

ORDINANCE NUMBER 1262

AN ORDINANCE OF THE CITY OF PAYETTE, IDAHO, AMENDING SECTIONS 13.04.100, 13.04.280(a) AND (c), 13.08.031 (a) AND (b), 13.08.070, 13.08.031 (a) AND (b), 13.08.070 (d) AND (e), 13.08.090 (a) AND (b) OF THE PAYETTE MUNICIPAL CODE TO REPEAL THE WATER AND SEWER FEES; SETTING AN EFFECTIVE DATE; ESTABLISHING SEVERABILITY; ESTABLISHING A REPEALER

WHEREAS, the City of Payette, Idaho, is a municipal corporation operating under the laws of the State of Idaho and is authorized to fix rates and charges and take such other actions incidental to the construction, management and operation of a municipal water system and a municipal sewer system pursuant to Title 50, Chapter 10, Idaho Code.

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

Section 1. Section 13.04.100 of Title 13 of the Payette Municipal Code, is hereby amended to read as follows:

13.04.100 Use--Application Procedure: Application for the use of water must be made at the office of the City Clerk on printed forms furnished for the purpose. Every such application must be made by the owner or tenant of the property to be benefitted, stating the lot and block on which it is to be used, accompanied by a fee which will be set by resolution of the City Council, ~~of five dollars~~ and he must agree to conform to the rules and regulations established from time to time as a condition for the use of water.

Section 2. Section 13.04.280 (a) and (c) of Title 13 of the Payette Municipal Code, is hereby amended to read as follows:

13.04.280 Connection Fee--Tap Pipe Charges:

A. A fee ~~of seven hundred dollars (\$700.00)~~ which will be set by resolution of the City Council shall be charged and collected by the City Clerk for each and every permit issued for connection to the City water mains and lines. In an approved platted subdivision, if the developer has installed the water service line from the water mains to the building lot, placed the meter box and lid at the proper height and location, installed a backflow preventer yoke and fittings to facilitate meter installation, and provided the City with the water meter for installation, there shall be no charge for installing the water meter. For all other building lots, in addition to this permit fee, there shall be a charge ~~of five hundred dollars (\$500.00)~~ which will be set by resolution of the City Council for labor and service materials provided in putting in each tap pipe to connect the same with the curb box and up to a one inch (1") meter, or the current cost of materials and service and the actual cost of repairing the street after the installation of the tap pipe.

C. The water permit and tap fees to users outside the City limits shall be two (2) times the fees as ~~charged stated in section 13.04.280A.~~

Section 3. Section 13.04.100 of Title 13 of the Payette Municipal Code, is hereby amended to read as follows:

13.08.031 Classes Of Permits:

A. There shall be two (2) classes of building sewer permits: One for residential and commercial service and one for service to establishments producing industrial wastes. In either case, the owner or his agent shall make application on a special form furnished by the City. The permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the City. A ~~permit and inspection fee of seven hundred dollars (\$700.00) for a residential or commercial building sewer permit and five hundred dollars (\$500.00) for an industrial building sewer permit~~ **fee will be set by resolution of the City Council** shall be paid to the City at the time the application is filed. Each living unit shall be charged the permit fee.

B. The sewer permit fee to users outside the City limits shall be two (2) times the fee as ~~charged stated in Section 13.08.031A.~~

Section 4. Section 13.08.070 (d) and (e) of Title 13 of the Payette Municipal Code, is hereby amended to read as follows:

13.08.070 Service Rates And Charges--Designated:

D. A fee of ~~one dollar (\$1.00)~~ per each one hundred (100) gallons, with a minimum ~~charge of five dollars (\$5.00)~~ per each load, for emptying septic tank or cesspool pumping at the sewage treatment plant shall be charged.

E. The rates and charges ~~established in this Section~~ **shall be set by resolution of the City Council** and shall be subject to modification upon application to the Council by the owner or occupant in all cases where ~~charges fees~~ so established are unjust or oppressive.

