

*Sewer*

AN ORDINANCE AMENDING ORDINANCE NUMBERS 157 and 133 and 136 to establish definitions; to add clarity to the term connection and connection fee; to provide a table for evaluation of Equivalent Dwelling Units (EDU's); and to establish North Lake Recreational Sewer and Water District's (District) role, and to establish new rates.

SECTION I.: DEFINITIONS:

Equivalent Dwelling Unit (EDU): is the possible demand or one typical residential dwelling unit using a ¾-inch water meter and is further defined by Table 1 in Exhibit A.

Connection: is any tap or connection to the sewer system allowing the discharge of waste into the system; shall be determined by the number of Equivalent Dwelling Units per Exhibit A; and shall be evaluated and determined by the District Engineer according to the standards set forth by Exhibit A. Evaluation by the District Engineer shall be made from the approved plan set at the time of Application for Building Permit.

Connection Fee: are fees assigned to each main line tap and shall be based on EDU's as set forth by Exhibit A. Fees per EDU include but are not limited to a base connection fee plus time and materials and Capital Improvement Fund Charges as established by the District.

"User": any person, firm, company, corporation, partnership, association, and any other demand on the Sewer System through a connection.

Capital Improvement Fund: are funds with which to erect, construct, enlarge, extend and maintain collection mains, lift stations, treatment facilities or structures for the City or District.

Rate: is a monthly fee to be paid to the City of Donnelly by each User based on EDU's as established by Exhibit A; and shall be evaluated and determined by the District Engineer according to the standards set forth by Exhibit A. Evaluation and determination by the District Engineer shall be made from the approved plan set at the time of Application for Building Permit.

District: NORTH LAKE RECREATIONAL SEWER AND WATER DISTRICT

Agreement: an agreement between the City of Donnelly and North Lake Recreational Sewer and Water District entered into and executed August 2005.

SECTION II.: Re-Evaluation of Connections and Rates:

Re-evaluation of Connections and Rates: For existing users, the District Engineer shall re-evaluate the number of EDU's, for each user, each time a building permit is applied for. If it is determined that the number of EDU's has increased, all additional fees including but not limited to connection fees shall be paid to the District in full

before the issuance of a building permit. Monthly rates, paid to the City, shall be adjusted accordingly to the determined EDU's.

If the Engineer determines that the number of EDU's has decreased, the user is not eligible for a refund of previously paid fees. However, the monthly fees owed by the user shall be adjusted according to the newly determined number of EDU's

**SECTION III.: ESTABLISHMENT THAT NORTH LAKE RECREATIONAL SEWER AND WATER DISTRICT SHALL MAINTAIN, OPERATE, MANAGE, ENGINEER, AND ADMINISTER THE CITY SEWER SYSTEM:**

In that the City of Donnelly (City) has entered into an agreement with the District to maintain, operate, manage, engineer, and administer the City sewer collection and treatment system and have agreed that the district may provide sewer service outside the City of Donnelly service area as defined in the agreement: Connections, Connection Fees for Sewer Capital Improvements and Connection Charges shall be established, administered and collected by the District per the Agreement.

The City shall maintain a Capital Improvement Fund as established by Ordinance 133 Section 1 for the replacement of existing collection mains as set forth in the Agreement.

The City shall set and collect monthly service rates.

**SECTION IV.: Sections 2 of Ordinance No. 133 is hereby amended to read as follows:**

**SEWER CAPITAL IMPROVEMENT FUND CHARGES ESTABLISHED TIME OF PAYMENT, DEPOSIT OF CHARGES:** A Sewer Capital Improvement Fund charge of five dollars (\$5.00) shall be collected from every person, firm, company, corporation, partnership, association and any other user from each monthly rate fee per EDU.

All Sewer Capital Improvement Fund charges shall be paid to the City Clerk and shall be deposited by the City Clerk into the Sewer Capital Improvement Fund established and created by Section 1 of Ordinance 133.

