

ORDINANCE 1359

AN ORDINANCE OF THE CITY OF PAYETTE, IDAHO, AMENDING SECTION 13.04.250 BY ELIMINATING A PRETERMINATION HEARING; CREATING A NEW SUBSECTION D WHICH ALLOWS THE CLERK OR A DESIGNEE TO USE ALL APPROVED LEGAL MEANS TO COLLECT DELINQUENT ACCOUNTS; ALLOWING FOR WRITE OFF OF DELINQUENT ACCOUNTS; 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 1. Section 13.04.250 of Title 13, Chapter 13.04 of the Payette Municipal Code is hereby amended as follows:

13.04.250: STATEMENT OF WATER CHARGES; NOTICE OF PRETERMINATION HEARING; TURN-ON CHARGE:

A. The city clerk shall furnish to each account holder or 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 account holder or 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 (\$5.00) shall be added to the account ten (10) days after the account becomes due. The delinquent account holder or 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 (\$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.

B. In addition, the expense of turning the water on again, shall be set at a minimum of thirty dollars (\$30.00), or as may be determined by the council, must also be paid.

Until such time that the payments are made, the person who applied for the use of the water at the 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.

C. All monthly meter charges for inactive accounts must be paid by the owner of the property upon which the same is used and not by the tenants thereof. (Res. 2009-05, 2009: Ord. 1295 § 2, 2008: Ord. 1130 § 1, 1996: Ord. 993 § 5, 1989: Ord. 983 § 2, 1988: Ord. 942, 1983)

D. The city clerk, or a designee, is hereby authorized to collect delinquent payments by any legal method as approved by the city attorney. At such time as any delinquency shall become inactive for a period of time exceeding one year, said debt may be deemed uncollectible. The

city clerk or a designee may prepare a request for write off of the account for the city council's consideration. A written off account may still be collected if the clerk discovers that sufficient assets are available to make collection efforts worthwhile.

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.

PASSED and APPROVED by the Mayor and City Council of the City of Payette, Idaho this 19TH day of March, 2012.

CITY OF PAYETTE, IDAHO

by _____

Jeffrey T. Williams, Mayor

ATTEST:



Mary Cordova, City Clerk

SUMMARY OF ORDINANCE 1359

Ordinance 1359 is an ordinance of the City Of Payette, Idaho, adopted March 19, 2012. The ordinance may be descriptively known as the Payette City "Delinquent Water Fee Collection Ordinance". Ordinance 1359 amends section 13.04.250 by eliminating pre-termination hearings. The ordinance creates a new subsection D which allows the clerk or a designee to use all approved legal means to collect delinquent accounts. Ordinance 1359 allows for accounts to be written off but remain collectable if assets are discovered. The ordinance provides a severability clause and a repealer clause. The ordinance provides for publication in summary form and establishes an effective date.

I, Bert L. Osborn, City Attorney for the City of Payette Idaho, certify that I am familiar with Ordinance 1359 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 20th day of March, 2012.



Bert L. Osborn