

## ORDINANCE 1272 C

**AN ORDINANCE OF THE CITY OF PAYETTE, IDAHO, AMENDING SECTION 13.08.070 (A)(1) & (2), & (B) OF THE PAYETTE MUNICIPAL CODE TO CHANGE THE SEWER RATES; 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 1.** Section 13.08.070 (A)(1) & (2) of the Payette Municipal Code, is hereby amended to read as follows:

13.08.070 Service Rates And Charges--Designated: Owners or occupants of all premises (residential and commercial) now served by the sanitary sewer of the City and of all premises to be furnished sewer service by the sewage collection system, except industrial users, shall pay the rates specified as follows:

A. The monthly charge for City sewer service shall be determined by the amounts of City water delivered to and discharged at the premises, and shall be collected at the following rates for each meter service; however, in the event there is more than one dwelling unit, as defined in Section 17.08.110 of this Code, connected to a water meter, then the charges shall be made and collected for each dwelling unit by determining the average discharge per dwelling unit.

1. The minimum monthly charge shall be twelve dollars sixty cents (\$12.60) plus twenty cents (.20) per one hundred (100) gallons discharged or fraction thereof. From the monthly minimum charge of each user, the City Treasurer shall place two dollars and fifty-five cents (\$2.55) of that monthly charge into a fund dedicated exclusively to the reconstruction or replacement of the City sewer system and plant. This money shall not be used for anything other than the reconstruction and replacement of the City sewer system and plant.

B. Rates and charges for premises to which City water is not delivered or metered, shall be twenty-two dollars sixty cents (\$22.60) per month.

C. No charge shall be made for the month or months in which the City water service for such premises had been discontinued in accordance with Section 13.04.120 of this Title, except that where City water is not furnished to any premises, no charge will be made during the time the premises are vacant and no sewage is collected therefrom; provided, that such period of time is not less than thirty (30) days and that notice of such vacancy shall be given to the City Clerk prior to such vacancy.

D. A fee of one dollar (\$1.00) per each one hundred (100) gallons, with a minimum 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 subject to modification upon application to the Council by the owner or occupant in all cases where fees so established are unjust or oppressive.

F. Sewer service charges to users outside the City limits will be computed as set forth in subsections A and B above except that the cost shall be two (2) times the in-City rates. (Ord. 1112 § 2, 1995: Ord. 1082 § 2, 1994: Ord. 1058 § 1, 1993: Ord. 1008 S 1, 1990: Ord. 956, 1985: Ord. 895, 1978: Ord. 856, 1976: Prior Code § 4-3-13)

**Section 2.** This Ordinance may be published in summary form allowed by Idaho Code.

**Section 3.** 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 4.** Any ordinances or resolutions which are in conflict with this Ordinance are hereby repealed, but only insofar as the conflict exists.

**Section 5.** 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.

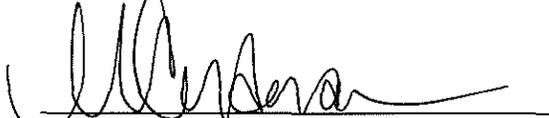
**Section 6.** Any violation of this Ordinance shall be a misdemeanor punishable by up to a \$1,000.00 fine and six months in the Payette County Jail, or both. In addition to, or in lieu of, any criminal charges, the City shall be allowed to bring an action for enforcement or abatement of any inconsistent use. In any such action the City shall be allowed to recover all fees and costs.

PASSED and APPROVED by the Mayor and City Council of the City of Payette, Idaho this 4<sup>th</sup> day of DECEMBER, 2006.

CITY OF PAYETTE, IDAHO

by   
DOUGLAS E. HENDERSON, Mayor

ATTEST:

  
Mary Cordova, City Clerk

State of Idaho                    )  
  ) ss.  
County of Payette                )

On this 4<sup>th</sup> day of December, 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

