

HAILEY ORDINANCE NO. 1139

AN ORDINANCE OF THE CITY OF HAILEY, IDAHO, AMENDING SECTION 13.04.130(A) OF THE HAILEY MUNICIPAL CODE TO CALCULATE BASE WATER FEES BASED ON 25% OF THE WATER DEPARTMENT BUDGET AND TO CALCULATE METERED WATER FEES BASED ON 75% OF THE WATER DEPARTMENT BUDGET; AMENDING SECTION 13.04.130(B) OF THE HAILEY MUNICIPAL CODE TO CALCULATE METERED WASTEWATER FEES BASED ON INDOOR WATER USEAGE; 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 examined the historical use of water in Hailey and the system of assessing water and wastewater fees based on fixed and variable costs;

WHEREAS, the City believes significant water conservation can be achieved in several ways, including the imposition of water and wastewater fees;

WHEREAS, the conservation of water is a valid public purpose and will promote the public health, safety and general welfare;

WHEREAS, the conservation of water will reduce the necessity of constructing expensive capital infrastructure in the future;

WHEREAS, the City wishes to promote conservation of water for both outdoor and indoor water usage, but at the same time, implement a fee schedule which generates sufficient revenue to cover the necessary and normal expenses of the Hailey water and wastewater systems;

WHEREAS, the City recognizes that conservation of water will reduce revenue generated;

WHEREAS, based on historical usage of water, approximately 73% of the water used by residential properties in Hailey is used for outdoor irrigation, while 27% of the water used by residential properties in Hailey is used for indoor use;

WHEREAS, approximately 1/3 of the present water budget is funded by fixed fees, while approximately 2/3 of the present water budget is funded by metered rates, and this 1/3:2/3 allocation has generated sufficient revenue to fund the Hailey Water Department;

WHEREAS, the City anticipates that the greatest water conservation is likely to come from a reduction in irrigation practices, but the City would like to also promote conservation of indoor water usage to the greatest extent possible;

WHEREAS, the City believes that an allocation of the base water fee based on 25% of the water department budget and an allocation of the metered water fee based on 75% of the water department budget is consistent with historical water usage and budget allocations;

WHEREAS, the City believes the 25% and 75% allocation to the base and metered water fees is reasonable, will better target water conservation and will still allow the collection of fees necessary to fund the water department budget;

WHEREAS, the City believes the impact to the wastewater system is best measured by the indoor water usage and therefore, the wastewater fees should be based on indoor water usage;

WHEREAS, the City believes the assessment of wastewater fees based on indoor water usage is reasonable, will target water conservation and will still allow the collection of fees necessary to fund the wastewater department budget; and

WHEREAS, the Mayor and City Council find that the amendments to Chapter 13 of the Municipal Code, as set forth herein, 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(A) 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. The Owner or Owner's agent of all Property connected to the Municipal Water System under the terms of this chapter shall be assessed and shall pay monthly user fees beginning at the time of connection, as follows:

1. User-Base Water Fee. The ~~monthly user base water fee~~ is intended to cover the fixed costs of the operation, maintenance and expansion of the Municipal Water System generally attributable to indoor potable water usage which shall be 25% of the Water Department Budget, including 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 served by a Service Connection. The monthly user base fee shall be calculated by dividing 25% of the Water Department Budget ~~the yearly operation, maintenance and expansion costs of the Municipal Water System described herein~~ by the number of Water Users and by 12, and as adopted by City Council resolution. 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 water fee~~ is intended to cover the variable costs of the ~~Municipal Water System, including the operation, and maintenance and expansion of the Municipal Water System,~~ generally attributable to outdoor irrigation water usage which shall be 75% of the Water Department Budget 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 Property served by a separate Service Connection based upon the total amount of water used by

that Property during one billing period. The monthly metered water fee shall be calculated ~~The metered rate is determined on a sliding scale based upon the usage of water measured by each Service Connection~~ ~~variable costs of the Municipal Water System described herein, and as adopted by City Council resolution.~~ The metered water fees shall be based on a sliding scale shall which assesses a proportionally greater cost per 1000 gallons(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 Water Users utilizing the system during the twelve month period. The monthly bond payment fee shall be assessed to each Property. 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.

Section 2. Section 13.04.130(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. Wastewater User Fees. Except as otherwise provided in subparagraph 54 below, the Owner or Owner's agent of all Property connected to the Municipal Wastewater System under the terms of this chapter shall be assessed and shall pay monthly user fees beginning at the time of connection, as follows:

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 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, maintenance and expansion 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 wastewater fee is intended to cover the variable all costs of the operation and maintenance 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 served by a Service Connection. The monthly metered wastewater fee shall be based upon the average amount of water used by that Property between November 1 and March 31 of the following year, and as adopted by City Council resolution. During the following month of April~~ On an annual basis, the monthly wastewater metered charge ~~wastewater~~

fee shall be adjusted based upon such average use of water used by each Property between November 1 and March 31 of the following year, except as provided under SectionSubsections 13.04.130(D)(3) and (4).

32. Non-Metered Account Fee. New construction Wastewater user accounts, where an average winter water use has not been established, shall pay a set monthly charge for water usage of 6000 gallons per month.

43. 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 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.

54. Exception for New Construction. Wastewater User fees shall not be assessed until the issuance of a Certificate of Occupancy for New Construction.

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

Section 4. 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 5. 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 21st day of November, 2013.


Fritz X. Haemmerle, Mayor City of Hailey

ATTEST:


Mary Cone, City Clerk

