

HAILEY ORDINANCE NO. 987

AN ORDINANCE OF THE CITY OF HAILEY, IDAHO, AMENDING TITLE 13 OF THE HAILEY MUNICIPAL CODE BY AMENDING CHAPTER 13.02 ENTITLED DEFINITIONS; BY AMENDING SECTION 13.04.130 OF THE HAILEY MUNICIPAL CODE ENTITLED WATER AND WASTEWATER USER CHARGES; BY AMENDING SECTION 13.08.150 OF THE HAILEY MUNICIPAL CODE ENTITLED ADMINISTRATION OF MUNICIPAL WATER AND WASTEWATER SYSTEMS; 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 Mayor and the City Council of the City of Hailey have determined water conservation is a desired goal for the City Municipal Water System;

WHEREAS, the Mayor and the City Council of the City of Hailey wish to amend the the Hailey Municipal Code to establish procedures for determining both water and wastewater meter rates, and to establish new procedures and revised fees;

WHEREAS, the fees imposed by this ordinance have been studied and recommended by the City Engineer and are intended to be reasonably related to the benefit conveyed to the residents of the City of Hailey;

WHEREAS, the user fees imposed by this ordinance are intended to make the systems self-supporting and to produce revenues for the payment of indebtedness; 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 13.02.010 of the Hailey Municipal Code is hereby amended by the addition of the underlined language and by the deletion of the stricken language, as follows:

13.02.010 Definitions. Unless the context specifically indicates otherwise, the meaning of terms used in this Title 13 shall be as follows:

A. General.

1. "City" shall mean the City of Hailey, Blaine County, Idaho, or its authorized or designated agent, representative or deputy therefore.
2. "City Council" shall mean the Hailey City Council.
3. "Owner" shall mean a property owner, or his duly authorized representative, who is served or is to be served by the Municipal Water or Wastewater System.
4. "Person" shall mean any individual, firm, company, association, society, corporation or group.

5. "Property" shall mean all property, whether privately or publicly owned, within the corporate limits of the Municipal Water System excluding there from lands that have been dedicated for public street or highway rights-of-way.

6. "Standards" shall mean the City Public Works Department Standard Drawings and Specifications, the Idaho Standards for Public Works Construction and Idaho Administrative Code, IDAPA 58.01, *et seq.*, as adopted and as amended from time to time.

~~7. "3/4" equivalent users" shall mean the calculation of the total demand on the Water and Wastewater Systems based upon the number of each size of water meter multiplied by the capacity of each size of water meter relative to a 3/4" connection.~~

B. Water.

1. "Backflow" shall mean the flow other than in the intended direction of flow of any foreign liquids, gases or harmful or offensive substances into the distribution system of the City water supply as a result of reduced or reversed pressure.

2. "Backflow Prevention Device" shall mean a device or means which, when properly installed between the City water supply system and the terminus or ultimate point of use, will reasonably prevent Backflow, and approved by USCEC, and certified by AASE, IAPMO and UPC.

3. "Cross Connection" shall mean any physical arrangement whereby the City water system is connected with any other water supply system, Wastewater, drain, conduit, pool, storage reservoir or any other source of water supply which contains or may contain contaminated water, sewage or other waste or liquids which may be harmful to human health or which may deleteriously affect the City water supply.

4. "Fire Hydrant" shall mean a device used to discharge water from the Water Main for the general purpose of fighting fires.

5. "Irrigation System" shall mean any system designed to water lawns, gardens, shrubs, trees, etc.

6. "Meter Vault" shall mean a device placed on the Municipal Water Service Line at the property line which contains a shut-off valve and a Water Meter.

7. "Municipal Water Service Line" shall mean that portion of an individual water service line that runs from its connection with the Water Main to and including the corporation stop, Meter Vault, Water Meter and radio signaling unit that is installed on the service line. It will be installed within the limits of the public right-of-way or utility easement, and, after installation, it is owned and maintained by the City.

8. "Municipal Water System" shall mean all components and facilities of the Municipal Water system that is owned, operated and maintained by the City for domestic and other uses.

9. "Private Fire Service Connection" shall mean the separate and independent connection from the Water Main that connects directly to a sprinkler system that has been, or is to be installed, in any building for the purpose of fire control within that specific. A Private Water Service Line for domestic service to the building may be installed off this service connection with a Water Meter plumbed in by the owner.

10. "Private Water Service Line" shall mean the portion of the water service line that runs from the limits of the building being served to the point of connection with the Municipal Water Service Line.

11. "Private Water System" shall mean any water system for domestic use that is not owned, operated and maintained by the City.

12. “Service Connection” shall mean each water connection between the Municipal Water System and a Property.

123. “Water Main” shall mean any pipe line owned by the City for the purpose of transportation and/or distribution of water to serve more than one Private Water Service Line or user.

