

ORDINANCE NO. 967

AN ORDINANCE OF THE CITY OF SANDPOINT, BONNER COUNTY, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO, CREATING AND ESTABLISHING WATER AND SEWER HOOK-UP FEES; PROVIDING FOR THE REIMBURSEMENT OF WATER AND SEWER SERVICE EXTENSION EXPENSES; PROVIDING FOR EXEMPTION FROM REIMBURSEMENT AND FEES; PROVIDING FOR REPAYMENT OF PRIVATE DEVELOPER COSTS; PROVIDING FOR ESTABLISHMENT OF THE AMOUNT OF HOOK-UP FEES BY RESOLUTION; PROVIDING FOR NOTICE OF SUCH FEES; AND PROVIDING FOR THE PUBLICATION OF THIS ORDINANCE.

WHEREAS the City of Sandpoint operates and maintains a water distribution system and a waste water (sewer) collection and treatment system, and

WHEREAS extensions of water and sewer services to qualified and eligible parcels of real property are desired, and

WHEREAS the costs of such improvements, construction, reconstruction and extensions are paid initially by private parties or developers, and

WHEREAS the cost of such water and sewer extensions construction can be computed for each such project, and

WHEREAS the owners of adjacent and benefiting parcels of real property may prior to hook-up have participated in the costs of the installation and construction of such extension, and

WHEREAS owners of adjacent and benefiting parcels of real property may not have paid any of the proportionate cost of such installation and construction of such extensions, and

WHEREAS the owners of all adjacent and benefiting parcels of real property should be required to participate and pay the costs of such installation and construction of extension of water and sewer services.

NOW, THEREFORE

BE IT ORDAINED by the Mayor and the City Council the City of Sandpoint, Bonner County, Idaho, a municipal corporation of the State of Idaho as follows:

SECTION 1.00: There is hereby created and established water and sewer hook-up fees.

SECTION 2.00: At the time any premises is connected to any part of the City water distribution or sanitary sewer system the owner thereof shall be charged a hook-up fee for such connection. The hook-up fee shall reflect the cost incurred to extend the water or sewer system to the property including costs incurred privately financed by private individuals or developers extending the line.

SECTION 3.00: When any premises connected to a part of the City water or sewer system paid the cost of such extension by proportionate sharing in the cost incurred by the developer, there shall be no hook-up fee charged.

SECTION 4.00: All hook-up fees shall be fixed by resolution rather than Ordinance.

SECTION 5.00: The cost of construction, installation and extension shall be ascertained by the Director of Public Works of the City at the time of the completion of such project and acceptance of a private developers or contractors facilities and shall be maintained on file with the City Clerk, Director of Finance and Director of Public Works at the City.

SECTION 6.00: When any water or waste water system extension of the City is made in such a manner as to provide service to owners of land which did not participate in the initial cost thereof and such water or sewer system extension was paid by a private party or developer. The owner of such abutting nonparticipating parcel or parcels of property shall reimburse and pay to the private party, developer or successor in interest thereof compensation as defined and established for each such subsequent hook-up by the Director of Public Works as hereinabove described.

SECTION 7.00: All such costs and hook-up fee shall be established by resolution of the City Council of the City of Sandpoint for each project and not by Ordinance.

SECTION 8.00: When the nonparticipating land owners seek to hook up to the water or sewer services which have been installed, instructed and extended by a private party or developer, they shall pay the City of Sandpoint for such determined hook-up fee and present proof of payment of the same to the Director of Public Works of the City prior to being permitted any hook-up to such water or sewer line. The Director of Public Works shall transmit said funds to the developer less a ten percent (10%) administrative fee.

SECTION 9.00: The total reimbursement to the contractor shall not exceed 90 percent of the actual cost of construction and installation as determined by the Director of Public Works.

SECTION 10.00: The developer, or successor, shall at all times provide a current mailing address to the Director of Public Works to accomplish such reimbursements. If the eligible developer or successor cannot be located by certified mail within six months, said fees shall be maintained in the respective water or sewer enterprise funds.

SECTION 11.00: The developer shall not be entitled to reimbursement for any costs attributable to service to the developer's own properties nor for the front footage of the developer's own property as established at the time of extension or installation. All right to reimbursement shall cease ten (10) years after completion of such extension and/or installation project.

SECTION 12.00: The hook-up fees described herein and established hereby are in addition to any other new user facility fee or any other fee established by the City prior to this Ordinance.

SECTION 13.00: The notice of existence of this Ordinance and any resolution establishing water or sewer hook-up fees for any individual project shall be recorded with the Clerk/Recorder of Bonner County, Idaho.