Section 5. Section 13.08.090 (b) of Title 13 of the Payette Municipal Code, is hereby amended to read as follows:

13.08.090 Service Rates And Charges--Payment Procedure:

B. All fees shall be paid by the person responsible for the same at the office of the City Clerk within ten (10) days after receipt of a statement and, if not paid, the same shall become delinquent, and a charge of ~~one dollar (\$1.00)~~ shall be added to the account. For failure to pay such charge, the City may levy a special assessment against the premises in such amount and in such manner as other special assessments are levied, and may foreclose the same in the manner provided for in the foreclosure and collection of other special assessments. In addition to the remedies provided herein, the City Clerk shall add a charge of ~~one dollar (\$1.00)~~ per unit, which amount shall be added to the account for each and every month the account is or remains delinquent.

Section 6. Section 13.08.100 of Title 13 of the Payette Municipal Code, is hereby amended to read as follows:

13.08.100 Service Rates And Charges--Disposition Of Monies: All fees and charges provided for in Sections 13.08.070, 13.08.080, 13.08.081, 13.08.082 and 13.08.083, **shall be set by a resolution of the City Council, and** when collected, shall be placed in the utility fund of the City and paid into the sewer fund of the City. All charges and expenses for operation and maintenance of sewage system and the sewage treatment and disposal plant, and all payments required to be made, shall be made from the sewer fund of the City. The Council may, from time to time, establish within the sewer fund a reserve for the operation, maintenance, replacement and depreciation of such works, and a reserve for improvements to such works, and may authorize expenditures from such fund to such purposes.

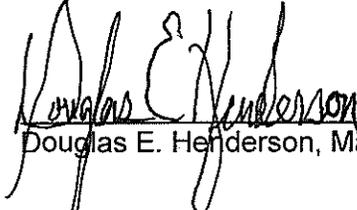
Section 7. Any ordinances which are in conflict with this ordinance are hereby repealed, but only insofar as the conflict exists.

Section 8. 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 1262.

Section 9. This ordinance shall be in full force and effect immediately upon passage and publication as required by law.

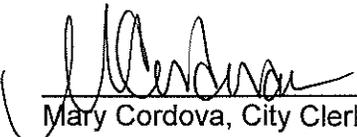
Passed and approved by the Mayor and City Council on this 5th day of June, 2006.

City of Payette, Idaho



Douglas E. Henderson, Mayor

ATTEST:

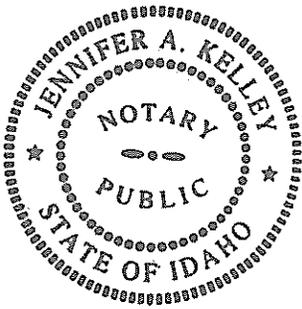


Mary Cordova, City Clerk

State of Idaho)
) ss.
County of Payette)

On this 5th day of June, in the year of 2006, before me Jennifer A. Kelley, a notary public, personally appeared MARY CORDOVA and DOUGLAS E. HENDERSON, personally known to me to be the persons whose name is subscribed to the within instrument, and acknowledged to me that they executed the same on behalf of the City of Payette in their official capacities as Mayor and City Clerk.

Jennifer A Kelley
Notary Public For Idaho
Residing at: Payette ID
Commission expires: 12-11-2008



SUMMARY OF ORDINANCE 1262

Ordinance 1262 is an ordinance of the City Of Payette, Idaho, adopted June 5, 2006. The ordinance may be descriptively known as the water and sewer fee amendment ordinance. The ordinance amends Sections 13.04.100, 13.04.280(a) and (c), 13.08.031 (a) and (b), 13.08.070, 13.08.031 (a) and (b), 13.08.070 (d) and (e), 13.08.090 (a) and (b) of the Payette City Code by repealing existing water and sewer fees and it provides for the water and sewer fees to be set by resolution of the City Council. The Ordinance provides a severability clause, provides for publication by summary, sets an effective date, and establishes a repealer.

