

SUMMARY OF ORDINANCE NO. 06-1

**AN ORDINANCE OF ELLISPORT BAY SEWER DISTRICT, OF BONNER COUNTY, IDAHO, AMENDING
ORDINANCE NO. 98-1 TO EXCLUDE THE INSTALLATION OF SEPTIC TANKS IN THE DISTRICT AS
PER IDAHO CODE 42-3212 (I)**

**ELLISPORT BAY SEWER DISTRICT
Bonner County, Idaho**

LOCAL IMPROVEMENT DISTRICT NO. 1

Section 1: Amends Section III, Construction, Ownership, & Operation & Maintenance Responsibilities by adding paragraph 8, which requires connection to the sewer system of the District under certain circumstances.

Section 2: Provides that aside from the specific stated amendments, no other changes or amendments whatsoever are made to Ordinance no. 98-1.

Section 3: Provides that if any one or more of the covenants or agreements provided in the Ordinance are declared by any court of competent jurisdiction to be contrary to law, then such covenants or agreement shall be null and void and shall be deemed separable from the remaining covenants and agreements in the Ordinance and shall in no way affect the validity of the other provisions of the Ordinance.

Section 4: Repeals any prior resolution or ordinance inconsistent with Ordinance No. 06-1 to the extent of such inconsistency.

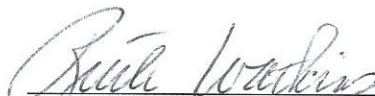
Section 5: Provides for publication of this summary once in the official newspaper of the District. Any contest or proceeding to question the validity or legality of the Ordinance shall be brought in court by any person from any cause whatsoever after expiration of thirty (30) days from the publication hereof, after such time the validity thereof shall be conclusively presumed.

Section 6: States that the Ordinance shall be in full force and effect after its passage and publication.

A full text of Ordinance No. 06-1 is available at the office of the Clerk of Ellisport Bay Sewer District and will be provided to any citizen upon personal request during normal business hours.

ADOPTED this 11th day of September, 2006.

ELLISPORT BAY SEWER DISTRICT



Chairman, Board of Directors

ORDINANCE NO. 06-1

AN ORDINANCE OF ELLISPORT BAY SEWER DISTRICT, OF BONNER COUNTY, IDAHO, AMENDING ORDINANCE 98-1 TO EXCLUDE THE INSTALLATION OF SEPTIC TANKS IN THE DISTRICT AS PER IDAHO CODE 42-3212 (I)

**ELLISPORT BAY SEWER DISTRICT
Bonner County, Idaho**

LOCAL IMPROVEMENT DISTRICT NO. 1

BE IT ORDAINED BY THE BOARD OF DIRECTORS OF ELLISPORT BAY SEWER DISTRICT, of Boner County, Idaho as follows:

WHEREAS, Ellisport Bay Sewer District (the "District") , of Bonner County, Idaho, is a sewer district operating and existing under and pursuant to the laws of the State of Idaho, and as such is authorized and empowered to create its Local Improvement District No. 1 for the purpose of constructing improvements to its sewer system and facilities pursuant to Idaho Code, Title 50, Chapter 17, and to issue bonds to pay the costs of said improvements;

WHEREAS, on December 15, 1998, the District adopted Ordinance No. 98-1, regulating and administering wastewater collection and disposal; and

WHEREAS, the District wishes to modify and clarify certain provisions of Ordinance No. 98-1, as it relates to the payment of certain fees charged by the District;

NOW, THEREFORE, BE IT FURTHER ORDAINED as follows:

Section 1: AMENDMENT OF SECTION IV OF ORDINANCE NO. 98-1

Section III. CONSTRUCTION, OWNERSHIP, & OPERATION & MAINTENANCE RESPONSIBILITIES is amended to add the following language to paragraph B. Sewer Construction and Administration Policies:

8. Per Idaho Code 42-3212 (I) "For health and sanitary purposes the board shall have the power to compel the owners of inhabited property within a sewer district to connect their property with the sewer system of such district, and upon a failure so to connect within sixty (60) days after written notice by the board so to do the board may cause such connection to be made and a lien to be filed against the property for the expense incurred in making such connection, provided, however, that no owner shall be compelled to connect his property with such system unless a service line is brought, by the district, to a point within two hundred (200) feet of his dwelling place;"

Section 2: REMAINDER OF ORDINANCE NO 98-1 TO REMAIN IN EFFECT

Aside from the specific amendment stated herein, no other changes or amendments whatsoever are made to Ordinance no. 98-1 of the District.

Section 3: SEVERABILITY

If any one or more of the covenants or agreements provided in this Ordinance to be performed on the part of the District shall be declared by any court of competent jurisdiction to be contrary to law, then such covenants or covenants, agreement or agreements, shall be null and void and shall be deemed separable from the remaining covenants and agreements in this Ordinance and shall in no way affect the validity of the other provisions of the Ordinance.

Section 4: REPEALER

All prior resolutions or ordinances inconsistent herewith are hereby repealed and shall, to the extent of such inconsistency, have no further force or effect.

Section 5: PUBLICATION

Pursuant to Section 50-1727, Idaho Code, this Ordinance, or a summary thereof in compliance with Section 31-715A, Idaho code, shall be published once in the official newspaper of the District. Any contest or proceeding to question the validity or legality of this Ordinance, or of any ordinance, resolution, or proceedings heretofore taken with respect to LID No. 1 shall be brought in court by any person for any cause whatsoever after expiration of thirty (30) days from the publication of this Ordinance, and after such time the validity, legality and regularity of this Ordinance and any ordinance, resolution, or proceedings with respect to LID No. 1, shall be conclusively presumed.

Section 6: EFFECTIVE DATE

This Ordinance shall take effect and be in force from and after its passage, approval and publication as provided herein.

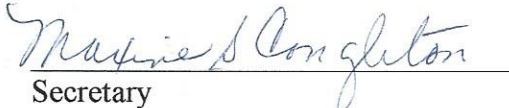
Passed at a regular meeting, after proper notice on August 15, 2005.

ADOPTED this 14th day of September, 2006

ELLISPORT BAY SEWER DISTRICT


Chairman, Board of Directors

ATTEST:


Secretary

(S E A L)

Therese Conleton
Secretary



(SEAL)

CERTIFICATION OF COUNSEL

I, the undersigned Special Counsel for the Ellisport Bay Sewer District, of Bonner County, Idaho, hereby certify that I have read the attached Summary of Ordinance No. 06-1 of said District and that the same is true and complete and provides adequate notice to the public of the contents of said Ordinance.

Dated this 18th day of September, 2006.

PRESTON GATES & ELLIS LLP

Michael C Ormsby
Michael C. Ormsby, Bond Counsel