wastewater Discharge Permit Duration
- 8-1-423: Wastewater Discharge Permit Modification
- 8-1-434: Wastewater Discharge Permit Transfer
- 8-1-445: Wastewater Discharge Permit Revocation
- 8-1-456: Wastewater Discharge Permit Reissuance
- 8-1-467: Final and Initial Compliance Reports
- 8-1-478: Periodic Compliance Report
- 8-1-489: Compliance Schedules for Applicable Pretreatment Standards
- 8-1-5049: Notification of Significant Production Changes
- 8-1-5150: Hazardous Waste Notification
- 8-1-5251: Notice of Potential Problems, Including Accidental Spills, Slug

Loadings

- 8-1-5352: Non-Compliance Reporting
- 8-1-5453: Notification of Changed Discharge
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- 8-1-5654: Reports from Unpermitted Users
- 8-1-5755: Record Keeping
- 8-1-5856: Sampling Requirements for Users
- 8-1-5957: Analytical Requirements
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- 8-1-6159: Inspection and Sampling
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- 8-1-6361: Search Warrants
- 8-1-6462: Confidential Information
- 8-1-6563: Publication of Users in Significant Non-Compliance
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- ~~8-1-75: Civil Penalties~~
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- ~~8-1-77: Remedies Non-Exclusive~~
- 8-1-728: Performance Bonds
- 8-1-739: Liability Insurance
- 8-1-8074: Termination of Utility Services
- 8-1-8175: Public Nuisances
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- 8-1-7783: Contractor Listing
- 8-1-7884: Affirmative Defenses to Discharge Violations
- 8-1-7985: Sewer User Service Charge

- 8-1-8046: Computation of Industrial Waste Service Charge
- 8-1-817: Transition Rates for Industrial Users
- ~~8-1-88: (Repealed)~~
- ~~8-1-89: Woodruff Avenue Interceptor~~
- 8-1-9082: Grease Interceptor
- 8-1-9183: Interceptors Required to Remove Harmful Ingredients
- 8-1-9842: Septic Tank Waste
- ~~8-1-93: (Repealed)~~
- 8-1-8594: Classification of Users
- ~~8-1-95: Domestic and Commercial Rates Outside the City~~
- 8-1-9686: Billing, Collection, and Termination of Utility Service
- 8-1-8797: Pretreatment Charges and Fees
- 8-1-8898: Recovery of Cost by City, Falsifying Information
- 8-1-8999: Falsifying Information, Limitation of Liability
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- 8-1-91: Civil Penalties
- 8-1-92: Criminal Prosecution
- 8-1-93: Remedies Non-Exclusive

8-1-1: PURPOSE: This Chapter sets forth uniform requirements for Users of the POTW for the City of Idaho Falls and enables the City to comply with all applicable State and Federal laws including the Clean Water Act and the General Pretreatment Regulations (40 CFR, Part 403). The objectives of this Chapter are:

- (A) To prevent the introduction of pollutants into the POTW that will interfere with the operation of the POTW;
 - (B) To prevent the introduction of pollutants into the POTW which will pass through the POTW, inadequately treated, into receiving waters of or otherwise be incompatible with the POTW;
 - (C) To ensure that the quality of the wastewater treatment plant sludge is maintained at a level which allows its use and disposal in compliance with applicable statutes and regulations;
 - (D) To protect POTW personnel who may be affected by wastewater and sludge in the course of their employment and to protect the general public;
 - (E) To improve the opportunity to recycle and reclaim wastewater and sludge from the POTW.
 - (F) To establish an equitable distribution of the cost of operating the POTW;
- and

(G) To establish an equitable means, through the collection of a sewer main connection fee, of requiring persons connecting to an existing sewer main which directly benefits their property, to participate in the costs of installing such main; and

(H) To establish an equitable means through a sewer service connection fee of requiring persons who connect to the sanitary sewer system and the wastewater treatment plant to participate in the capital costs of constructing the entire system and to pay the direct costs of making such connection. (Ord. 2223, 1-9-97; Ord. 2684, 12-14-06)

8-1-2: DEFINITION OF TERMS: Certain terms used in this Chapter shall have the meanings herein given to them:

ACT: The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. § 1251, et seq.

APARTMENT: Any building or portion thereof which is designed, built, rented or leased, let, or hired out to be occupied or which is occupied as the home or residence of four (4) or more families living independently of each other and doing their own cooking within the premises.

APPLICABLE PRETREATMENT STANDARDS: For any specified pollutant, City prohibitive standards, City specific pretreatment standards, State of Idaho pretreatment standards, or EPA's Categorical Pretreatment Standards, whichever standard is appropriate or most stringent.

APPROVAL AUTHORITY: ~~The Regional Administrator of the Idaho Pollutant Discharge Elimination System Program (IPDES), Region 10~~ Idaho Department of Environmental Quality.

AUTHORIZED REPRESENTATIVE OF THE USER:

(A) If the User is a corporation:

- (1) The president, secretary, treasurer, or a vice-president treasurer, or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or
- (2) The manager of one or more manufacturing, production, or operation facilities, provided the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations and initiating and directing other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for control mechanism requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with appropriate corporate procedures;

(B) If the User is a partnership or sole proprietorship: a general partner or proprietor, respectively;

- (C) If the User is a Federal, State, or local governmental facility: a director or the highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.
- (D) The individuals described in paragraphs 1 through 3 above may designate another authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the City.

BAR: A business whose principal activity is serving alcoholic beverages, but not prepared meals, on site.

BEST MANAGEMENT PRACTICES (BMP): Means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices. BMP also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.

BIG BOX RETAIL: A very large retail store with more than ten thousand (10,000) gross square footage.

BIOCHEMICAL OXYGEN DEMAND (BOD): The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures for five (5) days at 20 degrees Celsius, usually expressed as a concentration (milligrams per liter (mg/l).

BUILDING DRAIN: That part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste and other drainage pipes inside the walls of the buildings and conveys it to the side sewer which begins two feet (2') outside the outer face of the building wall or foundation.

CAR SALES: A business conducting the sale of automobiles where the building contains a wash bay; or a business involving the repair also includes auto body repair shops.

CATEGORICAL PRETREATMENT STANDARD ~~OR CATEGORICAL STANDARD~~: Any regulation containing pollutant discharge limits promulgated by the U.S. EPA in accordance with Sections 307(b) and (c) of the Act (33 U.S.C. 1317) which apply to a specific category of Users and which appear in 40 CFR Chapter I, Subchapter N, Parts 405-471.

CATEGORICAL USER: A User regulated by one of EPA's Categorical Pretreatment Standards.

CHURCH: A building used for public religious worship.

CLEAN WATER ACT (the Act): The Clean Water Act of 1977, as codified in 33 USC Section 1251 et seq.

CODE OF FEDERAL REGULATIONS OR C.F.R.: The United States Code of Federal Regulations.

COLOR: The optical density at the visual wave length of maximum absorption, relative to distilled water. One-hundred percent (100%) transmittance is equivalent to zero (0.0) optical density.

COMBINED SEWER: A sewer receiving both surface runoff and sanitary wastewater.

COMPOSITE SAMPLE: The sample of wastewater resulting from the combination of individual wastewater samples taken at selected intervals based on an increment of either flow or time.

CONTROL AUTHORITY: Public Works Department.

CONVENIENCE STORE: An automobile service station consisting of a building small retail floor area and which has fuel dispensing pumps.

COOLING WATER/NON-CONTACT COOLING WATER: Water used for cooling which does not come into direct contact with any raw material, intermediate product, waste product, or finished product. Cooling water may be generated from any use, such as air conditioning, heat exchangers, cooling or refrigeration to which the only pollutant added is heat.

DAY CARE: A place or facility providing care and supervision for compensation of children not related by blood or marriage to the person or persons providing the care in a place other than the child's or adult's own home or homes.

DIRECTOR: The Director of the Public Works Department of the City or their duly authorized deputy, agent, or representative.

DISCHARGE: The introduction of pollutants into the POTW from any non-domestic source regulated under Section 307(b), (c), or (d) of the Act. The discharge into the POTW is normally by means of pipes, conduits, pumping stations, force mains, constructed drainage ditches, surface water intercepting ditches, and all constructed devices and appliances appurtenant thereto.

DOMESTIC USER: Any person who contributes, causes, or allows the contribution of wastewater into the POTW that is of a similar volume and/or chemical make-up as that of a residential dwelling unit. Discharges from a residential dwelling unit typically include up to one hundred (100) gallons per capita per day, 0.2 pounds of BOD per capita per day, and 0.17 pounds of TSS per capita per day.

DUPLEX/TRIPLEX: A dwelling unit which is physically attached to or shares a common party wall with up to two (2) additional dwelling units and which has open space on at least two (2) sides.

DWELLING UNIT: A building or structure or portion thereof that is constructed and used primarily for residential purposes, or any building or structure which has been constructed or altered to provide for two (2) or more families or households or which has been constructed or altered to accommodate travelers or transients.

EFFECTIVE DATE: The effective date of the ordinance adopting this Chapter.

~~ENVIRONMENTAL PROTECTION AGENCY: The United States Environmental Protection Agency or, where appropriate the Director of the Region 10 Office of Water and Watersheds or other duly authorized official of said agency.~~

EXISTING SOURCE: A categorical industrial User, the construction or operation of whose facility commenced prior to the publication by EPA of proposed categorical pretreatment standards, which would be applicable to such source if and when the standard is thereafter promulgated in accordance with Section 307 of the Act.

EXISTING USER: Any non-categorical User which was discharging wastewater prior to January 5, 1984, the effective date of this Chapter.

FAST FOOD RESTAURANT: A restaurant which possesses all three (3) of the following characteristics: 1) all food orders are placed at a counter, 2) drive-thru window service, and 3) meals are served in paper, plastic, or other types of disposable materials.

GARBAGE: The residue from the preparation, cooking, and dispensing of food, and from the handling, storage, and sale of food products and produce.

~~GRAB SAMPLE: A sample which is taken from a wastestream on a one time basis without regard to the flow in the wastestream and without consideration of time. A sample of wastewater taken over a period of time not exceeding fifteen (15) minutes.~~

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GYM: A business where physical exercises, dance, martial arts, or other physical activities are performed inside.

HALL: a large room or theater for meetings, concerts, or other events.

HOTEL: Any building used, rented, or hired out to be occupied on a daily or weekly basis for sleeping purposes by guests.

INDIRECT DISCHARGE: The introduction of pollutants into the POTW from any non-domestic source regulated under Section 307(b), (c), or (d) of the Act. The discharge into the POTW is normally by means of pipes, conduits, pumping stations, force mains, constructed drainage ditches, surface water intercepting ditches, and all constructed devices and appliances appurtenant thereto.

INDUSTRIAL USER: A source of indirect discharge. The source shall not include "Domestic User" as defined in this Chapter.

INTERFERENCE: A discharge which alone or in conjunction with a discharge or discharges from other sources, either: (1) inhibits or disrupts the POTW, its treatment processes or operations; (2) inhibits or disrupts its sludge processes, use or disposal; or (3) is a cause of a violation of the City's NPDES permit or of the prevention of sewage sludge use or disposal in compliance with any of the following statutory/regulatory provisions or permits issued thereunder (or more stringent State

or local regulations): Section 405 of the Clean Water Act; the Solid Waste Disposal Act (SWDA), including Title II commonly referred to as the Resource Conservation and Recovery Act (RCRA); any State regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the SWDA; the Clean Air Act; the Toxic Substances Control Act; and the Marine Protection, Research, and Sanctuaries Act.

MAXIMUM ALLOWABLE DISCHARGE LIMIT: The maximum concentration (or loading) of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composited sample collected, independent of the industrial flow rate and the duration of the sampling event.

MEDICAL OFFICE: An institution providing health or veterinary service or medical, surgical, or custodial care of the sick or injured.

MEDICAL WASTES: Isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes and dialysis wastes.

NEW SOURCE:

(A) Any building, structure, facility, or installation from which there is (or may be) a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under Section 307(c) of the Act which will be applicable to such source if such standards are thereafter promulgated in accordance with that Section, provided that:

- (1) The building, structure, facility, or installation is constructed at a site at which no other source is located; or
- (2) The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
- (3) The production or wastewater generating processes of the building, structure, facility, or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source, should be considered.

(B) Construction on a site at which an existing source is located that results in a modification rather than a new source, if the construction does not create a new building, structure, facility, or installation meeting the criteria of Section (A) above, but otherwise alters, replaces or adds to existing process or production equipment.

(C) Construction of a new source as defined under this paragraph has commenced if the owner or operator has:

- (1) Begun, or caused to begin as part of a continuous on-site construction program:

- (a) any placement, assembly or installation of facilities or equipment; or
 - (b) Significant site preparation work including clearing, excavation or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly or installation of new source facilities or equipment; or
- (2) Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss and contracts for feasibility, engineering and design studies do not constitute a contractual obligation under this paragraph.

NEW USER: A “New User” is a User that is not regulated under federal categorical pretreatment standards but that applies to the City for a new building permit or who occupies an existing building and plans to commence discharge of wastewater to the City’s collection system after the Effective Date of this Chapter. Any person that buys an existing facility that is discharging non-domestic wastewater will be considered an “existing User” if no significant changes are made in the manufacturing operation.

OFFICE: A room, set of rooms, or building used for providing a service or as a place for commercial, professional, or bureaucratic work.

PASS THROUGH: A discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or dischargers from other sources, is a cause of a violation of any requirement of the City’s NPDES permit (including an increase in the magnitude or duration of a violation).

PERMITTEE: A person or User issued a wastewater discharge permit.

PERSON: Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity; or their legal representatives, agents, or assigns. This definition includes all Federal, State, or local governmental entities.

pH: A measure of the acidity or alkalinity of a substance, expressed in standard units.

POLLUTANT: Any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt, agricultural and industrial wastes, and the characteristics of the wastewater (i.e., pH, temperature, TSS, turbidity, color, BOD, Chemical Oxygen Demand (COD), toxicity or odor).

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 discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration may be

obtained by physical, chemical or biological processes, process changes or by other means, except as prohibited by 40 CFR 403.6(d). Appropriate pretreatment technology includes control equipment, such as equalization tanks or facilities, for protection against surges or slug loadings that might interfere with or otherwise be incompatible with the POTW. However, where wastewater from regulated process is mixed in an equalization facility with unregulated wastewater or with wastewater from another regulated process, the effluent from the equalization facility must meet an adjusted pretreatment limit calculated in accordance with 40 CFR 403.6 (e).

PRETREATMENT REQUIREMENTS: Any substantive or procedural requirement related to pretreatment imposed on a User, other than a pretreatment standard.

PRETREATMENT STANDARDS: Pretreatment prohibited discharge standards, categorical pretreatment standards, and local limits and best management practices (“BMP’s”) as established by the City.

PRIVATE SEWER: All sewers and sewer service lines except public sewers.

PROHIBITED DISCHARGE STANDARDS OR PROHIBITED DISCHARGES: Absolute prohibitions against the discharge of certain substances listed in Section 8-1-9 (A) and (B) of this Chapter.

PUBLICLY OWNED TREATMENT WORKS (POTW): A “treatment works,” as defined by Section 212 of the Act (33 U.S.C. 1292), which is owned by the City. This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of sewage or industrial wastes of a liquid nature and any conveyances which convey wastewater to a treatment plant. The term also means the City.

PUBLIC SEWER: The sewer main line which discharges directly or indirectly into the POTW and which is owned by the City and located on public property or within a publicly-owned easement.

RCRA: The Resource Conservation and Recovery Act as adopted by the United States as the same exists on the date hereof or as may be amended hereafter.

REST HOME: A building for the care and lodging of elderly or incapacitated persons.

RESTAURANT: A food service establishment where people pay to sit and eat meals that are prepared, cooked, and served on the premises.

RETAIL: A building or unit providing the sale of goods to the public in relatively small quantities for use or consumption rather than for resale.

SALON: An establishment where a hairdresser or beautician conducts business.

SANITARY SEWAGE: Wastes that are derived principally from dwellings, business buildings, institutions and other places of habitation or occupation exclusive of storm and surface water.

SANITARY SEWER: A sewer that conveys, or which is intended to convey, sanitary sewage, or industrial wastes, or a combination of the two.

SCHOOL: An institution dedicated to the education of children, teens, and adults differentiated as follows:

- Elementary School: Grades K through 6;
- Junior High School: Grades 7 through 8;
- High School: Grades 9 through 12;
- College or University: Post High School education

SEPTIC TANK WASTE: Any sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.

SERVICE CHARGE: The charge assessed by the City for use of the POTW.

SEWAGE: Human excrement and gray water (household showers, dishwashing operations, etc.).

SEWER: Any pipe, conduit ditch, or other device used to collect and transport sewage from the generating source.

SEWER ~~SERVICE~~-LINE: A pipe or conduit for conveying wastewater.

SEWER SERVICE LINE: The pipe extension from the building drain to the public sewer, including the tap into the main line and that part of the pipe extension located in the public right-of-way.

SHALL, MAY: “Shall” is mandatory, “may” is permissive.

SHOP: A building or unit where things are manufactured or repaired, typically consisting of a small office accompanied by a larger work space.

