

ORDINANCE #309-07

AN ORDINANCE REPEALING ORDINANCES NO. 218.94 AND 218-94-A99 OF THE CITY OF NEW MEADOWS, IDAHO; STATING THE PURPOSE THEREOF; TO WHOM APPLICABLE; MAKING IT UNLAWFUL TO INJURE SYSTEM; PROVIDING FOR WATER SERVICE AND CONNECTIONS; PROVIDING REQUIREMENTS FOR METERS; ESTABLISHING WATER CONNECTION AND CAPITALIZATION FEES; CLASSIFYING USERS; ESTABLISHING WATER USER FEES AND RATE STRUCTURE; ESTABLISHING WATER TURN ON/OFF CHARGES; PROVIDING THAT DELINQUENT CHARGES SHALL BE A LIEN AGAINST THE REAL PROPERTY SERVED; CREATING A BOARD OF APPRAISERS AND DEFINING DUTIES OF SUCH BOARD; PROVIDING A PENALTY FOR VIOLATIONS; PROVIDING A SEVERABILITY CLAUSE AND; PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED by the Mayor and Council of the City of New Meadows, Idaho, as follows,

Section 1. REPEALING CLAUSE:

Ordinance No. 218-94, adopted by the Mayor and City Council on July 11, 1994 and Ordinance No. 218-94-A99 adopted by the Mayor and City Council on July 6, 1999 for the City of New Meadows are hereby repealed.

Section 2. PURPOSE:

It is hereby determined and declared to be necessary and conducive to and for the protection of the health, safety and welfare of the public and inhabitants of the City, and for the purpose of controlling the use and connection to and for providing an equitable distribution of the costs and expenses of maintenance, operation, upkeep, and repair of the entire water system to charge and collect service charges or fees upon all lots, lands, property and premises served or benefited by the water system of the City.

Section 3. TO WHOM APPLICABLE:

The provisions of this Ordinance shall apply to all property within the corporate limits of the City, and any special users outside of the corporate limits of the City, including all property owned or occupied by the United States of America, Adams County, and the State of Idaho.

Section 4. INJURY TO WATER SYSTEM UNLAWFUL:

It shall be unlawful for any person to break, damage, destroy, uncover, deface, tamper, shut-off or turn on, any structure, appurtenance, or equipment which is a part of the water works, except in compliance with the provisions of the ordinance.

Section 5. WATER SERVICE CONNECTIONS:

A. It shall be unlawful for any unauthorized person to deny access to, uncover, make any connections with, disconnect from, make any opening into, use, alter or disturb, or to turn on or off any connection to such water works system or appurtenance thereof without first obtaining a written permit therefor from the City.

B. The Customer shall be responsible for installation costs incurred by the City for installing said hookup to the water main and the City shall place the water service to the end of public right-of-way, at which point it becomes the customer's responsibility who is requesting said connection, to install and maintain said service line from that point, downstream to building(s) requiring the service connection. In the case of subdivisions, PUD'S and like developments, in which a parcel of land is to be further divided into two or more lots or parcels, the Developer shall be responsible for all costs incurred and construction of the public water system, plus an additional assessed fee for hooking on to the City's water system. All public water lines shall be constructed, and inspected to City standards with all lines and equipment of the public water system, together with permanent easements for operation and maintenance, to be conveyed to the City upon completion and acceptance.

C. It shall further be the responsibility of the customer requesting the service connection to secure all easements necessary for them to maintain said service connections from the edge of public right-of-way downstream to the point of use.

D. Every building, structure or other use in existence prior to the construction of a public water system which is available and within three hundred feet (300') of the lot, tract or parcel of land on which said building or structure stands, shall upon the construction of the public water system, be connected to said water main not later than twelve (12) months from the date said system or main is certified and accepted by the City Public Works Director as being completed and ready for use.

