

**BYLAWS OF THE
COOLIN SEWER DISTRICT**

The previous Bylaws of the Coolin Sewer District dated August 1, 2018 are hereby rescinded. The revised Bylaws are hereby promulgated and adopted in accordance with and pursuant to Idaho Code 42-3212 and 42-3213, and the general laws and statutes of the State of Idaho:

1. STATEMENT OF PURPOSE

It is hereby declared to be necessary and conducive to and for the protection, health, safety and welfare of the public and the inhabitants of the Coolin Sewer District, that adequate provision be made for a governing of and regulating the use of Coolin Sewer District and the District sewage system, including provisions controlling the use and connection to said system and for the providing of an equitable distribution of the costs and expenses of the maintenance, operation, upkeep and repair of said system by providing appropriate regulations and fees and charges therefor.

2. DEFINITIONS

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

- A. "Application for sewer service" means a written application on a form to be provided by the District and to be submitted by the prospective user to the Board of Directors of the District prior to the paying of any fees or charges and/or connecting to the sewer system. This form shall also be used by present users expanding their usage of the District's system beyond that shown in the District's records at the time of the adoption of these Bylaws.
- B. "Board of Directors" mean the five duly elected governing members of the board.

- C. "Buildings" means all dwellings, commercial structures, and other structures located within the District.
- D. "Business and commercial properties" means all real property upon which there are lavatory, toilet or sewer facilities available to the public or a portion of the public that may, from time to time, be present upon its real property for business or commercial purposes, and shall include, but not limited to, taverns, restaurants, gas stations, bowling alleys and marinas.
- E. "Containment" means any physical, chemical, biological or radiological substance or matter in water.
- F. "District" means the Coolin Sewer District or its authorized representative.
- G. "District sewer system" means all facilities through which sewer is collected, transmitted, treated or disposed of, including sewer mains, pump stations, treatment ponds, aeration system, storage ponds, chlorination system, sprinkling system, collectively or severally, actually used or intended for use for the purpose of collecting and disposing of sewage.
- H. "Dwelling" means a residence, house, abode, trailer or other place in which to live.
- I. "Maintenance person" means a person hired by the Board of Directors to maintain and operate the sewage system and perform such other duties as may be required at the direction of the Board.
- J. "Multiple dwellings" and "multiple units" means all real property on which there is more than a single family housing unit or dwelling which shall include, but not be limited to, condominiums, trailer stalls or pads, motels, hotels and all other real property upon which there is more than a single family residential type structure.

- K. "Municipal buildings" means all buildings upon real property owned or operated by municipal corporations or state agencies, charitable non-profit organization, or fraternal non-profit organizations, including, but not limited to, campgrounds, schools, buildings, grange halls, fire stations, city halls, police stations, churches and government and/or state buildings.
- L. "Private sewer" shall be construed to mean the sewer line and disposal system constructed, installed or maintained where a connection with the public sewer is not required.
- M. "Property owner" means anyone who owns property within the boundaries of the Coolin Sewer District.
- N. "Public sewer" means a sewer in which all owners of abutting properties have equal rights and which is controlled by the Coolin Sewer District. Septic tanks, sewer lines, pumps and electrical connections thereto installed on private property shall be owned and maintained by the District and are considered a component part of the public sewer system.
- O. "Rental cabin" means a dwelling that is rented during a given calendar year by an enterprise in the business of renting cabins.
- P. "Service line" means a sewer line connecting a building to the District's sewer system.
- Q. "Sewer" means spent or waste water.
- R. "Sewer Main Extension Agreement" means a written agreement entered into by the District and another providing for an extension of the sewer system.
- S. "Sewer service charge" means a quarterly charge to be paid by users of the sewer system. This also includes an annual charge for the 20 year LID Bond passed in 2006 for the new system.

- T. "Shall" means mandatory, whereas "may" means permissive.
- U. "User" means any property owner who has a building connected to the District's sewer system.
- V. "Wastewater" means spent water, including a combination of water and water-carried waste from a building.

3. APPLICABILITY OF BYLAWS

The provisions of these Bylaws shall apply to all property within the District's boundaries, including all property owned or occupied by the United States of America, the State of Idaho and Bonner County.