SECTION 14.00: If any section, paragraph, sentence or provision hereof or the application thereof to any particular circumstance shall be declared or deemed invalid or unenforceable the same shall not effect the remainder hereof which shall continue in full force and effect and applicable to all circumstances to which it may apply.

SECTION 15.00: This Ordinance shall be in full force and effect upon its passage, adoption and publication according to law in at least one issue of the Bonner County Daily Bee, a newspaper of general distribution in the City of Sandpoint and hereby declared to be the official newspaper of the publication of this Ordinance.

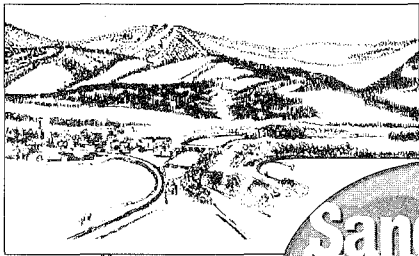
PASSED AND ADOPTED AS AN ORDINANCE OF THE CITY OF SANDPOINT
BY THE CITY COUNCIL IN REGULAR SESSION ON THE 21st DAY OF
~~JANUARY~~, 1995.

February

Ronald Chaney
RONALD G. CHANEY, MAYOR

ATTEST.

Helen M. Newton
HELEN M. NEWTON, CITY CLERK



City of Sandpoint



CITY HALL
1123 Lake Street • Sandpoint, Idaho 83864

DEVELOPER REIMBURSEMENT / LATE COMER FEE ORDINANCE NO. 967

This AGREEMENT is made on the _____ day of _____, 20__ by and between the City of Sandpoint, Idaho, an Idaho municipal corporation, City Hall, Sandpoint, Idaho 83864, and _____
(Name & Address the Developer)

REIMBURSEMENT for _____ installation from _____ will occur when each individual hookup into the main(s) at time of construction. See Exhibit "A" for a schedule of anticipated reimbursement and affected properties.

ORDINANCE NO. 967 Recorded Instrument No. 462395 with Bonner County Clerks Office creates and establishes water and sewer hookup fees; providing for the reimbursement of water and sewer service extension expenses; providing for repayment of private developer costs not to exceed 90% of actual cost of construction, with a 10% administrative fee which will be administered by the City Public Works Director. All right to reimbursement shall cease ten (10) years after completion _____
(Date of Expiration)

IN WITNESS WHEREOF, the parties have caused their names to be subscribed, all as of the date herein first above written.

THE CITY:

THE DEVELOPER:

By: _____

DEVELOPER REIMBURSEMENT / LATE COMER FEE ORDINANCE NO. 967

STATE OF IDAHO)
 :ss (NOTARY FOR APPLICANT(S))
County of Bonner)

On this ___ day of _____ 20___, before me, the undersigned, a Notary Public in and for the State of Idaho, personally appeared _____, known to me to be the person(s) who(se) name is/are subscribed to the within instrument and acknowledged to me the he/she/they executed the same. IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

Notary Public - State of Idaho
Residing at Sandpoint
My Commission expires: _____

STATE OF IDAHO)
 :ss (NOTARY FOR CITY)
County of Bonner)

On this ___ day of _____ 20___, before me, the undersigned, a Notary Public in and for the State of Idaho, personally appeared _____, known to me to be the person(s) who(se) name is/are subscribed to the within instrument and acknowledged to me the he/she/they executed the same. IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

Notary Public - State of Idaho
Residing at Sandpoint
My Commission expires: _____

(Misc/drlcf)

EXHIBIT "A"

SATISFACTION OF OBLIGATION AND RELEASE

KNOW ALL MEN BY THESE PRESENTS:

The following described parcel of real property located in Bonner County, Idaho, has satisfied the obligation of a DEVELOPER REIMBURSEMENT/LATE COMER FEE as established by Ordinance No. 967 of the City of Sandpoint, recorded as Instrument No. _____, records of Bonner County, Idaho, by the payment of said fee in full.

Said property is described fully and with particularity as set forth in EXHIBIT "A" attached hereto and incorporated herein fully by reference.

DATED this _____ Day of _____, 20__.

PUBLIC WORKS DIRECTOR
City of Sandpoint

STATE OF IDAHO)
)
County of Bonner) ss.

On this _____ Day of _____, 20__ Before me, the undersigned, a Notary Public in and for the State of Idaho, personally appeared _____ known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his official capacity as Public Works Director in and for the City of Sandpoint.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

NOTARY PUBLIC - STATE OF IDAHO

Residing at: _____

Commission Expires: _____

(Misc/drlcf)