

**BYLAWS
OF
PINTO POINT SEWER DISTRICT**

The following Bylaws are hereby promulgated and adopted in accordance with and pursuant to I.C. Section 42-3201 and the 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 inhabitants of the Pinto Point Sewer District (the "District"), that adequate provision be made for governing, and regulating the use, of the District sewage system ("the system"). To do so, these Bylaws include controlling the use and connection to the system, and providing for an equitable distribution of the costs and expenses of the maintenance, operation, upkeep and repair of the system through appropriate regulation, fees and charges. It is the intent of the District that the longevity of the system be maintained, and that its maintenance expenses be kept to a minimum, as both of these goals will be beneficial to the inhabitants of the District.

2. DEFINITIONS.

Unless the context specifically indicates otherwise, the meaning of the following terms used in these Bylaws shall be stated below:

"Application for sewage service" means a written request to be submitted to the Board of Directors by the prospective user prior to connecting to the sewage system or by a District user expanding usage of the District system.

A. "Board of Directors" means the duly-elected governing members of the Board.

B. "Building" means any structure connected to the sewer District.

C. "Contaminant" means any physical, chemical, biological or radiological substance or matter in water.

D. "District" means the Pinto Point Sewer District.

E. "District sewer line" means sewer lines from the septic tank to the drain field.

F. "District sewage system" means all facilities through which sewage is collected, pumped, transmitted, treated or disposed of, including sewage mains, pump stations, and drain fields, collectively or severally, actually used or intended for use for the purpose of collecting and disposing of sewage.

G. "District user" means any property owner who has a septic system or line connected to the District's sewage system and has entered into a connection agreement with the District.

H. "Elector of the District" means a District user who has the right to cast a vote to elect individuals to the position of Board of Directors.

I. "Expand usage of the District system" means to add facilities, such as lavatories, toilets, showers/tubs, dishwashers, garbage disposals, and/or washing machines to existing property connected to the sewage system.

J. "Maintenance and operation fee" means the annual fee paid to the District by District users for the purpose of sewage system service and maintenance.

K. "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.

L. "New applicant" means any person making an application to the Board for connection to the sewage system.

M. "Property owner" means anyone who owns or leases property within the boundaries of the District.

N. "Service line" means a District user's sewer line connecting a building to the District's sewage system.

O. "Sewage" means spent or wastewater, including a combination of water and water-carried waste from a building.

P. "Sewer Main Extension Agreement" means a written agreement entered into by the District and a new applicant providing for an extension of the sewage system.

Q. "Sewer service charge" means a charge to be paid by new applicants to connect to the sewage system.

R. "Shall" means mandatory, whereas, "May" means permissive.

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, 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. APPLICATION FOR NEW OR EXPANDED SEWAGE SERVICE.

Any property owner desiring to connect a building to the District's sewage system, and any present District user who desires to expand his usage of the District system beyond that in effect as of the date of the adoption of these Bylaws, shall submit an "Application for Sewage Service" to the Board of Directors. Upon receipt of such an Application, the Board of Directors shall 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 required by the applicant is not available, the Board of Directors shall return the Application with an appropriate indication, and the determination of the Board of Directors shall be final and conclusive. The Application for Sewage Service fee shall be determined by the Board of Directors and may be adjusted from time to time at their discretion. Failure to make any payment required pursuant to the terms and provisions of the Application for Sewage Service shall constitute grounds and cause for the District to void such Agreement.

6. CONNECTING TO DISTRICT SEWAGE SYSTEM.

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

A. All buildings within the Pinto Point Sewer District shall connect to the District's sewage system if:

1. Such building is located within 200 feet of the District's sewage system:

and,

2. Such building contains facilities that produce sewage, such as lavatories, toilets, showers, tubs, dishwashers, garbage disposals, and/or washing machines.

B. Holding tanks, as a means of sewage disposal, shall not be permitted within the District. 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 shall not connect to the District's sewage system, either temporarily or permanently.

C. No property owner in the district shall connect a building to or expand usage of the District's sewage system prior to receiving an approved "Application for Sewage Service" or "Application for Additional Bedroom Permit" from the board of Directors and having paid required fees.

