

CHAPTER 4

WATER AND SEWER BILLING

7-4-1: WATER AND SEWER APPLICATION FOR SERVICES

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7-4-1: WATER AND SEWER APPLICATION FOR SERVICES

- A. Application: Any person desiring water and/or sewer services provided by the city shall present at the office of city clerk an application for utility services, prepared upon a printed form to be supplied for that purpose by the city.
1. Such application shall contain the name, mailing address, premise physical address, and photographic identification (copy) of the applicant(s) and whether applicant is the property owner, agent, or renter.
 2. Before he can serve as an authorized agent, a person must be in the business of and regularly engaged or employed as a professional leasing agent or property manager.
- B. Application Submitted by Renter: If an application for utility service is submitted by a renter, said application shall also contain authorization on the part of the owner of the premises, executed by him or his legally authorized agent.
1. The city is acknowledged by him to reserve the right to charge and collect such rates, and to impose and enforce the penalties provided for in this chapter, to change the rate at any time without notice to consumer, and to install such meters or other devices as may be necessary to control and measure the utility service supplied.
 2. Such application shall specifically provide that the supply of water and/or sewer is subject to all the provisions of this chapter, or of any other provisions hereafter passed, and that the city shall not be held responsible for any damage by water and/or sewage or otherwise resulting from failure of the plumbing or appliances on the premises supplied with water and/or sewer, nor for any damages caused by the interruption or failure of such supply, nor shall such failure or interruption be held to constitute a breach of contract on the part of the city, nor in any way release the consumer from the performance of all of his obligations as therein set forth.
 3. No application for service shall be granted until the authorization herein provided for shall have been properly executed.
- C. Application Effective Date: All applications shall be in full force and effect from the date of execution thereof, but rates shall be charged there under from the date service is turned on.
- D. Deposit: Each applicant desiring water or sewer service or both services shall pay a refundable deposit to the city in an amount equal to the expected billings for such service(s) for two (2) months at the premises desired to be served.
1. Failure to maintain a "satisfactory payment record" during the first twelve (12) months of service shall forfeit said deposit.

2. A “satisfactory payment record” shall be defined as one in which all payments were made on or before the date due, for all accounts in effect during the aforementioned twelve (12) months.
- E. Deposit Refunds: Deposits collected under the provision of section 7-4-1(D) of this chapter shall be held by the city until the payee requests in writing discontinuance of water services or until the payee has attained a “satisfactory payment record”, as defined in this chapter.
1. Deposit refunds shall be in the form of a credit to the account of the payee.
 2. A cash refund equal to the amount of the deposit less any outstanding account balance shall be paid upon discontinuance only.

7-4-2: WATER AND SEWER USER RATES

- A. Water service and sewer user rates shall be as established by resolution of the city council.

7-4-3: WATER AND SEWER BILLING

- A. Billing Periods: All regular billing periods shall be on a monthly basis unless otherwise determined by the council. Domestic or commercial premises occupied a period of less than one (1) month shall be charged the full fee.
- B. 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.
1. Bills shall be payable as of the date mailed and shall be deemed delinquent if not paid before the sixteenth day thereafter.
 1. All charges for water and/or sewer service furnished by the city shall be billed directly to the applicant of record whether owner, legally authorized agent, or renter. In the absence of a written application, to the property owner of record with Teton County Idaho.
- C. Delinquency: Water and/or sewer consumers and users shall 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 pretermination hearing.
1. In further consideration for the provision of municipal services, an owner, authorized agent, and/or renter contracting with the city, by application or authorization of renter’s application as described in 7-4-1(B) of this chapter, to have said premises receive such services hereby expressly consents to the use of a collection agency and/or court proceeding in the event charges for utility services become delinquent and either a hearing is not requested in accordance with section 7-4-3(D) of this chapter or an adverse decision is rendered by the city pursuant to said section.
 2. An owner, authorized agent, and/or renter further consents to pay all costs associated with the use of a collection agency and/or court proceeding in satisfaction of full payment for the delinquent account.
- D. Predetermination Hearing: Should the water and/or sewer consumer and user not request a pretermination hearing or if an adverse decision is rendered

against the water and/or sewer consumer and user as a result of the pretermination hearing, the City of Tetonia 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 city council as a condition of receiving water and sewer service again.

1. The City of Tetonia 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 pretermination hearing, with such hearing to be held with the due process protection described below:
 - a. 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 Tetonia, If a pretermination hearing is requested by any water and/or sewer consumer and user.
 - b. The city council shall have the responsibility to hold pretermination hearings.
 - c. The city council shall make a record of any pretermination hearing.
 - d. The city council shall render its decision in writing, giving the reasons for its determination.
 - e. 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.
2. The City of Tetonia shall not initially deny or discontinue water and/or sewer service to any water and/or sewer consumer 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.
 - a. Provided further that the City of Tetonia 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 Tetonia can initially deny water and/or sewer services.
 - b. In the case of an initial denial of water and/or sewer service, the City of Tetonia 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 pretermination hearings delineated above.
 - c. In case such water and/or sewer service is discontinued for delinquency, it shall not be restored until such delinquency is paid or arrangements for payment satisfactory to the city have been made, and a fee set by resolution by the city council for discontinuing and restoring service has been paid.

- d. The consumer and user may also be subject to a deposit as outlined in 7-4-1(D) of this chapter for each repeat delinquency. (Ord. 2010-3)

- E. Monthly Sewer Fee Required: Commencing November 2, 1987, a monthly sewer fee shall be charged against all those who have city water hookups, whether or not their service line is physically hooked up to the sewer system. (Ord. 46, 10-12-1987; Ord. 2008-2)