

ORDINANCE NO. 983

AN ORDINANCE OF THE CITY OF PAYETTE AMENDING SECTIONS 13.04.270, 13.04.250, 13.04.320, 13.08.033, INCREASING INITIAL UTILITY DEPOSIT: ADDING NEW SUBSECTIONS 13.04.260E, 13.04.330A; DECREASING THE TIME LIMIT FOR DELINQUENCY: SETTING FEE FOR WATER DELIVERY OUTSIDE THE CITY: SETTING A WATER SHUTOFF PROGRAM IN THE EVENT OF EMERGENCY; REPEALER: EFFECTIVE DATE:

BE IT RESOLVED by the Mayor and City Council of the City of Payette, Idaho:

Section 1: That Section 13.04.270(a) is amended as follows:

a. From each owner, tenant or lessee or property, the clerk shall, before the city water, sewer, refuse collection and other such monthly services are furnished, collect and receive a utility account deposit of fifty (\$50.00) dollars, which deposit shall be collected to secure the payment of all charges thereafter billed to the utility account for the premises occupied by that individual.

b. All such deposits shall be placed in a fund known as the "utility account deposit fund." Upon termination of services for any cause, the amount of the balance of the utility account for such premises shall be transferred to the utility fund of the City and credited to the account, and the balance of the account, if any, shall be refunded to the person making the deposit. If such refund cannot be made within six months because of the unknown whereabouts of the person making the deposit, the balance of the deposit shall be placed in the general fund.

Section 2: That Section is 13-04-250 is amended as follows:

a. 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 days of the date of mailing of the 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 five 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 the pretermination hearing, the city may require the fifty dollar 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.

Section 3: Section 13.04.320 is hereby repealed. (Allows water extension).

Section 4: Section 13.08.033 is hereby repealed. (Allows sewer extension).

Section 5: Section 13.04.260 is hereby amended with the sub-paragraph E, which shall read as follows:

Water delivery charges to users outside the City Limits will be computed as set forth in paragraph a through d above except that the cost shall be two times the in-City rates.

Section 6: Title 13 Chapter 13 is hereby amended by adding the following new section which will be designated as 13.04.330A.

In the event that the individual who is charged with the responsibility of overseeing the City Water System, or the Council Commissioner in charge of the same, or the Mayor determines that an emergency exists which requires the reduction in the use of water for conservation purposes, any one of those individuals shall have the authority to order certain classification of water users to reduce consumption or stop consumption immediately.

Water usage shall be classified as follows:

a. Street cleaning and sweeping, filling of spray tanks for agricultural or residential uses.

b. Car washing in both commercial facilities and individual residence; water usage in swimming pools.

c. Lawn irrigators.

d. Industrial and commercial users.

e. Restaurants and bars, social gatherings, fraternal organizations, domestic users outside the City Limits.

f. All businesses including offices, post office, City Hall.

g. Domestic use, fire supply, sewer treatment facility, all other users.

Uses shall be curtailed in each classification set forth above starting with classification a through g. Before curtailing use in lower classification, all water users in the immediately preceding classification shall be shut off.

Section 7: Alternating days of watering may be ordered prior to terminating water usage for watering of lawns or gardens.

Section 8: Any person who continues to use water or uses water in violation of a shut off order, or water on a non designated day, after that person has actual knowledge of the order or has been requested to discontinue use, shall be guilty of a misdemeanor and punished in accordance with the general misdemeanor statutes of the State of Idaho.

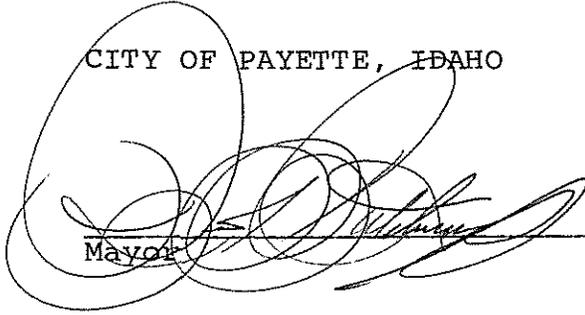
Section 9: Any portions of any existing Ordinances which are in direct conflict with this Ordinance are hereby repealed insofar as the conflict exists.

Section 10: If any portion of this Ordinance is found to be unenforceable or unconstitutional for any reason, the remaining portion of this Ordinance shall remain in full force and effect.

BE IT ORDAINED AND RESOLVED THAT THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT FROM AND AFTER ITS APPROVAL, PASSAGE AND PUBLICATION AS REQUIRED BY LAW.

This Ordinance shall be in full force and effect on the 16 day of May, 1988.

CITY OF PAYETTE, IDAHO


Mayor

ATTEST:

John P. Franks
City Clerk