

HAILEY ORDINANCE NO. 1085

AN ORDINANCE OF THE CITY OF HAILEY, IDAHO, AMENDING TITLE 13 OF THE HAILEY MUNICIPAL CODE BY AMENDING SECTION 13.02.010(B) OF THE HAILEY MUNICIPAL CODE TO CLARIFY THE DEFINITION OF MUNICIPAL WATER SYSTEM; BY AMENDING SECTIONS 13.04.130(A) AND (B) OF THE HAILEY MUNICIPAL CODE TO INCLUDE EXPANSION OF THE MUNICIPAL WATER AND WASTEWATER SYSTEMS TO BE FUNDED BY THE WATER AND WASTEWATER USER BASE FEES; 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 the definitions of Municipal Water System and to allow expansion of the Municipal Water and Wastewater Systems to be funded by Water and Wastewater User Base Fees; 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(B) of the Hailey Municipal Code is hereby amended by the addition of the following underlined language and the deletion of the following stricken language:

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.

A. "Back Pressure Backflow" shall mean the backflow of a contaminated, or polluted fluid due to an increased pressure above the supply pressure, which may be due to pumps, boilers or other sources of pressure.

B. "Back Siphonage Backflow" shall mean the flowing back of used, contaminated, or polluted fluid from a plumbing fixture or vessel into a water supply pipe due to a pressure less than atmospheric in such pipe.

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 are used to deliver ground water and surface water within the City and that is are owned, operated and maintained by the City for domestic, irrigation 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.

13. "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.

14. "Water Meter" shall mean a device to measure water use and shall include the radio signal unit.

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

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

A. Water User Fees.

1. User Base Fee. The monthly user base fee is intended to cover the costs of the operation, maintenance and expansion 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. The monthly user base fee shall be

calculated by dividing the yearly operation, ~~and maintenance~~ and expansion costs of the Municipal Water System described herein by the number of 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.

Section 3. Section 13.04.130(B)(1) of the Hailey Municipal Code is hereby amended by the addition of the following underlined language and the deletion of the following stricken language:

B. Wastewater User Fees.

1. User Base Fee. The monthly user base fee is intended to cover the costs of the operation, maintenance and expansion 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 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~~ and expansion costs of the Municipal Wastewater System described herein by the number 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.

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

Section 5. 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.

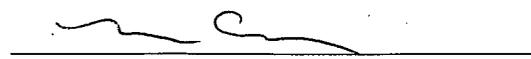
Section 6. Effective Date. This Ordinance shall be in full force and effect after its passage, approval and publication according to law.

PASSED AND ADOPTED BY THE HAILEY CITY COUNCIL and approved by the Mayor this 25 day of July, 2011.



Richard L. Davis, Mayor City of Hailey

ATTEST:


Mary Cone, City Clerk

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