1. A water service line shall be a minimum of forty-eight inches (48") below ground level.

2. Whenever a water service line must cross a sewer line there shall be no joints within ten feet (10') of said sewer line. A continuous line is recommended in these instances without a joint in the pipe.

3. No backfill shall be done until inspected by the City Public Works Director or by an approved agent of the City.

4. A back flow device (minimum of pressure vacuum breaker) shall be installed on all lines with a sprinkling system, or any medical building, or business where back flow would cause a risk to public health or safety.

E. All requests for an additional separate connection to the water system, temporary in nature or not, shall be viewed as a request for a separate equivalent residential unit service and shall be charged as an additional connection, if another residential unit allowable by zoning regulations.

Section 6. METERING SERVICES. REQUIREMENTS FOR:

For all user classes the requirements for adequate metering services shall be as follows:

Class A - A meter shall be required for each dwelling unit. Except, all mobile dwelling units sharing service with a permanent or existing dwelling for less than thirty (30) consecutive days, shall receive service through the permanent dwelling's master meter. A mobile dwelling unit requesting more than thirty (30) consecutive days of service, shall be subject to zoning regulations for multi-residential units on one lot.

Multi-family dwellings that are serviced by one meter shall receive one bill that will be the responsibility of the building owner or the Homeowner's/Propertyowner's Association. The monthly billing shall be the multiple of the residential base rate, based on the number of units being served, plus any overages used.

Class B – To be determined by the City Council.

Class C - Where multiple service connections exist in Class C applications, a minimum of one master meter shall be required for all services downstream or a meter for each unit or entity. Each unit or entity shall be considered an Equivalent Residential Unit (ERU). For the master meter situation, the monthly billing shall be the multiple of the residential base rate, based on the number of units being served (ERUs), plus any overages used and be billed to a Propertyowner's Association for payment. For the individual meter per individual unit situation, each unit will be billed separately.

Section 7. WATER CONNECTION AND CAPITALIZATION FEES:

For all properties there shall be connection and capitalization fees as follows:

A. For all Class A and C uses, the connection and capitalization charges shall be in an amount fixed by Resolution from time to time by the City Council. Class B user connection and capitalization fees shall be determined on a case by case basis by the City Council. All fees shall be the responsibility of the property owner, shall be paid in full prior to installation and at the time of purchasing a building permit for new construction.

B. All capitalization fees shall be placed in a Capitalization Fund, plus all other fees as recommended by the Board of Appraisers and approved by the Council, and are to be spent only upon system expansion and upgrade projects as authorized by the City Council.

Section 8. USER CLASSIFICATION:

All users of the water system of the City of New Meadows are hereby classified as follows:

Class A -Residential

Class B -Industrial

Class C - Mobile Home Parks, Recreational Vehicle Parks, Commercial and all others

Section 9. USER FEES: RATE STRUCTURE:

The fees hereinafter imposed shall be reviewed annually and revised periodically as required and the fees provided by the Ordinance are hereby levied and assessed against each lot, tract or parcel of land, or against each building, structure or other property having any water connection with the City.

A. Rate Structure: Every water user shall be charged a monthly user fee based on the total number of gallons used or estimated as used. During that period of time when the meters are not read, the following rates shall apply:

Class A - Rate of 1

Class B - as recommended by the Board of Appraisers and approved by the Council.

Class C - as recommended by the Board of Appraisers and approved by the Council

A minimum charge, as set by Resolution by the City Council, will be assessed for water service provided for periods of less than a full calendar month.

A minimum monthly charge to cover the servicing of the water system's bonded indebtedness, as set by Resolution by the City Council, will be assessed to all properties with water service connections whether the connection is in use or not.

B. Water Use Fees: All service and user fees are due and payable, in advance, by the tenth (10th) of each month and delinquent and subject to a delinquency fee by the end of the twenty-sixth (26th) day of each month. Delinquency fees shall be officially set by Resolution of the City Council. Services will be discontinued if not paid by the 10th of the following month.