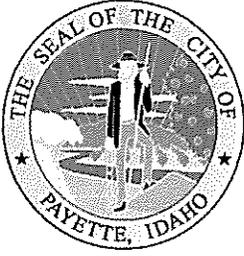
I, Bert L. Osborn, City Attorney for the City of Payette Idaho, certify that I am familiar with Ordinance 1262 of the City of Payette, Idaho and with the foregoing summary. The summary is true and complete and provides adequate notice to the public. The full text is on file with the Payette City Clerk and shall promptly be made available to any citizen upon request.

Dated this 6th day of June, 2006.



Bert L. Osborn

*Published
6-7-06*



CITY OF PAYETTE, IDAHO

AGENDA STATEMENT

To: Honorable Mayor Henderson & Members of the Payette City Council
From: Mary Cordova, City Clerk *MC*
Date: 6/2/2006
Re: Ordinance 1262, Water & Sewer Fees; Resolution 2006-4

BACKGROUND & JUSTIFICATION:

In April, 2006, the Public Works Committee met and discussed the current water & sewer fees. The Committee was advised that the fees the City currently charges for water taps, water and sewer permit fees, and other fees associated with water and sewer systems are not commensurate with the actual costs the City incurs.

After their review, the Commission has submitted water & sewer fee increases which are proposed in Resolution 2006-4. The proposed fees are over the 5% cap, thus the need for the public hearing.

In addition, it was suggested that the fees should be set by Resolution, and not in Ordinance form. This is the reason for the repeal of certain sections of Payette Municipal Code, Title 13, which are reflected in Ordinance 1262.

The proposed FEES in no way affect the current water and sewer RATES. At this time, there is not a proposal to change water & sewer rates.

If approved, the new water and sewer fees will take effect July 1, 2006.

RECOMMENDATION:

We ask that the Council approve Ordinance 1262, allowing water & sewer fees to be set by Resolution. Then, we ask for approval of Resolution 2006-4, setting new water and sewer fees.

April 18, 2006

Attention: Mayor Doug Henderson

From: Doug Argo, City Engineer

Regarding: Water and Sewer Fee Proposal

The information below summarizes the recommendations from the Public Works Committee meeting this morning. These fee increases exceed 5 percent, and therefore, a public hearing will be necessary.

- The water tap fees are being increased to cover the cost of installation. The water tap fees shall be increased in accordance with the following table:

Water Line Size	Cost
3/4-inch	\$1,500
1-inch	\$1,800
2-inch	\$3,000
4-inch	At city cost
6-inch	At city cost

- The water permit fee shall be increased to \$750 (current fee is \$700)
- The sewer permit fee shall be increased to \$750 (current fee is \$700)
- When water is shut off involuntarily (such as for non-payment), there shall be a fee of \$30 assessed. When the water is turned back on, there shall be an additional fee of \$30 assessed to turn the water on, for a total of \$60.
- When a resident requests the water to be shut-off voluntarily, there shall be no fee for the first off/on cycle per calendar year. However, each additional off/on cycle during that calendar year shall be charged at \$30 for turning the water off and another \$30 to turn the water back on, for a total of \$60 for each cycle.
- The water and sewer systems both depreciate and require maintenance whether individual meters are on or off, therefore, the resident shall be responsible for the monthly base water and sewer fees whether the meter is on or off. In the event of default, the water and sewer monthly base fees shall accrue and shall be paid in full prior to the water service being turned on. The accrued monthly base fees (combined) shall not exceed the water permit fee.
- All of the fees listed above and the monthly water and sewer rates (both base fees and the usage rates) shall be adjusted annually in accordance with the US Department of Labor, Bureau of Labor and Statistics Data, Consumer Price Index, US City Average for Water and Sewerage Maintenance. This adjustment shall be effective at the beginning of March of each year.