SIGNIFICANT INDUSTRIAL USER (SIU):

- (A) A User subject to Categorical Pretreatment Standards; or,
- (B) A User that:
 - (1) Discharges an average of twenty-five thousand (25,000) gpd or more of process wastewater into the POTW (excluding sanitary, non- contact cooling and boiler blowdown wastewater); or
 - (2) Contributes a process wastestream which makes up five (5%) percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or
 - (3) Is designated as such by the City on the basis that it has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement.

- (C) Upon finding that a User meeting the criteria in Subsection two (2) has no reasonable potential for adversely affecting the POTW's operation or for violating any applicable pretreatment standard or requirement, the City may at any time, on its own initiative or in response to a petition received from a User, and in accordance with procedures in 40 CFR 403.8(f)(6), determine that such User should not be considered a significant industrial User.

SINGLE-FAMILY DWELLING: A detached dwelling unit, including manufactured or mobile homes, designed for or occupied exclusively by one (1) household.

SLUG LOAD: Any discharge at a flow rate or concentration which could cause a violation of the discharge standards in Sections 8-1-9 through 8-1-12 of this Chapter or any discharge of a non-routine, episodic nature, including but not limited to, an accidental spill or a non-customary batch discharge.

STANDARD INDUSTRIAL CLASSIFICATION (SIC) CODE: A classification pursuant to the Standard Industrial Classification Manual issued by the United States Office of Management and Budget.

STORM DRAIN: A pipe or conduit conveying Storm Water, surface and ground water drainage and which does not convey sanitary sewage or industrial wastes.

STORM WATER: Any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snowmelt.

TREATMENT PLANT EFFLUENT: The discharge from the POTW into waters of the United States.

TOTAL SUSPENDED SOLIDS (TSS): The total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquid, and which is removable by laboratory filtering.

TOXIC POLLUTANT: One (1) of one hundred twenty-six (126) pollutants, or combination of those pollutants, listed as toxic in regulations promulgated by EPA under Section 307 of the Act (33 U.S.C. 1317).

UNPOLLUTED WATER: Any water or liquid containing none of the following substances: free or emulsified grease or oil; acids or alkalis; substances that may impart taste or color characteristics; toxic or poisonous substances in suspension, colloidal state or solution; odorous or otherwise obnoxious gases.

UPSET: An exceptional incident in which a discharger unintentionally and temporarily is in a state of noncompliance with the standards set forth in this Chapter due to factors beyond the reasonable control of the discharger, and excluding noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance or careless or improper operation thereof.

USER: Any person who discharges wastewater into the POTW.

WAREHOUSE: A building or unit where materials, manufactured goods, or possessions are stored.

WASTEWATER: Liquid and water-carried industrial wastes and sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities and institutions, whether treated or untreated, which are contributed to the POTW.

WASTEWATER DISCHARGE PERMIT: An authorization or equivalent control document issued by the City to Users discharging wastewater to the POTW. The permit may contain appropriate pretreatment standards and requirements as set forth in this Chapter.

WASTEWATER TREATMENT PLANT: That portion of the POTW which is designed to provide treatment of municipal sewage and industrial waste.
(Ord. 2278, 4-23-98; Ord. 2609, 7-28-05; Ord. 2684, 12-14-06; Ord. 3094, 9-22-16)

8-1-3: ABBREVIATIONS: The following abbreviations shall have the designated meanings:

- ASPP: Accidental Spill Prevention Plan
- BOD: Biochemical Oxygen Demand
- CFR: Code of Federal Regulations
- COD: Chemical Oxygen Demand
- EPA: U.S. Environmental Protection Agency
- GPD: Gallons per day
- IPDES: Idaho Pollutant Discharge Elimination System
- IWA: Industrial Waste Acceptance
- l: Liter
- LEL: Lower Explosive Limit
- mg: Milligrams
- mg/l: Milligrams per liter
- NPDES: National Pollutant Discharge Elimination System
- O&M: Operations and Maintenance
- POTW: Publicly Owned Treatment Works
- RCRA: Resource Conservation and Recovery Act
- SIC: Standard Industrial Classifications
- SIU: Significant Industrial User
- WWTP: The Wastewater Treatment Plant
- SWDA: Solid Waste Disposal Act (42 U.S.C. § 6901, et seq.)
- TSS: Total Suspended Solids
- USC: United States Code

(Ord. 2223, 1-9-97; Ord. 2684, 12-14-06)

8-1-4: ADMINISTRATION: Except as otherwise provided herein, the Director shall administer, implement and enforce the provisions of this Chapter. Any powers granted to or duties imposed upon the Director may be delegated to other City personnel. (Ord. 2223, 1-9-97)

8-1-5: SCOPE OF CHAPTER: This Chapter shall apply to all Users of the POTW, regardless of whether or not such User is located within the boundaries of the City. The City shall administer, implement, and enforce the provisions of this Chapter. (Ord. 2223, 1-9-97)

8-1-6: SEWAGE TO BE DISCHARGED INTO WASTEWATER TREATMENT SYSTEM: All sanitary sewage, industrial waste or other waters containing any pollutant shall be discharged into the POTW. No person shall dispose of sewage, waste or polluted waters into the POTW except through an authorized connection to the POTW or unless otherwise expressly permitted by this Chapter. No person shall discharge sewage, waste or water containing any pollutant into the public sewer through a manhole, unless expressly authorized by the Sewer Superintendent. (Ord. 2357, 12-22-99)

8-1-7: STORM WATER NOT PERMITTED IN SANITARY SEWER: No person shall discharge or cause to be discharged any storm water, ground water, roof runoff, sub-surface drainage, cooling water or unpolluted water from any source other than the City water system, into the POTW. (Ord. 2223, 1-9-97)

8-1-8: UNPOLLUTED WATER DISCHARGED TO STORM DRAIN: All storm water shall be discharged to such sewers as are expressly designated or approved by the City as combined sewers or storm drains, or to a natural outlet approved by the City. Industrial cooling water or unpolluted process water may be discharged upon approval of the City to a storm drain, combined sewer or natural outlet. (Ord. 2223, 1-9-97)

8-1-9: NATIONAL PRETREATMENT STANDARDS: PROHIBITED DISCHARGES:

(A) General Prohibitions: No User shall introduce or cause to be introduced into the POTW any pollutant or wastewater which causes pass through or interference. These general prohibitions apply to all Users of the POTW whether or not they are subject to categorical pretreatment standards or any other national, state or local pretreatment standards or requirements.

(B) Specific Prohibitions: No User shall introduce or cause to be introduced into the POTW the following pollutants, substances or wastewater:

- (1) Pollutants which create a fire or explosive hazard in the POTW, including, but not limited to, wastestreams with a closed-cup flashpoint of less than 140 degrees F (60 degrees C) using the test methods specified in 40 CFR 261.21;
- (2) Wastewater having a pH less than ~~5.5~~6.5 or more than 9.0, or otherwise causing corrosive structural damage to the POTW or equipment in the WWTP;

- (3) Solid or viscous substances in amounts which will cause obstruction of the flow in the POTW resulting in interference, but in no case solids greater than one-half inch (1/2") in any dimension;
- (4) Pollutants, including oxygen-demanding pollutants released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause interference with the POTW;
- (5) Wastewater having a temperature which will inhibit biological activity in the WWTP resulting in interference, but in no case wastewater which causes the temperature at the introduction into the WWTP plant to exceed ~~104°F~~ 104 degrees F (40°C) ~~degrees F (40°C)~~ unless the Director approves alternate temperature limits in writing;
- (6) Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin, in amounts that will cause interference or pass through;
- (7) Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quality that may cause acute worker health and safety problems;
- (8) Trucked or hauled pollutants, except at discharge points designated by the City;
- (9) Noxious or malodorous liquids, gases, solids, or other wastewater which either singly or by interaction with other wastes, are sufficient to create a public nuisance or a hazard to life or health, or to prevent entry into the sewers for maintenance or repair;
- (10) Wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts color to the treatment plant's effluent, thereby violating the City's NPDES permit. Color in combination with turbidity shall not cause the treatment plant effluent to reduce the depth of the compensation point for photosynthetic activity by more than ten percent (10%) from the seasonably established norm for aquatic life;
- (11) Wastewater containing any radioactive wastes or isotopes except as specifically approved in writing by the Director in compliance with applicable State or Federal regulations;
- (12) Storm water, surface water, ground water, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate,

deionized water, non-contact cooling water, and unpolluted wastewater, unless specifically authorized by the Director;

- (13) Any sludges, screenings, or other residues from the pretreatment of industrial wastes or from industrial processes;
- (14) Medical wastes, except as specifically authorized by the Director;
- (15) Wastewater causing, ~~along~~-alone or in conjunction with other sources, the WWTP's effluent to fail a toxicity test;
- (16) Detergents, surface-active agents, or other substances which may cause excessive foaming in the POTW;
- (17) Any liquid, solids, or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the POTW or to the operation of the POTW. At no time shall two (2) successive readings on an explosion meter, at the point of discharge into the system (or at any point in the system), be more than five percent (5%) nor any single reading over ten percent (10%) of the lower explosive limit (LEL) of the meter;
- (18) Grease, garbage other than ground garbage, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dusts, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastics, gas, tar asphalt residues, residues from refining or processing of fuel or lubricating oil, mud, or glass grinding or polishing wastes.;
- (19) Any substance which will cause the POTW to violate its NPDES and/or other disposal system permits;
- (20) Any wastewater, which in the opinion of the Director can cause harm either to the sewers, WWTP or equipment, have an adverse effect on the receiving stream, or can otherwise endanger life, limb, public property or constitute a nuisance, unless allowed under a special agreement approved in writing by the Director, except that no special waiver shall be given from categorical pretreatment standards;
- (21) The contents of any tank or other vessel owned or used by any person in the business of collecting or pumping sewage, effluent, septic tank waster, or other wastewater unless said person has first

obtained testing and approval as may be generally required by the City and paid all fees assessed for the privilege of said discharge;

- (22) Any hazardous waste as prohibited or regulated by the State of Idaho or 40 CFR Part 261;
- (23) Persistent pesticides and/or pesticides regulated by the Federal Insecticide Fungicide Rodenticide Act (FIFRA).

Pollutants, substances or wastewater prohibited by this section shall not be processed or stored in such a manner that they could be discharged to the POTW. (Ord. 2223, 1-9-97; Ord. 2684, 12-14-06)

8-1-10: NATIONAL PRETREATMENT STANDARDS: CATEGORICAL STANDARDS: The National Categorical Pretreatment Standards as amended and promulgated by EPA pursuant to the Act and as found at 40 CFR Chapter I, Subchapter N, Parts 405-471, are hereby incorporated and shall be enforceable under this Chapter.(Ord. 2223, 1-9-97; Ord. 2684, 12-14-06)

8-1-11: STATE REQUIREMENTS: State requirements and limitations on discharges to the POTW shall be met by all Users which are subject to such standards in any instance in which they are more stringent than Federal requirements and limitations, or those in this Chapter or any other applicable Chapter of this Code. (Ord. 2223, 1-9-97; Ord. 2684, 12-14-06; Ord. 3094, 9-22-16)

8-1-12: LOCAL LIMITS: The following pollutant limits are established to protect against pass-through and interference. No person shall discharge wastewater containing pollutant levels in excess of the following daily maximum allowable discharge limits.

Parameter	Daily Maximum
Arsenic	0.04 mg/l
Cadmium	0.26 mg/l
Chromium (total)	2.77 mg/l
Copper	1.93 mg/l
Cyanide	1.04 mg/l
Lead	0.29 mg/l
Mercury	0.002 mg/l
Nickel	2.38 mg/l

Oil and grease (petroleum or mineral oil products)	100.00 mg/l
Oil and grease (animal and vegetable-based)	250.00 mg/l
Silver	0.43 mg/l
Zinc	0.90 mg/l

The above limits apply at the point where the wastewater is discharged to the POTW (end of the pipe). All concentrations for metallic substances are for "total" metal unless indicated otherwise. The Director may impose mass limitations in addition to, or in place of, the concentration-based limitations above. Where a User is subject to a categorical pretreatment standard and a local limit for a given pollutant, the more stringent limit or applicable pretreatment standard shall apply.

POTW's may develop Best Management Practices ("BMP's") to implement paragraphs as listed in 40 CFR 403.5 (c) (1) and (2). Such BMP's shall be considered local limits and Pretreatment Standards for the purpose of this Chapter and Section 307 (d) of the Act. (Ord. 2278, 4-23-98; Ord. 2609, 7-28-05; Ord. 2684, 12-14-06)

8-1-13: **RIGHT OF REVISION:** City reserves the right to establish, by ordinance or in wastewater discharge permits, more stringent standards or requirements on discharges to the POTW. (Ord. 2223, 1-9-97; Ord. 3094, 9-22-16)

8-1-14: **DILUTION:** No User shall ever increase the use of process water, or in any way attempt to dilute a discharge, as a partial or complete substitute for adequate treatment to achieve compliance with an applicable pretreatment standard or requirement unless expressly authorized by an applicable pretreatment standard or requirement. The Director may impose mass limitations on Users which they believe may be using dilution to meet applicable pretreatment standards or requirements, or in other cases when the imposition of mass limitations is appropriate. (Ord. 2223, 1-9-97; Ord. 3094, 9-22-16)

8-1-15: **SPECIAL AGREEMENTS:** City reserves the right to enter into special agreements with Users setting out special terms under which they may discharge to the POTW. In no case will a special agreement waive compliance with a categorical pretreatment standard or federal pretreatment requirement. However, the User may request a net gross adjustment to a ~~e~~Categorical ~~s~~Standard in accordance with 40 CFR 403.15. They may also request a variance from the categorical pretreatment standard from the approval authority in accordance with 40 CFR 403.13. (Ord. 2223, 1-9-97; Ord. 3094, 9-22-16)

8-1-16: **APPROVAL REQUIRED FOR WASTEWATER:** No User shall discharge wastewater into the POTW without having first filed an application with the Director and having obtained a permit to discharge wastewater into the POTW. At the time of such application, the applicant shall provide sufficient information concerning the nature, concentration and quantity of their waste or such other information as may be reasonably necessary for the Director to assure compliance with this Chapter. Upon receipt of said application, the Director shall review the same

and if necessary, inspect the property and facilities of the applicant to determine if said facilities are in compliance with the provisions of this Chapter. Upon making such determination, the Director shall forthwith issue a permit to the applicant authorizing discharge of waste to the public sewer. All significant industrial Users shall in addition comply with the provisions of ~~Sections 8-1-33 through 8-1-46~~ of this Chapter. Such permit may be issued upon conditions reasonably necessary to assure compliance with this Chapter, including, but not limited to, the following:

- (A) Limits on the average and maximum wastewater constituents and characteristics;
- (B) Limits on average and maximum rate and time of discharge or requirements for flow regulations and equalization;
- (C) Requirements for installation and maintenance of inspection and sampling facilities;
- (D) Conditions concerning sampling locations, frequency of sampling, number, types and standards for tests and a reporting schedule therefor;
- (E) Compliance schedules;
- (F) Periodic submission of technical reports or other discharge reports necessary to determine compliance with this Chapter, and the frequency of monitoring of the discharge;

(G) Any other condition reasonably necessary to assure compliance with this Chapter.

(H) Statement of Permit Duration.

(I) Statement of Nontransferability.

(Ord. 2223, 1-9-97; Ord. 3094, 9-22-16)

8-1-17: **PRETREATMENT FACILITIES:** Users shall provide necessary wastewater treatment as required to comply with this Chapter and shall achieve compliance with all applicable pretreatment standards and requirements set out in this Chapter within the time limitations specified by the EPA, the State, or the Director, whichever is more stringent. Any facilities required to pretreat wastewater to a level acceptable to City shall be provided, operated, and maintained at the User's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to City for review, and shall be acceptable to City before construction of the facility. The review of such plans and operating procedures will in no way relieve the User from the Responsibility of modifying the facility as necessary to produce an acceptable discharge to the City under the provisions of this Chapter. (Ord. 2223, 1-9-97; Ord. 3094, 9-22-16)

8-1-18: **DEADLINES FOR COMPLIANCE WITH APPLICABLE PRETREATMENT REQUIREMENTS:** Compliance by existing Users covered by categorical pretreatment standards shall be accomplished within three (3) years of the date the Standard is effective unless a shorter compliance time is specified in the appropriate Standard. The City shall establish a final compliance deadline date for any existing User not covered by categorical pretreatment standards

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or for any categorical User when the local limits for said User are more restrictive than the Federal Categorical Pretreatment Standards.

New Source Dischargers and New Users are required to comply with applicable pretreatment standards within the shortest feasible time not to exceed ninety (90) days from the beginning of discharge. New Sources and New Users shall install and have in operating condition, and shall start-up all pollution control equipment required to meet applicable pretreatment standards before beginning to discharge.

Any wastewater discharge permit issued to a Categorical User shall not contain a compliance date beyond any deadline date established in EPA's Categorical Pretreatment Standards. Any other existing User or a categorical User that must comply with a more stringent local limit, which is in non-compliance with any local limits shall be provided with a compliance schedule placed in an industrial wastewater permit to ensure compliance within the shortest time feasible.

(Ord. 2223, 1-9-97; Ord. 2684, 12-14-06; Ord. 3094, 9-22-16)

8-1-19: ADDITIONAL PRETREATMENT MEASURES:

(A) Whenever deemed necessary, the Director may require Users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage wastestreams from industrial wastestreams, and such other conditions as may be necessary to protect the POTW and determine the User's compliance with the requirements of this Chapter.