C. All rates determined shall be officially set by Resolution of the City Council.

Section 10. TURNING ON/OFF WATER, CHARGES:

Whenever the owner or occupant of any premises connected with the city water supply system desires, for any purpose, to discontinue such service, they shall notify the City Clerk in writing, in person, or by telephone, and shall pay all arrears or charges, if there are any. No responsibility shall be assumed by the City for the service during the time of discontinuance. A fee, as set forth by the Board of Appraisers, will be assessed for each turn-off and/or reconnect, and must be paid at the time of turn-off or reconnect.

Whenever water service is turned off it shall not be turned on again until after the payment of separate charges for turn-off and reconnect, as set forth by the Board of Appraisers, except when service is discontinued at owner or occupant request on a temporary basis and is to be resumed at a later date in same owner's or occupant's name. Only one fee, as set forth by the Board of Appraisers, will be assessed when services are to be reinstated in same owner's or occupant's name after temporary discontinuance. Fees must be paid, in addition to any arrears or charges, for the said service before the water is turned back on. If continuance of services when water is turned back on requires set-up of an account in an alternate name, separate fees for both turn-off and reconnect will be assessed. A like fee shall be payable if the city employee responsible to turn off water has arrived at the premises even if there was no actual turn-off.

Section 11. DELINQUENCY LIEN:

All delinquent charges, bond payments and fees, as provided by the Ordinance, shall be imposed as a lien against and upon the property or premises to which such water service was furnished and the City Clerk shall certify such delinquencies, together with all penalties, to the Tax Collector of Adams County, and when so certified the same shall be a lien upon the property, and shall be collectable as other taxes.

All moneys collected by the County Clerk under the provisions of this Ordinance shall be paid over to the City Treasurer in the same manner as required for the payment of other City moneys.

Section 12. BOARD OF APPRAISERS:

There is hereby created a Board of Appraisers, consisting of three (3) members, to consist of the Mayor and two members of the City Council, to be appointed by the Mayor who shall have the following powers and duties:

A. Duties of the Board. The Board of Appraisers is hereby delegated the duty to annually review and recommend changes as deemed necessary, all rates, charges or fees made and established under authority of this Ordinance, subject to the approval of the Council.

All such changes shall be brought before the City Council for review and passage by official resolution. Rate changes subject to public hearing requirements shall be advertised in compliance with Idaho State statutes.

Section 13. PENALTIES:

Any person, firm or corporation violating any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in an amount not exceeding one thousand dollars (\$1000.00) or be imprisoned in the County jail for a period not exceeding six (6) months, or be both so fined and imprisoned for each violation. Each day in which any violation shall continue shall be deemed a separate offense.

Any person, firm or corporation violating any of the provisions of this Ordinance shall become liable to the City for any expense, loss, or damage occasioned the City by reason of such violation, including, but not limited to, attorney fees for the prosecution of any criminal offense pursuant to this Ordinance.

Section 14. SEVERABILITY:

If any one or more sections or provision of this Ordinance, or the application thereof to any person, firm, corporation or circumstance, shall ever be held by any court of competent jurisdiction to be invalid, the remaining provisions of this Ordinance and the application thereof to any persons, firms, corporations or circumstances other than those to which it is held to be invalid shall not be affected thereby, it being the intention of the City Council to enact the remaining provision of this Ordinance notwithstanding such invalidity.

Section 15. CONFLICTING ORDINANCES:

Any ordinance, or parts thereof, in conflict herewith, shall be, and the same, hereby are repealed.

Section 16. EFFECTIVE DATE:

This Ordinance shall be in full force and effect from and after its passage, approval and publication.

Passed and approved this __13th__ day of __August__, 2007.

/s/ Gale Stillman

Virginia Gale Stillman, Mayor

/s/ Jacob Qualls

ATTEST: Jacob "Mac" Qualls, City Clerk