District users who proceed without an approved Application for Sewage Service or Application for Additional Bedroom Permit and/or have not paid the Application for Sewage Service fee will be responsible for all future sewer service calls until 1) confirmation to District specifications can be verified by the Maintenance Person and 2) payment amounting to 125% of the Application for Sewage Service fee has been paid.

D. When connecting to the District's sewage system, 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 connection to the District's sewage system **prior** to burial and pay any expense for such inspection or costs incurred by the District if the property 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 owner for all expenses in connection therewith.

1) For new connections or expansions to the District's sewage system the Property Owner shall first complete the PPSD Application for Sewage System Permit and comply with its instructions **PRIOR** to submitting a Panhandle Health District Subsurface Sewage Disposal application.

2) For construction of additional bedrooms, the Property Owner shall complete the PPSD Application for Additional Bedroom Permit and comply with its instructions.

E. If an extension of the District's sewer line is required to serve an applicant for sewage service, a "Sewer Main Extension Agreement" shall be agreed upon in writing by the applicant and the District prior to the commencement of any work. The 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 or District user, and shall provide the final dates for the commencement of payment of such costs by the applicant or District user. Failure to make any payment required pursuant to the terms and provisions of the

Sewer Main Extension Agreement of these Bylaws shall constitute grounds and cause for the District to void such Agreement.

7. INSTALLATION OF SEWAGE SYSTEM EQUIPMENT.

For new and replacement systems, all property owners within the District shall supply and install any necessary pumps, new sewer pumps, new sump pumps, septic tanks, service lines, or electrical control panels and connections to the service main at their expense according to the specifications and requirements of the District. PPSD may approve a PPSD Sewer Permit for existing tanks, requested to be relocated by the owner, as long as the existing tank is in compliance with the current Panhandle Health District approved tank requirements. A PHD approved Sewer Permit is also required. Members are required to install a new pump in any relocated tank, when the existing pump is ten years old or older.

8. SEWAGE SERVICE CHARGES.

Sewage service charges for new applicants shall be as provided on a rate schedule to be established by resolution duly adopted 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 sewage service charges shall be due and payable as provided by a resolution, and shall be considered delinquent if not paid within thirty (30) days following their due date. Delinquent notices shall be mailed at the discretion of the Board. All monies due and owing said District shall be paid in lawful currency of the United States.

9. MAINTENANCE OF SEWAGE SYSTEM EQUIPMENT.

All maintenance of sewage system equipment within the District shall be in accordance with the following:

A. District Responsibility – Maintenance

1. Pump District user's septic tank once every ten (10) years
2. Inform district user of tank condition at time of pumping
3. Maintain main sewer lines from the pump to the drain field
4. Maintain operation of drain field

B. District Responsibility – Repair

1. Repair pump and related equipment
2. Repair electrical connections at the pump
3. Repair main lines and related equipment

C. District User Responsibility – Maintenance

1. Add 1 package of yeast to toilets monthly during high use months
2. Maintain service lines, connections, and equipment including extra fuses from buildings to pump station
3. Expose tank lid or pay digging fee and identify location of tank prior to pumping
4. Pump septic tank more frequently than District's ten year schedule if:
 - a. Tank size is inadequate for property (less than 1,000 gallon tank)
 - b. Number of people using system is considered excessive

- c. Property has garbage disposal
- d. Unauthorized discharge is made into the sewage system
- e. Sewage system is damaged due to district user's abuse

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5. Inform Board of Directors prior to building expansion to prevent damage or inaccessibility to the sewage system

D. District User Responsibility – Repair

- 1. Repair of service lines, connections, and equipment including fuses from buildings to pump station
- 2. Replacement of cracked, leaking, or inadequate size septic tank
- 3. Repair required due to discharge of unauthorized materials into the system
- 4. Repair of sewage equipment due to abuse or damage done by construction equipment on the property

10. ANNUAL MAINTENANCE AND OPERATION FEE.

The Board of Directors shall by resolution duly adopt, fix and provide for the collection of, and from time to time the increase or decrease in the annual maintenance and operation fee for sewage service and maintenance services furnished by the District as may be necessary. It is the responsibility of the outgoing District user to inform the Board of Directors when the cottage lease has been reassigned to a new property owner and provide the District with the property owner's name and address for purpose of billing the annual maintenance and operation fee.

