

## **CHAPTER 13.16 - WATER AND SEWER RATES--BILLING**

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### **13.16.010 Rates to be set by Council resolution.**

The water and sewer rates shall be set by resolution by the City Council, filed in the City Clerk's Office and published in the City Master Fee List

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

The legal property owner, as recorded with the Butte County Assessor's Office, is the responsible party for all utility payments (water, sewer, and garbage services) to the City of Arco. Beginning January 1, 2026, the City will no longer open new utility accounts for renters, tenants, lessees, and other similar parties. All utility service accounts currently billed to renters, tenants, lessees, and other similar parties will be transitioned to the property owner of record. This process shall be completed by the property owner before July 1, 2026. Accounts not transitioned by July 1, 2026, will have the water service to the property shut off until the deficiency is corrected. After July 1, 2026, all utility accounts with the City will be in the name of the property owner only, and payments will be accepted only from the property owner or their designated agent.

All bills for water service are issued by the City Clerk on the first day of each month and are combined with the monthly sewer and garbage billings issued by the City Clerk. Bills for all city utilities shall be due by the tenth day of that month, or the payment becomes delinquent. If the bill is not paid in full by the tenth day of the following month, water consumers will be notified of this 30-day delinquency. Accounts that are delinquent for more than 30 days shall be subject to having water service shut off, unless the water consumer has made approved payment arrangements or requests a pre-termination hearing. Should the water consumer not request a pre-termination hearing, or if an adverse decision is rendered against the water consumer as a result of the pre-termination hearing, the City will shut off water service to the premises. When water has been shut off due to non-payment, the water consumer must make payment to bring the account balance current and pay an additional reconnection fee, as specified in the City Master Fee List, to receive water service again.

Written delinquency notices will be delivered to the affected water consumer informing them of their past-due balance and their right to a pre-termination hearing. This hearing will be held with due process protection for the water consumer, and the City will not discontinue water service to any water consumer prior to a fair and impartial hearing. The water consumer shall be provided with timely and adequate notices of scheduled hearing locations, dates, and times, as well as an opportunity to present and confront witnesses, personally appear with retained counsel, and otherwise be heard and defend the claim made by the City. The City Council shall be responsible for conducting pre-termination hearings and shall maintain a record of all hearing proceedings. At the conclusion of the pre-termination hearing, the City Council will

impartially consider its decision based solely upon the facts and testimony presented during the hearing. The City Council may verbally render its decision immediately, after some deliberation but prior to closing the hearing, or adjourn the hearing to provide more time to deliberate upon the decision, which will be rendered at a later hearing session. In either case, the City Council's final decision shall be provided to the water consumer in writing, along with 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.

The City shall not deny an initial application 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. The City reserves the right to deny an initial application for water service to any user for reasonable cause; however, the water consumer will then be informed of their right to request an appeal hearing on the matter before the City Council. If a denial appeal hearing is requested, the City Council will conduct the hearing in the same manner as a pre-termination hearing as described above, and provide the same rights under due process, with the exception that the City is not required to provide water service during the time prior to a final decision of the Council being rendered. In response to the adverse situation facing the affected water consumer, requests for denial appeal hearings will be held as expeditiously as possible.

#### **13.16.025 Vacate rate**

In order to meet bond reserve requirements, water and sewer service charges shall be billed at one-half ( ½) of the standard monthly rate when the premises are unoccupied, provided the City Clerk has been notified prior to the vacancy. When the City Clerk is notified of the intent to temporarily terminate water service, the property owner shall provide the specific reason that the premises will be unoccupied and the expected duration of the vacancy.

Water service to the property shall be shut off at the predetermined date of termination. The City shall not be held liable for any damage to the property's water system resulting from the termination of service. It is exclusively the owner's responsibility to ensure that damage to the piping or appliances does not occur due to a lack of water or freezing temperatures. Upon conclusion of the vacancy, the property owner shall notify the City Clerk of the need to restore water service. Water service will be restored after payment of a voluntary reconnection fee, as specified in the City Master Fee List, which is set by resolution of the City Council.

The legal owner of record for the property shall be responsible for vacate rate utilities payments for the duration of the vacancy.

#### **13.16.030 Service deposit required-- Amount.**

All consumers receiving water service furnished by the city are required to post a deposit to secure payment of water charges for each property served by the city. The amount of the security deposit shall be set by resolution of the City Council and listed in the City Master Fee List. This deposit shall be returned to the consumer upon termination of service, provided that the account for services has been paid in full.

#### **13.16.040 Unpaid charges made lien or assessment when.**

In the event that charges for water service are delinquent for more than 90 days, and no attempts have been made to rectify the delinquency, the City Clerk will file an assessment or lien on behalf of the City for the amount due, as provided by Idaho law. This lien shall remain binding for the premises until the

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account is brought up to date or the property is entered into foreclosure under Idaho law. In the event of foreclosure, the City has the right to recover the amount due, attorneys' fees, and allowed costs as provided by Idaho law.

The City also reserves the right to forego filing a lien or assessment and proceed directly to litigation to recover the amount due from the person liable. The City shall not be required or compelled to engage in any arbitration or settlement proceedings prior to seeking legal relief under the law.

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