

CITY OF ROBERTS  
ORDINANCE NO. 2023-567

AN ORDINANCE RELATING TO FROZEN WATER UTILITIES WITHIN THE CITY OF  
ROBERTS

WHEREAS, the City of Roberts, Idaho, the "City" herein, under and pursuant to the powers vested in it by Idaho Code, in order to promote the public health and welfare, deems it necessary to make and place into effect a policy in regards to frozen water utilities;

WHEREAS, The City of Roberts is responsible for providing potable water to users;

WHEREAS, The City of Roberts is responsible for insuring fiscally fairness and stewardship of the system;

WHEREAS, It is a violation of Ordinance 521 Section 7 Subsection 13 for “the customer to operate, cause, or permit unauthorized operation of the meter stop or any appurtenances on the service connection.”

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

SECTION 1: PURPOSE

It is hereby determined and declared to be necessary and conducive to and for the protection of the health, safety and welfare of the public inhabitants of the city, and for the purpose of controlling the use and connection to and for providing an equitable distribution of the costs and expenses of maintenance, operation, upkeep and repair of the entire water system which includes the water collection system and water pumping facilities of the city, to charge and collect service charges or fees upon all lots, lands, property and premises served or benefited by the water system of the city.

SECTION 2: APPLICABILITY

The provisions of this chapter shall apply to all property within the boundaries of the city, including all property owned or occupied by the United States, the state, county, and the city.

SECTION 3: DEFINITIONS

Unless the context specifically indicates otherwise, the meaning of terms used in this chapter shall be as follows:

CITY: The city of Roberts, Idaho.

CUSTOMER: Any individual, firm, company, association, society, corporation or group owning real property who has applied for, been accepted and is currently connected to the water system for the benefit of that real property.

DRIP: A pencil sized stream

PROPERTY OWNER: A person owning real estate which is, or proposes to be, connected to the water system.

SERVICE CONNECTION: The point at which the building connects to the public water system.

#### SECTION 4: RESPONSIBILITIES

1. Property owners are responsible for their water line up to the water meter.
2. The City is responsible for the meter and line to the public water system.
3. Property owners and/or customers should call the City to thaw a frozen meter or water line to the City's main water line, and should not do the work themselves. Any damages caused by the property owner attempting to thaw lines or the meter shall be the full responsibility of the property owner.

#### SECTION 5: POLICY

1. The first thaw of frozen water lines from and including the meter and the line going to the main water line shall be done by the City at the City's expense.
2. After the first thaw, property owners should drip their water continuously to prevent freezing. The City will inform property owners after the first thaw of this responsibility. Any damages caused by the property owners' failure to drip their water continuously after a first thaw shall be the full responsibility of the property owner.
3. After the first thaw of a winter season, property owners shall be responsible to pay for all costs associated with each subsequent thawing of water lines.
4. Damages to the water lines or meter from frozen lines not caused by the property owner as described above shall be paid for as follows:
  - a. All damages that occur to the line from the home to the water meter shall be the responsibility of the property owner.
  - b. All damages that occur to the meter and from the meter to the City's main water line shall be the responsibility of the City.
5. The City will thaw water meters and lines during regular business hours and only by appointment, unless approved by the mayor at which time Afterhours Labor Per Man hours will be charged.
6. Before Public Works begins work on frozen utilities the property owner, or their agent, must sign an agreement that includes but is not limited to the following: date, service address, signature of owner/agent, freeze-preventing instructions, and current fee schedule.

#### SECTION 6: FEES

1. Charges to Property Owner
  - a. 1<sup>st</sup> Thaw- No Charge
  - b. 2<sup>nd</sup>+ Thaw- Property owner will be charged Labor Per Man hours, equipment fees, all replacement parts, and any Afterhours Labor Per Man Hours
2. Fees will be set by resolution.

3. Number of “thaws” are counted annually between November 1 and March 31.

SECTION 7: PENALTY

A. Violation: Any person found to be violating any provision of this chapter shall be guilty of a misdemeanor.

B. Liability For Expense, Loss Or Damage: Any person violating any of the provisions of this chapter shall become liable to the city for any expense, loss or damage occasioned by the city by reason of such violation.

SECTION 8: REPEALER CLAUSE

All ordinances or parts thereof, which are in conflict here within, are hereby repealed.

SECTION 9: SEVERABILITY CLAUSE

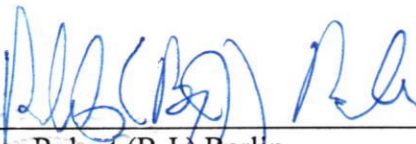
Should any part or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

SECTION 10: EFFECTIVE DATE

This Ordinance shall be in full force and effect from date of passage, publication and signature of the Mayor according to law.

PASSED AND ADOPTED BY THE CITY OF ROBERTS MAYOR AND CITY COUNCIL 12 of September, 2023.

CITY OF ROBERTS

  
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Mayor Robert (B.J.) Berlin

Attest:

  
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April Galbraith, Clerk/Treasurer