

ORDINANCE NO. 942

AN ORDINANCE AMENDING SECTION 13.04.250 OF THE MUNICIPAL CODE OF THE CITY OF PAYETTE, IDAHO BY THE REPEAL OF SAID SECTION, AND THE ADOPTING OF NEW SECTIONS TO PROVIDE FOR A WATER UTILITY FUND DEPOSIT, TO ESTABLISH A PROCEDURE FOR A PRETERMINATION HEARING, TO ESTABLISH RESPONSIBILITY OF PAYMENT OF WATER CHARGES, TO IMPOSE A LIEN FOR DELINQUENT WATER CHARGES, TO PROVIDE FOR NOTICE OF WATER CHARGES.

Be it Ordained by the Mayor and Council of the City of Payette, Payette County, Idaho, that Section 13.04.250 is hereby repealed and that the following sections are adopted:

13.04.250 Statement of Water Charges; Notice of Pretermination Hearing; Turn on Charge. 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 said statement his account shall be delinquent. The delinquent property owner shall be notified by regular mail of this delinquency and if the bill is not paid in full within ten days after service of this notification of the property owner the right to water shall cease and terminate unless said 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 of Payette may require the property owner to pay the delinquent water bill, plus a twenty-five dollar utility fund deposit as a condition of receiving water service again, if said deposit has not previously been made, or if the same has been refunded.

In addition, the expense of turning the water on again, as may be determined by the Council, must also be paid. Until such time that said payments are made, the person who applied for the use of said water at said premises to which water service was terminated because of nonpayment will not be entitled to any water service at any other place or premises within the City.

All meter charges must be paid by the owner of the property upon which the same is used and not by the tenants thereof.

13.04.251 Pretermination Hearing; Hearings in Case of Denial of Water Service. The City of Payette, 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 of Payette, 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.

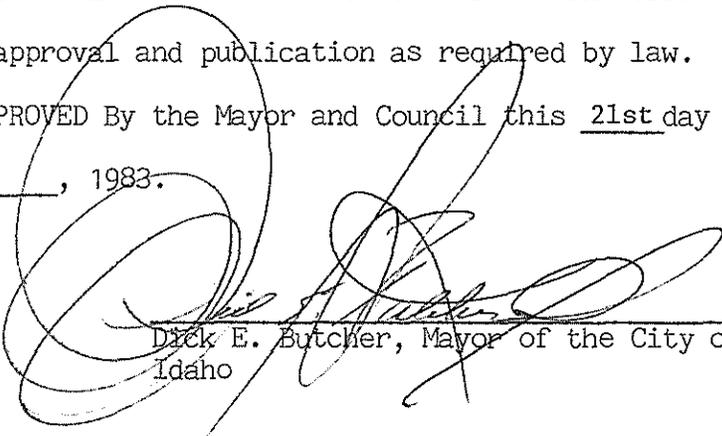
Any and all unpaid water charges shall be a lien against the property as provided in Section 13.04.252. Provided further that the City of Payette shall not initially deny water service to any property owner for whatever reason without informing the property owner of the right to a hearing before the City Council on the issue of whether the City of Payette can initially deny water services. In the case of an initial denial of water service, the City of Payette 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.

13.04.252 Delinquent Charges, a Lien on Property. All delinquent charges or fees, as provided by this Ordinance not paid after the final determination of the delinquent account shall be imposed as a lien against and upon the property or premises against which such charge or fee is levied or assessed; and the Clerk shall, at the time of certifying the City taxes, certify such delinquencies together with all penalties to the Tax Collector of Payette County, and when so certified, the same shall be a lien upon the property. All monies collected by the Clerk under the provisions of this Section shall be paid over to the City Treasurer in the same manner as is required for the payment of other City monies.

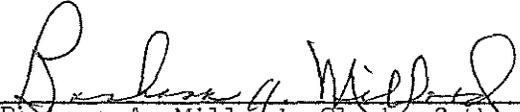
This Ordinance shall take effect and be in force and effect from and after its passage, approval and publication as required by law.

PASSED and APPROVED By the Mayor and Council this 21st day of March, 1983.