(B) Grease, oil, and sand interceptors shall be provided when, in the opinion of the Director, they are necessary for the proper handling of wastewater containing excessive amounts of grease and oil, or sand, except that such interceptors shall not be required for residential Users. All interception units shall be of type and capacity approved by the Director and shall be so located to be easily accessible for cleaning and inspection. Such interceptors shall be inspected, cleaned, and repaired regularly, as needed, by the User at its expense.

(C) Users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter. (Ord. 2223, 1-9-97; Ord. 2609, 7-28-05; Ord. 2684, 12-14-06)

8-1-20: ACCIDENTAL SPILL PREVENTION PLANS: The Director may require any User to develop and implement an accidental spill prevention plan (ASPP) or slug control plan. Where deemed necessary by City, facilities to prevent accidental discharge or slug discharges of pollutants shall be provided and maintained at the User's cost and expense. An accidental spill prevention plan or slug control plan showing facilities and operating procedures to provide this protection shall be submitted to City for review and approval before implementation. City shall determine which User is required to develop a plan and require said plan to be submitted within thirty (30) days after notification by City. Each User shall implement its ASPP as submitted or as modified after such plan has been reviewed and approved by City. Review and approval of such plans and operating procedures by City shall not relieve the User from the responsibility to modify its facility as necessary to meet the requirements of this Chapter.

- (A) Any User required to develop and implement an accidental spill prevention plan shall submit a plan which addresses, at a minimum, the following:
1. Description of discharge practices, including non-routine batch discharges;
 2. Description of stored chemicals;
 3. Procedures for immediately notifying the POTW of any accidental or slug discharge. Such notification must also be given for any discharge which would violate any of the standards in Sections 8-1-9 through 8-1-12 of this Chapter; and
 4. Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic chemicals (including solvents), and/or measures and equipment for emergency response.
- (B) Users shall notify the City Wastewater Treatment Plant immediately after the occurrence of a slug or accidental discharge of substances regulated by this Chapter. The notification shall include location of discharge, date and time thereof, type of waste, concentration and volume, and corrective actions. Any affected User shall be liable for any expense, loss, or damage to the POTW, in addition to the amount of any fines imposed on the City on account thereof under State or Federal law.
- (C) Within five (5) days following an accidental discharge, the User shall submit to the Director a detailed written report describing the cause of the discharge and the measures to be taken by the User to prevent similar future occurrences. Such notification shall not relieve the User of any expense, loss, damage, or other liability which may be incurred as a result of damage to the POTW, fish kills, or any other damage to person or property nor shall such notification relieve the User of any fines, civil penalties, or other liability which may be imposed by this Chapter or other applicable law.
- (D) Signs shall be permanently posted in conspicuous places on the User's premises advising employees whom to call in the event of a slug or accidental discharge. Employers shall instruct all employees who may cause or discover such a discharge with respect to emergency notification procedures. (Ord. 2223, 1-9-97; Ord. 2684, 12-14-06; Ord. 3094, 9-22-16)

8-1-21: CONNECTION TO SANITARY SEWER REQUIRED: Every building or structure located within the City and from which any wastewater is discharged shall be connected to the public sanitary sewer if such sewer is within two hundred feet (200') of such building or structure, unless otherwise approved by Public Works. All connections to the sewer shall be made at the expense of the owner or person having control thereof. ~~Any person who fails to make such connection within ninety (90) days after receiving a notice from City advising them of the~~

~~availability of the sewer, shall be guilty of a misdemeanor.~~ (Ord. 2223, 1-9-97; Ord. 3094, 9-22-16)

8-1-22: SEWER SERVICE LINE: A separate and independent sewer service line shall be installed for every building using or required to use the POTW. Separate sewer service lines are not required for each space in a travel trailer court nor for any dwelling unit having a total living area of five hundred square feet (500') or less. (Ord. 2278, 4-23-98; Ord. 3094, 9-22-16)

8-1-23: SEWER SERVICE CONNECTION FEES:

(A) Permits Required: No person shall install or alter any sanitary sewer within the City, or tap onto or connect to any sanitary sewer line, whether lateral, main or interceptor, without first obtaining a permit from City.

(B) Sewer Connection Fees: Before any permit is issued for the installation or alteration of any sanitary sewer or before any connection is made to any sanitary sewer line, whether lateral, main or interceptor, the applicant shall pay to City a sewer connection fee in an amount set from time to time by Resolution of the Council, ~~for the following:~~

- ~~• Single Family Dwellings;~~
- ~~• Mobile Home Courts or Mobile Home Subdivisions;~~
- ~~• Motels, Hotels, Boarding Houses, Travel Trailer Courts;~~
- ~~• Trailer Courts;~~
- ~~• Apartment Houses, Duplexes, Triplexes, Condominiums and similar living units;~~
and
- ~~• Commercial Buildings~~

(C) ~~A separate sewer connection permit must be obtained for each building or trailer court or cabin court using the sanitary sewer system of City, and except as otherwise provided herein, the service connection fee must be paid whenever a plumbing permit is required by City. Once the required sewer service connection fee has been paid for any building connected to the POTW, no further connection fee shall be charged for the connection of any sewer serving any building constructed or reconstructed at the same place, or so near the same place that no substantial extension of the original side sewer is necessary to serve it. If a connection permit was issued after January 1, 1958, the connection fee is deemed to have been paid. In all other cases, proof of payment of the fee shall be furnished by the applicant, and in the absence of such proof, a connection fee shall be charged. Where an existing structure/connection is modified, the fee charged shall be based on the modification. -~~

(D) Sewer Main Connection Charge. Before connecting to any sewer main constructed in whole or in part at City expense, all persons desiring such connection shall pay a sewer main connection fee in an amount set from time to time by Resolution of the Council per front foot of property owned by such person and fronting upon a street, or public right of

way or easement within which a sewer main is located. Despite the foregoing, if any person requests annexation to the City and as part of such annexation also requests connection to such sewer main, then the fee shall be due in full at the time such property is annexed to City. If any such property is located upon a corner or is bounded by two or more streets in which a sewer main is located, the calculation for the fee shall be based upon the frontage of the longest street in which a sewer main is located. All sewer mains within City shall be deemed to have been constructed in whole or in part at City expense, unless the applicant presents written evidence conclusively demonstrating such main was constructed entirely from private monies or was constructed entirely with funds from a state or federal grant. If any person constructs a sewer main entirely at their expense, City may, by written agreement, pay over to such person all sewer main connection fees collected by City from any other person who subsequently connects to such sewer main.

- (E) Sanitary Sewer Capital Improvement Fund: There is hereby established a Sanitary Sewer Capital Improvement Fund to be supervised and managed by City Treasurer. All sewer service connection fees and sewer main fees collected under this Chapter shall be deposited into said Fund and shall be distributed only for the purposes set forth below.
- (F) Disbursement of Funds: Disbursements may be made from the Sanitary Sewer Capital Improvement Fund for the following purposes only:
 - (1) Capital improvements to the sanitary treatment facilities.
 - (2) Extensions to the sanitary sewer system, including lateral, mains and interceptors.
 - (3) Payment of principal and interest on any general obligation or revenue bond or bonds issued by the City to defray the cost of construction, extension or improvement of the sanitary sewer system.
 - (4) Reimbursement of sewer main fees to a developer who has constructed a sewer main or any portion thereof for which sewer main fees have been collected from any other property owner served by such sewer main. (Ord. 2312, 2-25-99; Ord. 2964, 8-14-14; Ord. 3094, 9-22-16)

8-1-24: SEWER SERVICE REPAIR: When any sewer service line or private sewer connected to the public sewer becomes obstructed, broken, or out of order, the owner, agent, or tenant of such premises shall repair the same at his own expense. (Ord. 2278, 4-23-98; Ord. 3094, 9-22-16)

8-1-25: PERMIT REQUIRED TO WORK ON PUBLIC SEWER: No person shall uncover, disturb, construct, repair, or extend any part of the public sewer or any private sewer located within a public ~~row~~ right of way without first obtaining a sewer service excavation permit. No person shall extend any private sewer or sewer service beyond the limits of the building or property for which a permit has been given without obtaining a permit for the desired extension. The issuance of a sewer service permit shall not be construed to permit any work for which a public right of way excavation permit is required by this Code. (Ord. 2278, 4-23-98; Ord. 3094, 9-22-16)

8-1-26: NOTICE OF INSPECTION: No person shall make a new connection to any public sewer without first giving advance notice ~~to the Director at least five (5) hours prior to the time of making such connection, provided however if such connection is located within a public right of way, no further notice shall be required beyond~~ pursuant to the requirements of Section 8-7-2 of this Code. Notices given on any Saturday or legal holiday will not be accepted. All connections must be made in accordance with the Standard Drawings and Specifications and shall be inspected by City before the trench is filled. (Ord. 2223, 1-9-97; Ord. 3094, 9-22-16; Ord. 3186, 05-24-18)

8-1-27: RIGHT TO REVOKE PERMISSION: All sewer service excavation permits issued under this Chapter may be revoked upon failure of the holder of the permit to comply with this Chapter or the construction standards set forth in the Standard Drawings and Specifications. (Ord. 2223, 1-9-97; Ord. 3186, 05-24-18)

8-1-28: SEWER CONSTRUCTION SPECIFICATIONS: All construction or reconstruction on public and private sewer services shall be in accordance with Standard Drawings and Specifications. (Ord. 2223, 1-9-97; Ord. 3186, 05-24-18)

8-1-29: SUBMISSION OF INFORMATION: Plans, specifications and any other pertinent information relating to proposed pretreatment or processing facilities shall be submitted for approval to the approving authority prior to the start of their construction if the effluent from such facilities is to be discharged into the public sewers. (Ord. 2223, 1-9-97)

8-1-30: INJURY TO SEWERAGE SYSTEM UNLAWFUL: No person shall willfully or negligently break, damage, destroy, uncover, deface, tamper with, or prevent access to any structure, appurtenance or equipment, or other part of the POTW. No person shall deposit into the POTW any substance which will likely obstruct the flow of wastewater in the POTW. . (Ord. 2223, 1-9-97; Ord. 2684, 12-14-06; Ord. 3094, 9-22-16)

8-1-31: STATE REQUIREMENT: State standards and limitations on discharges to the POTW shall be met by all Users where such standards are more stringent than the standards in this or any other applicable Chapter. (Ord. 2223, 1-9-97)

~~8-1-32: ACCIDENTAL DISCHARGES/SLUG CONTROL PLANS:~~

~~(A) The Director may require any User to develop and implement an accidental discharge/slug control plan ("ASPP"). Where deemed necessary by City, facilities to prevent accidental discharge or slug discharges of pollutants shall be provided and maintained at the User's cost and expense. An accidental spill prevention plan/slug control plan showing facilities and operating procedures to provide this protection shall be submitted to City for review and approval before implementation. City shall determine which User is required to develop a plan and require said plan to be submitted within thirty (30) days after written notification by City that an ASPP is required. Each User shall implement its ASPP as submitted or as modified after such plan has been reviewed and approved by City. Review and approval of such plans and operating procedures by City shall not relieve the User from~~

~~the responsibility to modify its facility as necessary to meet the requirements of this Chapter.~~

~~(B) Any User required to develop and implement an ASPP shall submit a plan which addresses, at a minimum, the following:~~

~~(1) Description of discharge practices, including non-routine batch discharges;~~

~~(2) Description of stored chemicals;~~

~~(3) Procedures for immediately notifying the POTW of any accidental or slug discharge. Such notification must also be given for any discharge which would violate any of the standards in Sections 8-1-9 through 8-1-12 of this Chapter; and~~

~~(4) Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents) and/or measures and equipment for emergency response.~~

~~(C) Users shall notify the Director immediately upon the occurrence of a “slug” or “accidental discharge” of substances regulated by this Chapter. The notification shall include location of discharge, date and time thereof, type of waste, concentration and volume, and corrective actions. Any affected User shall be liable for any expense, loss, or damage to the POTW, including the amount of any fines imposed on the City on account thereof under State or Federal law.~~

~~(D) Within five (5) days following an accidental discharge, the User shall submit to the Director a detailed written report describing the cause of the discharge and the measures to be taken by the User to prevent similar future occurrences. Such notification shall not relieve the User of any expense, loss, damage or other liability which may be incurred as a result of damage to the POTW, fish kills, or any other damage to person or property; nor shall such notification relieve the User of any fines, civil penalties or other liability which may be imposed by this Chapter or other applicable law.~~

~~(E) Signs shall be permanently posted in conspicuous places on the User's premises advising employees whom to call in the event of a slug or accidental discharge. Employers shall instruct all employees who may cause or discover such a discharge with respect to emergency notification procedures. (Ord. 2223, 1-9-97; Ord. 3094, 9-22-16)~~

8-1-323: WASTEWATER DISCHARGE PERMIT REQUIREMENTS: No significant industrial User shall discharge wastewater into the POTW without first obtaining a wastewater discharge permit from the Director. Any violation of the terms and conditions of a wastewater discharge permit shall be deemed a violation of this Chapter and subjects the wastewater discharge permittee to the sanctions set forth in this Chapter. Obtaining a wastewater

discharge permit does not relieve a permittee of its obligation to comply with all federal and state pretreatment standards or requirements or with any other requirements of Federal, State, and local law. The Director may require other Users, including liquid waste haulers, to obtain wastewater discharge permits (as necessary) to carry out the purposes of this Chapter. (Ord. 2223, 1-9-97; Ord. 2684, 12-14-06; Ord. 3094, 9-22-16)

8-1-334: WASTEWATER DISCHARGE PERMITS—EXISTING SIU’S: Any SIU that was discharging wastewater into the POTW prior to the Effective Date and that wishes to continue such discharges in the future shall submit, within sixty (60) days after notification by the Director a permit application to City in accordance with Section 8-1-37 of this Chapter. The City’s notification to SIU’s covered by categorical pretreatment standards will be in ample time to ensure that the SIU’s comply with the one hundred eighty (180) day submittal deadline date established in 40 CFR § 403.12(b). (Ord. 2223, 1-9-97; Ord. 2684, 12-14-06; Ord. 3094, 9-22-16)

8-1-345: WASTEWATER DISCHARGE PERMITS—NEW SOURCES AND NEW USERS: At least ninety (90) days prior to the anticipated start-up, any New Source, which is a source that becomes a User subsequent to the proposal of an applicable categorical pretreatment standard that is later promulgated, and any New User considered by City to fit the definition of a SIU, shall apply for a wastewater discharge permit and will be required to submit to City at least the information listed in paragraphs (A) through (E) of Section 8-1-37-36 of this Chapter. A New Source or New User cannot discharge without first receiving a wastewater discharge permit from City. New Sources and New Users shall be required to include in their application information on the method of pretreatment the User intends to use to meet applicable pretreatment standards. New Sources and New Users shall give estimates of the information requested in paragraphs (D) and (E) of Section 8-1-37. (Ord. 2223, 1-9-97; Ord. 2684, 12-14-06; Ord. 3094, 9-22-16)

8-1-356: WASTEWATER DISCHARGE PERMITS; EXTRA-JURISDICTIONAL USERS: Any Existing User who is located beyond City limits and who is required to obtain a wastewater discharge permit shall submit a wastewater discharge permit application as outlined in Section 8-1-37. New Source and New Users located beyond City limits are also required to obtain a wastewater discharge permit in accordance with Section 8-1-37-36 of this Chapter. (Ord. 2223, 1-9-97; Ord. 2684, 12-14-06; Ord. 3094, 9-22-16)

8-1-367: WASTEWATER DISCHARGE PERMIT APPLICATION CONTENTS: All Users required to obtain a wastewater discharge permit must submit, at a minimum, the following information. The Director shall approve a form to be used as a permit application. Categorical Users submitting the following information shall be deemed to have complied with 40 CFR 403.12(b).

~~Reporting requirements for industrial users upon effective date of categorical pretreatment standard—baseline report. Within 180 days after the effective date of a categorical Pretreatment Standard, or 180 days after the final administrative decision made upon a category determination submission under §403.6(a)(4), whichever is later, existing Industrial Users subject to such categorical Pretreatment Standards and currently discharging to or scheduled to discharge to a POTW shall be required to submit to the Control Authority a report which contains the information~~

~~listed in paragraphs (A) (H) of this section. At least 90 days prior to commencement of discharge, New Sources, and sources that become Industrial Users subsequent to the promulgation of an applicable categorical Standard, shall be required to submit to the Control Authority a report which contains the information listed in paragraphs (A) (E) of this section. New sources shall also be required to include in this report information on the method of pretreatment the source intends to use to meet applicable pretreatment standards. New Sources shall give estimates of the information requested in paragraphs (D)(1) and (E)(1) of this section:~~

- (A) Identifying Information. The User shall submit the name and address of the facility, including the names of the operator and owners;
- (B) Permits. The User shall submit a list of any environmental control permits held by or for the facility;
- (C) Description of Operations. The User shall submit a brief description of the nature, average rate of production, and Standard Industrial Classification of the operation(s) carried out by such Industrial User, including a list of all raw materials and chemicals used or stored at the facility which are, or could accidentally or intentionally be, discharged to the POTW; number and type of employees; hours of operation; each product produced by type, amount, process or processes, and rate of production; type and amount of raw materials processed (average and maximum per day) and the time and duration of discharges. This description should also include a schematic process diagram which indicates points of discharge to the POTW from the regulated or manufacturing processes; site plans; floor plans; mechanical and plumbing plans; and details to show all sewers, sewer connections, inspection manholes, sampling chambers and appurtenances by size, location and elevation.
- (D) Flow Measurement.
 - (1) Categorical User: The User shall submit information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from each of the following:
 - (a) Regulated or manufacturing process streams; and
 - (b) Other streams as necessary to allow use of the combined wastestream formula of 40 CFR 403.6(e).
 - (2) Non-Categorical User. The User shall submit information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from each of the following:
 - (a) Total process flow, wastewater treatment plant flow, total plant flow or individual manufacturing process flow as required by the Director.

