

ORDINANCE N0.12-1

AN ORDINANCE OF ELLISPORT BAY SEWER DISTRICT, OF BONNER COUNTY, IDAHO, AMENDING ORDINANCE 98-1 TO ESTABLISH A POLICY FOR THE RE-SELLING OF ER (S)

**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

CONSTRUCTION, OWNERSHIP, & OPERATION & MAINTENANCE RESPONSIBILITIES is amended to add the following policy under paragraph D. Upon commitment to purchase an ER a non-refundable administrative fee of \$100.00 shall be submitted to EBSD immediately. The balance of \$13,205.00 or the current amount to be determined at the time of transaction shall be made in the next 30 days. In the event that full payment is not made at the time of purchase of ER's from EBSD the following shall apply:

A non-refundable down payment of no less than \$1000.00 to cover interest and penalties shall be required. The balance and interest shall be payable in full upon re-sale of the property (by the buyer) or at the end of 18 months from the date of the agreement with the District to purchase the ER(s), whichever comes first. The buyer must assume the installment payments and late charges as applicable as well as the O&M charges due at next billing period as well as any O&M delinquencies.

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

ADOPTED this 10th day of December 2012.

ELLISPORT BAY SEWER DISTRICT


Vice- Chairman, Board of Directors

ATTEST:


Secretary

(SEAL)

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO)
) ss.
 County of Bonner)

Sterling Berkley, being first duly sworn on oath, deposes and states:

1. I am a citizen of the United States of America, over the age of 18 years, a resident of Bonner County, Idaho, and am not a party to the proceedings referred to in the attached Ordinance No 08-1.
 My business address is P.O. Box 159, Sandpoint, Idaho.

2. I am the Bookkeeper of the Bonner County Daily Bee, a newspaper of general publication in Bonner County, Idaho;

3. Said newspaper has been continuously and uninterruptedly published in Bonner County, Idaho during a period of 12 months prior to the first publication of said Notice, and thereafter.

4. The attached Notice was published in the regular and entire issue of the Bonner County Daily Bee for a period of 1 consecutive weeks, commencing on the 19 day of April, 2008, and ending on the 19 day of April, 2008.

Sterling Berkley

SUBSCRIBED AND SWORN to before me, the undersigned Notary Public, this 21 day of April, 2008.

Carolyn L Inge
 Notary Public
 Residing at: Sandpoint
 Comm. Exp.: 8-7-12