134. “Water Meter” shall mean a device to measure water use and shall include the radio signal unit.

145. “Water User” shall mean any individual, firm, company, association, society, or corporation, or group who has connected to the Municipal Water System

C. Wastewater.

1. “Biochemical Oxygen Demand (BOD)” shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20°, expressed in milligrams per liter (mg/l).

2. “Building Drain” shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, or other drainage pipes inside the walls of the building and conveys it to the Private Wastewater Service Line, beginning five feet outside the inner face of the building wall.

3. “Building Wastewater System” shall mean the complete piping system for disposing of sanitary waste including the Building Drain, the Private Wastewater Service Line and the Wastewater Service Connection.

3. “Combined Wastewater System” shall mean a Wastewater system receiving both surface runoff and Wastewater.

4. “Garbage” shall mean solid wastes from the domestic and commercial preparation, cooking and dispensing of food, and from the handling, storage and sale of produce.

5. “Industrial Wastes” shall mean the liquid wastes from industrial manufacturing processes, trade, or business as distinct from sanitary Wastewater. All sanitary waste that is combined with industrial waste shall be considered industrial waste.

6. “Municipal Wastewater System” shall mean all facilities for collecting, pumping, treating and disposing of Wastewater.

7. “Natural Outlet” shall mean any outlet into a watercourse, pond, ditch, lake or other body of surface or groundwater.

8. “pH” shall mean the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

9. “Private Wastewater Service Line” shall mean the extension from the Building Drain to the service connection with the Wastewater Main or other place of disposal. The Private Wastewater Service Line is the responsibility of the owner.

10. “Private Wastewater System” shall mean a system for disposing of sanitary waste not connected to the Municipal Wastewater System.

11. “Properly Shredded Garbage” shall mean the wastes from the preparation, cooking and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in the Municipal Wastewater System, with no particle greater than one-half inch in any dimension.

12. “Sanitary Wastewater System” shall mean a Wastewater system which carries Wastewater and to which storm, surface, and groundwaters are not intentionally admitted.

13. “Slug” shall mean a discharge of water, Wastewater, or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen minutes more than five times the average twenty-four hour concentration or flows during normal operation.

14. "Storm Drain" shall mean a pipe which carries storm and surface water and drainage but excludes Wastewater and industrial wastes, other than unpolluted water such as cooling water. A Storm Drain is sometimes termed storm sewer.

15. "Suspended Solids (SS)" shall mean total suspended matter that either floats on the surface of or is in suspension in water, Wastewater, sewage or other liquids and that is removable by laboratory filtering as prescribed in Standard Methods for Examination of Water and Wastewater and referred to as "nonfilterable residue" and is reported in milligrams per liter (mg/l).

16. "Wastewater" shall mean a combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface, and stormwaters as may be present.

17. "Wastewater Main" shall mean the Wastewater mainline and manholes in which all owners of abutting properties have equal rights, and is controlled by public authority.

18. "Wastewater Service Connection" shall mean the point at which the Private Wastewater Service Line connects to the Wastewater Main.

19. "Wastewater Treatment Plant" shall mean any arrangement of devices and structures used for treating Wastewater.

20. "Wastewater User" shall mean any individual, firm, company, association, society, or corporation, or group who has connected to the Municipal Wastewater System.

21. "Watercourse" shall mean a channel in which a flow of water occurs, either continuously or intermittently.

Section 2. Section 13.04.130 of the Hailey Municipal Code is hereby amended by the addition of the underlined language and by the deletion of the stricken language, as follows:

13.04.130 Water and Wastewater User Fees. The Owner or Owner's agent of all Property connected to the Municipal Water or Wastewater System under the terms of this chapter shall be assessed and shall pay monthly user fees as follows:

A. Water User Fees.

1. User Base Fee. The monthly user base fee is intended to cover the costs of the Municipal Water System, including the operation and maintenance costs which consist at least of, but not limited to: 50% of the labor, benefits and administrative costs and 100% of DEQ fees, insurance, training and short-term depreciation. The monthly user base fee shall be assessed to each Property ~~based upon a standard ¾" water service connection. Larger water service sizes shall be assessed a proportionally increased monthly user base fee using the multiplication factors in Section 13.04.140(D).~~ The monthly user base fee shall be calculated by dividing the yearly operation and maintenance costs of the Municipal Water System described herein by the ~~equivalent~~ number of ¾" Water Users. Property with two or more services extended to it shall have the choice of paying a single monthly user base fee (for all services connected to the Property) or establishing separate accounts for each service with a Landlord/Tenant agreement as described in Section 13.04.150.

