

ORDINANCE NO.1480

AN ORDINANCE OF THE CITY OF PAYETTE, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO; PROVIDING FOR THE AMENDMENT OF PAYETTE CITY CODE, TITLE 12 STREETS, SIDEWALKS AND PARKS, BY ADDING A NEW CHAPTER 12.04 SIDEWALK UTILITY FEE PROGRAM; PROVIDING A PENALTY FOR VIOLATIONS; AND PROVIDING SEVERABILITY, CODIFICATION, PUBLICATION BY SUMMARY, AND ESTABLISHING EFFECTIVE DATE.

WHEREAS, Payette residents have identified safe, passable sidewalks as an important aspect of quality of life to ensure that pedestrians including individuals with disabilities that affect mobility, are able to move safely, and,

WHEREAS, this ordinance will create a guaranteed source of local funding for the City for public sidewalks that must be spent locally for Payette residents; and

WHEREAS, City's sidewalk ordinance provides that the owner or occupant of land adjoining a street must maintain adjacent sidewalks in good repair and condition and must remove any obstructions from such sidewalks; and,

WHEREAS, the City is aware that certain sidewalks that are in need of construction and or reconstruction; and,

WHEREAS, the City recognizes the potential financial burden that may be placed on owners and occupants needing to construct or reconstruct sidewalks and or ADA ramps to meet current ADA standards and specification; and,

WHEREAS, the City desires to alleviate some of the financial burden of constructing and/or reconstructing sidewalks or adding ADA ramps may impose on owners and occupants by providing owners financial assistance through the Sidewalk Repair Grant Program.

NOW, THEREFORE, BE IT ORDAINED BY THE PAYETTE CITY COUNCIL AS FOLLOWS:

Section 1. Title 12 STREETS, SIDEWALKS & PARKS, of the Payette Municipal Code is hereby amended to create a new Chapter 12.03 SIDEWALK REPAIR PROGRAM as follows:

12.03.010 SIDEWALK UTILITY FEE.

There is hereby created a sidewalk utility fee for the purpose of providing funds for the construction, reconstruction, and maintenance of sidewalks within the public rights-of-way within the City of Payette. The Council hereby finds, determines and declares that the construction, reconstruction and maintenance of such sidewalks are necessary for the health, safety and welfare of the City and its inhabitants to be safeguarded.

12.03.020 AMOUNT

The monthly sidewalk utility fee to be paid by owners or occupants of property within the corporate limits of the City of Payette. The fee will be set by Council resolution; however will not exceed the following maximum fee:

Each Residential Dwelling Unit \$1.00 per month

Each Commercial or Industrial Account \$2.00 per month

12.03.030 USE OF FEE.

All fees collected by the City by reason of the sidewalk utility fee shall be paid into the Sidewalk Fund. Such revenues shall be used solely for the purposes of the design, construction, reconstruction and maintenance of the public right-of-way sidewalk system.

Each year, a portion of the funds generated by the sidewalk utility fee shall be set aside by the City Council for use in a matching grant program to assist property owners in the reconstruction or maintenance of existing sidewalks. The funds may also be used to construct new sidewalks for existing dwellings and commercial buildings of City of Payette utility customers. The funds shall not be used to construct sidewalks for new development.

The amount of funds set aside and the terms of the matching grant program shall be determined annually by the City Council after consideration of funds available and other proposed sidewalk projects.

This process shall be defined according to guidelines as may be adopted by the City Council by resolution. In no event shall

such funds set aside be less than 25 percent of the funds budgeted for collection during the ensuing fiscal year.

12.03.040 FEE COLLECTION.

The sidewalk utility fee shall be billed and collected with monthly water or wastewater utility bills. All such bills shall be rendered monthly by the Finance Department and shall become due and payable in accordance with the rules and regulations of the Finance Department pertaining to the collection of utility charges.

12.03.50 DELINQUENT FEES.

Any user or occupant who disputes the amount of the fee or disputes any determination made by or on behalf of the City pursuant to and by the authority of this chapter may petition the City Clerk for a hearing on a revision or modification of such fee or determination.

Such petition shall be in writing, filed with the City Clerk, the facts and figures shall be submitted either in writing or orally at a scheduled hearing. Petitioners shall have the burden of proof.

Within 30 days of filing of the petition the City Council shall make findings of fact based on all relevant information, shall make a determination based upon such findings and, if appropriate, modify such fee or determination accordingly. Such determination by the City Council shall be considered a final order.

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.

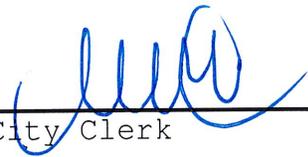
PASSED and APPROVED by the Mayor and City Council of the City of Payette, Idaho this 5th day of August, 2020.

CITY OF PAYETTE, IDAHO

BY


Jeffrey T. Williams, Mayor

ATTEST:



City Clerk

