

SUMMARY OF ORDINANCE NO. 08-1

Ellisport
ORDINANCE OF ~~ELLS~~ PORT BAY SEWER DISTRICT, OF BONNER COUNTY, IDAHO, AMENDING
ORDINANCE NO. 98-1 TO CLARIFY RESPONSIBILITY OF SERVICE LINES, SERVICE STUBS,
INDIVIDUAL PUMP STATIONS AND COLLECTION SYSTEMS LOCATED IN DEVELOPMENTS WITH
PRIVATE ROADWAYS

ELLISPORT BAY SEWER DISTRICT
Bonner County, Idaho

LOCAL IMPROVEMENT DISTRICT NO. 1

Section 1: Amends Section III, Construction, Ownership, & Operation & Maintenance Responsibilities by adding the following: Building Sewers, service lines, service stubs, and individual pump stations and collection system(s) located in developments with private roadways shall be installed, owned and Maintained by individual Users, except when located in a Public Right-of-Way or if easement is dedicated to the District.

Section 2: Provides that aside from specific stated amendments, no other changes or amendments whatsoever are ~~mad~~ ^{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 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 fro 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. 08-1 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 *14th day of April*, 2008

ELLISPORT BAY SEWER DISTRICT

Ruth Watkins

Chairman, Board of Directors

ORDINANCE NO. 08-1

AN ORDINANCE OF ELLISPORT BAY SEWER DISTRICT, OF BONNER COUNTY, IDAHO, AMENDING ORDINANCE 98-1 TO CLARIFY RESPONSIBILITY OF SERVICE LINES, SERVICE STUBS, INDIVIDUAL PUMP STATIONS AND COLLECTION SYSTEMS LOCATED IN DEVELOPMENTS WITH PRIVATE ROADWAYS.

**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, to clarify Ownership and Operation of Facilities (Section III C)

NOW, THEREFORE, BE IT FURTHER ORDAINED as follows:

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

Section III CONSTRUCTION, OWNERSHIP, & OPERATION & MAINTENANCE RESPONSIBILITIES is amended to add the following policy to paragraph C. Ownership and Operation of Facilities: Building Sewers, service lines, service stubs, and individual pump stations and collection system(s) located in developments with private roadways shall be installed, owned and Maintained by individual Users, except when located in a Public Right-of-Way or if easement is dedicated to the District.

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

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 covenant 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.

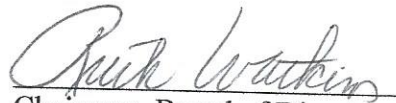
Section 6: EFFECTIVE DATE

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

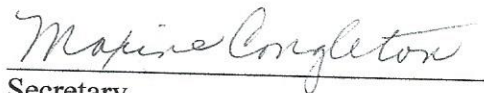
Passed at a regular meeting, after proper notice on April 14, 2008

ADOPTED this 14th day of April, 2008

ELLISPORT BAY SEWER DISTRICT


Chairman, Board of Directors

ATTEST:


Secretary

(SEAL)