4. REPEAL OF INCONSISTENT PRIOR RESOLUTIONS AND/OR OTHER DISTRICT DOCUMENTS.

These Bylaws shall repeal all prior resolutions and/or other documents inconsistent herewith.

5. INJURY TO SEWER SYSTEM UNLAWFUL.

No person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any pipeline, fitting, connection, appurtenance, pump, component part, pump box lock, building, machinery, equipment, fixtures, appliance, official notice, sign, earth work or any other part of the District's sewer system.

6. RATES, TOLLS, FEES AND OTHER CHARGES

The Board of Directors shall fix and provide for the collection of, and from time to time increase or decrease, such rates, tolls, fees or charges for sewer use and services furnished by the District as may be necessary, when coupled with other income and revenue with the District, to pay the indebtedness of the District incurred for construction of the District's sewer

system, pay the expenses of operating and maintaining the District's affairs, to establish a reserve fund for catastrophic failure of the sewer system, to establish a reserve fund for catastrophic failure of the sewer system, and to establish a reserve fund for sewer system expansion.

7. APPLICATION FOR SEWER SERVICE.

Any property owner desiring to connect a building to the District's sewer system and any present user who desires to expand his usage beyond that in effect as of the date of the adoption of these Bylaws, shall prepare and submit an "Application for Sewer Service" to the Board of Directors. This form shall be submitted by prospective new users prior to connecting to the District's sewer system and by present users prior to increasing their usage of the system. Upon receipt of said Application, the Board of Directors will determine the applicable fees and charges, complete the form and return it to the applicant if the sewage capacity necessary to serve the applicant is available. If the capacity is required by the applicant is not available, the Board of Directors will return the Application with an appropriate indication, and the determination of the Board of Directors shall be final and conclusive.

8. CONNECTING TO THE DISTRICT SEWER SYSTEM.

All connections to the District's sewer system shall be in accordance with the following:

- A. All buildings within the Coolin Sewer District shall connect to the District's sewage system if:
 1. Such building is suitable for human habitation.
- B. Neither septic tanks, nor hold tanks, as a means of sewer disposal, will be permitted. However, this does not apply to the use of a holding tank within a travel trailer, if such trailer is temporarily parked on property within the District. Such trailers need not connect

to the District's sewer system, either temporarily or permanently, unless requested or the trailer is located in an established trailer court.

- C. No property owner in the District shall connect a building to the District's sewer system prior to receiving an approved "Application for Sewer Service" from the Board of Directors and having paid the required fees and authorizing the Building Location Permit Application.
- D. When connecting to the District's sewer system, the property owners shall use sewer pipe and fittings conforming to the District regulations, or better, as a minimum requirement. It shall be the responsibility of the property owner to assure that the Maintenance person inspects the owner's service line and connects to the District's sewer system prior to burial. If the owner fails to have this inspection performed, the District shall arrange to have the service line and connection uncovered, inspected, recovered and shall charge the owners for all expenses in connection therewith.
- E. If an extension of the District's line is required to serve an applicant for sewer service, a "Sewer Main Extension Agreement" shall be agreed upon by the applicant and the District prior to the commencement of any work. Said Sewer Main Extension Agreement shall establish criteria for construction of the extension, shall establish and provide for the costs in connection therewith being paid for by the applicant, and shall provide the final dates for the commencement of payment of monthly sewer service charges. Failure to make any payment required pursuant to the terms and provisions of the Sewer Main Extension Agreement or these Bylaws shall constitute grounds and cause for the District to void said Agreement.

9. SEWER SERVICE CHARGES

Sewer service charges for new applicants and for present users increasing their usage of the system, shall be as provided on a rate schedule to be established by the Board of Directors, subject to amendment from time

to time as, in the opinion of the Board of Directors, may be necessary. All sewer service charges shall be due and payable as provided by the Board of Directors by a resolution, and shall be considered delinquent if not paid within 30 days following their due date. All monies due and owing said District shall be paid in lawful currency of the United States. Delinquent notices may be mailed from time to time, at the discretion of the Board.