City may allow for verifiable estimates of these flows where justified by cost or feasibility considerations.

- (E) Measurements of Pollutants.

(1) Categorical User:

- (a) The User shall identify the applicable pretreatment standards for each regulated or manufacturing process.
- (b) In addition, the User shall submit the results of sampling and analysis identifying the nature and concentration (or mass where required by the Categorical Pretreatment Standard or as required by City) of regulated pollutants (including standards contained in Sections 8-1-9 through 8-1-12 of this Chapter, as appropriate) in the discharge from each regulated or manufacturing process. Both daily maximum and average concentration (or mass, where required) shall be reported. The sample shall be representative of daily operations and shall conform to sampling and analytical procedures outlined in Sections 8-1-5~~68~~ through 8-1-~~60-58~~ of this Chapter.
- (c) The User shall take a minimum of **Five (5)** representative samples to compile the data necessary to comply with the requirements of this paragraph.
- (d) Where an alternate concentration or mass limit has been calculated in accordance with 40 CRF 403.6(e) for a categorical User covered by a categorical pretreatment standard, this adjusted limit along with supporting data shall be submitted as part of the application.

(2) Non-Categorical User.

- (a) The User shall identify the applicable pretreatment standards for its wastewater discharge.
- (b) In addition, the User shall submit the results of sampling and analysis identifying the nature and concentration (or mass where required by City) of regulated pollutants contained in Sections 8-1-9 through 8-1-12 of this Chapter, as appropriate in the discharge. Both daily maximum and average concentration (or mass, where required) shall be reported. The sample shall be representative of daily operations and shall conform to sampling and analytical procedures outlined in Sections 8-1-5~~68~~ through 8-1-~~60-58~~ of this Chapter.
- (c) The User shall take a minimum of **Five (5)** representative samples to compile that data necessary to comply with the requirements of this Subsection.
- (d) Where the Director has developed alternate concentration or mass limits because of dilution, this adjusted limit along with supporting data shall be submitted as part of the application.

(F) Certification. A statement, reviewed by an authorized representative of the User and certified by a qualified professional as outlined in Section 8-1-3~~78~~, indicating whether the

applicable pretreatment standards are being met on a consistent basis, and, if not, whether additional operation and maintenance (hereafter referred to as "O and M") or additional pretreatment is required for the User to meet the applicable pretreatment standards and requirements.

(G) Compliance Schedule. If additional pretreatment or O and M will be required to meet the applicable Pretreatment Standards, the User shall submit the shortest schedule by which the User will provide such additional pretreatment and/or O and M. The User's schedule shall conform with the requirements of Section 8-1-4~~89~~ of this Chapter. The completion date in this schedule shall not be later than the compliance date established pursuant to Section 8-1-18 of this Chapter.

(1) Where the User's Categorical Pretreatment Standard has been modified by removal allowance (40 CFR 403.7), the combined wastestream formula (40 CFR 403.6(e)), or a Fundamentally Different Factors variance (40 CFR 403.13) at the time the User submits the report required by this paragraph, the information required by paragraphs (F) and (G) of this Section shall pertain to the modified limits.

(2) If the Categorical Pretreatment Standard is modified by a removal allowance (40 CFR 403.7), the combined wastestream formula (40 CFR 403.6(e)), and/or a Fundamentally Different Factors variance (40 CFR 403.13) after the User submits the report required by paragraphs (F) and (G) of this Section, then a report containing modified information shall be submitted by the User within sixty (60) days after the new limit is approved.

(H) The User shall submit any other information as may be deemed necessary by the Director to evaluate the wastewater discharge permit application.

(I) Baseline Reporting Requirements

~~(H)~~ Reporting requirements for industrial users upon effective date of Categorical Pretreatment Standard—baseline report. Within one hundred eighty (180) days after the effective date of a Categorical Pretreatment Standard or one hundred eighty (180) days after the final administrative decision made upon a category determination submission under §403.6(a)(4) of the Act, whichever is later. Existing Industrial Users subject to such Categorical Pretreatment Standards and currently discharging to or scheduled to discharge to a Publicly Owned Treatment Works (POTW) shall be required to submit to the Control Authority a report which contains the information listed in paragraphs (A)-(H) of this Section. At least ninety (90) days prior to commencement of discharge, New Sources, and sources that become Industrial Users subsequent to the promulgation of an applicable Categorical Pretreatment Standard, shall be required to submit to the Control Authority a report which contains the information listed in paragraphs (A)-(E) of this Section. New Sources shall also be required to include in this report information on the method of pretreatment the Source intends to use to meet applicable pretreatment standards. New Sources shall give estimates of the information requested in paragraphs (D)(1) and (E)(1) of this Section.

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Incomplete or inaccurate applications will not be processed and will be returned to the User for revision. (Ord. 2223, 1-9-97; Ord. 2684, 12-14-06; Ord. 3094, 9-22-16)

8-1-378: SIGNATORY AND CERTIFICATION REQUIRED: All wastewater discharge permit applications and User reports must be signed by a duly authorized representative of the User. The duly authorized employee must be an individual holding a position of responsibility for the overall operation of the facility or the User's Pretreatment Program. This authorization must be made in a writing signed by the principal executive officer or ranking elected official for the User and submitted to the Director prior to or together with the applications and reports being submitted by the User. The application shall contain the following certification statement:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations." (Ord. 2223, 1-9-97; Ord. 2684, 12-14-06)

8-1-389 WASTEWATER DISCHARGE PERMIT DECISIONS: The Director will evaluate the data furnished by the User and may require additional information. Within thirty (30) days of receipt of a complete wastewater discharge permit application, the Director will determine whether or not to issue a wastewater discharge permit. Upon a determination to issue, the permit shall be issued within thirty (30) days of full evaluation and acceptance of the data furnished. The Director may deny any application for a wastewater discharge permit if the application fails to conform to this Chapter in any respect. (Ord. 2223, 1-9-97; Ord. 3094, 9-22-16)

8-1-4039: WASTEWATER DISCHARGE PERMIT CONTENTS:

- (A) Wastewater discharge permits shall include such conditions as are reasonably deemed necessary by the Director to prevent pass-through or interference, protect the quality of the body of water receiving the treatment plant's effluent, protect worker health and safety, facilitate sludge management and disposal, and protect against damage to the POTW.
- (B) Wastewater discharge permits must contain the following conditions:
 - (1) A statement that indicates the wastewater discharge permit duration which in no event shall exceed five (5) years;
 - (2) A statement that the wastewater discharge permit is non-transferable without prior notification to and approval from City, and provision for furnishing the new owner or operator with a copy of the existing wastewater discharge permit;
 - (3) Applicable pretreatment standards and requirements, including any special State requirements;

- (4) Self-monitoring, sampling, reporting, notification, submittal of technical reports, compliance schedules, and record-keeping requirements. These requirements shall include an identification of pollutants to be monitored, sampling location, sampling frequency and sample type based on Federal, State and local law; and
 - (5) Requirement for immediate notification to City where self-monitoring results indicate non-compliance;
 - (6) Requirement to report a by-pass or upset of a pretreatment facility;
 - (7) Requirement to report immediately to City all discharges, including slug loadings that could cause problems to the POTW:
 - (8) Requirement for the SIU who reports non-compliance to repeat the sampling and analysis and submit results to City within thirty (30) days after becoming aware of the violation.
 - (9) A statement of applicable civil, criminal, and administrative penalties for violation of pretreatment standards and requirements, and any applicable compliance schedule.
 - (10) Requirements to control Slug discharges, if determined by the POTW to be necessary.
- (C) Wastewater discharge permits may contain, but need not be limited to, the following conditions:
- (1) Limits on the average or maximum rate of discharge, time of discharge and/or requirements for flow regulation and equalization;
 - (2) Requirements for the installation of pretreatment technology, pollution control, or construction of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of pollutants into the treatment works;
 - (3) Requirements for the development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or routine discharges;
 - (4) Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW
 - (5) The unit charge or schedule of User charges and fees for the management of the wastewater discharge to the POTW;
 - (6) Requirements for installation and maintenance of inspection and sampling facilities and equipment;

- (7) A statement that compliance with the wastewater discharge permit does not relieve the permittee of responsibility for compliance with all applicable Federal and State pretreatment standards, including those which become effective during the term of the wastewater discharge permit;
- (8) Any special agreements the Director chooses to continue or develop between City and User;
- (9) Other conditions as deemed appropriate by the Director to ensure compliance with this Chapter and State and Federal laws, rules and regulations.

(Ord. 2223, 1-9-97; Ord. 2684, 12-14-06; Ord. 3094, 9-22-16)

8-1-4~~0~~1: WASTEWATER DISCHARGE PERMIT APPEALS:

- (A) Any person, including the User, may petition City to reconsider the terms of a wastewater discharge permit within twenty-eight (28) days of its issuance.
- (B) Failure to submit a timely petition for review shall be deemed to be a waiver of the administrative appeal.
- (C) In its petition, the appealing party must indicate the wastewater discharge permit provisions objected to, the reasons for this objection, and the alternative condition, if any, it seeks to place in the wastewater discharge permit.
- (D) The effectiveness of the wastewater discharge permit shall not be stayed pending the appeal.
- (E) If City fails to act within twenty-eight (28) days, a request for reconsideration shall be deemed to be denied. Decisions not to reconsider a wastewater discharge permit, not to issue a wastewater discharge permit, or not to modify a wastewater discharge permit, shall be considered final administrative actions for purposes of judicial review.
- (F) Aggrieved parties seeking judicial review of the final administrative wastewater discharge permit decision must do so by filing a petition for judicial review with the District Court of the Seventh Judicial District, Bonneville County, Idaho, within twenty-eight (28) days after the date such decision was signed and mailed or physically delivered to the User. Judicial review of such petitions shall be conducted in accordance with Rule 84 of the Idaho Rules of Civil Procedure and the Idaho Administrative Procedure Act to the extent such procedures do not expressly conflict with the provisions of this Chapter. (Ord. 2223, 1-9-97; Ord. 2684, 12-14-06; Ord. 3094, 9-22-16)

8-1-4~~1~~2: WASTEWATER DISCHARGE PERMIT DURATION: Wastewater discharge permits shall be issued for a specified time period, not to exceed five (5) years. Each wastewater discharge permit will indicate a specific date upon which it will expire. (Ord. 2223, 1-9-97; Ord. 2684, 12-14-06; Ord. 3094, 9-22-16)

8-1-4~~23~~³: WASTEWATER DISCHARGE PERMIT MODIFICATION: The Director may modify the wastewater discharge permit for good cause including, but not limited to, the following:

- (A) To incorporate any new or revised Federal, State, or local pretreatment standards or requirements;
- (B) To address significant alterations or additions to the User's operation, processes or wastewater volume or character since the time of wastewater discharge permit issuance;
- (C) A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;
- (D) Information indicating that the permitted discharge poses a threat to the POTW, City personnel, or the receiving waters;
- (E) Violation of any terms or conditions of the wastewater discharge permit;
- (F) Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required report;
- (G) Revision of or a grant of variance from categorical pretreatment standards pursuant to 40 CFR 403.13;
- (H) To correct typographical or other errors in the wastewater discharge permit; or
- (I) To reflect a transfer of the facility ownership or operation to a new owner or operator, provided however modification for this purpose may not be allowed unless the wastewater discharge permit is transferable as provided in Section 8-1-4~~33~~⁴ of this Chapter.

(Ord. 2223, 1-9-97; Ord. 2684, 12-14-06; Ord. 3094, 9-22-16)

8-1-4~~34~~³: WASTEWATER DISCHARGE PERMIT TRANSFER: Wastewater discharge permits may be reassigned or transferred to a new owner or operator only if the permittee gives at least thirty (30) days advance notice to the Director and the Director approves the wastewater discharge permit transfer. The notice to the Director must include a written certification by the new owner or operator which:

- (A) States that the new owner or operator has no immediate intent to change the facility's operations and processes;
- (B) Identifies the specific date on which the transfer is to occur; and
- (C) Assumes full responsibility for complying with the existing wastewater discharge permit beginning on the date the transfer is to occur.

- (D) Failure to provide advance notice of a transfer renders the wastewater discharge permit voidable as of the date of facility transfer.

(Ord. 2223, 1-9-97; Ord. 2684, 12-14-06)

8-1-445: WASTEWATER DISCHARGE PERMIT REVOCATION: Wastewater discharge permits may be revoked for, but not limited to, the following reasons:

- (A) Failure to notify the Director of significant changes to the wastewater prior to the changed discharge;
- (B) Failure to provide prior notification to the Director of changed conditions;
- (C) Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application;
- (D) Falsifying self-monitoring reports;
- (E) Tampering with monitoring equipment;
- (F) Refusing to allow the Director or their nominee timely access to the facility premises and records, provided proper identification is displayed at the time access is requested;
- (G) Failure to meet discharge limitations;
- (H) Failure to pay fines;
- (I) Failure to pay sewer charges;
- (J) Failure to meet compliance schedules;
- (K) Failure to complete a wastewater survey or the wastewater discharge permit application;
- (L) Failure to provide advance notice of the transfer of a permitted facility; or
- (M) If the City has to invoke its emergency provision as cited in Section 8-1-702 of this Chapter.
- (N) Violation of any pretreatment standard or requirement, or any terms of the wastewater discharge permit or this Chapter.

Wastewater discharge permits shall be voidable upon cessation of operations or transfer of business ownership. All wastewater discharge permits issued to a particular User are void upon the issuance of a new wastewater discharge permit to that User. (Ord. 2223, 1-9-97; Ord. 2684, 12-14-06; Ord. 3094, 9-22-16)

8-1-456: WASTEWATER DISCHARGE PERMIT REISSUANCE: A User who is required to have a wastewater discharge permit shall apply for the reissuance of a wastewater

discharge permit by submitting a complete wastewater discharge permit application, in accordance with Section 8-1-37 of this Chapter, a minimum of sixty (60) days prior to the expiration of the User's existing wastewater discharge permit ~~(cannot Exceed Five (5) Years)~~. A User whose existing wastewater discharge permit has expired, and who has submitted its re-application in the time period specified herein shall be deemed to have an effective wastewater discharge permit until City issues or denies the new wastewater discharge permit, however in no case can the permit be extended beyond five (5) years.—A User whose existing wastewater discharge permit has expired, and who failed to submit its re-application in the time period specified herein will be deemed to be discharging without a wastewater discharge permit. (Ord. 2223, 1-9-97; Ord. 2684, 12-14-06; Ord. 3094, 9-22-16)

8-1-4~~67~~: FINAL COMPLIANCE REPORTS:

- (A) Within ninety (90) days following the date for final compliance of an existing Significant Industrial User with applicable pretreatment standards and requirements set forth in this Chapter, in Federal Categorical Standards, or in a wastewater discharge permit, or in the case of a New Source or a New User considered by City to fit the definition of an SIU, within ninety (90) days following commencement of the introduction of wastewater into the POTW, the affected User shall submit to the Director a report containing the information outlined in paragraphs (D) through (F) of Section 8-1-3~~67~~ of this Chapter.
- (B) For Users subject to equivalent mass or concentration limits established by City in accordance with procedures established in 40 CFR 403.6 (c), this report shall contain a reasonable measure of the User's long-term production rate. For all other Users subject to Categorical Pretreatment Standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the User's actual production during the appropriate sampling period.

