

AN ORDINANCE

AN ORDINANCE AMENDING SECTION 8 OF CHAPTER 3 OF TITLE 3 OF THE MUNICIPAL CODE OF THE CITY OF PAYETTE, IDAHO, TO PROVIDE THAT SAID SECTION SHALL HAVE APPLICATION WHERE THE CITY OF PAYETTE HAS CONSTRUCTED WATERWORKS; AND TO DELETE THE PROVISION NOT REQUIRING AFFIDAVIT OF COSTS FOR EXTENSION OF WATERWORKS.

Be it Ordained by the Mayor and Council of the City of Payette, State of Idaho:

That Section 8 of Chapter 3 of Title 3 of the Municipal Code of the City of Payette, Idaho is amended as follows:

3-3-8: CONSTRUCTIONS OF WATERWORKS BY PRIVATE PERSONS:

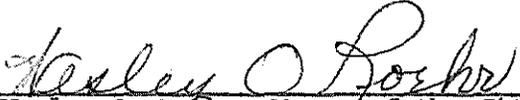
- (A) Definition: The word waterworks includes water mains, laterals, or interceptors for transportation of water furnished by the City.
- (B) Waterworks Construction Permit Required: Any person desiring to construct waterworks on, or below any street or alley, or any extension of the waterworks in the City shall first obtain from the City Clerk a permit for such construction upon application being filed with the City Clerk. The application shall state the name of the person applying, the approximate location of the waterworks and the legal description of the land or lots to be served by the waterworks, and the owners of the said lots so served, together with the proposed size and type of pipe to be laid, and the approximate cost.
- (C) Certificate of Completion: Upon completion, the person constructing the waterworks, and the City Engineer, must file a certificate of completion with the Clerk setting forth the location of the waterworks, the lots served, the owner of the said lots, and the cost per lot, or the cost per front foot served by the waterworks.
- (D) Affidavit of Owners Participating in Cost: The person constructing the waterworks must file with the Clerk an affidavit stating the legal description of the lots and the owners thereof who have participated in the cost of the construction of the waterworks.
- (E) Owners Not Participating in Cost: No person owning property which can be served by the waterworks, and who has not participated in the construction costs or does not have an affidavit of payment as hereinafter provided shall be served by the waterworks or connect any building waterworks or house waterworks thereto, unless a period of 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.
- (F) Affidavit of Payment Required: All persons desiring to connect to said 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 the 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 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 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 Clerk the pro rata cost for such lot as set forth in the completion certificate to be payable to and delivered to the Clerk by the original constructor or his assigns.

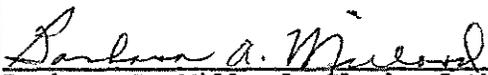
- (G) Waterworks Already Constructed: All persons having heretofore constructed waterworks, may file with the Clerk a certificate of completion as provided herein and the provisions of this Code for connection service, hereafter, shall be effective on the waterworks already constructed.
- (H) ~~Affidavit Not Required for Extention:--An affidavit of payment of pro-rata costs shall not be required for the extension of any waterworks.~~

Application of Section to the City: The provisions contained in this section shall apply in cases and instances where the City of Payette, Idaho has constructed or will construct waterworks; all references to construction of waterworks by private persons shall include construction of waterworks by the City of Payette, Idaho.

Passed and Approved by the Mayor and Council of the City of Payette, Idaho, this 3rd day of September, 1974.


Wesley O. Roehr, Mayor of the City of Payette, Idaho

WITNESS:


Barbara A. Millard, Clerk of the City of Payette, Idaho