

ORDINANCE NO. 442

AN ORDINANCE OF THE CITY OF MALAD CITY, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO, CLARIFYING THE CURRENT POLICY ON SEWER AND WATER LINE INSTALLATION, EXTENSIONS, UPGRADES AND HOOK-UPS. ESTABLISHING SEVERABILITY AND CODIFICATION; PROVIDING THAT THIS ORDINANCE BE IN FULL FORCE AND EFFECT FROM AND AFTER ITS PASSAGE, APPROVAL AND PUBLICATION ACCORDING TO LAW.

STATEMENT OF VALUES AND PURPOSE.

WHEREAS, Malad City (City) wishes to encourage growth within its boundaries, but in order to be consistent and to clarify it's current position, that the City is not in a financial position to install, extend, upgrade or otherwise pay for sewer and water lines or any associated hook-ups, whenever a citizen makes a request; and

WHEREAS, the City continues to increase in population and there has arisen some confusion and conflicting versions as to the current policy of the City concerning this issue; and

WHEREAS, the City Council deems it to be in the public interest to establish a policy setting forth the position of the City.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MALAD CITY AS FOLLOWS:

SECTION 1. SHORT TITLE

This Ordinance shall be known and cited as the Malad City Policy on Water and Sewer Line Installation and Hook-ups.

SECTION 2. STATEMENT OF PURPOSE

The purpose of this Ordinance shall be to clarify the position of the City of Malad concerning the costs associated with the installation and hook-ups on new, non-existing, upgrading or extensions of water and sewer lines and the associated connections and the City's inability to feasibly accommodate any new, up-graded, extended or additional lines and/or hook-ups.

SECTION 3. APPLICABILITY AND POLICY

- A. This Ordinance shall apply to all locations and persons within or outside of the city limits desiring to create, extend, or up-grade of any Malad City water and sewer lines.
- B. Any new, upgraded or extended lines and/or hook-ups shall be paid for by the developer, homeowner or other individual(s) requesting the new, up-graded or extended line and/or

hook-up in to the current city services unless a separate ordinance, properly passed with a public hearing, by the Malad City Council.

C. When a property owner elects to install any water or sewer line, said property owner will be required to meet all state and local specifications in regards to said lines and installation.

SECTION 4. SEVERABILITY

The provisions of this Ordinance are declared to be severable. If any section, sentence, clause, or phrase of the Ordinance shall for any reason be held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance, but they shall remain in effect; it being legislative intent that this Ordinance shall remain in effect notwithstanding the invalidity of any part.

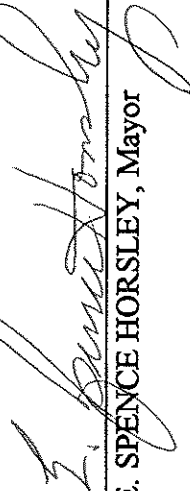
SECTION 5. REPEAL AND CODIFICATION

All provisions of the current Malad City Municipal Code or Ordinance of the City of Malad City which conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

This Ordinance shall be effective upon passage and publication as provided by law.

APPROVED as an Ordinance of the City of Malad City on the 13th day of December, 2000.

CITY OF MALAD


E. SPENCE HORSLEY, Mayor

ATTEST:


SUSAN J. WITTMAN, Clerk