(Ord. 2223, 1-9-97; Ord. 2684, 12-14-06; Ord. 3094, 9-22-16)

8-1-4~~78~~: PERIODIC COMPLIANCE REPORT:

- (A) Any User that is required to have an industrial waste discharge permit and performs self-monitoring shall submit to City during the months of June and December, unless required on other dates or more frequently by City, a report indicating the nature of the effluent over the previous reporting period. The frequency of monitoring shall be as prescribed within the industrial waste discharge permit. At a minimum, Users shall sample their discharge at least twice per year.
- (B) The report shall include a record of the concentrations (and mass if specified in the wastewater discharge permit) of the pollutants listed in the wastewater discharge permit that were measured and a record of all flow measurements (average and maximum) taken at the designated sampling locations, and shall also include any additional information required by this Chapter or the wastewater discharge permit. Production data shall be reported if required by the wastewater discharge permit. Both daily maximum and average concentration (or mass, where required) shall be reported. If a User sampled and analyzed more frequently than what was required by City or by this Chapter using methodologies in

40 CFR Part 136, it must submit all results of sampling and analysis of the discharge during the reporting period.

- (C) Any User subject to equivalent mass or concentration limits established by City or by unit production limits specified in the applicable Categorical Standards, shall report production data as outlined in Section 8-1-4~~67~~(B) of this Chapter.
- (D) If City calculated limits to factor out dilution flows or non-regulated flows, the User will be responsible for providing flows from the regulated process flows, dilution flows, and non-regulated flows.
- (E) Flows shall be reported on the basis of actual measurement, provided, however, City may accept reports of average and maximum flows estimated by verifiable techniques if City determines that an actual measurement is not feasible.
- (F) Flows shall be reported on the basis of actual measurement, provided, however, the City may accept reports of average and maximum flows estimated by verifiable techniques if the City determines that an actual measurement is not feasible.
- (G) Discharges sampled shall be representative of the User's daily operations and shall be taken in accordance with the requirements specified in Sections 8-1-5~~68~~ through 8-1-~~60-58~~ of this Chapter.
- (H) City may require reporting by Users that are not required to have an industrial wastewater discharge permit if information or data is needed to establish a sewer charge, determine the treatability of the effluent or determine any other factor which is related to the operation and maintenance of the sewer system.
- (I) City may require self-monitoring by the User or, if requested by the User, may agree to perform the periodic compliance monitoring needed to prepare the periodic compliance report required under this Section. Self-monitoring shall be subject to the approval of the City. –If City agrees to perform such periodic compliance monitoring, it may charge the User for such monitoring, based upon the costs incurred by City for the sampling and analyses. Any such charges shall be added to the normal sewer charge and shall be payable as part of the User's sewer billing statement. City shall be under no obligation to perform periodic compliance monitoring for a User

(Ord. 2223, 1-9-97; Ord. 2684, 12-14-06; Ord. 3094, 9-22-16)

8-1-4~~89~~ COMPLIANCE SCHEDULES FOR APPLICABLE PRETREATMENT STANDARDS:

- (A) The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the User to meet the applicable pretreatment standards (e.g., hiring an engineer, completing preliminary plans, completing final plans,

executing contract for major components, commencing construction, completing construction, etc.).

- (B) No increment referred to in paragraph (A) of this Section shall exceed nine (9) months.
- (C) Not later than fourteen (14) days following each date in the schedule and the final date for compliance, the User shall submit a progress report to City including, at a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps being taken by the User to return the construction to the schedule established. In no event shall more than nine (9) months elapse between such progress reports.

(Ord. 2223, 1-9-97; Ord. 3094, 9-22-16)

8-1-~~5049~~: NOTIFICATION OF ~~SIGNIFICANT-MATERIAL~~ PRODUCTION CHANGES: Any User operating under a wastewater discharge permit incorporating equivalent mass or concentration limits shall notify City within two (2) business days after the User has a reasonable basis to know that its production level will ~~significantly materially~~ change within the next calendar month. Material changes that require this notice will be identified on individual permits issued. Any User not providing a notice of such anticipated change will be required to comply with the existing limits contained in its wastewater discharge permit. —(Ord. 2223, 1-9-97; Ord. 3094, 9-22-16)

8-1-5~~04~~: HAZARDOUS WASTE NOTIFICATION:

- (A) Any User that is discharging more than fifteen (15) kilograms of hazardous wastes as defined in 40 CFR 261 (listed or characteristic wastes) in a calendar month or any facility discharging any amount of acutely hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e) is required to provide a one-time notification in writing to City, the EPA Region 10, Office of Air, Waste and Toxic Chemicals and, to the extent required by law and, the Idaho Department of Health and Welfare Division. Any existing User exempt from this notification, shall comply with the requirements contained herein within thirty (30) days of becoming aware of a discharge of fifteen (15) kilograms or greater of hazardous wastes in a calendar month or the discharge of acutely hazardous wastes to the City sewer system. Such notification shall include:

- (1) The name of the hazardous waste as set forth in 40 CFR Part 261;
- (2) The EPA Hazardous waste number;
- (3) The type of discharge (continuous, batch, or other); and
- (4) If an industrial User discharges more than one hundred (100) kilograms of such waste per calendar per month to the sewer system, the notification shall also contain the following information to the extent it is known or readily available to the Industrial User:

- (a) An identification of the hazardous constituents contained in the wastes;
 - (b) An estimation of the mass and concentration of such constituents in the wastestreams discharged during that calendar month; and
- (B) An estimation of the mass of constituents in the wastestreams expected to be discharged during the following twelve (12) months.
- (C) These notification requirements do not apply to pollutants already reported under the self-monitoring requirements.
- (D) Whenever the EPA publishes final rules identifying additional hazardous wastes or new characteristics of hazardous waste, a User shall notify City of the discharge of such a substance within ninety (90) days of the effective date of such regulations.
- (E) In the case of any notification made under this paragraph, an industrial User shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.

(Ord. 2223, 1-9-97; Ord. 2684, 12-14-06; Ord. 3003, 04-23-15; Ord. 3094, 9-22-16)

8-1-5~~12~~12: NOTICE OF POTENTIAL PROBLEMS, INCLUDING ACCIDENTAL SPILLS, SLUG LOADINGS: Any User shall notify City immediately of all discharges that could cause problems to the POTW, including any slug loads, as defined in this Chapter. The notification shall also include the concentration and volume of the discharge, corrective action being taken or proposed to be taken, and steps being taken to reduce any adverse impact on the POTW. Any User who discharges a slug load of pollutants shall be liable for any expense, loss, or damage to the POTW, in addition to the amount of any fines imposed on City under State or Federal law. (Ord. 2223, 1-9-97; Ord. 2684, 12-14-06; Ord. 3094, 9-22-16)

8-1-5~~23~~23: NON-COMPLIANCE REPORTING: If sampling performed by a User indicates a violation, the User shall notify City within twenty-four (24) hours of becoming aware of the violation. The User shall also repeat the sampling within five (5) days and submit the results of the repeat analysis to City within thirty (30) days after becoming aware of the violation. Where City has performed the sampling and analysis in lieu of the Industrial User, City must perform the repeat sampling and analysis unless it notifies the User of the violation and requires the User to perform the repeat analysis. Resampling is not required if:

- (A) City performs sampling at the Industrial User's location at a frequency of at least once per month; or
- (B) City performs sampling at the Industrial User's location between the time when the initial sampling was conducted and the time when the User receives the results of this sampling.

(Ord. 2223, 1-9-97; Ord. 2684, 12-14-06; Ord. 3094, 9-22-16)

8-1-534: NOTIFICATION OF CHANGED DISCHARGE: All Users shall promptly notify City in advance of any substantial change in the volume or character of pollutants in their discharge, including significant manufacturing process changes, pretreatment modifications, and the listed or characteristic hazardous wastes for which the User has submitted initial notification under 40 CFR 403.12 (p). (Ord. 2223, 1-9-97; Ord. 2684, 12-14-06; Ord. 3094, 9-22-16)

~~8-1-55 (RESERVED):~~

8-1-5654: REPORTS FROM UNPERMITTED USERS: All Users not required to obtain a wastewater discharge permit shall provide appropriate reports to City as the Director may require (Ord. 2223, 1-9-97; Ord. 3094, 9-22-16)

8-1-557: RECORDKEEPING : Users subject to the reporting requirements of this Chapter shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this Chapter and any additional records of information obtained pursuant to monitoring activities undertaken by the User independent of such requirements, including documentation associated with Best Management Practices. Records shall include the date, exact place, method, and time of sampling and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall be kept and made available to the City for a period of at least ~~Three-Five (35)~~ years after their creation. This period shall be automatically extended for the duration of any litigation concerning the User or POTW, or where the User has been specifically notified of a longer retention period by the Director. (Ord. 2223, 1-9-97; Ord. 2684, 12-14-06)

8-1-568: SAMPLING REQUIREMENTS FOR USERS:

- (A) Grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide, and volatile organic compounds. For all other pollutants, twenty-four (24) hour composite samples must be obtained through flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by the Director. The samples must be representative of the Discharge and the decision to allow the alternative sampling must be documented in the Industrial User file for that facility or facilities. Using protocols (including appropriate preservation) specified in 40 CFR Part 136 and appropriate EPA guidance, multiple grab samples collected during the twenty-four (24) hour period may be composited prior to the analysis as follows: for cyanide, total phenols, and sulfides the samples may be composited in the laboratory. Composite samples for other parameters unaffected by compositing procedures as documented in approved EPA methodologies may be authorized by the Control Authority, as appropriate.
- (B) For sampling required in support of baseline monitoring and ninety (90) day compliance reports, a minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical sampling data are available, the Director may authorize a lower minimum. For the reports required by 40 CFR 403.12 (e) and (h), the Director shall require the number of grab samples necessary to assess and

assure compliance by Industrial Users with Applicable Pretreatment Standards and Requirements.

- (C) Samples should be taken immediately downstream from pretreatment facilities if such exist or immediately downstream from the regulated or manufacturing process if no pretreatment exists or as determined by City and contained in the User's wastewater discharge permit. For categorical Users, if other wastewaters are mixed with the regulated wastewater prior to pretreatment the User should measure the flows and concentrations necessary to allow use of the combined wastestream formula of 40 CFR 403.6(e) in order to evaluate compliance with the applicable Categorical Pretreatment Standards. For other SIUs, for which the City has adjusted its local limits to factor out dilution flows, the User should measure the flows and concentrations necessary to evaluate compliance with the adjusted pretreatment standards. In cases where the Standard requires compliance with a Best Management Practice or pollution prevention alternative, the User shall submit documentation as required by City or the applicable Standard to determine compliance with the Standard.
- (D) All sample results shall indicate the time, date and place of sampling and methods of analysis, and shall certify that such sampling and analysis is representative of normal work cycles and expected pollutant discharges from the User. If a User samples and analyzes more frequently than what was required in its wastewater discharge permit, using methodologies in 40 CFR Part 136, it must submit all results of sampling and analysis of the discharge as part of its self-monitoring report. (Ord. 2223, 1-9-97; Ord. 2684, 12-14-06; Ord. 3094, 9-22-16)

8-1-~~579~~: ANALYTICAL REQUIREMENTS: All pollutant analyses, including sampling techniques, shall be performed in accordance with the techniques prescribed in 40 CFR Part 136, unless otherwise specified in an applicable categorical pretreatment standard. If 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, sampling and analyses must be performed in accordance with procedures approved by the EPA. (Ord. 2223, 1-9-97)

8-1-~~6058~~: MONITORING OF USER'S WASTEWATER: City will follow the same procedures as outlined in Sections 8-1-~~568~~ and 8-1-~~579~~ of this Chapter whenever it deems City monitoring is appropriate to ensure compliance with this Chapter. (Ord. 2223, 1-9-97; Ord. 3094, 9-22-16)

8-1-~~6159~~: INSPECTION AND SAMPLING: City shall have the right to enter the facilities of any User to ascertain whether the purposes of this Chapter, and any wastewater discharge permit or order issued hereunder, are being met and whether the User is complying with all requirements thereof. Users shall allow the Director ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties.

- (A) Where a User has security measures in force which require proper identification and clearance before entry into its premises, the User shall make necessary arrangements with

its security guards so that, upon presentation of suitable identification, the Director will be permitted to enter without delay for the purposes of performing specific responsibilities.

- (B) The Director shall have the right to set up on the User's property, or require installation of, such devices as are necessary to conduct sampling or metering of the User's operations.
- (C) Any temporary or permanent obstruction to safe and easy access to the facility to be inspected or sampled shall be promptly removed by the User at the written or verbal request of the Director and shall not be replaced. The costs of clearing such access shall be borne by the User.
- (D) Unreasonable delays in allowing the Director access to the User's premises shall be a violation of this Chapter. (Ord. 2223, 1-9-97; Ord. 3094, 9-22-16)

8-1-602: MONITORING FACILITIES:

- (A) Each User shall provide and operate at its own expense a monitoring facility to allow inspection, sampling, and flow measurements of each sewer discharge to City. Each monitoring facility shall be situated on the User's premises, except where such a location would be impractical or cause undue hardship on the User and City approves such alternate location in writing.
- (B) Ample room shall be provided in or near such sampling facility to allow accurate sampling and preparation of samples for analysis. The facility, including the sampling and measuring equipment, shall be maintained at all times in a safe and proper operating condition at the expense of the User.
- (C) The Director may require the User to install monitoring equipment as necessary. All monitoring facilities shall be constructed and maintained in accordance with all applicable local construction standards and specifications. All devices used to measure wastewater flow and quality shall be calibrated to ensure their accuracy. (Ord. 2223, 1-9-97; Ord. 2684, 12-14-06; Ord. 3094, 9-22-16)

8-1-6361: SEARCH WARRANTS: If the Director has been refused access to a building, structure or property, or any part thereof, and is able to demonstrate probable cause to believe that there may be a violation of this Chapter, or that there is a need to inspect as part of a routine inspection program of the City designed to verify compliance with this Chapter or any wastewater discharge permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, then the Director may seek issuance of a search or seizure warrant from a court of competent jurisdiction. Such warrant shall be served in the manner allowed by law. (Ord. 2223, 1-9-97)

8-1-6462: CONFIDENTIAL INFORMATION: Information and data on a User obtained from reports, surveys, wastewater discharge permit applications, wastewater discharge permits, and monitoring programs, and from City inspection and sampling activities, shall be

available to the public without restriction, unless the User specifically requests, and is able to demonstrate to the satisfaction of City, that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets under applicable State law. When requested and demonstrated by the User furnishing a report that such information should be held confidential, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available immediately upon request to governmental agencies for uses related to the NPDES program or pretreatment program, and in enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics and other "effluent data" as defined by 40 CFR 2.302 will not be recognized as confidential information and will be available to the public without restriction.

(Ord. 2223, 1-9-97; Ord. 2684, 12-14-06; Ord. 3094, 9-22-16)

8-1-~~6563~~: PUBLICATION OF USERS IN SIGNIFICANT NON-COMPLIANCE: City shall publish annually, in the Official Newspaper, a list of the Users which, during the previous twelve (12) months, were in significant non-compliance with applicable pretreatment standards and requirements. For the purposes of this Chapter, a Significant Industrial User (or any Industrial User which violates Subsections (C), (D), or (H) of this Section) is in significant noncompliance if its violation meets one (1) or more of the following criteria;

- (A) Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of wastewater measurements taken for the same pollutant parameter during a six (6) month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement, including instantaneous limits, as defined by 40 CFR 403.3(l);
- (B) Technical Review Criteria ("TRC") violations, defined here as those in which thirty-three percent (33%) or more of all of the measurements taken for each pollutant parameter during a six (6) month period equal or exceed the product of the numeric Pretreatment Standard or Requirement, including instantaneous limits, as defined by 40 CFR 403.3(l) multiplied by the applicable TRC (TRC = 1.4 for BOD, TSS, fats, oil, and grease, and 1.2 for all other pollutants except pH);
- (C) Any other violations of a Pretreatment Standard or Requirement as defined by 40 CFR 403.3(l) (daily maximum, longer-term average, instantaneous limit, or narrative Standard) that the POTW determines has caused, alone or in combination with other discharges, interference or pass through, including endangering the health of POTW personnel or the general public;
- (D) Any discharge of pollutant that has caused imminent endangerment to human health, welfare or to the environment, or has resulted in POTW's exercise of its emergency authority under Section 8-1-~~702~~ of this Chapter to halt or prevent such a discharge;
- (E) Failure to meet, within ninety (90) days of the scheduled date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction, or attaining final compliance;

- (F) Failure to provide within forty-five (45) days after the due date, required reports, such as baseline monitoring reports, ninety (90) day compliance reports, periodic self-monitoring reports and reports on compliance with compliance schedules;
- (G) Failure to accurately report noncompliance; or
- (H) Any other violation or group of violations, which may include a violation of Best Management Practices, which the POTW determines will adversely affect the operation or implementation of the local Pretreatment program. (Ord. 2223, 1-9-97; Ord. 2684, 12-14-06; Ord. 3094, 9-22-16)

8-1-~~666~~4: NOTIFICATION OF VIOLATION: When the Director finds that a User has violated or continues to violate any provision of this Chapter, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the Director may serve upon that User a written Notice of Violation. Such Notice shall be conclusively deemed served upon its deposit in the United States mail, postage prepaid, certified mail, return receipt requested, addressed to the address specified in the User's application, or such other address which has been delivered to City in writing. Within thirty (30) days after service of this notice, User shall similarly serve upon the Director an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions. Submission of this plan in no way relieves the User of liability for any violation occurring before or after receipt of the Notice of Violation. Nothing in this Section shall limit the authority of City to take any action, including emergency actions or any other enforcement action, without first issuing a Notice of Violation. (Ord. 2223, 1-9-97; Ord. 2684, 12-14-06; Ord. 3094, 9-22-16)

8-1-~~657~~: CONSENT ORDERS: The Director may enter into consent orders, assurances of voluntary compliance, or other similar documents establishing an agreement with any User responsible for non-compliance. Such documents will include specific action to be taken by the User to correct the non-compliance within a time period specified by the document. Such documents shall have the same force and effect as the administrative orders issued pursuant to Sections 8-1-~~69-67~~ and 8-1-~~70-68~~ of this Chapter and shall be judicially enforceable. Use of a Consent Order shall not be a bar against, or prerequisite for, taking any other action against the User. (Ord. 2223, 1-9-97)

8-1-~~668~~: SHOW CAUSE HEARING: The Director may order a User which has violated or continues to violate, any provision of this Chapter, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, to appear before the Director and show cause why the proposed enforcement action should not be taken. Notice shall be served on the User specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action, and a request that the User show cause why the proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail, return receipt requested, at least fifteen (15) days prior to the hearing. Such notice may be served on any Authorized Representative of the User. A show cause hearing shall not be a bar against, or prerequisite for, taking any other action against the User. (Ord. 2223, 1-9-97)

8-1-679: COMPLIANCE ORDERS: When the Director finds that a User has violated or continues to violate any provision of this Chapter, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the Director may issue an order to the User responsible for the discharge directing that the User come into compliance within a time specified in the order. If the User does not come into compliance within the time specified in the order, sewer service may be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. Compliance orders may also contain other requirements to address the non-compliance, including additional self-monitoring and management practices designed to minimize the amount of pollutants discharged to the sewer. Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking any other action against the User. (Ord. 2223, 1-9-97)

8-1-7068: CEASE AND DESIST ORDERS: When the Director finds that a User has violated, or continues to violate, any provision of this Chapter, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, or that the User's past violations are likely to recur, the Director may issue an order to the User directing it to cease and desist all such violations and directing the User to:

- (A) Immediately comply with all requirements; and
- (B) Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge.

