

HAILEY ORDINANCE NO. 1078

AN ORDINANCE OF THE CITY OF HAILEY, IDAHO, AMENDING TITLE 13 OF THE HAILEY MUNICIPAL CODE BY AMENDING SECTION 13.04.130(B)(2) OF THE HAILEY MUNICIPAL CODE TO PROVIDE THAT ANY ADJUSTMENT OF WASTEWATER METERED CHARGES IS BASED ON USE DURING NOVEMBER THROUGH MARCH; BY AMENDING SECTION 13.04.130(D) OF THE HAILEY MUNICIPAL CODE TO ADD A NEW SECTION 13.04.130(D)(4) PROVIDING FOR A REDUCTION IN METERED WATER AND WASTEWATER FEES WHEN WATER USAGE EXCEEDS A CERTAIN RANGE; 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 water 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; 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 underlined language and by the deletion of the stricken language, as follows:

B. Wastewater User Fees.

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~~ March used by each Property except as provided under Sections 13.04.130(D)(3) and (4).

Section 2. Section 13. 04.130(D) of the Hailey Municipal Code is hereby amended by the addition of a new Section 13.04.130(D)(4), as follows:

D. Reduction in Metered Water and Wastewater Fees.

4. Meter Reading Dispute. Subject to the requirements set forth herein, in the event a Water User disputes a meter reading, a Water User shall, in the Water User's discretion, be reimbursed and/or given credit for excessive charges accumulated due to an incorrect meter reading according to the following:

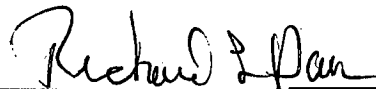
- a. The Water Department will perform a leak check prior to the Public Works Department reviewing the past history of water use for the month(s) in question to determine if the disputed water use is within a 50% range of the same month(s) in the previous year. If the water usage is within this range, reimbursement or a credit will not be issued. Should a leak be discovered, the procedures in Section 13.04.130(D)(1) will be followed.
- b. Water Users who request reimbursement and/or a credit to their account due to excessive charges due to an incorrect meter reading will be reimbursed or given a credit based upon the water usage in the same month(s) in the previous year.
- c. If the property has no history of water usage during the applicable month(s), the average water useage for all known months of water useage will be used.
- d. Disputes between October 1 and April 30 will not be considered without detailed documentation.

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.

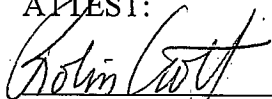
Section 5. This Ordinance shall be in full force and effect after its passage, approval and publication according to law.

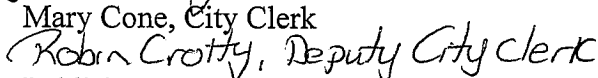
PASSED AND ADOPTED BY THE HAILEY CITY COUNCIL and approved by the Mayor this 20th day of December, 2010.



Richard L. Davis, Mayor
City of Hailey

ATTEST:



Mary Cone, City Clerk

Robin Crotty, Deputy City Clerk

Publish ~~Summary~~: Idaho Mountain Express December, 2010 (Dec. 22, 2010)

no
summary
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