10. UNAUTHORIZED DISCHARGES INTO THE DISTRICT SEWER SYSTEM.

It shall be unlawful for any person to discharge or cause to be discharged any of the following into the District's sewer system:

- A. Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid or gas.
- B. Any water or waste containing toxic or poisonous solids, liquids or gasses in sufficient quantities, either singly, or in interaction with other waste, to injure or interfere with any sewer treatment process or constitute a hazard to humans.
- C. Waters or waste having a corrosive property capable of causing damage or hazard to structures, equipment or personnel.
- D. Solid or viscous substances in quantities or of such size as to be capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewer works, such as, but no limited to, coffee grounds, ashes, cinders, sand , mud, straw, shavings, metal glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch, manure, hair and fleshing, entrails, paper dishes, cups, plastic containers, etc., either whole or ground by garbage grinders.
- E. Any water or waste containing fats, grease or oils, whether emulsified or not, or containing substances which may solidify or become viscous at temperatures between 32 degrees and 105 degrees F. (0 degrees and 65 Celsius).
- F. Any garbage that has not been properly shredded.
- G. If there is a pump failure due to a customer's negligence, that customer in violation of negligence and shall be subject to the expense needed for repair. Customer negligence means the flushing of foreign objects, i.e. feminine hygiene products, condoms and baby wipes.

H. Coolin Sewer District has access to all public and private property for maintenance/assessment purposes.

11. INDUSTRIAL USERS.

Applicants for industrial use of the system shall make due application to the Board upon a form to be provided by the Board for that purpose.

Upon receipt of any such application, the Board will develop and implement an industrial user cost recovery system in conformance with applicable state and federal regulations and shall promulgate such other regulations for industrial users as necessary or appropriate.

12. INDIVIDUAL PUMPS OR RELATED EQUIPMENT.

All property owners within the District will be billed for all equipment supplied and installed by the District. Upon installation, the District will inspect and thereafter maintain the same. Said equipment shall become the property of the District and shall not be removed, tampered with, modified or altered in any manner.

13. BOARD OF DIRECTORS

The Board of Directors of the Coolin Sewer District shall consist of five persons duly elected by the qualified electors of the District. The Board shall choose one of its members to be Chairman of the Board of Directors and President of the District and another member to be Vice-Chairman of the Board of Directors and Vice-President of the District. The Board shall also choose a secretary and treasurer of the Board and for the District, who may or may not be members of the Board. The secretary and treasurer may be one person. The Board shall choose persons from the qualified electors of the Coolin Sewer District to fill vacancies occurring between elections, such appointees to act until the next biennial election when the vacancies shall be filled by election.

14. RESPONSIBILITIES OF THE BOARD.

The Board shall be responsible for:

- A. Fixing and increasing or decreasing, as necessary, as well as collecting,

such rates, tolls, fees or other charges for sewer use and services furnished by the District as may be necessary to carry out the District's responsibilities as provided by these Bylaws.

- B. Operating and maintaining the District's sewer system.
- C. Meeting once a month, assuring that annual audits are made of the District's financial affairs, adopting an annual budget and conducting biennial elections, all in accordance with the requirements of Title 42-3210, 3211 and 42-3228-31 Idaho Code.
- D. Maintaining detailed financial records.
- E. Maintaining correspondence files.
- F. Carrying out the powers authorized by Title 42-3212 Idaho Code.
- G. Three members of the Board shall constitute a quorum at any board meeting.

15. DISTRICT EMPLOYEES.

The Board shall employ such persons as may be necessary for the Board to carry out its responsibilities. These persons may include, but are not limited to:

- A. Maintenance Person. A licensed person shall be responsible for the day to day operation and maintenance of the District's sewer system. This person shall take direction from the Board, normally through the Board's spokesman, the Chairman. The Maintenance Person shall attend regular monthly meetings as necessary to keep the Board advised of the condition of the sewer system and to bring any serious or potentially serious problems to the attention of the Board.
- B. Clerk/Treasurer. This person shall be responsible for performing clerical work and for maintaining the District's financial records, except for the annual audit. The Secretary/Treasurer shall take direction of the Board.
- C. Professionals. The Board shall also retain the services of an attorney for legal counsel, may retain the services of a qualified engineer for engineering advice and services when necessary, and shall employ a qualified account to perform the annual audit as required by law.
- D. Agents. The Board will also, from time to time, employ such other agents as may be necessary to carry out its lawful functions.