Issuance of a cease and desist order shall not be a bar against, or a prerequisite for, taking any other action against the User. (Ord. 2223, 1-9-97; Ord. 2684, 12-14-06)

8-1-7469: ADMINISTRATIVE FINES; ATTORNEYS FEES AND COSTS:

~~(C)~~(A) When the Director finds that a User has violated or continues to violate any provision of this Chapter, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the Director may fine such User in an amount set from time to time by Resolution of the Council. Such fines shall be assessed on a per violation, per day basis. In the case of monthly or other long term average discharge limits, fines shall be assessed for each day during the period of violation.

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~~(D)~~ Unpaid charges, fines and penalties shall, after thirty (30) calendar days, be assessed an additional penalty of five percent (5%) of the unpaid balance, and interest shall accrue thereafter at a rate of twelve percent (12%) per year.

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~~(E)~~(B) Users desiring to dispute such fines must file a written request for the Director to reconsider the fine along with full payment of the fine amount within fifteen (15) days of being notified of the fine. Upon receipt of such request, the Director shall convene a hearing on the matter within fifteen (15) days thereafter. In the event the User's appeal is successful, the payment, together with any interest accruing thereto, shall be returned to the User. City

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may add the costs of preparing administrative enforcement actions, such as notices and orders, to the fine.

~~(C)~~ Issuance of an administrative fine shall not be a bar against, or a prerequisite for, taking any other action against the User.

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~~(D)~~ To the fullest extent permitted by law, City shall be entitled to recover its reasonable attorney fees, court costs, and other expenses associated with enforcement of this Chapter, including without limitation, sampling and monitoring expenses and all other damages sustained by City as a direct result of a User's violation of the provisions of this Chapter. (Ord. 2223, 1-9-97; Ord. 2684, 12-14-06; Ord. 2964, 8-14-14; Ord. 3094, 9-22-16)

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8-1-~~72~~70: EMERGENCY SUSPENSIONS: The Director may immediately suspend a User's discharge, after informal notice to the User, whenever such suspension is necessary to stop an actual or threatened discharge which reasonably appears to present or which causes an imminent or substantial endangerment to the health or welfare of persons. The Director may also immediately suspend a User's discharge, after notice and opportunity to respond, that threatens to interfere with the operation of the POTW, or which presents or may present an endangerment to the environment.

(A) Any User notified of a suspension of its discharge shall immediately stop or eliminate its discharge into the POTW. In the event of a User's failure to immediately comply voluntarily with the suspension order, the Director shall take steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. The Director shall allow the User to recommence its discharge when the User has demonstrated to the satisfaction of City that the period of endangerment has passed, unless termination proceedings under Section 8-1-~~73~~71 of this Chapter are initiated against the User.

(B) A User that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit to the Director a detailed written statement, describing the causes of the harmful contribution and the measures taken to prevent any future occurrence, prior to the date of any show cause or termination hearing under Sections 8-1-~~66~~8 and 8-1-~~73~~71 of this Chapter.

Nothing in the Section shall be interpreted as requiring a hearing prior to an emergency suspension under this Section.

(Ord. 2223, 1-9-97; Ord. 2684, 12-14-06; Ord. 3094, 9-22-16)

8-1-7~~1~~3: TERMINATION OF DISCHARGE (NON-EMERGENCY): In addition to the provisions in Section 8-1-~~44~~5 of this Chapter, any User that violates any of the following conditions is subject to discharge termination:

(A) Violation of wastewater discharge permit conditions;

(B) Failure to accurately report the wastewater constituents and characteristics of its discharge;

- (C) Failure to report significant changes in operations or wastewater volume, constituents and characteristics prior to discharge;
- (D) Refusal of reasonable access to the User's premises for the purpose of inspection, monitoring or sampling; or
- (E) Violation of the pretreatment standards in Sections 8-1-9 through 8-1-20 this Chapter.

Such User will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under Section 8-1-~~68-66~~ of this Chapter why the proposed action should not be taken. Exercise of this option by City shall not be a bar to, or a prerequisite for, taking any other action against the User.

(Ord. 2223, 1-9-97; Ord. 3094, 9-22-16)

~~8-1-74: INJUNCTIVE RELIEF: When the Director finds that a User has violated, or continues to violate, any provision of this Chapter, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, City may petition the Seventh Judicial District of the State of Idaho, Bonneville County, through the City Attorney, for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the wastewater discharge permit, order, or other requirement imposed by this Chapter on activities of the User. City may also seek such other action as is appropriate for legal or equitable relief, including a requirement for the User to conduct environmental remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against a User. (Ord. 2223, 1-9-97; Ord. 3094, 9-22-16)~~

~~8-1-75: CIVIL PENALTIES:~~

- ~~(A) A User which has violated or continues to violate any provision of this Chapter, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement shall be liable to City for a maximum civil penalty in an amount set from time to time by Resolution of the Council. In the case of a monthly or other long term average discharge limit, penalties shall accrue for each day during the period of the violation.~~
- ~~(B) To the fullest extent permitted by State law, the Director may recover reasonable attorney fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses and the cost of any actual damages incurred by the City.~~
- ~~(C) In determining the amount of civil liability, the Court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration, any economic benefit gained through the User's violation, corrective actions by the User, the compliance history of the User, and any other factor as justice requires.~~

~~(D) Filing a suit for civil penalties shall not be a bar against, or a prerequisite for, taking any other action against a User. (Ord. 2223, 1-9-97; Ord. 2684, 12-14-06; Ord. 2964, 8-14-14; Ord. 3094, 9-22-16)~~

~~50-302. PROMOTION OF GENERAL WELFARE PRESCRIBING PENALTIES. (1) Cities shall make all such ordinances, bylaws, rules, regulations and resolutions not inconsistent with the laws of the state of Idaho as may be expedient, in addition to the special powers in this act granted, to maintain the peace, good government and welfare of the corporation and its trade, commerce and industry. Cities may enforce all ordinances by fine, including an infraction penalty, or incarceration; provided, however, except as provided in subsection (2) of this section, that the maximum punishment of any offense shall be by fine of not more than one thousand dollars (\$1,000) or by imprisonment not to exceed six (6) months, or by both such fine and imprisonment.~~

~~(2) Any city which is participating in a federally mandated program, wherein penalties or enforcement remedies are required by the terms of participation in the program, may enforce such requirements by ordinance, to include a criminal or civil monetary penalty not to exceed one thousand dollars (\$1,000), or imprisonment for criminal offenses not to exceed six (6) months, or to include both a fine and imprisonment for criminal offenses.~~

~~8-1-76: CRIMINAL PROSECUTION:~~

~~(A) A User which has willfully or negligently violated any provision of this Chapter, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement shall, upon conviction, be guilty of a misdemeanor.~~

~~(B) A User which has willfully or negligently introduced any substance into the POTW which causes personal injury or property damage shall, upon conviction, be guilty of a misdemeanor. This penalty shall be in addition to any other cause of action for personal injury or property damage available under State law.~~

~~(C) A User which knowingly made any false statements, representations, or certifications in any application, record, report, plan, or other documentation filed, or required to be maintained, pursuant to this Chapter, wastewater discharge permit, or order issued hereunder or who falsified, tampered with, or knowingly rendered inaccurate any monitoring device or method required under this Chapter shall, upon conviction, be guilty of a misdemeanor. (Ord. 2223, 1-9-97; Ord. 2684, 12-14-06; Ord. 2964, 8-14-14)~~

~~8-1-77: REMEDIES NON EXCLUSIVE: The provisions in Sections 8-1-65 through 8-1-83 of this Chapter are not exclusive remedies. City reserves the right to take any, all, or any combination of these actions against a non-compliant User. Enforcement in response to pretreatment violations will generally be in accordance with City's enforcement response plan. However, City reserves the right to take other action against any User when the circumstances warrant. Further, City may take more than one enforcement action against any non-compliant User. These actions may be taken concurrently. (Ord. 2223, 1-9-97; Ord. 2684, 12-14-06; Ord. 3094, 9-22-16)~~

~~8-1-7872: PERFORMANCE BONDS: The Director may decline to issue or reissue a wastewater discharge permit to any User which has failed to comply with any provision of this~~

Chapter, a previous wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement unless such User first files a satisfactory bond, payable to City, in a sum not to exceed a value determined by the Director to be necessary to achieve consistent compliance. (Ord. 2223, 1-9-97; Ord. 3094, 9-22-16)

8-1-~~79~~73: LIABILITY INSURANCE: The Director may decline to issue or reissue a wastewater discharge permit to any User which has failed to comply with any provision of this Chapter, a previous wastewater discharge permit or order issued hereunder, of any other pretreatment standard or requirement, unless the User first submits proof that it has adequate general liability insurance or has provided other similar financial assurances sufficient to restore or repair damage to the POTW caused by its discharge. (Ord. 2223, 1-9-97; Ord. 2684, 12-14-06)

8-1-~~80~~74: TERMINATION OF UTILITY SERVICES: Whenever a User has violated or continues to violate any provision of this Chapter, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, electric service, water service, or other public utility services to the User may be terminated in accordance with the procedures set forth in Section 8-5-167 of this Code. Service may be restored only upon proof that the User has corrected its violation of the provisions of this Chapter and has provided satisfactory assurances that such violation will not recur. (Ord. 2223, 1-9-97; Ord. 2684, 12-14-06)

8-1-~~81~~75: PUBLIC NUISANCES: A violation of any provision of this Chapter, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, is hereby declared a public nuisance and shall be corrected or abated as directed by the Director. Any person(s) creating a public nuisance shall be subject to the provisions of this Code or State law governing such nuisances, including reimbursing City for any costs incurred in removing, abating, or remedying said nuisance. (Ord. 2223, 1-9-97; Ord. 2684, 12-14-06; Ord. 3094, 9-22-16)

8-1-~~87~~62: INFORMANT REWARDS: City may pay a reward in an amount set from time to time by Resolution of Council for information leading to the discovery of non-compliance by a User. In the event that the information provided results in an administrative fine or civil penalty levied against the User, City may, upon similar Resolution, authorize the disbursement of up to ten percent (10%) of the collected fine or penalty to the informant, provided however, a single reward payment may not exceed in an amount set from time to time by Resolution of the Council. (Ord. 2223, 1-9-97; Ord. 2684, 12-14-06; Ord. 2964; 8-14-14; Ord. 3094, 9-22-16)

8-1-~~87~~73: CONTRACTOR LISTING: Users which are not compliance with applicable pretreatment standards and requirements are not eligible to receive a contractual award for the sale of goods or services to City. Existing contracts for the executory sale of goods or services to City held by a User found to be in significant non-compliance with pretreatment standards or requirements may be terminated at the discretion of City. (Ord. 2223, 1-9-97; Ord. 2684, 12-14-06; Ord. 3094, 9-22-16)

8-1-8478: AFFIRMATIVE DEFENSES TO DISCHARGE VIOLATIONS: The following affirmative defenses may be established by a User against whom any enforcement action or remedy is sought.

(A) Upset:

- (1) For the purposes of this Section, “upset” means an exceptional incident in which there is unintentional and temporary non-compliance with applicable pretreatment standards because of factors beyond the reasonable control of the User. An upset does not include non-compliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.
- (2) An upset shall constitute an affirmative defense to an action brought for non-compliance with applicable pretreatment standards if the requirements of paragraph C of this Section are met.
- (3) A User who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
 - (a) An upset occurred and the User can identify the cause(s) of the upset;
 - (b) The facility was at the time being operated in a prudent and workman-like manner and in compliance with applicable operation and maintenance procedures; and
 - (c) The User has submitted the following information to the POTW and treatment plant operator within twenty-four (24) hours of becoming aware of the upset [if this information is provided orally, a written submission must be provided within five (5) days]:
 - (i) A description of the indirect discharge and cause of non-compliance;
 - (ii) The period of non-compliance, including exact dates and times or, if not corrected, the anticipated time the non-compliance is expected to continue; and
 - (iii) Steps being taken and/or planned to reduce, eliminate, and prevent recurrence of the non-compliance.
- (4) In any enforcement proceeding, the User seeking to establish the occurrence of an upset shall have the burden of proof.
- (5) Users will have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for non-compliance with applicable pretreatment standards.

- (6) Users shall control production of all discharges to the extent necessary to maintain compliance with applicable pretreatment standards upon reduction, loss, or failure of their treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails.
- (B) Prohibited Discharge Standards. A User shall have an affirmative defense to an enforcement action brought against it for non-compliance with the prohibitions in Section 8-1-9 of this Chapter if it can prove that it did not know, or have reason to know, that its discharge, alone or in conjunction with discharges from other sources, would cause pass through or interference and that either: (a) a local limit exists for each pollutant discharged and the User was in compliance with each limit directly prior to, and during, the pass through or interference; or (b) no local limit exists, but the discharge did not change substantially in nature or constituents from the User's prior discharge when City was regularly in compliance with its NPDES permit, and in the case of interference, was in compliance with applicable sludge use or disposal requirements.
- (C) Bypass.
- (1) For the purposes of this Section:
- (a) "Bypass" means the intentional diversion of wastestreams from any portion of a User's treatment facility.
- (b) "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.
- (2) A User may allow any bypass to occur which does not cause applicable pretreatment standards or requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of paragraphs (3) and (4) of this Section.
- (3) (a) If a User knows in advance of the need for a bypass, it shall submit prior notice to the POTW, at least ten (10) days before the date of the bypass, if possible.
- (b) A User shall submit oral notice to City of an unanticipated bypass that exceeds applicable pretreatment standards within twenty-four (24) hours from the time it becomes aware of the bypass. A written submission shall also be provided within five (5) days of the time the User becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate and prevent recurrence of the bypass. The POTW may waive the written report on a

case-by-case basis if the oral report has been received within twenty-four (24) hours.

- (4) (a) Bypass is prohibited, and the POTW may take an enforcement action against a User for a bypass, unless:
 - (i) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
 - (ii) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
 - (iii) The User submitted notices as required under paragraph three (3) of this Section
- (b) The POTW may approve an anticipated bypass, after considering its adverse effects, if the POTW determines that it will meet the three (3) conditions listed in paragraph (4)(a) of this Section.

(Ord. 2223, 1-9-97; Ord. 2684, 12-14-06; Ord. 3094, 9-22-16)

8-1-~~8795~~: SEWER USER SERVICE CHARGE: A monthly service charge for sewer service shall be charged to all Users. All charges to Users, shall be calculated in a manner that ensures each User will pay a fair share of the costs of operation, maintenance, and capital equipment replacement based upon proportional usage of the sewer system and POTW. The rates established shall generate sufficient revenue to defray the costs of operating and prudently managing the sewerage system, including but not limited to: (a) capital costs; (b) operation and maintenance costs; (c) replacement costs and reserves, and (d) debt service on bonded indebtedness.

City shall establish monthly rates for sewer service supplied by City in an amount set from time to time by Resolution of the Council for the following:

- (A) Monthly Non-Metered Residential Wastewater Rates (Inside City):
 - (1) Single-family dwellings and mobile homes (excluding separate apartment units within such dwelling) – Per dwelling or unit;
 - (2) Duplex/Triplex – Per dwelling or unit;
 - (3) Apartment unit (tenant pays bill) – Per unit.

