

HAILEY ORDINANCE NO. 1073

AN ORDINANCE OF THE CITY OF HAILEY, IDAHO, AMENDING SECTIONS 13.04.130(B) AND (D) OF THE HAILEY MUNICIPAL CODE TO PROVIDE FOR AN ALTERNATIVE CALCULATION OF METERED WASTEWATER USER FEES FOR CONTINUAL AND INTERMITTENT USE OF WATER NEEDED TO PREVENT FROZEN PIPES DURING THE WINTER MONTHS; 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 wish to amend the Hailey Municipal Code to establish procedures for adjusting wastewater fees;

WHEREAS, the procedures 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 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) 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:

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 the DEQ fees, insurance, training and short-term depreciation. The minimum monthly user fee shall be assessed to each Property. 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 number of 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 except as provided under Section 13.04 130(D)(3).

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 requirement 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 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 water service connection. Bond payment fees will continue even if sewer services are discontinued at any point.

Section 2. Section 13.04.130(D) 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:

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 the 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 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 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 to the City, the metered water fee and

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 during 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.

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.

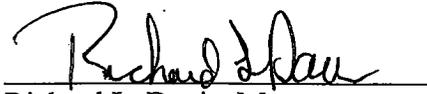
3. Freeze Protection. ~~Subject to the requirements set forth herein, in the event water usage for a Water User exceeds 6000 gallons per month between December 1, 2006 and April 15, 2008, based on allowing water is required to continually or intermittently run to prevent frozen pipes in a Private Water Service Line between November 1 and March 31 of the following year 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 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 Owner shall not run the freeze protection water into the Wastewater system and shall provide proof satisfactory to the City that water is not run into the Wastewater system. If the Owner does not provide notification of the need to run water for freeze protection and proof that the water, which is continually or intermittently run, is not discharged into the Wastewater system, then there shall be no adjustment of the metered Wastewater fee. The provisions allowing for a reduction of Wastewater fees for freeze protection do not relieve an Owner from paying for the water used for freeze protection. 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.

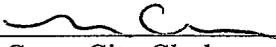
Section 5. This Ordinance shall be in full force and effect after its passage, approval and publication according to law.

PASSED AND ADOPTED BY THE HAILEY CITY COUNCIL and approved by the Mayor this 25th day of October, 2010.



Richard L. Davis, Mayor
City of Hailey

ATTEST:



Mary Cone, City Clerk

Publish Summary: Idaho Mountain Express Nov. 3, 2010

