

HAILEY ORDINANCE NO. ~~99~~ 996

AN ORDINANCE OF THE CITY OF HAILEY, IDAHO, AMENDING CHAPTER 13.04 OF THE HAILEY MUNICIPAL CODE BY PROVIDING FOR AN AMENDMENT TO SUBSECTION 13.04..B(2) TO ALLOW METERED WASTEWATER RATES TO BE CALCULATED BASED ON WINTER WATER USAGE; BY PROVIDING FOR A NEW SUBSECTION 13.04.130(D) TO ALLOW REDUCTIONS IN METERED WATER AND WASTEWATER RATES; 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 has become aware of the need in Chapter 13 of the Hailey Municipal Code to add language that provides financial relief in metered water and wastewater fees when water lines are frozen or are leaking;

WHEREAS, the City believes reduced rates should be based on a property's historical water usage, or if a history of water usage is not available, then reduced rates should be based on a monthly water usage of 6000 gallons per month for residential uses;

WHEREAS, the City it is appropriate to calculate metered wastewater fees based on a property's average monthly water usage for the period between November 1 and March 31 of the following year; and

WHEREAS, the Mayor and City Council find that the amendments to Chapter 13 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 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:

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 between November 1 and March 31 of the following year~~during the months of November through April.~~ During the following month of April~~May~~ the monthly wastewater metered charge shall be adjusted based upon such~~the~~ average use of water ~~during the months of November through April~~ used by each Property.

Section 2. Chapter 13.04 of the Hailey Municipal Code is hereby amended by the addition of a new Section 13.04.130(D), as follows:

13.04.130 Water and Wastewater User Fees.

(D) Reduction in Metered Water and Wastewater Fees.

1. Leak in Private Water Service Line or within a Building. In the event a leak is discovered in a Private Water Service Line or in a private water service line in a building and the City is notified of the leak or the City notifies the Water User of the leak, the metered water fee and the metered wastewater fee shall be eligible for a credit for a period beginning 30 days before the City is notified or the City sends notification, until sixty (60) days following notification (the "Credit Period"), provided the leak is repaired during the sixty (60) day period following notification, except as otherwise provided herein. If the leak is not repaired during the sixty (60) day period following notification, the Water User shall not be entitled to any reduction in the metered water fee and the metered wastewater fee, and the water and wastewater metered fee shall be calculated as set forth in Sections 13.04.130(A)(2) and (B)(2), except as otherwise provided herein. If the leak is repaired during the first thirty (30) days following notification, the metered water fee and the metered wastewater fee during the Credit Period shall be calculated based on the Water User's water usage during the same period of the previous year, or the actual metered quantity, whichever is less. If the leak is repaired between thirty (30) days and sixty (60) days following notification, the metered water fee and the metered wastewater fee during the Credit Period shall be based on the following:

((the actual metered usage) - (the Water User's water usage during the same period of the previous year)) x 50%, or the actual metered quantity, whichever is less.

The Water User has the burden to notify the City when the leak is repaired.

Exceptions:

a. If a leak is discovered in a Private Water Service Line between December 1 and April 15 of the following year, the thirty (30) and sixty (60) day periods described above to repair a leak shall begin on April 15 and the Credit Period as defined above shall be modified so that the Credit Period begins 30 days before the City is notified or the City sends notification, until June 14.

b. If a leak is discovered in a Private Water Service Line and if the Water User is unable to repair the leak because a private contractor did not perform the repair within sixty (60) days following notification, the Credit Period shall be extended for an additional maximum period of thirty (30) days, provided the private contractor was contacted by the Water User and the private contractor agreed to perform the repair services within ten (10) days of the notification.

2. Provision of Water to Neighboring Water User. In the event water service is disrupted to a Water User based on a frozen Private Water Service Line between December 1 and April 15 of the following year, and a Water User provides water from the Municipal Water System to the Water User whose water service was disrupted following notification to the City, the metered water fee and the metered wastewater fee to be charged to the Water User who provides water for the period of time between the date of notification and the date water is no longer provided to the Water User whose water service was disrupted (which shall not extend beyond April 15) shall be based on the water usage by the

Water User whose water service was disrupted during the same period of the previous year, or a water usage of 6000 gallons per month, whichever is less. In such a case, the metered water fee and the metered wastewater fee to be charged to the Water User whose water service was disrupted shall be based on the Water User's water usage during the same period of the previous year or on a water usage of 6000 gallons per month, whichever is less.

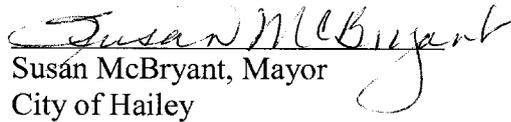
3. **Freeze Protection.** In the event water usage for a Water User exceeds 6000 gallons per month between December 1, 2006 and April 15, 2008, based on allowing water to continually or intermittently run to prevent frozen pipes in a Private Water Service Line and if the City is notified of the continual or intermittent use of water, the metered water and wastewater fee for the period of time between the date of notification and the date water was not continually or intermittently run shall be based on the Water User's water usage as metered or 6000 gallons per month, whichever is less. The provisions of this Section 13.04.130(D)(3) shall be effective through April 15, 2008, at which time the provisions of this Section 13.04.130(D)(3) shall terminate and become null and void.

Section 3. All Ordinances or Resolutions or parts thereof in conflict herewith are hereby repealed and rescinded.

Section 4. 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 5. 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 26th day of November, 2007.


Susan McBryant, Mayor
City of Hailey

ATTEST:


Heather Dawson, City Clerk