**SECTION V.: Sections 4 of Ordinance No. 133 is hereby amended to read as follows:**

**SEWER SERVICE CONNECTION FEE; PERMIT; INSPECTIONS; DISPOSITION OF FEES:** Any person constructing a sewer service line by which to attach and connect the property to any sewer system transporting sewage, industrial wastewater or other wastes and liquids to the City of Donnelly treatment plant shall pay a sewer service connection charge, and such charge shall be made and imposed upon and collected from such users. The rate for each connection charge is hereby established, collected and held by the District.

Before any connection shall be made to the sewer system a permit therefore shall be obtained from the District upon payment of the fees provided in this Section and thereafter such connection to the sewer system shall be made the expense of the person desiring such connection and the same shall be made under the supervision of the District and such approval by the District. All fees collected by the District

hereunder shall be by the District deposited in a sewer revenue account as set forth in the Agreement.

SECTION VI.: Section 6 of Ordinance No. 133 and Section I of Ordinance No. 157 is amended to read as follows:

SEWER RATES ESTABLISHED: Sewer rates shall be based upon one Equivalent Dwelling Unit (EDU) and the City shall charge and all sewer users shall pay for sewer service as follows:

A. Residential Service:

A minimum monthly rate of \$32.00 for each EDU and \$2.50 for each 1000 gallons of water used. In the event a water meter does not exist then the monthly rate shall be based on the Monthly Flat Rate Fee of \$41.43.

B. All Other Sewer Service Users:

A minimum monthly rate of \$32.00 for each EDU and \$2.50 for each 1000 gallons of water used. In the event a water meter does not exist then the monthly rate shall be based on the Monthly Flat Rate Fee of \$41.43.



The District Engineer shall establish equivalent EDUs for each type of sewer service user other than residential use, on a case by case basis as shown in Exhibit A.

SECTION VII.: TIME OF PAYMENT– DISCONTINUANCE OF SEWER SERVICE: Section 8 of Ordinance No. 133 is amended to read as follows:

Sewer service user charges shall be paid by the 10th day of the month next succeeding the month during which such water service was furnished. If not so paid the City Clerk shall cause water service to be terminated pursuant to the provisions of Ordinance No. 136, adopted October 17, 1994.

SECTION VIII.: DEPOSIT OF CHARGES:

All sewer service charges collected by the City Clerk shall by said City Clerk be immediately deposited in the Sewer Revenue Account within the City of Donnelly Water And Sewer Revenue Fund created by Section 11 of Ordinance No. 135, adopted October 17, 1994.

SECTION IX.: Section II of Ordinance No. 157 is amended to read as follows

The City Council, from time to time shall review sewer capital improvement fund charge, sewer service rates and monthly user rates and, as required by law, set any rates or fees by resolution.

SECTION X.: REPEALING CONFLICTING ORDINANCES AND RESOLUTIONS: All ordinances and resolutions including but not limited to Resolution No. 2003-03 or parts thereof in conflict herewith, be, and the same are hereby repealed.

SECTION XI.: SEVERABILITY: If any one or more of the sections of this Ordinance or the application thereof shall be held by a Court of competent jurisdiction to be invalid, the remaining sections of this Ordinance shall not be affected.

SECTION XI.: EFFECTIVE DATE: This ordinance shall be in full force and effect upon adoption and publication by the City.

Passed and approved this \_\_\_\_\_ day of \_\_\_\_\_, 2006.

Date Published \_\_\_\_\_, 2006.