2. Metered Water Fee. The monthly metered fee is intended to cover the variable costs of the Municipal Water System, including the operation and maintenance costs which consist at least of, but not limited to, 50% of the labor, benefits and administrative costs, parts, fuel, utilities, vehicle maintenance, lab tests and chemicals. The

monthly metered water fee shall be assessed to each separate ~~Property~~ Service Connection based upon the total amount of water used by that Property during one billing period. The metered rate is determined on a sliding scale based upon the variable costs of the Municipal Water System described herein, and as adopted by City Council resolution. The sliding scale shall assess a proportionally greater cost per gallon(s) of water as more water is used by a Property.

3. Bond Payment Fee. The monthly bond payment is intended to cover the cost of bond and note retirement costs which are the legal indebtedness the City is obligated to retire on a set schedule. The monthly water bond payment is determined by taking the bond and note retirement costs and dividing by the number of equivalent ¾" users utilizing the system during the twelve month period. The monthly bond payment fee shall be assessed to each Property ~~based upon a standard ¾" water service connection.~~ Larger water service sizes shall be assessed a proportionally increased monthly bond payment fee using the multiplication factors in Section 13.04.140(D). Bond payment fees will continue even if water services are discontinued at any point.

4. Irrigation Fee. The monthly metered irrigation fee shall be assessed to each Property with a separate irrigation account based upon the amount of water used during one billing period.

B. Wastewater User Fees.

1. User Base Fee. The monthly user base fee is intended to cover the costs of the Municipal Wastewater System, including the operation and maintenance costs which consist at least of, but not limited to, 50% of the labor, benefits and administrative costs, and 100% of DEQ fees, insurance, training, parts, power, fuel, chemicals and short-term depreciation. The minimum monthly user fee shall be assessed to each Property ~~based upon the water service size. A Property with a larger water service size shall be assessed a proportionally increased monthly user base fee using the multiplication factors in Section 13.04.140(D).~~ The monthly user base fee shall be calculated by dividing the yearly operation and maintenance costs of the Municipal Wastewater System described herein by the ~~equivalent~~ number of ¾" Wastewater Users. Property with two or more services extended to it shall have the choice of paying a single monthly user base fee (for all services connected to the Property) or establishing separate accounts for each service with a Landlord/Tenant agreement as described in Section 13.04.150.

2. Metered Wastewater Fee. The monthly metered fee is intended to cover the variable costs of the Municipal Wastewater System, including the operation and maintenance costs which consist at least of, but not limited to, 50% of the labor, benefits and administrative costs, and 100% of parts, fuel, utilities, vehicle maintenance, lab tests and chemicals. The monthly metered wastewater charge shall be assessed to each separate Property based upon the average amount of water used by that Property during the months of November through April. During the month of May the monthly wastewater metered charge shall be adjusted based upon the average use of water during the months of November through April used by each Property.

3. Non-Metered Account Fee. The new construction Wastewater user accounts, where an average winter water use has not been established, shall pay a set monthly charge to cover all fixed and variable costs of the Municipal Wastewater System.

4. Bond Payment Fee. The monthly bond payment is intended to cover the cost of bond and note retirement costs which are the legal indebtedness the City is obligated

to retire on a set schedule. The monthly bond payment is determined by taking the bond and note retirement cost and dividing by the number of ~~equivalent 3/4"~~ Wastewater Users utilizing the system during the twelve month period. The monthly bond payment fee shall be assessed to each Property based upon a standard 3/4" water service connection. ~~Larger water service sizes shall be assessed a proportionally increased monthly bond payment fee using the multiplication factors in Section 13.04.140(D).~~ Bond payment fees will continue even if sewer services are discontinued at any point.

C. Reduction in Water and Wastewater User Base Fees. A reduced monthly water and Wastewater User base fee described in Sections 13.04.130(A)(1) and (B)(1) may be assessed upon proper application to the City Clerk for the following:

1. Residences occupied by persons qualifying under the Blaine County Assessor's Office for circuit breaker reduction in property tax rates shall have a reduced User Base Fee as established by City Council resolution.

Section 3. Section 13.04.150(B) of the Hailey Municipal Code is hereby amended by the addition of the underlined language, as follows:

13.04.150 Administration of Municipal Water and Wastewater Systems.

B. Annual Calculation of Fees. The City Council shall calculate on an annual basis, or more frequently if deemed necessary by the City Council, the monthly Water and Wastewater User base, bond payment, metered water and irrigation fees, metered wastewater fees, connection fees, and other fees authorized by this Chapter to be charged by the City pursuant to the provisions set forth herein. The fees shall be established by a resolution of the City Council, duly made, passed and entered into the minutes of the meeting of the City Council, and shall become effective upon the date as established within the resolution.

Section 4. All Ordinances or Resolutions or parts thereof in conflict herewith are hereby repealed and rescinded.

Section 5. 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 6. 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 25th day of June, 2007.

ATTEST:

Susan McBryant, Mayor
City of Hailey

Heather Dawson, City Clerk

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