11. DEFAULT IN PAYMENTS, LIEN IMPOSED.

Upon failure of any property owner to pay the maintenance and operation fee and any sewage sewer charges owed to the District within thirty (30) days, the same shall be considered delinquent and the Board of Directors shall certify all such fees and charges to the Idaho Department of Lands for deeded lots and/or Bonner County as provided by law. When so certified, such delinquent fees and charges 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. Such lien upon and against the property will prevent reassignment of the state lease to any prospective buyer.

12. DEFAULT IN PAYMENTS, DISCONTINUANCE OF SERVICE.

In addition to the provisions of the immediately-preceding paragraph 11, the Board of Directors may shut off or disconnect service for delinquencies in the payment of such, maintenance and operation fees and/or sewage service charges and special assessment fees or in the payment of taxes levied pursuant to law, in the following manner:

A. By sending to the property owner, by certified mail, return receipt requested, at the property owner's last known address, a written notice of delinquency, containing the amount of dollars of the delinquency and stating that, unless paid within ten (10) days, a written notice shall be posted on the property as described in subparagraph (B) below.

B. By posting, in a conspicuous place, upon the property charged with such delinquency a subsequent notice containing the amount of dollars of the delinquency, and stating

that, unless paid within ten (10) days, the service may be disconnected and discontinued.

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C. Upon the expiration of the ten (10) days, the Board of Directors may cause to be removed all connections of the District's sewage system from the property charged, and shall add the costs associated with doing so to the maintenance and operation fee and/or sewage service charges of the property owner.

13. CONNECTIONS AND CONTINUANCE OF SERVICE AFTER DELINQUENCY.

A. No connection, hook up, service or installation shall be allowed to any property for which payment owed to the District is delinquent and in default, as hereinabove provided, until all such maintenance and operation fees, sewage service charges, and/or disconnect and reconnect fees have been paid in full and made current.

B. The Board of Directors shall require a deposit in advance for the sum equal to the amount of the next year's maintenance and operation fee prior to connection, hook up, service or installation, from any property owner whose property has been delinquent and upon whose property one or more notices provided in the immediately-preceding paragraph 12 have been posted, whether sewer service has been disconnected or not.

14. INJURY TO SEWAGE 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, machinery, equipment, fixtures, appliance, official notice, sign, earth work, or any other part of the District's sewage system.

15. UNAUTHORIZED DISCHARGES INTO THE DISTRICT SEWAGE SYSTEM.

It shall be unlawful for any person to discharge or cause to be discharged any of the following into the district's sewage 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 sewage 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 sewage works, such as, but not limited to, coffee grounds, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feminine hygiene products, flushable wipes, feathers, tar, plastics, wood, unground garbage, whole blood, paunch, manure, hair and fleshings, entrails, paper dishes and cups, plastic containers, either whole or ground by a garbage disposal.

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E. Any water or waste containing fats, greases or oils, whether emulsified or not, or containing substances which may solidify or become viscous at temperatures between 32 degrees and 150 degrees F. (0 degrees and 65 degrees C.)

F. Any garbage that has not been properly shredded.

16. ELECTION OF BOARD OF DIRECTORS.

The Board of Directors shall consist of five (5) or more property owners duly elected by the qualified electors of the District. Election of the Board of Directors shall take place by ballot mailed or electronic communication to District users with the annual Maintenance & Operation fee statement. The ballot shall consist of a slate of names and a space for write-ins and will designate nominees for a four-year term of office. 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 member(s) of the Board. The secretary and treasurer may be one person. The PPSD Board Officer term limit shall be one year, with Board of Directors vote required at Spring Board Meetings for a subsequent year in office. The Board shall choose persons from the qualified electors of the District to fill vacancies occurring between elections, such appointees to act until the next biennial election when the vacancies shall be filled by election. Three members of the Board of Directors shall constitute a quorum of any Board meeting. Non-voting Trustees may be appointed from the membership by majority vote of the Board of Directors. Trustees shall serve until the Board Meeting, following the next annual meeting and may be re-appointed at that time.