Mayor: \_\_\_\_\_

Attest:

City Clerk: \_\_\_\_\_

## SUMMARY OF CITY OF DONNELLY ORDINANCE NO. 187

PLEASE TAKE NOTICE that the City of Donnelly hereby publishes this summary of Ordinance No. 187, entitled: AN ORDINANCE AMENDING ORDINANCE NUMBERS 157 AND 133 AND 136 TO ESTABLISH DEFINITIONS; TO ADD CLARITY TO THE TERM CONNECTION AND CONNECTION FEE; TO PROVIDE A TABLE FOR EVALUATION OF EQUIVALENT DWELLING UNITS (EDU'S); AND TO ESTABLISH NORTH LAKE RECREATIONAL SEWER AND WATER DISTRICT'S (DISTRICT) ROLE, AND TO ESTABLISH NEW RATES.

The ordinance amends ordinance numbers 133; 136 and 157 and allows for the coordinated sewer service in conjunction with the North Lake Recreational Water and Sewer District; specific calculation of charges and review and provides:

Section I entitled "Definitions" which contains definitions for "Equivalent Dwelling Unit" (EDU); "Connection"; "Connection Fee"; "User"; "Capital Improvement Fund"; "Rate"; "District"; and "Agreement.";

Section II entitled "Re-Evaluation of Connections and Rates" which requires the District Engineer to re-evaluate the number of EDU's each time a building permit is applied for each user; and determine if the number of EDU's used and charged for will increase, decrease or stay the same. If a modification is found it may effect the monthly service rate paid to the City. In the event of an increase in EDU's, additional fees will be determined, including but not limited to connection fees, payable to the District which must be paid before the corresponding building permit is issued;

Section III entitled "Establishment That North Lake Recreational Sewer and Water District Shall Maintain, Operate, Manage, Engineer, and Administer The City Sewer System" which details the sewer services agreement between the City and the District; that the City shall maintain a Capital Improvement Fund as established in Ordinance 133 for the replacement of existing collection mains; and the City shall set and collect monthly service rates.

Section IV, which amends Section 2 of Ordinance Number 133 which provides for a monthly sewer capital improvement charge of five dollars (\$5.00) per EDU for deposit in the City Sewer Capital Improvement Fund; and for billing and collection by the City;

Section V, which amends section 4 of Ordinance Number 133 to require any person constructing or connecting to a sewer line to pay a sewer connection charge as established and collected by the District; and deposited in a revenue account in accordance with the agreement between the City and District;

Section VI, which amends section 6 of Ordinance Number 133 and Section I of Ordinance Number 157 whereby the City bases all rates on an EDU calculation with residential services of a monthly minimum rate of \$32.00 for each EDU and \$2.50 for

each 1,000 gallons of water used; and for all other uses; and a minimum monthly rate of \$32.00 for each EDU and \$2.50 for each 1000 gallons of water used. In the event a water meter does not exist then the monthly rate shall be based on the Monthly Flat Rate Fee of \$41.43. The District Engineer shall establish equivalent EDU's for each type of sewer service user other than residential use, on a case by case basis as shown in Exhibit A to the Ordinance.

Section VII, which amends Section 8 of Ordinance Number 133 to provide for monthly payment by the 10<sup>th</sup> day of following month after services were finished and termination provisions if payment is not made;

Section VIII, entitled "Deposit of Charges" covering handling of service charges;

Section IX, amending Section II of Ordinance No. 157 to provide for review and adjustment of any and all charges, service rates; user rates or fees by resolution of the City Council;

Section X, entitled "Repealing Conflicting Ordinances and Resolutions" which repeals all prior conflicting ordinances and resolutions, including Resolution Number 2003-03; Section XI providing for severability on any invalid portion of the ordinance so that the remaining language still applies; and Section XII to set an effective date.

The full text of the new ordinance is available for review or copying at the Donnelly City Hall, 169 Halferty, PO Box 725, Donnelly, ID 83615.

#### CERTIFICATION OF SUMMARY

I, Kenneth R. Arment, of Arment Law Offices, the City of Donnelly's legal advisor on this matter, hereby certify that the foregoing summary of City of Donnelly Ordinance No. 187 is true and complete and provides adequate notice to the public in accordance with Idaho Code § 50-901A.

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Kenneth R. Arment