

ORIGINAL

ORDINANCE 99-5

AN ORDINANCE ESTABLISHING AND PROVIDING THAT
THE NORTH KOOTENAI WATER DISTRICT WILL SERVE
WATER TO A LOCATION ONLY WHEN THE OWNER OF
THE PROPERTY TO BE SERVED HAS UNDERTAKEN THE
LEGAL OBLIGATION TO PAY TO THE NORTH KOOTENAI
WATER DISTRICT ALL COSTS AND FEES, INCLUDING
FEES FOR DELIVERED WATER, ASSOCIATED WITH
WATER SERVICE TO SUCH PROPERTY

NORTH KOOTENAI WATER DISTRICT

KOOTENAI COUNTY, IDAHO

Be it ordained by the Board of Directors of the
North Kootenai Water District as follows:

WHEREAS, the North Kootenai Water District,
(the "District"), is a water district organized and
existing under and pursuant to the laws of the
State of Idaho; and,

WHEREAS, the District is in the business of
supplying water for domestic and commercial uses to
various locations within its service area; and,

WHEREAS, it is in the best interests of the
District that it be fully according to its
established rates for water it provides to its
customers; and,

WHEREAS, the District has determined that it
has suffered unnecessary and unacceptable financial
loss when certain of its customers have not owned
the real property to which the water service of the
District is appurtenant and such customers have
failed and refused to pay the District for water
service delivered to such locations; and,

WHEREAS, the laws of the State of Idaho authorize the District to place a lien upon real property to which water service from the District is appurtenant when the costs of such service have not been paid when due; and,

WHEREAS, the District has determined as a matter of policy that real property to which water service from the District is appurtenant should be liened only when the property owner is personally responsible to the District for payments of all fees and costs associated with such water service and has chosen or failed to pay such fees and costs as have been properly billed by the District for water service;

NOW, THEREFORE, BE IT FURTHER ORDAINED BY THE BOARD OF DIRECTORS OF THE DISTRICT THAT COMMENCING ON December 1, 1999, the District shall provide water service to a location only when the owner of the real property to which such service is appurtenant has

personally or in writing requested water service from the District, entered into a legally binding commitment in a form satisfactory to the District to pay all costs and fees for such service, including monthly billings for delivered water.

All other ordinances or resolutions of this District, or parts thereof, insofar as they are in conflict with this Ordinance, are repealed and rescinded. If any portion of this ordinance or the application thereof to any particular circumstance shall ever be held invalid or unenforceable, such holding shall not affect the remainder hereof, which shall remain in full force and effect and applicable to all circumstances in which it may validly apply.

The District reserves the right to make changes to this ordinance by resolution at a regular meeting of the Board of Directors of the District.

The District shall enforce and seek remedies for breaches of the terms of this Ordinance as provided by the laws of the State of Idaho.

PASSED AND ADOPTED THIS 15th DAY OF

December, 1999.

ATTEST:

Miriam Moore
DISTRICT SECRETARY

Robert Berg
DISTRICT CHAIRMAN