16. DEFAULT IN PAYMENTS, LIEN IMPOSED.

Upon failure of any property owner to pay the rates, tolls, fees and charges herein specified within a prescribed time, the same shall be considered delinquent and the Board shall certify all such delinquent rates, tolls, fees and charges to Bonner County as provided by law, and when so certified, such delinquent rates, tolls, charges and fees shall become a lien upon and against the property served or premises against which the same are levied or assessed, and shall be collectable as other taxes in accordance with and as provided by law.

17. DEFAULT IN PAYMENTS, DISCONTINUANCE OF SERVICE.

In addition to the provisions of Paragraph 16 hereof, in the event of delinquency in payment of any rate, toll, fee or charged imposed by the District, the Board may shut off or disconnect service for delinquencies in payment of taxes levied pursuant to law in the following manner:

- A. By posting upon the property charged with such delinquency a notice posted in a conspicuous place or at the main entry to any dwelling upon the property charged, said notice containing the amount of dollars of said delinquency, and state that unless paid within 10 days the service may be disconnected and discontinued.
- B. On the expiration of the 10 days, the Board may have cause to have removed and remove all connections of said system from the property charged, and shall add to the charges, tolls and rates to the property owner the costs thereof.

18. CONNECTIONS AND CONTINUANCE OF SERVICE AFTER DELINQUENCY.

- A. No connection, hookup; service or installation shall be made from any property delinquent and in default as hereinabove provided, until all such delinquencies, charges, fees, tolls and rates have been paid in full and made current.
- B. The Board shall require a deposit in advance for the sum deemed advisable by it, prior to connection, hookup, service or installation from

- C. any property owner whose property has been delinquent and upon whose property the notice provided in Paragraph 17 A. hereof has been posted, whether such service has been disconnected or not.

19. RULES AND PROCEDURE OF THE BOARD OF DIRECTORS.

The Coolin Sewer District does hereby adopt the following rules and procedure:

- A. Meetings: The Board of Directors shall hold regular meeting as hereinabove provided.
- B. Special meetings of the Directors may be called at any time by the Chairman of the Board or upon request of any member of the Board of Directors.
- C. Notice of meeting of the Board may be given by notice 48 hours in advance and posted in a prominent place at the principal office of the said District. In addition, but not in lieu of, the Board may direct that the agendas be posted at bulletin boards in said district.
- D. The order of business at regular Board meeting and insofar as possible at all other meetings, shall be:
 - 1. Calling to order and proof of quorum.
 - 2. Reading and action upon any unapproved Minutes.
 - 3. Reports of officers and committees.
 - 4. Unfinished business.
 - 5. New business.
 - 6. Adjournment.
- E. Regular and special meeting of the Board shall be open to the public as provided by law.

20. DISTRICT SEAL.

The seal of the District shall have inscribed thereon "Coolin Sewer District." The secretary of the District shall have custody of the District's seal.

21. VIOLATIONS

A willful violation of these Bylaws shall constitute a misdemeanor and at the option of the Board, may be prosecuted criminally by proper complain made through the office of the Bonner County Prosecuting Attorney, or, at

the option of the Board, may be prosecuted civilly by the initiation of an appropriate civil action in the District Court for Bonner County, Idaho. In the event the Board shall elect to prosecute any violation of these rules as a civil matter, the defendant in such action shall be required to pay, in addition to statutory costs, a reasonable attorney's fee.

22. OTHER PROVISIONS

These regulations are intended to supplement, and not conflict with, the statutes of the State of Idaho, the Ordinances and Regulations of Bonner County, and/or the Panhandle Health District.

These rules may be amended from time to time by a majority vote of the Board.

THESE Bylaws are adopted and approved this 4th day of October, 2023.



Chairman, Jacob Copeland
Coolin Sewer District

ATTEST:



Jordan Brooks; Clerk/Treasurer
Coolin Sewer District