

O R D I N A N C E N O. 838

AN ORDINANCE

AN ORDINANCE AMENDING SECTION 3 OF CHAPTER 3 OF TITLE 4 OF THE MUNICIPAL CODE OF THE CITY OF PAYETTE, IDAHO, BY ADDING A SUBSECTION TO PROVIDE FOR THE REIMBURSEMENT OF THE CITY OF PAYETTE IN CASES AND INSTANCES WHERE THE CITY HAS CONSTRUCTED OR WILL CONSTRUCT SEWER INTERCEPTORS, MAINS OR LATERALS.

Be it ordained by the Mayor and Council of the City of Payette, Idaho, that Section 3 of Chapter 3 of Title 4 of the Municipal Code of the City of Payette, Idaho, be amended to read as follows:

4-3-3: CONSTRUCTIONS OF SEWERS BY PRIVATE PERSONS.

- (A) Definition: The word sewer includes sanitary sewer interceptors, mains or laterals.
- (B) Sewer Construction Permit Required: Any person desiring to construct a sewer in, on, or below any street or alley, or any extension of the sanitary sewer system 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 sewer and the legal description of the land or lots to be served by the sewer, 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 sewer and the City Engineer must file a certificate of completion with the Clerk setting forth the location of the sewer, the lots served, the owner of the said lots, and the cost per lot, or the cost per front foot served by the sewer.
- (D) Affidavit of Owners Participating in Cost: The person constructing the sewer 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 sewer.
- (E) Owners Not Participating in Cost: No person owning property which can be served by the sewer and has not participated in the construction costs or does not have an affidavit of payment as hereinafter provided shall be served by the sewer or connect any building sewer or house sewer thereto, unless a period of five years has elapsed from the date of the completion of the sewer, or unless said person, after the completion of the sewer, became a successor in interest of the owner of the property who caused said sewer to be constructed.
- (F) Affidavit of Payment Required: All persons desiring to connect to said sewer 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 sewer 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 sewer, 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 by the Clerk to the original constructor or his assigns.

- (G) Sewer Already Constructed: All persons having heretofore constructed sewers, 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 these sewers already constructed.
- (H) Affidavit Not Required for Extension: An affidavit of payment of pro rata costs shall not be required for the extension of any sewer. (Ord. 786; 10-16-72)
- (I) 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 sewer interceptors, mains or laterals; all references to construction of sewer interceptors, mains or laterals by private persons shall include construction of sewer interceptors, mains or laterals by the City of Payette, Idaho.

This Ordinance shall take effect and be in force from and after its publication in the Independent Enterprise, a newspaper of general circulation in the City of Payette, Idaho.

Passed and Approved by the Mayor and Council this 6th day of
October _____, 1975.



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

ATTEST:



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