

ORDINANCE NO. 1088

AN ORDINANCE OF THE CITY OF PAYETTE, IDAHO, AMENDING CHAPTERS 13.04 AND 13.08 OF THE PAYETTE MUNICIPAL CODE BY LENGTHENING THE TIME LIMIT FOR PARTICIPATION IN CAPITAL IMPROVEMENTS IN WATER OR SEWER WORKS FROM FIVE TO FIFTEEN YEARS; REQUIRING A CONSTRUCTOR TO KEEP CITY CLERK INFORMED OF AN ADDRESS; CREATING DEFINITIONS; SETTING AN EFFECTIVE DATE; ESTABLISHING SEVERABILITY; ALLOWING FOR PUBLICATION BY SUMMARY; ESTABLISHING A REPEALER.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF PAYETTE, IDAHO;

Section 1. Chapter 13.04.010 of Title 13 of the Payette Municipal Code is hereby amended as follows:

13.04.010 Defined. "Waterworks" includes but is not limited to, water mains, ~~laterals or interceptors~~ water tanks, wells, pump stations, treatment facilities, service lines and meters for the transportation, storage or extraction of water furnished by the City.

Section 2. Chapter 13.04.050 of Title 13 of the Payette Municipal Code is hereby amended as follows:

13.04.050 Private construction--Owners not participating in cost--No service when. No person owning property which can be served by the waterworks who has not participated in the construction costs or does not have an affidavit of payment as provided in Section 13.04.060 shall be served by the waterworks or connect any building waterworks or house waterworks thereto, unless a period of fifteen ~~five~~ years has elapsed from the date of the completion of the waterworks or unless said person, after the completion of the waterworks, became a successor in interest of the owner of the property who caused said waterworks to be constructed.

Section 3. Chapter 13.04.060 of Title 13 of the Payette Municipal Code is hereby amended as follows:

13.04.060 Private construction--Connection--Application required--Affidavit of payment required. All persons desiring to connect to the city waterworks must make application to the city administrator or the city clerk, and such application must be accompanied by an affidavit of payment from the person constructing said waterworks that such land or person or owner has paid such pro rata charge if such land description or name is not included in the original certificate of completion. If no affidavit of payment is filed with the application, the city adminis-

trator shall not issue such permit until the applicant has received a receipt of payment of the pro rata cost from either the original constructor, his assigns or the city clerk. ~~In the event the person desiring such connection is unable to secure an affidavit of payment from the person constructing the waterworks, the connection can be made by the applicant tendering to the city clerk the pro rata cost for such lot, as set forth in the completion certificate, to be payable to and delivered to the city clerk by the original constructor or his assigns.~~ The city clerk shall inform the applicant of the last known address of the original constructor and the applicant shall endeavor to obtain the required affidavit of payment from the constructor. If, after 10 days, the applicant is unable to contact the constructor and cannot obtain the required affidavit of payment from the constructor or his assign, the applicant can obtain a permit to hook into the city waterworks provided that the applicant first pay to the city the pro rata cost for the property being connected as set forth in the completion certificate.

The constructor shall keep the city clerk informed of his address and of any changes of address and it shall be the sole responsibility of the constructor to keep the city clerk informed of an address where waterworks applicants can contact him or any funds collected can be forwarded. In the event the city is unable to forward funds or in the event the constructor does not claim any funds for a period of one year, any funds collected from an applicant shall forfeit and shall become a part of the water fund.

Section 4. Chapter 13.08.010, number 17, of Title 13 of the Payette Municipal Code is hereby amended as follows:

17. "Sewage works" means all facilities, including but not limited to, sewer mains, lift stations, force mains, any treatment facility or any temporary facility that is constructed for collecting, pumping, ~~treatment~~ treating and disposing of sewage.

Section 5. Chapter 13.08.010 of Title 13 of the Payette Municipal Code is hereby amended with the addition of a new section 28, which section shall read as follows:

28. "Temporary sewage facility" means any pump stations and associated force mains which are anticipated to be replaced in the future by gravity flow sewage works. The city council shall be the determinant of what sewage works are to be classified temporary.

Section 6. Chapter 13.08.150 of Title 13 of the Payette Municipal Code is hereby amended as follows:

13.08.150 Private construction--No service for owners not participating in cost. No person owning property which can be served by the sewer who has not participated in the construction

costs or does not have an affidavit of payment, as provided in Section 13.08.060160, shall be served by the sewer or connect any building sewer or house sewer thereto, unless a period of fifteen five years has elapsed from the date of the completion of the sewer or unless said person, after the completion of the sewer, became a successor in interest of the owner of the property who caused said sewer to be constructed. In the event the property is served by a "temporary sewage facility", an affidavit of payment is not required if fifteen years has elapsed from the date of completion of the facility or the facility is no longer being used.

Section 7. Chapter 13.08.160 of Title 13 of the Payette Municipal Code is hereby amended as follows:

13.08.160 Private construction--Connection--Application required--Affidavit of payment required. All persons desiring to connect to the city ~~sewer-system~~ sewage works must make application to the city administrator or the city clerk, and such application must be accompanied by an affidavit of payment from the person constructing the sewer that such land or person or owner has paid such pro rata charge, if such land description or name is not included in the original certificate of completion. If no affidavit of payment is filed with the application, the city administrator shall not issue such permit until the applicant has received a receipt of payment of the pro rata cost from either the original constructor, his assigns or the city clerk. ~~In the event the person desiring such connection is unable to secure an affidavit of payment from the person constructing the sewer, the connection can be made by the applicant tendering to the city clerk the pro rata cost for such lot as set forth in the completion certificate to be payable to and delivered by the city clerk to the original constructor or his assigns.~~ The city clerk shall inform the applicant of the last known address of the original constructor and the applicant shall endeavor to obtain the required affidavit of payment from the constructor. In the event, after 10 days of receipt of the last known address of the original constructor, the applicant is unable to contact the constructor and cannot obtain the required affidavit of payment from the original constructor or his assign, the applicant can obtain a permit to hook into the city sewage works provided that the applicant first pay to the city the pro rata cost for the property being connected as set forth in the completion certificate.

The constructor shall keep the city clerk informed of his address and of any changes of address and it shall be the sole responsibility of the constructor to keep the city clerk informed of an address where applicants can contact him, or any funds collected can be forwarded. In the event the city is unable to forward funds or in the event the constructor does not claim any funds for a period of one year, any funds collected from an applicant shall forfeit and shall become a part of the sewer fund.

Section 8. Chapter 13.08.190 of Title 13 of the Payette Municipal Code is hereby amended as follows:

13.08.190 Private construction--Interceptors, mains or laterals--Applicability to City. The provisions contained in this chapter shall apply in cases and instances where the city has constructed or will construct sewage works sewer-interceptors, mains or laterals. All references to construction of ~~sewer interceptors, mains or laterals~~ sewage works by private persons shall include construction of sewer interceptors, mains or laterals by the city.

Section 9. Any ordinances which are in conflict with this ordinance are hereby repealed, but only insofar as the conflict exists.

Section 10. If any portion of this ordinance should be found to be unconstitutional or unenforceable for any reason, the remainder of the ordinance shall constitute ordinance number 1088.

Section 11. This ordinance may be published by summary in accordance with the statutes of the state of Idaho.

Section 12. This ordinance shall be in full force and effect immediately upon passage and publication as required by law.

Passed and approved by the Mayor and City Council this 19th day of December, 1994.

CITY OF PAYETTE

By James E. McCoy
Mayor

ATTEST: John P. Franks
City Clerk