

HAILEY ORDINANCE NO. 1094

AN ORDINANCE OF THE CITY OF HAILEY, IDAHO, AMENDING SECTION 13.02.010(A) TO ADD THE DEFINITIONS OF CERTIFICATE OF OCCUPANCY AND NEW CONSTRUCTION; AMENDING SECTIONS 13.04.130(A) AND (B) TO PROVIDE AN EXCEPTION TO THE ASSESSMENT OF WASTEWATER FEES FOR NEW CONSTRUCTION UNTIL ISSUANCE OF A CERTIFICATE OF OCCUPANCY; 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 that new construction will not be assessed wastewater user fees until issuance of a certificate of occupancy; and

WHEREAS, the Mayor and City Council find that the amendments to Chapters 13.02 and 13.04 of the Hailey Municipal Code 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. Sections 13.02.010(A) of the Hailey Municipal Code is hereby amended by the addition of the underlined language and the renumbering of definitions as follows:

13.02.010 Definitions. Unless the context specifically indicates otherwise, the meaning of capitalized terms used in this Title 13 shall be as follows:

A. General.

1. “Certificate of Occupancy” shall mean either a temporary certificate of occupancy or a final certificate of occupancy issued by the Hailey Building Official under the applicable adopted building code, whichever occurs first.

2. “City” shall mean the City of Hailey, Blaine County, Idaho, or its authorized or designated agent, representative or deputy therefore.

3. “City Council” shall mean the Hailey City Council.

4. “New Construction” shall mean construction of a new residential or commercial building requiring a connection to the Municipal Wastewater System.

5. “Owner” shall mean a property owner, or his duly authorized representative, who is served or is to be served by the Municipal Water or Wastewater System.

6. “Person” shall mean any individual, firm, company, association, society, corporation or group.

7. “Property” shall mean all property, whether privately or publicly owned, within the corporate limits of the Municipal Water System excluding there from lands that have been dedicated for public street or highway rights-of-way.

8. “Standards” shall mean the City Public Works Department Standard Drawings and Specifications, the Idaho Standards for Public Works Construction and Idaho Administrative Code, IDAPA 58.01, *et seq.*, as adopted and as amended from time to time.

Section 2. Sections 13.04.130(A) and (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:

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:~~

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 Fee. The monthly user base fee is intended to cover the costs 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 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.

2. Metered Water Fee. The monthly metered fee is intended to cover the variable costs 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, parts, fuel, utilities, vehicle maintenance, lab tests and chemicals. The monthly metered water fee shall be assessed to each separate Service Connection based upon the total amount of water used by that Property during one billing period. The metered rate is determined on a sliding scale based upon the variable costs of the Municipal Water System described herein, and as adopted by City Council resolution. The sliding scale shall assess a proportionally greater cost per gallon(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.

B. Wastewater User Fees. Except as otherwise provided in subparagraph 5 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 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 following month of April, the monthly wastewater metered charge shall be adjusted based upon such average use of water used by each Property.

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 Systems.

4. 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.

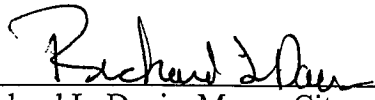
5. Exception for New Construction. Wastewater User fees shall not be assessed until the issuance of a Certificate of Occupancy for New Construction.

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 20th day of November, 2011.



Richard L. Davis, Mayor City of Hailey

ATTEST:



Mary Cone, City Clerk

Summary published Nov ³⁰ ~~20~~, 2011