

ORDINANCE 1295

AN ORDINANCE OF THE CITY OF PAYETTE, IDAHO, AMENDING SECTIONS 13.04.110, 13.04.250 (A), 13.04.270 (A), and 13.08.090 (B) OF THE PAYETTE MUNICIPAL CODE TO ALLOW CHARGES FOR OWNER REQUESTED METER RELOCATION, TO ADJUST THE UTILITY ACCOUNT DEPOSIT FEE, AND TO PROVIDE FOR A UTILITY ACCOUNT DELINQUENT CHARGE; SETTING AN EFFECTIVE DATE; ESTABLISHING SEVERABILITY; ALLOWING FOR PUBLICATION BY SUMMARY; ESTABLISHING A REPEALER; ESTABLISHING A PENALTY

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

Section 3. Section 13.04.110 of the Payette Municipal Code, is hereby amended to read as follows:

13.04.110 Meters--Measurement--Protection From Damage -- Relocation:

A. All water will be measured by means of a meter, the same to be placed on a service pipe at a point between the mains and the house bibbs or other openings according to the directions of the Council; and all meters must be placed in a frost proof box or building, and the owner of the premises shall be responsible for said meter and any damage that may occur to it as a result of negligence or intentional acts on the part of the owner, his agents, invitees or permittees.

B. The owner shall not cause, permit, or allow access to the meter by City employees to be obstructed by bushes, flowers, fences, other plant life or structures. In the event a meter is replaced, maintained or repaired by the City, the City shall not be liable to the owner for damage to house pipes, sidewalks, driveways, trees, bushes, flowers, fences, other plant life or structures resulting from the excavation and work necessary in the maintenance, repair or replacement of the meter.

C. The City shall charge the actual time and material costs for the relocation of an existing meter service at the owner's request. The estimated cost is payable in advance and will be adjusted upon completion.

Section 2. Section 13.04.250 (A) of the Payette Municipal Code, is hereby amended to read as follows:

13.04.250 Statement Of Water Charges--Notice Of Pretermination Hearing--Turn On Charge:

A. The City Clerk shall furnish to each owner of property for which water service is provided, or to his agent, on a monthly basis, a statement of the amount due for water for the preceding month or up to the time that the meter has been read; and, if said property owner neglects to pay his water charges within ten (10) days of the date of mailing of the statement, his account shall be delinquent, and a charge of five dollars shall be added to the account ten (10) days after the account becomes due.. The delinquent property owner shall be notified by regular mail of this delinquency and, if the bill is not paid in full within five (5) days after service of this notification of the property owner, the right to water shall cease and terminate unless the property owner requests a pretermination hearing. Should the property owner not request a pretermination hearing

or if an adverse decision is rendered against the property owner as a result of the pretermination hearing, the City may require the one hundred ~~twenty-five~~ dollar (~~\$100.00-125.00~~) utility fund deposit as a condition of receiving water service again, if the deposit has not previously been made, or if the same has been refunded.

Section 3. Section 13.04.270 (A) of the Payette Municipal Code, is hereby amended to read as follows:

13.04.270 Utility Account Deposit--Required--Placement--Refund:

A. From each owner, tenant or lessee of property, the Clerk shall, before the City water, sewer, refuse collection and other such monthly services are furnished, collect and receive a utility account deposit of one hundred ~~twenty-five~~ dollars (~~\$100.00 125.00~~), which deposit shall be collected to secure the payment of all charges thereafter billed to the utility account for the premises occupied by that individual. For multi-unit dwellings and commercial units, the following rates apply:

Multi-living unit dwellings - one hundred ~~twenty-five~~ dollars (~~\$100.00-125.00~~) per living unit.

Trailer courts - one hundred ~~twenty-five~~ dollars (~~\$100.00 125.00~~) per space.

Restaurants - three hundred dollars (\$300.00) per unit.

Other commercial units - twice the estimated monthly usage.

Section 4. Section 13.08.090 (B) of the Payette Municipal Code, is hereby amended to read as follows:

13.08.090 Service Rates And Charges--Payment Procedure:

A. Fees shall be carried on the water bills, wherever applicable, and the Water Department is authorized and directed to discontinue services to any premises, where the entire water and sewer service bill is not paid, in the same manner that service is discontinued for nonpayment of water bills.

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 five dollars shall be added to the account ~~ten (10) days after the account becomes due~~. For failure to pay such ~~charge~~ fees, 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 the charge per unit, which amount shall be added to the account for each and every month the account is or remains delinquent.

Section 5. This Ordinance may be published in summary form allowed by Idaho Code.

Section 6. This Ordinance shall be in full force and effect immediately upon passage and publication as required by the laws of the State of Idaho.

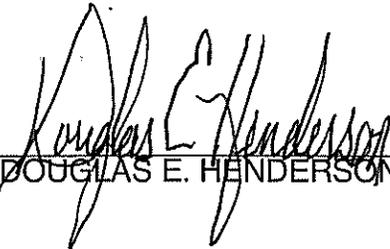
Section 7. Any ordinances or resolutions which are in conflict with this Ordinance are hereby repealed, but only insofar as the conflict exists.

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 be applied to effectuate the purposes of this Ordinance.

Section 9. Any violation of this Ordinance shall be a misdemeanor punishable by fine and/or imprisonment up to but not exceeding the maximum penalties set forth in Idaho Code § 50-302, as amended. Each day during which a violation takes place or is allowed to continue shall constitute a separate violation of this chapter.

PASSED and APPROVED by the Mayor and City Council of the City of Payette, Idaho this 7th day of July, 2008.

CITY OF PAYETTE, IDAHO

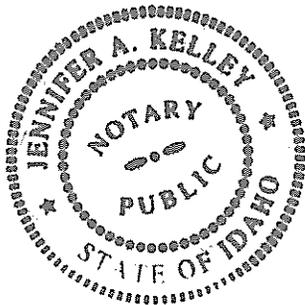
by 
DOUGLAS E. HENDERSON, Mayor

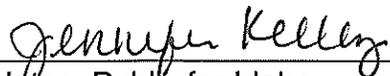
ATTEST:


Mary Cordova, City Clerk

State of Idaho)
) ss.
County of Payette)

On this 7th day of July, in the year of 2008, 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.




Notary Public for Idaho
Residing at: Payette ID
Commission expires: 12-11-2008

SUMMARY OF ORDINANCE 1295

Ordinance 1295 is an ordinance of the City Of Payette, Idaho, adopted July 7, 2008. The ordinance may be descriptively known as the Payette ordinance allowing charges for owner requested meter relocation, adjusting the utility account deposit fee and providing for a utility account delinquent charge. The ordinance amends section 13.04.110 by creating a new subsection (c) which provides for a charge of the actual time and material costs for the relocation of an existing meter service at the owner's request. The ordinance amends section 13.04.270 (a) and 13.08.090 to create a delinquent charge of five dollars (\$5.00) on a utility account ten days after the account becomes due. Ordinance 1295 amends section 13.04.270 (a) to increase the utility account deposit fee from \$100.00 to \$125.00. The Ordinance provides a severability clause, provides for publication by summary, sets an effective date, and establishes a repealer, and establishes a penalty in the event of a violation.

I, Bert L. Osborn, City Attorney for the City of Payette Idaho, certify that I am familiar with Ordinance 1295 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 14th day of July, 2008.



Bert L. Osborn