17. RESPONSIBILITIES OF THE BOARD OF DIRECTORS.

The Board of Directors shall be responsible for:

A. Fixing and increasing or decreasing, as necessary, as well as collecting, such maintenance and operation fees and/or sewage service charges and special assessments 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 sewage system.

C. Meeting biannually, 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, Chapter 32 of the Idaho Code.

D. Maintaining detailed financial records.

E. Maintaining correspondence files.

F. Carrying out the powers authorized by Idaho Code Section 42-3212.

18. DISTRICT OFFICERS.

The Board of Directors shall employ such persons as may be necessary for the

District to carry out its responsibilities. Reimbursement for services provided by such persons will be at the discretion of the Board of Directors. These persons may include, but are not limited to:

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A. Chairman: This person shall be responsible for calling the meeting to order and chairing the meeting.

B. Vice-chairman: This person shall be responsible for carrying out the duties of the chairman in his/her absence.

C. Secretary: This person shall be responsible for performing clerical work, scheduling Board meetings, maintaining correspondence files, maintaining a detailed pumping database, and scheduling maintenance and repair as needed. The Secretary shall take direction from the Board of Directors.

D. Treasurer: This person shall be responsible for collecting maintenance and operation fees and sewage service charges, paying the District's expenses, and maintaining detailed financial records. The Treasurer shall take direction from the Board of Directors.

19. RULES AND PROCEDURES OF THE BOARD OF DIRECTORS.

The District hereby adopts the following rules and procedures:

A. The Board of Directors shall hold biannual meetings, as provided in these Bylaws.

B. Special or Executive meetings of the Board of Directors may be called at any time by the Chairman of the Board, or upon request of any members of the Board of Directors.

C. Notice of a regular or special meeting of the Board of Directors may be given by telephone, email, or mail to each member of the Board of Directors at the telephone number, email address, or address shown on record by the District. Executive Session meetings will not be open to the public nor will the Minutes from Executive Session meetings be provided to the public. Only persons present at the Executive Session meeting will be allowed access to the Minutes.

D. The order of business at regular Board meetings, 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 meetings of the Board shall be open to the public as provided by law. Maintenance and Operation fee statements will include notification of biannual Board meetings held in April and October.

20. DISTRICT SEAL.

The seal of the District shall have inscribed thereon "Pinto Point 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 discretion of the Board, may either be prosecuted (1) criminally, by proper complaint made through the office of the Bonner County Prosecuting attorney, or, alternatively, (2) civilly, by the

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initiation of an appropriate civil action in the District Court for Bonner County, Idaho. In the event the Board shall decide 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 Bylaws, rules and procedures 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.

23. AMENDMENT.

These Bylaws, rules and procedures may be amended from time to time by a majority vote of the Board of Directors.

AMENDMENTS

Amendment 1 dated 5/11/2022

16. ELECTION OF BOARD OF DIRECTORS. Additional sentences added to read:

Non-voting Trustees may be appointed from the membership by majority vote of the Board of Directors. Trustees shall serve until the Board Meeting, following the next annual meeting and may be re-appointed at that time.

Amendment 2 dated 5/9/2023

Para. 11 - change "ninety (90) days" to "thirty (30) days from due date of invoice,". After the Board of Directors shall certify all such fees and charges shall be to the Idaho Department add "for leased lots and/or Bonner County" as provided by law.

Para. 12 add - after and/or sewage service fees and "Special Assessment fees"...

Para. 15.D. add - after feminine hygiene products, "flushable wipes",

Para. 17.A. add - after and/or sewage service charges and "Special Assessments"

Para. 19.B. add - after Special "or Executive" meetings as provided by law.

Para. 19.C. add after - Notice of a "regular or Special" . Add after end of existing sentence - "Executive Session meeting notification will be provided to the Board of Directors and any guests determined to be required to address the Agenda Items specified."

Para. 19.E. after open to the public as provided by law. "Executive Session meetings will not be open to the public nor will the Minutes from Executive Session meetings be provided to the public. Only persons present at the Executive Session meeting will be allowed access to the Minutes."

Approved – PPSD Spring Board Meeting 5/9/2023

Amendment 3, dated 11/7/2023

Para. 7 – add to paragraph - member purchased new sewer pump requirements

Approved - PPSD Fall Board Meeting 11/7/2023