- (B) Monthly Non-Metered Commercial Wastewater Rates (Inside City):
- (1) Category 1 (Commercial Apartment Building where single bill for all tenants is paid by landlord or manager) – Per unit;
 - (2) Category 2 (Bar, Church, Gym, Office Space, Retail, Salon, Shop, and Warehouse) – Per business;
 - (3) Category 3 (Big Box Retail, Car Sales, Convenience Store, Day Care, Fast Food, Medical Office) – Per business;
 - (4) Category 4 (Hall, Restaurant) – Per business;
 - (5) Category 5 (Hotel or Rest Home with twenty (20) rooms or less) – Per business;
 - (6) Category 6 (Hotel or Rest Home with more than twenty (20) rooms) – Per business.
- (C) Monthly Non-metered School Wastewater Rate (Inside City): Elementary School, Junior High School, High School, College and University – Per fifty (50) students or fraction thereof.
- (D) All other non-classified businesses shall be placed into a monthly non-metered commercial wastewater category by the Water Division Superintendent based on anticipated interior water consumption.
- (E) Monthly Metered Wastewater Rates (Inside City). The wastewater for customers receiving metered water service shall be a monthly base metered wastewater plus a monthly volumetric rate per each one thousand (1,000) gallons of water used; in an amount set from time to time by Resolution of the Council.
- (1) Installations where a water meter is found to register both landscape irrigation as well as interior uses, an average monthly metered wastewater shall be calculated each September for the following year. The average monthly metered wastewater shall be determined by averaging the monthly metered water volumes for the four (4) months of December through March immediately prior, preventing landscape irrigation from inflating the monthly sewer bill. New installations without sufficient metered data shall be charged a non-metered commercial wastewater as defined above until such time that sufficient metered data is available.
 - (2) Installations where a water meter registers landscape irrigation only shall not be billed a monthly metered wastewater.

(Ord. 2357, 12-22-99; Ord. 3094, 9-22-16)

8-1-~~8806~~: COMPUTATION OF INDUSTRIAL WASTE SERVICE CHARGE: Industrial waste service charges shall be based upon flow, biochemical oxygen demand (BOD), suspended solids (SS) and other reasonable factors that affect the cost of providing treatment services. (Ord. 2223, 1-9-97)

8-1-~~8817~~: TRANSITION RATES FOR INDUSTRIAL USERS: Transition rates for industrial Users may be established by annual resolution of the Council, based upon the cost-of-service rate methodology set forth in the 1998 Rate Study prepared by CH2M Hill. Such rates shall be designed to transition over a period of not to exceed four (4) years, beginning in the year 2000. Transition to cost-of-service rates may occur at a different pace for each industrial User, depending upon the hardship associated with necessary adjustments towards cost-of-service based rates. (Ord. 2357, 12-22-99; Ord. 2684, 12-14-06; Ord. 3094, 9-22-16)

~~8-1-88: (Repealed)~~

~~8-1-89: WOODRUFF AVENUE INTERCEPTOR: In addition to the unit charges established pursuant to Sections 8-1-85 through 8-1-87 of this Chapter, any future industry located such that industrial waste is discharged into the Woodruff Avenue Interceptor at a point north of the intersection of Ninth Street and St. Clair Road, will be required to repay their share of the EPA grant for the Woodruff Avenue Interceptor. The required pay back shall be in accordance with all Federal regulations, laws, and guidelines pertaining thereto. (Ord. 2358, 1-13-00; Ord. 3094, 9-22-16)~~

8-1-~~9082~~: GREASE INTERCEPTOR: Whenever a building is used as a food service establishment or commercial kitchen, the owner or occupant shall provide a grease interceptor or a grease trap through which all waste containing fats, oils, or grease shall be drained. Such interceptor or trap shall be designed and sized as outlined in Chapter 10 Section 1014 of the currently adopted edition of the Idaho State Plumbing Code, and shall only allow wastewater, which complies with this Chapter to be drained into the sanitary sewer system. (Ord. 3094, 9-22-16)

EXCEPTION: The requirements of Chapter 10 Section 1014 shall not apply when, in the judgment of the Director, or their nominee, the kitchen discharge does not contain or exceed the fats, oils, and grease limitations as outlined in the Local Limits, Section 8-1-12 of this Chapter. (Ord. 2223, 1-9-97); (Ord. 2609, 7-28-05; Ord. 2684, 12-14-06; Ord. 3094, 9-22-16)

8-1-~~9483~~: INTERCEPTORS REQUIRED TO REMOVE HARMFUL INGREDIENTS: Grease, oil and sand interceptors or other adequate removal facilities shall be installed on the premises necessary to remove grease in excessive amounts, high concentration of blood, fruit, vegetable or grain liquors, milk wastes, or any flammable wastes, sand and other harmful ingredients. All interceptors shall be of a type and capacity approved by the Director and shall be so located as to be readily and easily accessible for cleaning and inspection. All interceptors shall be properly and regularly maintained by the owner or occupant. (Ord. 2223, 1-9-97; Ord. 2684, 12-14-06)

8-1-~~9284~~: SEPTIC TANK WASTES:

(A) No person or entity shall haul septic tank waste for commercial purposes or discharge septic tank waste from any portable tank or storage container into the POTW unless such person or entity has a permit issued by the Director. Such permit shall be issued for a period of one (1) year and may be issued only upon submission of an application to the Director in such form as may be determined appropriate by the Director. The license fee for such permit shall be in an amount set from time to time by Resolution of the Council. Such permit shall be specific to the permittee and may not be sold or transferred to any other person or entity. The applicant shall, as part of the application, submit a list of all vehicles to be used for the purpose of hauling, transporting or discharging septic tank waste into the POTW and the permittee shall not use any vehicle or storage container not contained or included within such list.

(B) Septic tank waste may be introduced into the POTW only at a designated receiving structure within the treatment plant area, and at such times as are established by the Director. Such wastes shall consist of domestic sewage only, must meet or exceed the local limits and shall not otherwise violate any provisions of this Chapter. In no event shall any permittee haul, transport or otherwise discharge into the POTW any hazardous waste as defined by RCRA.

~~(C) Septic tank waste haulers must deliver to the Director a waste tracking form for every load of septic tank waste discharged into the POTW.~~

~~(C)~~ Septic tank waste haulers must provide a waste-tracking form for every load. This form shall include, at a minimum, the name and address of the waste hauler, permit number, truck identification, sources of waste, and volume and characteristics of waste.

~~(D)~~ Fees for dumping hauled wastes will be established as part of the User fee system as authorized in Section 8-1-~~86100~~ of this Chapter. (Ord. 2684, 12-14-06; Ord. 2964, 8-14-14)

~~8-1-93: (Repealed)~~

8-1-~~9854~~: CLASSIFICATION OF USERS: For billing purposes, sewer users shall be classified and billed as follows:

- (A) Residential
- (B) Commercial
- (C) Industrial

(Ord. 2357, 12-22-99)

~~8-1-95: DOMESTIC AND COMMERCIAL RATES OUTSIDE THE CITY: All charges for operation and maintenance shall be uniform for all domestic or commercial Users, whether said Users are located within or without the City. (Ord. 2223, 1-9-97)~~

8-1-9686: BILLING, COLLECTION, AND TERMINATION OF UTILITY SERVICE: Billing, collection, and termination for utility service shall be processed pursuant to the City billing, collection, and termination policy established by Council Resolution. (Ord. 2223, 1-9-97; Ord. 3039, 11-24-2015)

8-1-9787: PRETREATMENT CHARGES AND FEES: City may adopt reasonable fees for reimbursement of costs of setting up and operating the City's pretreatment program which may include:

- (A) Fees for wastewater discharge permit applications including the cost of processing such applications;
- (B) Fees for monitoring, inspection, and surveillance procedures including the cost of collection and analyzing a User's discharge, and reviewing monitoring reports submitted by Users;
- (C) Fees for reviewing and responding to accidental discharge procedures and construction;
- (D) Fees for filing appeals; and
- (E) Other fees as City may deem necessary to carry out the requirements contained herein. These fees relate solely to the matters covered by this Chapter and are separate from all other fees, fines, and penalties chargeable by City. (Ord. 2684, 12-14-06; Ord. 3039, 11-24-2015; Ord. 3094, 9-22-16)

8-1-9888: ~~FALSIFYING INFORMATION~~RECOVERY OF COSTS BY CITY: Any person who knowingly makes any false statement, representation, or certification in any application, record, report and plan or other document filed or required to be maintained pursuant to this Chapter, or who falsified, tampers with, or knowingly renders inaccurate any monitoring device or method required under this Chapter shall be guilty of a misdemeanor. (Ord. 2223, 1-9-97; Ord. 2684, 12-14-06; Ord. 3039, 11-24-2015)

8-1-9989: ~~LIMITATION OF LIABILITY~~ FALSIFYING INFORMATION: Nothing herein is intended to create any private duty to any customer or discharger or create any private right of action on account of any failure by City, or its officers, employees, or agents to perform any duty or obligation set forth herein. (Ord. 2223, 1-9-97; Ord. 2684, 12-14-06; Ord. 3039, 11-24-2015; Ord. 3094, 9-22-16)

~~8-1-100: LIMITATION OF LIABILITY: Any person who violates this Chapter is guilty of a misdemeanor. (Ord. 2223, 1-9-97; Ord. 2684, 12-14-06; Ord. 2964, 8-14-14; Ord. 3039, 11-24-2015)~~

~~8-1-101: PENALTY: Any person who violates this Chapter is guilty of a misdemeanor. (Ord. 2223, 1-9-97; Ord. 2684, 12-14-06; Ord. 2964, 8-14-14; Ord. 3039, 11-24-2015)~~

~~8-1-90: INJUNCTIVE RELIEF: When the Director finds that a User has violated, or continues to violate, any provision of this Chapter, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, City may petition the Seventh Judicial District of the State of Idaho, Bonneville County, through the City Attorney, for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the wastewater discharge permit, order, or other requirement imposed by this Chapter on activities of the User. City may also seek such other action as is appropriate for legal or equitable relief, including a requirement for the User to conduct environmental remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against a User. (Ord. 2223, 1-9-97; Ord. 3094, 9-22-16)~~

~~8-1-91: CIVIL PENALTIES:~~

~~(A) A User which has violated or continues to violate any provision of this Chapter, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement shall be liable to City for a maximum civil penalty in an amount set from time to time by Resolution of the Council. In the case of a monthly or other long-term average discharge limit, penalties or fees shall accrue for each day during the period of the violation.~~

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~~(B) To the fullest extent permitted by the Idaho Code, the Director may recover reasonable attorney fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses and the cost of any actual damages incurred by the City.~~

~~(C) Filing a suit for civil penalties shall not be a bar against, or a prerequisite for, taking any other action against a User. (Ord. 2223, 1-9-97; Ord. 2684, 12-14-06; Ord. 2964, 8-14-14; Ord. 3094, 9-22-16)~~

~~8-1-92: CRIMINAL PROSECUTION:~~

~~(A) A User which has willfully or negligently violated any provision of this Chapter, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement shall, upon conviction, be guilty of a misdemeanor.~~

~~(B) A User which has willfully or negligently introduced any substance into the POTW which causes personal injury or property damage shall, upon conviction, be guilty of a misdemeanor. This penalty shall be in addition to any other cause of action for personal injury or property damage available under State law.~~

~~(C) A User which knowingly made any false statements, representations, or certifications in any application, record, report, plan, or other documentation filed, or required to be maintained, pursuant to this Chapter, wastewater discharge permit, or order issued hereunder or who falsified,~~

tampered with, or knowingly rendered inaccurate any monitoring device or method required under this Chapter shall, upon conviction, be guilty of a misdemeanor. (Ord. 2223, 1-9-97; Ord. 2684, 12-14-06; Ord. 2964, 8-14-14)

8-1-93: REMEDIES NON-EXCLUSIVE: The provisions in Sections 8-1-63 through 8-1-77 of this Chapter are not exclusive remedies. City reserves the right to take any, all, or any combination of these actions against a non-compliant User. Enforcement in response to pretreatment violations will generally be in accordance with City's enforcement response plan. However, City reserves the right to take other action against any User when the circumstances warrant. Further, City may take more than one enforcement action against any non-compliant User. These actions may be taken concurrently. (Ord. 2223, 1-9-97; Ord. 2684, 12-14-06; Ord. 3094, 9-22-16)



MEMORANDUM

FROM: Interdepartmental
DATE: Monday, January 27, 2020
RE: E-Scooter/E-Bike Ordinance

Item Description

Please find attached a draft ordinance that provides comprehensive regulation of E-bikes and E-scooters within the City of Idaho Falls. This ordinance was drafted by several City departments and substantive changes to the original draft have been recommended by Councilmember Jim Francis and noted in this draft version for discussion.

Purpose

The purpose of this ordinance is to provide comprehensive regulation of E-bike and E-scooter operations in Idaho Falls. Encouraging E-scooter and E-bike operations follows the community results Idaho Falls seeks to achieve. Additional mobility options aids in the effort to be a livable community, and one that places value on transportation and safety.

The purpose of this work session discussion is to address the changes proposed by Councilmember Francis. In summary, those changes include a definition of the “central downtown area” and a requirement to dismount E-scooter and E-bike equipment when in that area; definition of “E-scooter”; speed limit considerations; and labeling and regulation points.

City staff have concerns regarding the proposed changes relating to the designated downtown area and how an imposed speed limit is to be accomplished.

Fiscal Impact / Financial Review

The anticipated cost of administering this ordinance is expected to be minor. A nominal Dockless Bikeshare Program registration fee will be assessed.

Legal Review

The ordinance was drafted and reviewed by the Legal Services Department.

Interdepartmental Review

The Police, Public Works, Parks & Recreation, Community Development Services, and Municipal Services departments, as well as the Mayor’s Office Economic Development Coordinator have reviewed this ordinance.

Recommended Action

To review and discuss before finalizing the ordinance for vote at a City Council meeting.



Economic



Governance



Growth



Learning



Livable



Safety



Sustainability



Transportation

ORDINANCE NO. 2020-

AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, AMENDING CITY CODE TITLE 9 BY THE ADDITION OF CHAPTER 8 TO PROVIDE COMPREHENSIVE REGULATION OF E-BIKES AND E-SCOOTERS WITHIN THE CITY; PROVIDING SEVERABILITY, CODIFICATION, PUBLICATION BY SUMMARY, AND ESTABLISHING EFFECTIVE DATE.

WHEREAS, technology has developed dockless E-bikes and E-scooters so that they are popular and useful within an urban environment, such as the City and its downtown business district; and

WHEREAS, the “sharing economy” promotes and sustains Dockless Bikeshare Programs; and

WHEREAS, the City desires to incorporate E-bike and E-scooter uses and programs within the City’s transportation system; and

WHEREAS, the Council wishes to establish a mutually beneficial relationship with companies providing shared E-bike and E-scooter services in the City, as well as with the businesses in the City that market E-bikes and E-scooters; and

WHEREAS, the City agrees that maintaining our clean energy production, improving energy efficiency, electrifying vehicles, and expanding electric vehicle infrastructure will continue to have many positive impacts on our residents by conserving resources and encouraging further economic development; and

WHEREAS, E-bike and E-scooter technology and shared economy systems are best regulated with a comprehensive plan to allow uses of E-bikes and E-scooters in City transportation corridors and on public properties within the City; and

WHEREAS, the Council believes that this Ordinance accomplishes the goals and needs of cities regarding safety, convenience, availability, predictability, and use.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF IDAHO FALLS, IDAHO, THAT:

SECTION 1. Title 9, Chapter 8, of the City Code of the City of Idaho Falls, Idaho, is hereby added as follows:

9-8-1: DEFINITIONS. The following terms, whenever used in this Chapter, shall have the meaning ascribed below:

ABANDONED E-BIKE OR E-SCOOTER. E-bike(s), E-scooter(s), or any part thereof, left or

remaining unattended or unused in a public place for forty-eight (48) consecutive hours or longer after it is tagged with a notice of intention to abate.

ALLOWED USE AREA. A section of the City, designated by “geofencing” technology or otherwise, where dockless bikeshare programs utilizing E-bikes and E-scooters may operate.

BICYCLE PATH. A travel way, as defined in Title 9, Chapter 7 of this Code, which shall also accommodate operation of E-bikes and E-scooters.

BICYCLE ROUTE. A travel way, as defined in Title 9, Chapter 7 of this Code, which shall also accommodate operation of E-bikes and E-scooters.

CENTRAL DOWNTOWN AREA. An area within downtown Idaho Falls that includes both sides of North Capital Avenue, North Park Avenue, and North Shoup Avenue between Broadway and Constitution Way; and includes both sides of “A” Street and “B” Street between Memorial Drive and North Yellowstone Avenue.

CROSSWALK. (a) That part of a highway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the highway measured from the curbs or in the absence of curbs, from the edges of the traversable highway; and in the absence of a sidewalk on one (1) side of the highway, that part of a highway included within the extension of the lateral lines of the existing sidewalk at right angles to the centerline.

(b) Any portion of a highway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface.

DOCKLESS BIKESHARE PROGRAM. A person or entity that provides E-bikes and E-scooters for rent to the general public within a geographical area or City including rental of E-bikes or E-scooters controlled by a computer program or application (such as a smart phone app) and where individual units can be located by GPS.

ELECTRIC ASSISTED BICYCLE (E-bike). A bicycle equipped with fully operable pedals and an electric motor of less than seven hundred fifty (750) watts and that meets one (1) of the following requirements:

(a) "Class 1 electric-assisted bicycle". An electric-assisted bicycle equipped with a motor that provides assistance only when the rider is pedaling and ceases when the rider stops pedaling or when the bicycle reaches the speed of twenty (20) miles per hour.

(b) "Class 2 electric-assisted bicycle". An electric-assisted bicycle equipped with a motor that may be used exclusively to propel the bicycle and that is not capable of providing assistance when the bicycle reaches the speed of twenty (20) miles per hour.

(c) "Class 3 electric-assisted bicycle". An electric-assisted bicycle equipped with a motor that provides assistance only when the rider is pedaling and ceases when the rider stops pedaling or when the bicycle reaches the speed of twenty-eight (28) miles per hour.

