

ORDINANCE 1332

AN ORDINANCE OF THE CITY OF PAYETTE, IDAHO, REPEALING SECTIONS 13.04.251 IN CHAPTER 13.04 OF TITLE 13; SETTING AN EFFECTIVE DATE; ALLOWING PUBLICATION IN SUMMARY FORM; ESTABLISHING SEVERABILITY; ESTABLISHING A REPEALER.

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

Section 13. Section 13.04.251 of Title 13, Chapter 13.04 of the Payette Municipal Code is hereby repealed as follows:

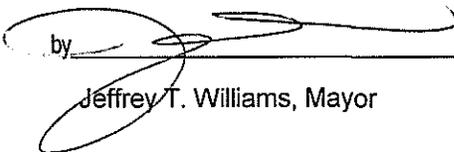
13.04.251: PRETERMINATION HEARING; HEARINGS IN CASE OF DENIAL OF WATER SERVICE:

A. ~~The city, in its delinquency notice to all property owners, shall inform in writing all property owners of their right to a pretermination hearing, with such hearing to be held with the due process protection described below, and will not discontinue water service to any property owner prior to a fair and impartial hearing, after timely and adequate notice and an opportunity to confront witnesses, to personally appear with retained counsel to be judged on facts adduced at the hearing and to otherwise be heard and defend the claim made by the city, if a pretermination hearing is requested by any property owner. The city council shall have the responsibility of holding the pretermination hearings. The city council shall make a record of any pretermination hearing. The city council shall render its decision in writing, giving the reasons for its determination. In decisions adverse to the property owner, the city council will inform the property owner of the right to appeal the decision pursuant to the Idaho state administrative procedures act.~~

B. ~~Any and all unpaid water charges shall be a lien against the property as provided in section 13.04.252 of this chapter; provided further, that the city shall not initially deny water service to any property owner for whatever reason without informing the property owner of the right to a hearing before the city council on the issue of whether the city can initially deny water services. In the case of an initial denial of water service, the city is not required to provide water service pending a hearing. However, a hearing upon request of a property owner initially denied water service shall be held as expeditiously as possible and held in the manner and accordance with the procedures for pretermination hearings delineated above. (Ord. 942, 1983)~~

PASSED and APPROVED by the Mayor and City Council of the City of Payette, Idaho this 3rd day of January, 2011.

CITY OF PAYETTE, IDAHO

by 

Jeffrey T. Williams, Mayor

ATTEST:


Mary Cordova, City Clerk

SUMMARY OF ORDINANCE 1332

Ordinance 1332 is an ordinance of the City Of Payette, Idaho, adopted January 3, 2011. The ordinance may be descriptively known as Payette City pretermination hearing repealer ordinance. Ordinance 1332 repeals section 13.04.251 in Chapter 13.04 of Title 13 of the Payette Municipal Code. Ordinance 1332 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 1332 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 4th day of January, 2011.



Bert L. Osborn