ORDINANCE NO. 629

AN ORDINANCE OF THE CITY OF REXBURG, IDAHO REPEALING SECTION II OF ORDINANCE NO. 399 OF THE CITY OF REXBURG, IDAHO; AMENDING SUB-DIVISION "BILLING AND COLLECTION" OF SECTION 4, ORDINANCE NO. 431 OF THE CITY OF REXBURG, IDAHO, FOR THE PURPOSE OF AMENDING THE BILLING AND COLLECTION PROCEDURES FOR WATER AND/OR SEWER SERVICES AND PROVIDING WATER AND SEWER SERVICE TERMINATION RULES OF THE CITY OF REXBURG, IDAHO; AMENDING SECTION 7 OF ORDINANCE NO. 322 OF THE CITY OF REXBURG, IDAHO, PROVIDING FOR AN AMOUNT, TO BE FIXED BY RESOLUTION OF THE COUNCIL, TO BE DEPOSITED UPON APPLICATION FOR WATER AND/OR SEWER SERVICE, AND UPON DISCONTINUANCE OR TERMINATION OF SUCH SERVICES, THE REFUNDING OF SUCH AMOUNT LESS ANY AMOUNT OWING THE CITY FOR SUCH SERVICES; AND PROVIDING WHEN THIS ORDINANCE SHALL BECOME EFFECTIVE.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF REXBURG, IDAHO, AS FOLLOWS:

SECTION I: That Section II of Ordinance No. 399 of the City of Rexburg, Idaho, is hereby repealed.

SECTION II: That Sub-Division "Billing and Collection" of Section 4, Ordinance No. 431 of the City of Rexburg, Idaho, is hereby amended to read as follows:

(A) BILLING AND COLLECTION

1. Water and sewer bills shall be combined and billed on a regularly established day of each and every month, in the month succeeding the month in which the service was rendered. Bills shall be payable as of the date mailed, and shall be deemed delinquent if not paid before the sixteenth day thereafter. Water and/or sewer consumers and users 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 and/or sewer consumer and user, the right to water and sewer services shall cease and terminate unless the water and/or sewer consumer and user requests a pre-termination hearing. Should the water and/or sewer consumer and user not request a pre-termination hearing or if an adverse decision is rendered against the water and/or sewer consumer and user as a result of the pre-termination hearing, the City of Rexburg may require the water and/or sewer consumer and user to pay the delinquent water and/or sewer bill attributable to his own use, plus a turn-on

charge to be determined by Resolution of the Council as a condition of receiving water and sewer service again.

2. The City of Rexburg, in its delinquency notice to all water and/or sewer consumers and users shall inform in writing all water and/or sewer consumers and users of their right to a pre-termination hearing, with such hearing to be held with the due process protection described below; and the City will not discontinue water and/or sewer service to any water and/or sewer consumer and user prior to a fair and impartial hearing, after timely and adequate notice and an opportunity to confront witnesses, to personally appear with or without retained counsel, to be judged on facts adduced at the hearing and to otherwise be heard and defend the claim made by the City of Rexburg, if a pre-termination hearing is requested by any water and/or sewer consumer and user. The City Council shall have the responsibility of holding pre-termination hearings. The City Council shall make a record of any pre-termination hearing. The City Council shall render its decision in writing, giving the reasons for its determination. In decisions adverse to the water and/or sewer consumer and user, the City Council will inform the water and/or sewer consumer and user of the right to appeal the decision pursuant to the Idaho State Administrative Procedures Act.

3. The City of Rexburg shall not initially deny or discontinue water and/or sewer service to any water and/or sewer consumer and user because of any delinquent water and sewer bill on that premises that is attributable to the prior water and sewer use of another water and/or sewer consumer. Provided further that the City of Rexburg shall not initially deny water and/or sewer service to any water and/or sewer user for whatever reason without informing the water and/or sewer consumer and user of the right to a hearing before the City Council on the issue of whether the City of Rexburg can

initially deny water and/or sewer services. In the case of an initial denial of water and/or sewer service, the City of Rexburg is not required to provide water and/or sewer service pending a hearing. However, a hearing upon request of a water and/or sewer consumer and user initially denied water and sewer services shall be held as expeditiously as possible and held in the manner and in accordance with the procedures for pre-termination hearings delineated above.

SECTION III. Section 7 of Ordinance No. 322 is hereby amended to read as follows:

"With each and every application for water and sewer service to be supplied through the water and sewer systems of the City of Rexburg, Idaho, there shall be deposited with the City Clerk or City Treasurer, a sum in cash, the amount to be determined by Resolution of the City Council. Such deposits shall be held by the City of Rexburg so long as the service applied for is supplied by the City, and if and when the service is discontinued or terminated as to any water and/or sewer consumer or user, the amount of the deposit, less any amount owing the City for such water and/or sewer service, shall be refunded."

SECTION IV: This ordinance shall be in full force and effect from and after its passage, approval, and due publication as provided by law.

PASSED by the Council and APPROVED by the Mayor this 5th day of November, 1980.

John C. Porter
Mayor.

ATTEST:

Rose Bagley
City Clerk.

STATE OF IDAHO, )
(SS
County of Madison. )

I, ROSE BAGLEY, City Clerk of the City of Rexburg, Idaho, do hereby certify: That the above and foregoing is a full, true and correct copy of an ordinance entitled:

AN ORDINANCE OF THE CITY OF REXBURG, IDAHO, REPEALING SECTION II OF ORDINANCE NO. 399 OF THE CITY OF REXBURG, IDAHO; AMENDING SUB-DIVISION "BILLING AND COLLECTION" OF SECTION 4, ORDINANCE NO. 431 OF THE CITY OF REXBURG, IDAHO, FOR THE PURPOSE OF AMENDING THE BILLING AND COLLECTION PROCEDURES FOR WATER AND/OR SEWER SERVICES AND PROVIDING WATER AND SEWER SERVICE TERMINATION RULES OF THE CITY OF REXBURG, IDAHO; AMENDING SECTION 7 OF ORDINANCE NO. 322 OF THE CITY OF REXBURG, IDAHO, PROVIDING FOR AN AMOUNT, TO BE FIXED BY RESOLUTION OF THE COUNCIL, TO BE DEPOSITED UPON APPLICATION FOR WATER AND/OR SEWER SERVICE, AND UPON DISCONTINUANCE OR TERMINATION OF SUCH SERVICES, THE REFUNDING OF SUCH AMOUNT LESS ANY AMOUNT OWING THE CITY FOR SUCH SERVICES; AND PROVIDING WHEN THIS ORDINANCE SHALL BECOME EFFECTIVE.

passed by the City Council and approved by the Mayor this 5th day of November, 1980.

Rose Bagley
City Clerk.

(Seal)