An E-bike, as defined in this Chapter, is not a "motor vehicle", as defined in Idaho Code Title 49, Chapter 1.

ELECTRIC ASSISTED SCOOTER (E-Scooter). A two (2) wheeled device that has handlebars, a floorboard designed to be stood upon when riding, and an electric motor ~~with a power output of not more than three hundred (300) watts that:~~ (a) ~~is incapable of propelling the device~~not operated at a speed of more than ~~fifteen~~twenty (20) miles per hour in City limits; (b) gives the operator the option to propel the device exclusively under human power without the assistance of the motor, and (c) disengages or ceases to function when the device's brakes are applied.

An E-scooter, as defined in this Chapter, is not a "motor vehicle", as defined in Idaho Code Title Code Title 49, Chapter 1.

ELECTRIC ASSISTED SCOOTER (E-scooter). A two (2) wheeled device with an electric motor that gives the operator the option of propelling the device exclusively under human power or with the assistance of the motor. The device's motor shall disengage or cease to propel the device when the brakes are applied. The device shall have handlebars and a floorboard that allows operation of the device from a standing position. The device shall be operated at a speed of no more than twenty (20) miles per hour to qualify as an "E-scooter" pursuant to this Chapter. An E-scooter that meets this definition is not classified as a "motor vehicle", as defined in Idaho Code Title 49, Chapter 1, for the purposes of this Chapter.

OBSTRUCTIVE BICYCLE, E-BIKE, OR E-SCOOTER. E-bike(s), E-scooter(s), or any part thereof, left in a public place that obstructs or impedes vehicular or pedestrian traffic.

OPERATOR. A person or persons in exclusive control of an E-bike or E-scooter and using the device for transportation.

PUBLIC PLACE. Any publicly owned or operated property, including, but not limited to, roadways, highways, roadways, sidewalks, streets, alleys, rights-of-way, bicycle paths, bicycle routes, parks, public parking lots, and plazas located within the City's jurisdictional limits.

RIDER. A person or persons using an E-bike or E-scooter for transportation, other than the operator.

9-8-2: TRAFFIC LAWS APPLY TO PERSONS RIDING E-BIKES AND E-SCOOTERS.

A. Every person, regardless of age, who operates an E-bike or E-scooter, as defined in this Chapter, upon a public place in the City shall be granted the same rights and shall be subject to

the same responsibilities applicable to a motor vehicle operator by Idaho Code. Provisions of this Chapter not in conflict with Title 49, Idaho Code also apply, except to the extent those laws and ordinances by their very nature can have no application to E-bikes or E-scooters. Any conveyance not meeting the definition of E-bike or E-scooter shall be subject to the respective regulations of this Code and Idaho Code.

B. Exemptions. Any Idaho peace officer, as defined in Idaho Code Section 19-5101(d), operating an E-bike or E-scooter in the course and scope of their official duties is exempt from the requirements of Subsection A of this Section, if the E-bike or E-scooter is being operated under any of the following circumstances:

1. When responding to a 9-1-1 or other emergency call;
2. While en route to or engaged in rescue operations; or
3. While actively pursuing an actual or suspected violator of the law.

9-8-3: REQUIRED EQUIPMENT. No person shall operate an E-bike or E-scooter without the following features:

A. Brakes capable of causing the E-bike or E-scooter to stop within twenty-five feet (25') at ten (10) miles per hour on dry, level, clean pavement; and

B. A bell or other audible warning device capable of being heard at a distance of at least one hundred feet (100') away, except that no E-bike or E-scooter shall be equipped with nor shall any person use upon an E-bike or E-scooter any siren or whistle; and

C. A red reflector on the rear visible from a distance of three hundred feet (300') when directly in front of the lawful upper beams of a motor vehicle, and a forward-facing, white electric light visible from a distance of at least five hundred feet (500') in front of the E-bike or E-scooter. Any E-bike or E-scooter equipped with a generator-powered light that is unlit when the E-bike or E-scooter is stopped shall also have a front-facing white or yellow reflector visible at least five hundred feet (500') in front of the E-bike or E-scooter when directly in front of the lawful upper beams of a motor vehicle.

9-8-4: OPERATING E-BIKES OR E-SCOOTERS.

A. No person riding or operating an E-bike or E-scooter shall place themselves other than upon or astride a permanent and regular seat or floorboard attached thereto.

B. No E-bike or E-scooter shall be used to carry more than one (1) person at one time, unless the vehicle is specifically designed, manufactured, or equipped to carry more than one (1) person safely.

D. Every person operating an E-bike or E-scooter shall keep at least one (1) hand on the handlebars at all times while the E-bike or E-scooter is in motion and shall not use the E-bike or E-scooter to transport any items or luggage other than with a backpack or other such device that allows the operator to carry something without actively holding it in the hands or arms.

9-8-5: CLINGING TO MOTOR VEHICLES. Persons operating E-bikes or E-scooters shall not hold on to, cling to, or attach themselves or such E-bikes or E-scooters to a moving motor vehicle.

9-8-6: RIDING ON ROADWAYS. No person shall operate an E-bike or E-scooter on a roadway against the flow of motorized vehicular traffic, except where permitted by official signs or pavement markings. The operator of an E-bike or E-scooter traveling at a rate of speed that delays a vehicle or vehicles following in the same lane shall be required, except where unlawful or unsafe for the following vehicle to pass, to move as far to the right of the traveled roadway, or to the left where the E-bike or E-scooter is in the left lane of a one-way roadway, as is safe under the conditions then existing. When an operator is within fifty feet (50') of an intersection, they shall not be required to move to the right or left until they have moved through the intersection.

9-8-7: OPERATING UPON SIDEWALKS AND UPON AND WITHIN CROSSWALKS.

A. An E-bike or E-scooter may be operated upon a sidewalk and upon and within a crosswalk, except in the Central Downtown Area or where prohibited by official traffic control devices, or when failure to do so, based upon existing conditions, constitutes a public nuisance, the number of pedestrians using the sidewalk or crosswalk renders operating the E-bike or E-scooter unsafe because of the risk of colliding with pedestrians, in which case the operator of an E-bike or E-scooter shall dismount and walk the E-bike or E-scooter until safe riding conditions exist.

B. Any operator of an E-bike or E-scooter riding upon a sidewalk, or crosswalk shall yield the right-of-way to any pedestrian and shall give an audible warning before overtaking and passing such pedestrian. The audible warning may be given by the voice or by a bell or other lawful device capable of giving an audible signal to the person or persons being overtaken and passed.

C. Any operator of an E-bike or E-scooter riding upon a sidewalk, or crosswalk shall have all the rights and duties applicable to a pedestrian under the same circumstances.

D. Any operator of an E-bike or E-scooter traveling on the sidewalk shall not suddenly leave a curb or other place of safety and move into the path of a vehicle that is so close as to constitute an immediate hazard.

9-8-8: E-BIKE AND E-SCOOTER PARKING. E-bikes, or E-scooters shall not be parked in such a manner as to obstruct or impede the movement of pedestrians, motor vehicles, other bicycles, E-bikes, or E-scooters, or to cause damage to trees, shrubs, streetlights, benches, or other affixed public property.

9-8-9: RECKLESS OR INATTENTIVE OPERATION. It shall be unlawful for any operator to use an E-bike or E-scooter recklessly, inattentively, carelessly, heedlessly or at a greater speed than reasonable or prudent, under circumstances existing, on any public place.

9-8-10: MAXIMUM POSTED SPEED LIMITS. All E-bike or E-scooter operators shall obey all posted regulations, including maximum speed limits. ~~E-bikes and E-scooters shall not travel faster than fifteen (15) miles per hour on City sidewalks.~~

9-8-11: REMOVAL OF IDENTIFICATION TAG. It shall be unlawful for any person to willfully remove, deface, or destroy any E-bike or E-scooter identification tag issued by the City, other than following the lawful sale or gift of such E-bike or E-scooter to another.

9-8-12: NO E-BIKES OR E-SCOOTERS AT ZOO. It shall be unlawful for E-bikes or E-scooters to operate in the Idaho Falls Zoo at Tautphaus Park.

9-8-13: DOCKLESS BIKESHARE PROGRAM BUSINESS LICENSE AND E-BIKE AND E-SCOOTER REGISTRATION.

A. The City, as a matter of public policy, requires all Dockless Bikeshare Programs doing business in City limits to have a City Dockless Bikeshare Program business license and to have all of their E-bikes and E-scooters registered with and tagged by the City Police Department (“IFPD”) or its designated agents. The purpose of such Dockless Bikeshare Program business licensing and E-bike and E-scooter registration is to assist the City, or other public safety agencies, in recovering E-bikes or E-scooters should they be stolen or otherwise misplaced.

B. Every Dockless Bikeshare Program wishing to do business in the City shall obtain and retain a Dockless Bikeshare Program business license prior to such Program’s operation in the City. Such license shall be issued annually. Failure to hold a current Dockless Bikeshare Program business license, or to renew an expired license within ten (10) days after its expiration, shall result in the immediate impounding of all Dockless Bikeshare Program’s E-bikes and E-scooters until such license deficiency is remedied. The Dockless Bikeshare Program shall be liable for the daily expense of impounding the E-bikes and E-scooters until Dockless Bikeshare Program license annual renewal or the sale of the impounded E-bikes or E-scooters by the City.

C. Every Dockless Bikeshare Program shall register every E-bike and E-scooter by filing with the City the name and address of the owner, together with a complete description of the E-bike or E-scooter on forms provided by or made available through the City. The fee for said registration shall be established from time to time by Resolution of the Council. The registration fee applies for the entire period the licensed registrant owns the licensed device. Registration shall be serially numbered and kept on file by the City. Upon such registration, the City or its designee shall cause an identification tag to be affixed to each registered E-bike or E-scooter which shall be serially numbered to correspond with the registration number. Such identification tag shall

remain affixed to the E-bike or E-scooter unless removed by IFPD for re-tagging upon re-registration.

D. It shall be unlawful for a Dockless Bikeshare Program to fail to register or to willfully remove, deface, or destroy any E-bike or E-scooter identification tag issued by the City.

9-8-14: DOCKLESS BIKESHARE PROGRAM REGULATIONS.

A. Each Dockless Bikeshare Program doing business in the City shall, under the direction and with the permission of the Parks and Recreation Department and Public Works Department, establish allowed use areas and designate locations within allowed use areas for E-bikes and E-scooters to be returned after daily collection and recharging.

B. Dockless Bikeshare Programs shall ensure any E-bikes and E-scooters belonging to the Program found beyond the allowed use areas are collected and relocated within one (1) hour of being found beyond an allowed use area during business hours (8 a.m. to 5 p.m. local time), and within two (2) hours at all other times.

C. An E-bike or E-scooter belonging to a Dockless Bikeshare Program shall prominently display the 24/7 contact phone number of the Dockless Bikeshare Program to which it belongs in a conspicuous and permanent location on the frame of the E-bike or E-scooter. Anyone shall be able to call the number, whether or not the caller is a current customer of the Dockless Bikeshare Program.

D. All E-bikes and E-scooters operating in the City pursuant to a Dockless Bikeshare Program license shall operate with built-in computer programming that prevents the E-bike or E-scooter from reaching speeds above thirty (30) miles per hour.

9-8-15: NOTICE OF VIOLATION AND PROCEDURES.

Upon observing any violation of the provisions of this Chapter, the City is authorized to serve a notice of violation by personally serving the person violating the provisions of this Chapter with a citation.

9-8-16: LABELING REQUIREMENT. Dockless Bikeshare Program, Licensees, shall provide information in legible type permanently affixed in a prominent location on each E-bike or E-scooter or the E-bike or E-scooter shall not be permitted on a public place within the City. Such information shall include the address of the Licensee's webpage containing a copy of this Chapter and the phrases "Do Not Ride on Sidewalks in Central Downtown Area"; "Yield to Pedestrians"; and "Obey Posted Speeds". ~~contain the top assisted speed and motor wattage of each E-bike or E-scooter to be requested.~~

~~9-8-17: TAMPERING RESTRICTION. It shall be unlawful for any person to knowingly modify an E-bike or E-scooter so as to change its speed capability.~~

9-8-17: UNITED STATES CONSUMER PRODUCT SAFETY COMMISSION COMPLIANCE. All E-bikes and E-scooters shall comply with the relevant equipment and manufacturing requirements adopted by the United States Consumer Product Safety Commission.

9-8-18: REMOVING E-BIKES AND E-SCOOTERS, NUISANCE ABATEMENT.

A. Nuisance Declared. One (1) or more abandoned or obstructive E-bikes, E-scooters, or any part thereof, in public places promotes urban blight, invites theft and vandalism, and creates a hazard to the general public's health, safety, and welfare, and thereby constitutes a public nuisance. Abandoned or obstructive E-bikes, E-scooters, or any part thereof shall be abated in accordance with this Chapter.

B. Prohibited Behavior. No person shall abandon an E-bike, E-scooter, or any part thereof in a public place. No person shall leave an E-bike or E-scooter, or any part thereof, in a manner that obstructs use of a public place.

C. Enforcement. In accordance with this Chapter, the City, IFPD, and designee is authorized to mark abandoned or obstructive E-bikes, E-scooters, or any part thereof, for abatement by removal and to order the removal and impoundment of such abandoned or obstructive E-bikes, E-scooters, or any part thereof, from a public place.

D. Notice Of Intention To Remove Abandoned E-Bikes, E-Scooters, Or Any Part Thereof. All notices of intention to remove shall be firmly and conspicuously affixed to the abandoned and/or obstructive E-bike, E-scooter, or any part thereof. The notice of intention to remove shall contain: the name of the officer who prepared the notice; the name of the agency employing the officer; the date and time the notice was posted; the date and time after which the E-bike, E-scooter, or any part thereof shall be removed; and the contact information and address for the location where the E-bike, E-scooter, or any part thereof, shall be impounded, and information on how to request a post-storage administrative review.

E. Notice Of Removal Of Obstructive E-Bike, E-Scooter, Or Any Part Thereof. All notices of removal of an obstructive E-bike, E-scooter, or any part thereof shall be firmly and conspicuously posted as near as possible to the location from where the obstructive E-bike, E-scooter, or part was removed. The notice of removal shall contain the name of the officer who prepared the notice; the name of the agency employing the officer; the date and time the E-bike, E-scooter, or part was removed, the reason for the removal, the contact information and address for the location where the obstructive E-bike, E-scooter, or part are impounded, and information on how to request an administrative review.

F. Abatement Of Abandoned E-Bike, E-Scooter, Or Any Part Thereof. Not less than forty-eight (48) hours after the posting of a notice of intention to abate by removal, the City may remove and impound an abandoned E-bike, E-scooter, or any part thereof.

G. Storage. All abated abandoned and obstructive E-bikes, E-scooters, or parts shall be stored and disposed of by the City in accordance with Idaho Code. Reasonable storage fees, in an amount established from time to time by Resolution of the Council, shall be charged to the owner of the abated E-bike, E-scooter, or any part thereof, to cover the costs of removal, impoundment, storage, recordkeeping, and other associated costs. Owners shall be required to pay all storage fees in full prior to the release of E-bikes, E-scooters, or any parts thereof.

H. Post-Storage Administrative Review. Whenever an abandoned or obstructive E-bike, E-scooter, or any part thereof, is abated and impounded by the City, the owner of such property shall be provided with the opportunity for a post-storage administrative review to determine the validity of the removal and storage of such property. In order for an owner to receive a post-storage administrative review, the owner shall request the review in writing from the City within fourteen (14) business days of the posting of the notice of intention to abate. The City shall conduct the post-storage review within forty eight (48) hours of the request, excluding weekends and holidays. Failure by the owner to request or to attend a review shall validate the impoundment and storage of that owner's E-bike, E-scooter, or part thereof. If it is determined at the review that there was not reasonable cause to deem the abated E-bike, E-scooter, or any part thereof, abandoned or obstructive, the City shall be responsible for payment of all storage fees.

I. Disposal. Any E-bike, E-scooter, or part thereof that is abated and impounded under this Chapter and that is not claimed and redeemed by its owner within the time limits set forth in Idaho Code shall become the property of the City and shall be sold. Proceeds, if any, from the sale of abated E-bikes, E-scooters, or parts thereof, shall be applied first to all outstanding storage fees and any expenses related to the sale of such property.

9-8-19: LIABILITY INSURANCE. Every Dockless Bikeshare Program operating in the City shall carry liability insurance naming the City as an insured, with a minimum one million dollars (\$1,000,000) annual coverage policy. Each Dockless Bikeshare Program operating in Idaho Falls also indemnifies and agrees to hold harmless the City for damages in connection with the unsafe operation of any E-bike or E-scooter owned by such Dockless Bikeshare Program.

9-8-20: PENALTIES. Unless otherwise specifically provided in this Chapter, any person who violates any provision of this Chapter shall be deemed guilty of an infraction and upon conviction shall be punishable by a civil infraction penalty, as established from time to time by Resolution of the Council.

SECTION 2. Savings and Severability Clause. The provisions and parts of this Ordinance are intended to be severable. If any section, sentence, clause, or phrase of this Ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or

CODIFICATION, PUBLICATION BY SUMMARY, AND ESTABLISHING EFFECTIVE DATE.”

(SEAL)

KATHY HAMPTON, CITY CLERK

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