

Article 17

IRRIGATION UTILITY

04-17-01: DEPARTMENT:

- (1) Established: There is hereby established an irrigation department which shall consist of such personnel as may be provided by the mayor and the city council and the operation of which shall be under the direction of the water superintendent.
- (2) Responsibility: It shall be the responsibility of all members of the irrigation department to operate and maintain all city irrigation systems and take every possible precaution to ensure the safety and health of the public and comply with applicable state and federal law relevant to the delivery of irrigation water. (Ord. 2504, 7-6-2004)

04-17-03: DEFINITIONS:

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

CITY: Refers to the city of Caldwell, Canyon County, Idaho, or its authorized or designated agent, representative or deputy thereof.

CITY IRRIGATION SERVICE LINE: That portion of an irrigation service line that runs from its connection with the city irrigation main to and including the corporation stop installed in the service line. The irrigation service line is owned and maintained by the city and will usually be installed within the limits of the public right of way or utility easement.

CITY IRRIGATION SYSTEM: Includes all components and facilities of the irrigation system that is owned, operated and/or maintained by the city of Caldwell, Idaho, to provide irrigation water supply.

IRRIGATION MAIN: Any portion of the city irrigation system used for the purpose of transportation and/or distribution of irrigation water to serve more than one irrigation service line or user.

IRRIGATION WATER: Refers to water used for the purpose of irrigation in a beneficial manner, regardless of the water source.

MASTER IRRIGATION PLAN: The master irrigation plan includes any document which the city of Caldwell has accepted or may accept by official action of the city council which describes or otherwise indicates an overall view of proposed future irrigation needs, irrigation main sizing and/or irrigation main spacing.

OWNER: Refers to any property owner served by the city irrigation system.

PRIVATE IRRIGATION SERVICE LINE: This is the irrigation service line from the city corporation stop to and throughout the property being served.

PRIVATE IRRIGATION SYSTEM: Any irrigation system that is not owned, operated and maintained by the city.

PROPERTY: Refers to all property, whether privately or publicly owned, within the duly adopted boundaries of the city irrigation system. (Ord. 2504, 7-6-2004)

04-17-05: APPLICABILITY:

The provisions of this article shall apply to all property within the corporate limits of the city and within the duly adopted boundaries of the city irrigation system, including all property owned or occupied by the United States of America, the state of Idaho and Canyon County. (Ord. 2504, 7-6-2004)

04-17-07: POWERS AND AUTHORITY OF CITY:

The city, through its authorized representative bearing proper credentials and identification, shall be permitted at proper and reasonable hours of the day to enter all properties to which irrigation water is furnished from the city irrigation system for testing or for any other purpose necessary for the proper administration of the city irrigation system in accordance with provisions of this article. Also, the city, through its authorized representative bearing proper credentials and identification, shall be permitted to enter all private properties through which the city holds an easement for the purpose of inspection, observation, repair, maintenance, or any other purpose or function reasonably related to the city irrigation system. All entry and subsequent work, if any, within said easement shall be done in a workmanlike manner. (Ord. 2504, 7-6-2004)

04-17-09: WATER CONNECTIONS, CONSTRUCTION REGULATIONS:

- (1) **Boundaries:** The city council shall establish by ordinance the boundaries of the city irrigation system, and may, from time to time, contract, extend or enlarge the boundaries of said system by ordinance. A copy of any such ordinance duly certified to be correct by the city clerk shall be recorded in the office of the recorder of Canyon County, state of Idaho.
- (2) **Property Connections:** Each property within the duly described boundaries of the city irrigation system may be connected to the irrigation main through a city irrigation service line, upon compliance with the terms of this article and any policies adopted pursuant thereto.
- (3) **Application For Service Connection And Permit To Use Water:** An application for city irrigation service shall be made by the owner of the property to the water superintendent or other assigned officer. The application shall contain a full, true and accurate statement of the size of the connection desired, a description of the premises upon which such connection is to be made, the full name of all owners and shall otherwise conform to the rules and regulations provided for the city irrigation system. No water shall be introduced into any connection unless a permit has first been approved by the water superintendent or assigned officer, and all fees set forth in the rate schedule adopted by resolution of the city council have been paid. The applicant shall have the responsibility of determining and/or providing the appropriate water rights.