Dick E. Butcher, Mayor of the City of Payette,
Idaho

ATTEST:



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

198261

Land in RECORDER'S PLAT of Sec. 34, Twp. 9 N., R 5 W., B.M., as per Plat in Book 2, Page 5 Plat Records, Payette County, Idaho.

Block 6 and Lot 1 of Block 7, EXCEPTING THEREFROM the following described tracts of land:

A tract of land situated in Block 6 described as follows: Commencing at the NW corner of said Block 6; Thence S. 0°06'15" E. along the West boundary of said Block 6 a distance of 148.00 feet to the TRUE POINT OF BEGINNING; Thence N. 89°58'40" E. along the South boundary of the right-of-way of Third Avenue North, a distance of 390.76 feet; Thence S. 0°01'00" E. 411.14 feet; Thence S. 89°59'30" W. 390.14 feet to a point on the West boundary of said Block 6; Thence N. 0°06'15" W. along said West boundary a distance of 411.05 feet to the POINT OF BEGINNING.

Courthouse

Ordinance 443

A tract of land situated in Block 6 and in Lot 1 of Block 7 described as follows:

Commencing at the NW corner of Block 5 of JACOBSEN ADDITION to the City of Payette, as per Plat in Book 1, Page 1, Plat Records, of Payette County, Idaho:

Thence N. 0°01.0' W. 100.00 feet to the intersection of the East sideline of North 11th Street with the North sideline of First Avenue North, as shown by said Plat, being the TRUE POINT OF BEGINNING for this description;

Thence S. 89°59.2' E. 732.72 feet; Thence N. 0°01.0' W. 300.49 feet; Thence S. 89°59.5' W. 732.16 feet to a point on the East sideline of North 11th Street; Thence S 0°01.0' E. along said East sideline 300.60 feet to the POINT OF BEGINNING.

A parcel of land being on both sides of the centerline of the Third Avenue Spur Survey as shown on the plans of U.S. Highway 95, Project No. F-3112 (13), Highway Survey, now on file in the office of the Department of Highways of the State of Idaho, and being a portion of Block 6 and Lot 1, Block 7 of Recorder's Plat of Section 34, Township 9 North, Range 5 West, Boise Meridian, according to the Plat thereof on file in Book 2, Page 5, Plat Records of Payette County, Idaho, described as follows, to-wit:

Commencing at the Northwest corner of Block 6 of said Recorder's Plat of said Sec. 34; Thence Southerly along the West line of said Block 6 a distance of 68.0 feet, more or less, to a point in a line parallel with and 40.0 feet Northerly from the centerline of the Third Avenue Spur Survey, as shown on the plans of said U.S. Highway 95, Project No. F-3112 (13), Highway Survey, and being the REAL POINT OF BEGINNING.

198261

*3rd Ave N
E-O-W*

Thence South 89°18'20" East along said parallel line 1,198.0 feet, more or less, to a point in the East line of Lot 1, Block 7 of the Recorder's Plat of Section 34; Thence Southerly along said East line 80.0 feet, more or less, to a point in line parallel with and 40.0 feet Southerly from the centerline of said Third Avenue Spur Survey. Thence North 89°18'20" West along said last parallel line 1,198.0 feet, more or less, to a point in the West line of said Block 6; Thence Northerly along said West line 80.0 feet, more or less, to the REAL POINT OF BEGINNING.

Commencing at the Northwest corner of Block 6 of said Recorder's Plat of said Section 34;

Thence Southerly along the West line of said Block 6 a distance of 68.0 feet, more or less, to a point in a line parallel with and 40.0 feet Northerly from the centerline of the Third Avenue Spur Survey as shown on the plans of said U.S. Highway 95, Project No. F-3112 (13) Highway Survey; Thence South 89°18'20" East along said parallel line 1,198.0 feet, more or less, to a point in the East line of Lot 1, Block 7, of said Recorder's Plat of Section 34; Thence Northerly along said East line 68 feet, more or less, to a point in a line parallel with and 40.0 feet Northerly from the centerline of said Third Avenue Spur Survey; Thence North 89°18'20" West along said parallel line 1,198.0 feet, more or less, to the REAL POINT OF BEGINNING.

Courthouse