

AGENDA ITEM SUMMARY

DATE: 4-21-14

DEPARTMENT: Legal

DEPT. HEAD SIGNATURE: _____

SUBJECT:

Ordinance No. 1145 (Wastewater Fee Amendment)

AUTHORITY: ID Code _____ IAR _____ City Ordinance/Code _____
(IF APPLICABLE)

BACKGROUND/SUMMARY OF ALTERNATIVES CONSIDERED:

At the last City Council meeting, the council continued consideration of Ordinance No. 1145. Staff requested an opportunity to amend the ordinance to show that the exceptions under Section 13.04.130(B)(2) would only apply if the user requested the exception. The attached ordinance shows this revision.

I believe that the Council should conduct a public hearing on this revised ordinance. Since I believe this change is rather minimal, I believe you could waive the three readings. In the alternative, you can certainly just conduct one reading and conduct the second and third readings in the future.

Ned

FISCAL IMPACT / PROJECT FINANCIAL ANALYSIS: Caselle # _____
Budget Line Item # _____ YTD Line Item Balance \$ _____
Estimated Hours Spent to Date: _____ Estimated Completion Date: _____
Staff Contact: _____ Phone # _____
Comments:

ACKNOWLEDGEMENT BY OTHER AFFECTED CITY DEPARTMENTS: (IF APPLICABLE)

___ City Attorney	___ Clerk / Finance Director	___ Engineer	___ Building
___ Library	___ Planning	___ Fire Dept.	___
___ Safety Committee	___ P & Z Commission	___ Police	___
___ Streets	___ Public Works, Parks	___ Mayor	___

RECOMMENDATION FROM APPLICABLE DEPARTMENT HEAD:

Conduct a public hearing on Ordinance No. 1145. Make a motion to adopt Ordinance No. 1145 and to conduct the first reading by title only, or make a motion to adopt Ordinance No. 1145, to conduct one reading by title only and to authorize the mayor to sign Ordinance No. 1145.

FOLLOW-UP REMARKS:

HAILEY ORDINANCE NO. 1145

AN ORDINANCE OF THE CITY OF HAILEY, IDAHO, AMENDING TITLE 13 OF THE HAILEY MUNICIPAL CODE BY AMENDING SECTION 13.04.130(B)(2) TO CLARIFY THAT NEW WASTEWATER USER ACCOUNTS SHALL BE BASED ON A WATER USE OF 6000 GALLONS PER MONTH WITH A PROVISION FOR ADJUSTMENT BASED ON ACTUAL USEAGE; BY PROVIDING FOR A REPEALER CLAUSE; BY PROVIDING FOR A SEVERABILITY CLAUSE; AND BY PROVIDING FOR THE EFFECTIVE DATE OF THIS ORDINANCE UPON PASSAGE, APPROVAL AND PUBLICATION ACCORDING TO LAW.

WHEREAS, the City desires to clarify that new wastewater user accounts shall be initially based on a water use of 6000 gallons per month;

WHEREAS, the City desires to allow for an adjustment to properties served by a separate irrigation account after two full months of useage; and

WHEREAS, the Mayor and City Council find that the amendments to the Chapter will further the public health, safety and general welfare.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF HAILEY, IDAHO, AS FOLLOWS:

Section 1. Section 13.04.130(B)(2) of the Hailey Municipal Code is hereby amended by the addition of the following underlined language and the deletion of the following stricken language:

2. ~~Non-Metered New Account Fee.~~ Except as otherwise provided herein, N new Wastewater user accounts, where an average winter water use has not been established, shall pay a set monthly charge for based on water usage of 6000 gallons per month until the metered wastewater fee can be established pursuant to subsection 13.04.130(B)(1).

- a. For those properties identified as having a separate irrigation system account and upon request by the Wastewater User, the metered wastewater fee shall be set following two full months of water use to the average water use during the two full months until the metered wastewater fee can be established pursuant to subsection 13.04.130(B)(1).
- b. For those properties where a Wastewater User has moved from one property to another property within the city limits and upon request by the Wastewater User, the metered wastewater fee shall be based on the water useage established in the prior property until the metered wastewater fee can be established in the subsequent property pursuant to subsection 13.04.130(B)(1), provided the Wastewater User has certified that the number of occupants has not increased and that the quantity of water in appliances will not increase.

Section 2. Repealer Clause. All Ordinances or Resolutions or parts thereof in conflict herewith are hereby repealed and rescinded.

Section 3. Severability Clause. If any section, paragraph, sentence or provision hereof or the application thereof to any particular circumstances shall ever be held invalid or unenforceable, such holding shall not affect the remainder hereof, which shall continue in full force and effect and applicable to all circumstances to which it may validly apply.

Section 4. Effective Date. This Ordinance shall be in full force and effect after its passage, approval and publication according to law.

PASSED AND ADOPTED BY THE HAILEY CITY COUNCIL and approved by the Mayor this ___ day of April, 2014.

Fritz X. Haemmerle, Mayor City of Hailey

ATTEST:

Mary Cone, City Clerk