- (4) **Private Irrigation Service Line:** All materials and workmanship used in the installation of private water

service lines shall conform to city specifications and codes. The furnishing of all labor and materials shall be the sole responsibility of the owner.

- (5) No Connections Outside The City: Requests for water line connections outside the city limits are governed by the "service connection policy - outside the city limits", which policy shall be adopted by resolution of the city council.
- (6) Extension Of Irrigation Mains And Irrigation Main Fee:
- A. All proposed extensions of the irrigation mains to service undeveloped areas within the boundaries of the city irrigation system shall comply with existing policies, specifications, master plans, or requirements established by the city engineer. The plans for all extensions to the city irrigation mains shall be prepared under the direction of and signed by a registered professional engineer as per the licensing requirements of Idaho law, and three (3) copies of the said plans shall be filed with the city. In approving a plan for extension of irrigation mains, the city reserves the right and discretion to establish other conditions and requirements such as a special permit fee, rights of way limits, sequence of construction, time limits for having existing service disrupted, the filing of a performance bond and other similar measures as may be required to protect the public. No work shall commence on any extension of irrigation mains until the extension project has been included within the boundaries of the city irrigation system and written approval of design plans have been provided by the city engineer. A permit shall not be issued until all applicable fees have been paid.
- B. All irrigation main extensions and appurtenances shall be constructed at the expense of the applicant by a qualified contractor in accordance with city specifications and subject to conditions and fees established by the city.
- C. The city shall charge an irrigation main extension fee on all new development that will be provided irrigation service by the city irrigation system. The amount of the fee and the methods of derivation shall be in accordance with the rate schedule adopted by resolution of the city council. (Ord. 2504, 7-6-2004)
- (7) Construction Methods And Materials: The materials and methods used for construction of city irrigation service lines, private irrigation service lines, irrigation mains or city irrigation system appurtenances shall conform to the requirements of all codes and specifications as may be adopted by the city council. The city may reject any materials or workmanship for cause, and upon such order, the rejected materials shall be removed and replaced with approved materials. The pressure irrigation standards titled "Caldwell Municipal Irrigation District Supplemental Specifications", dated August 2008, are hereby adopted as the official standards to govern design, construction and testing of pressure irrigation facilities for the Caldwell irrigation utility. The city engineer is hereby directed to publish said standards and make available to the public for a fee adopted by resolution of city council. (Ord. 2762, 9-22-2008)
- (8) Illegal Connections:
- A. It shall be unlawful for any person to make or cause to be made any connection with the city irrigation system or to introduce or cause to be introduced water from the city irrigation system into any connection made therewith unless a permit has been first duly issued for such purpose by the building inspector in compliance and conformity with the provisions of this article and the rules and regulations of the city that are now or may hereafter be established therefor; or to cause a connection to become noncompliant with the provisions of this article and the rules and regulations of the city that are now or may hereafter be established; or to interfere with or injure any line appurtenance or any portion of the city irrigation system. Violation of this provision shall be a misdemeanor.

- B. The city, by and through the building inspector, shall give notice in writing to the owner and/or occupant of any premises connected to and served by the city irrigation system in all cases in which said connections are illegal. Said notice shall state the violation and require that the violations be cured within ten (10) days from notice thereof.
- C. In the event that said illegal connection continues beyond the ten (10) day period, the city is authorized to discontinue irrigation service to said premises without further notice and until said illegal connection is remedied and all costs of the city associated therewith and fines have been paid.
- D. A violation of this provision is a misdemeanor.

