

**GARFIELD BAY WATER AND SEWER DISTRICT  
ACCESSORY UNIT AND APARTMENT ORDINANCE  
Ordinance No. 2020-001**

AN ORDINANCE ADDRESSING APARTMENTS AND ACCESSORY UNITS BUILT  
ON SINGLE-FAMILY RESIDENTIAL PARCELS

**Section I. Purpose**

WHEREAS, the purpose of this ordinance is to establish regulations for apartments and accessory units which include bathrooms and utilize sewer capacity.

WHEREAS, in accordance with the jurisdiction and authority of Garfield Bay Water and Sewer District, the Board of Commissioners find that it is in the best interest of the owners of real property within the Garfield Bay Water and Sewer District to provide clear and consistent regulations regarding apartments and accessory units constructed on residential parcels for members of the District.

NOW THEREFORE, BE IT ORDAINED by the Board of Commissioners as follows:

**Section II. Applicability**

This Ordinance shall apply to all properties within the Garfield Bay Water and Sewer District which have a single-family dwelling constructed upon them and are not zoned commercial.

**Section III. Definition**

**Apartment:** a detached residential unit on a residential lot which provides complete independent living facilities for one or more persons. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation. An apartment shall be considered detached if it does not share a common wall or floor/ceiling with the single-family dwelling. Apartments that are connected to a single-family dwelling only by a breezeway or similar appurtenant structure shall be considered detached.

**Accessory Unit:** a detached structure containing one or more bathrooms situated on the same parcel as a single-family dwelling which does not meet the definition of an apartment. An accessory unit shall be considered detached if it does not share a common wall or floor/ceiling with the single-family dwelling. Accessory units that are connected to a single-family dwelling only by a

breezeway or similar appurtenant structure shall be considered detached.

#### **Section IV. Connection Requirements and Fees**

An apartment must be connected by a sewer lateral directly to a District sewer main. An apartment shall be assessed a connection fee equivalent to ONE (1) equivalent residential unit (ERU). An apartment shall also pay monthly operation and maintenance expenses equivalent to the charge for a single family dwelling. An application for sewer service must be submitted and approved by the Garfield Bay Water and Sewer District prior to construction of an apartment.

An accessory unit may be connected to the single family residential unit's sewer lateral. The connection fee for an accessory unit shall be twenty percent (20%) of an ERU for each bathroom within the accessory unit. The monthly operation and maintenance expenses shall be twenty percent (20%) of an ERU for each bathroom contained within the accessory unit. Approval must be issued by the Garfield Bay Water and Sewer District prior to construction of an accessory unit.

A Notice to Title must be signed and recorded with the Bonner County Recorder before an accessory unit approval is issued.

#### **SECTION V. Change of Use**

(1) If an accessory unit is converted to an apartment, the owner must notify Garfield Bay Water and Sewer District and comply with all requirements set forth in the ordinance pertaining to an apartment.

(2) If a parcel of property is subdivided in such a manner that the primary residence is situated upon one lot, and an accessory unit is situated upon another lot, then the lot containing the accessory unit shall become a primary residence. At such time, the accessory unit is required to connect direct to the Garfield Bay Water and Sewer District sewer main, a sewer connection fee shall be paid for such connection, and the owner of the lot shall be billed the standard charges associated with as a primary residence.

#### **Section VI. Savings Clause**

If any section, subsection, sentence, clause, phrase or portion of this ordinance is, for any reason, held to be invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, independent provisions and such holding shall not affect the validity of the remaining portions thereof.

#### **Section VII. Adoption**

This Ordinance shall take effect and be in full force upon its passage, approval, and

publication in summary in one (1) issue of the *Bonner County Daily Bee*.

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2020

GARFIELD BAY WATER AND SEWER DISTRICT  
BOARD OF COMMISSIONERS

\_\_\_\_\_  
Don Moore

\_\_\_\_\_  
Scott Rasor

\_\_\_\_\_  
Lon Hansen

\_\_\_\_\_  
Dennis Ponsness

\_\_\_\_\_  
Stephen Miller

ATTEST:

\_\_\_\_\_  
VICKI WININGER, District Clerk