

CHAPTER 13.16 - WATER RATES--BILLING

Sections:

- 13.16.010 Rates to be set by council resolution.
- 13.16.020 Bills--Issued and payable when--Delinquency and discontinuance of service.
- 13.16.025 Vacate rate – for Bonds that are due
- 13.16.030 Service deposit required-- Amount.
- 13.16.040 Unpaid charges made lien or assessment when.

13.16.010 Rates to be set by council resolution.

The water rates shall be as set by the council by proper resolution filed in the office of the clerk. (Prior code 53-1-9(a))

13.16.020 Bills--Issued and payable when--Delinquency and discontinuance of service.

- A. All bills for water service shall be issued by the city clerk on the first day of each month after the effective date of the ordinance codified herein and shall be made a part of and combined with the monthly sewer and garbage statements issued by the clerk. All bills for water charges shall be due and payable on and after the first day of each month following the effective date of the ordinance codified herein. If bills are not paid before the tenth day following the first day, the same shall become delinquent. Water consumers should be notified of this delinquency and if the bill is not paid in full within fifteen days after service of this notification on the water consumer, the right to water shall cease and terminate unless the water consumer requests a pretermination hearing. Should the water consumer not request a pretermination hearing, or if an adverse decision is rendered against the water consumer as a result of the pretermination hearing, the city may require the water consumer to pay the delinquent water bill attributable to his own use, plus a twenty-five dollar turn-on charge as a condition of receiving water service again.
- B. The city, in its delinquency notice to all water consumers, shall inform in writing all water consumers of their right to a pretermination hearing, with such hearing to be held with the due process protection described below; and will not discontinue water service to any water consumer prior to a fair and impartial hearing, after timely and adequate notice and an opportunity to confront witnesses, to personally appear with retained counsel to be judged on facts adduced at the hearing and to otherwise be heard and defend the claim made by the city, if a pretermination hearing is requested by any water consumer. The city council shall have the responsibility of holding pretermination hearings. The city council shall make a record of any pretermination hearing. The city council shall render its decision in writing, giving the reasons for its determination. In decisions adverse to the water consumer, the city council will inform the water consumer of the right to appeal the decision pursuant to the Idaho State Administrative Procedures Act; provided, however, the city shall not initially deny or discontinue water service to any water consumer because of any delinquent water bill on that premises that is attributable to the prior water use of another water consumer; provided further, that the city shall not initially deny water service to any water user for whatever reason without informing the water consumer of the right to a hearing before the city council on the issue of whether the city can initially deny water services. In the case of an initial denial of water service, the city is not required to provide water service pending a hearing. However, a hearing upon request of a water consumer initially denied water service shall be held as expeditiously as possible and held in the manner and accordance with the procedures for pretermination hearings delineated above. (Reso. 1992-6; Ord. 1979-2 §1, 1979: prior code §3-1-9(b))

13.16.025 Vacate rate

The foregoing charges shall be payable at one-half ($\frac{1}{2}$) of the monthly rate when the premises are unoccupied, and when the City Clerk has received a prior written request when vacate or unoccupied . When the City Clerk has received a prior written request to temporarily terminate water service for the specific reason that the premises are unoccupied. Owners of the property shall be responsible for the payments of the utilities whether the property is occupied or used by the owner, or third persons, or not occupied or used. Ordinance No. 1986-C

13.16.030 Service deposit required-- Amount.

All consumers of domestic water now receiving water service and all persons hereafter to receive water service furnished by the city are required to post a deposit in the sum of twenty-five dollars, to secure payment of water charges for each business and/or dwelling unit receiving water from the city. Such deposit shall be returned to said customer and consumer upon termination of service providing costs of service have been paid. (Reso. 1992-6; prior code §3-1-9(c)).

13.16.040 Unpaid charges made lien or assessment when.

In the event that the charges for water service are not paid when due and payable, in accordance with the provisions of the ordinance codified herein, the city clerk may make and file an assessment or lien in behalf of the city for the amount due within the time and in the manner provided for filing liens of mechanics and materialmen under the provisions of the laws of the state of Idaho, and such lien shall bind the premises in the same manner and to the same extent as such material men's and mechanics' liens are binding under the state law, and foreclosed in the same general manner. Upon foreclosure thereof, attorneys' fees and costs shall in like manner be allowed; or the city may sue to recover the amount due, and for service furnished from the person liable without filing such lien or assessment. (Prior code §3-1-9(d)).