(9) Fees:

- A. **Service Connection Fees:** In addition to any inspection fees, irrigation main extension fees and impact fees, the applicant shall be required to pay a service connection fee. The amount of the service connection fee shall be in accordance with the rate schedule adopted by resolution of the city council. A copy of current service connection fees for various line sizes will be on file in the water superintendent's office.
- B. **Impact Fees And Base Charges:** The city shall have authority to assess the developer and/or landowner fees in addition to the aforementioned fees. These additional fees are termed impact and capital improvement base fees and are for the purpose of providing a more equitable distribution of city irrigation system costs relating to such items as water supply development, storage, transmission lines and other off site improvements and shall be in accordance with the rate schedule approved by resolution of the city council. (Ord. 2504, 7-6-2004)

04-17-11: RESTRICTIONS ON WATER USE:

No person supplied with water from the city irrigation system will be entitled to use it for any other purpose than stated in the permit, nor shall water be supplied to other properties, or allowed to be taken off the premises with the intent of bypassing the provisions of this article. (Ord. 2504, 7-6-2004)

04-17-13: UPKEEP OF SERVICE PIPES AND FIXTURES:

All service pipes and fixtures on private property are the responsibility of the property owner and shall be kept in good repair and protected from freezing at the property owner's expense. The property owner shall be responsible for all damages resulting from leaks or breaks in service pipes and fixtures. Water will not be furnished to any private irrigation service line or system where there is a leak in the service piping or in a fixture. If a leak is discovered, the irrigation service may be discontinued immediately until all leaks have been repaired. (Ord. 2504, 7-6-2004)

04-17-15: IRRIGATION ASSESSMENTS:

- (1) The annual irrigation assessment shall be established by the city council pursuant to Idaho law.

- (2) All assessments, fees and charges received and collected under the authority of this article shall be deposited and credited to the irrigation fund, and all expenditures therefrom shall be dedicated to the operation, maintenance, replacement, upgrade and extension of the city irrigation system.
- (3) The levying of the annual assessment, processing of payments received and the disposition of delinquent accounts shall be in accordance with Idaho law. (Ord. 2504, 7-6-2004)

04-17-17: SHUTTING OFF THE WATER SUPPLY:

The city reserves the right at any time without notice to shut off the water supply for repairs, extensions or any other reason, and the city shall not be responsible for damaged pipes or fixtures, or any other damage resulting from the shutting off of the water. (Ord. 2504, 7-6-2004)

04-17-19: FAILURE OF WATER SUPPLY:

The city shall not be liable under any circumstance for a deficiency or a failure in the supply of water whether by the shutting off of the water to make repairs or connections, or for any cause whatsoever. (Ord. 2504, 7-6-2004)

04-17-21: PROHIBITED ACTS:

- (1) Malicious Or Wilful Waste Of Water: It shall be unlawful for any irrigation water user to waste water or allow it to be wasted by imperfect water stops, valves, leaky pipes, or improper adjustment of sprinklers, or to permit the malicious or wilful consumption of water for no beneficial use. The city will make a visual determination of where water has been wasted and shall notify the user of that determination. It shall then be the user's responsibility to make the necessary repairs, or to institute actions that will correct that situation within thirty (30) days of the city's notification to the user. All costs incurred including the cost of wasted water and any repairs shall be the responsibility of the user. (Ord. 2504, 7-6-2004)

04-17-23: SAVING CLAUSE:

If any section, paragraph, sentence or provision of this article or the application thereof to any particular circumstance shall ever be invalid or unenforceable, such holding shall not affect the remainder hereof, which shall continue in full force and effect and be applicable to all circumstances to which it may validly apply. (Ord. 2504, 7-6-2004)

04-17-25: PENALTIES:

- (1) Any person found to be violating any provision of this article shall be served by the city with a written notice stating the nature of the violation and provided a specified maximum period of time, said period not to exceed thirty (30) days, for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations. (Ord. 2504, 7-6-2004)

- (2) Any person who shall continue any violation beyond the time limit provided for in subsection (1) of this section, shall be guilty of a misdemeanor, and on conviction thereof shall be subject to fine and/or imprisonment up to but not exceeding the maximum penalties set forth in Idaho Code section 50-302, as amended. Each day in which any such violation shall continue shall be deemed a separate offense. (Ord. 2669, 2-20-2007)

- (3) Any person violating any of the provisions of this article shall become liable to the city for any expense, loss, or damage occasioned the city by reason of such violation. (Ord. 2504, 7-6-2004)