

ORDINANCE NO. 3715
COUNCIL BILL NO. 23-1004

AN ORDINANCE REPEALING SECTIONS 13.08.020 AND 13.16.010 OF THE COEUR D’ALENE MUNICIPAL CODE; ADOPTING NEW SECTIONS 13.08.020 AND 13.16.010 OF THE COEUR D’ALENE MUNICIPAL CODE, TO ESTABLISH USERS CHARGES AND THE CAPITALIZATION FEE SCHEDULE FOR THE COEUR D’ALENE PUBLIC WASTEWATER COLLECTION AND TREATMENT WORKS; AMENDING SECTION 13.16.30 OF THE COEUR D’ALENE MUNICIPAL CODE TO CLARIFY ADJUSTMENTS TO THE POPULATION EQUIVALENT CHARGE; PROVIDING FOR THE REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE PUBLICATION OF A SUMMARY OF THE ORDINANCE; AND PROVIDING FOR AN EFFECTIVE DATE THEREOF.

WHEREAS, it is deemed by the Mayor and City Council to be in the best interests of the City of Coeur d’Alene that said amendment be adopted;

NOW, THEREFORE,

BE IT ORDAINED by the Mayor and City Council of the City of Coeur d’Alene:

SECTION 1. *That section 13.08.020 of the Coeur d’Alene Municipal Code be repealed.*

SECTION 2. *That a new section 13.08.020 of the Coeur d’Alene Municipal Code be adopted as follows:*

Users of the Coeur d’Alene public wastewater collection and treatment works are assessed charges that become effective as outlined below:

Customer Class and Rate	Billing Fee Code	FY 2023	FY 2024	FY 2025	FY 2026	FY 2027
Monthly Service Charge	All Customers	\$15.74	\$16.53	\$17.35	\$18.22	\$19.13
Residential Rates						
Monthly Usage Charge (per dwelling unit)						
Residential	SERS	\$33.18	\$34.83	\$36.58	\$38.40	\$40.32
Residential(vacation)	SERV	0.00	0.00	0.00	0.00	0.00
Residential-Low	SERSL	17.72	18.61	19.54	20.52	21.54
Fernan-Residential	SERF	27.09	30.16	33.39	36.77	40.32
Duplex-One Meter (x2)	SERMF	33.18	34.83	36.58	38.40	40.32
Residential + ADU- One	SERADU	33.18	34.83	36.58	38.40	40.32

Commercial Rates Monthly Usage Charge (per 1,000 gallons)						
Commercial-Low*	CWCL	\$5.89	\$6.19	\$6.49	\$6.82	\$7.16
Commercial-Medium	CWCM	6.76	7.10	7.46	7.83	8.22
Commercial-High	CWCH	7.60	7.98	8.38	8.80	9.24
Fernan-Commercial	SENRO6	5.28	5.71	6.17	6.66	7.16
Fernan-Commercial	SENRF	5.28	5.71	6.17	6.66	7.16

*Includes multifamily residential customers greater than 2 units.

A. Rate Calculations: Rate calculations for customer classifications are described below. Customer classifications are described in the most recent and adopted City of Coeur d'Alene wastewater cost of service rate study report appendix C.

1. Residential Customer Class: Residential customers include single-family residences and duplexes. The monthly bill to the residential accounts will comprise of two (2) parts: a) a monthly service charge per account, and b) a usage charge per dwelling unit. Using water use records from the non-irrigation month period, wastewater usage will be averaged for the class each year to determine if the usage charge needs to be adjusted. Duplexes with two (2) meters will be assessed two (2) separate usage rates. Duplexes with one meter will also be assessed two (2) usage rates.

2. Residential-Low Customer Class: Single-family or duplex customers are eligible for this classification when they are full-time year-round residents that use less than two thousand five hundred (2,500) gallons of water per month based on the non-irrigation months and based on at least one year of water use records. The monthly bill to the residential-low accounts will comprise of two (2) parts: a) a monthly service charge per account, and b) a usage charge per dwelling unit. Using water use records from the non-irrigation month period, wastewater usage will be averaged for the class each year to determine if the usage charge needs to be adjusted.

3. Residential-Vacation Rate: Single-family or duplex customers are eligible for this rate when they do not occupy their homes for an extended time period, and have the water turned off. When both requirements are met, the customer will be charged the wastewater monthly service charge per account.

4. Commercial Customer Classes: Commercial classifications include multi-family properties with three (3) or more dwelling units, mobile home parks, government, commercial, and industrial businesses. The monthly bill to the commercial accounts will comprise of two (2) parts: a monthly service charge per account and a usage charge per thousand gallons of flow. The usage charge differs for each of the commercial customer classifications relative to the different strengths of wastewater estimated or determined for the customer. Using water use billing records, usage for commercial accounts will be the actual metered water use each month. The monthly usage for each account will be multiplied by the respective usage charge for the appropriate class to determine the usage rate component of each commercial customer's bill.

B. Combined Use Rates: Users which fall into more than one customer class are charged by assigning them to the higher use commercial classification.

C. Customers Not On City Water System: Nonresidential customers who do not receive all of their water from the City water system must meter, at their expense, all water which is supplied by another system.

D. Special Case Procedures: Uses not categorized above or not clearly defined as being within one or more of the above classifications shall be charged a rate to be determined by the following formula:

Example for calculating the monthly bill during FY 2023 - 2024:

$(\$15.74) + (\$3.93 * \text{monthly billed water use (kgal)}) + (\$0.0493 * \text{calculated lbs of BOD}) + (\$0.5254 * \text{calculated lbs of SS}) + (\$27.0940 * \text{calculated lbs of P}) + (\$3.12 * \text{calculated lbs of NH}_3\text{N})$. The City reserves the right to determine the final measured flow and strength levels.

E. Installation Of Private Meter: Should any user consider himself to be aggrieved by the foregoing schedules or by the determination of the Wastewater Superintendent, such user may install a meter or devices which measure the strength and continuous flow of user's sewage, in which event a charge shall be fixed based on the indicated results for not less than one (1) year. Such meter or devices shall be installed at the expense of the user, and shall be calibrated or installed to the satisfaction of the Wastewater Superintendent or designee.

F. User Charges For Commercial Accounts Based On Non-irrigation Month Water Use: Commercial accounts existing before March 1, 2003, that have been charged the usage component of the monthly bill based on non-irrigation month water use records will continue to be billed in this manner as long as the City Treasurer or designee is satisfied that non-irrigation month water usage is representative and accurately represents the wastewater discharge each month of the year. These accounts will not be eligible for this method of bill calculation when the property has a change of ownership, the use of the property changes, or improvements are made to the property that require City building or plumbing permits. Upon determination of non-eligibility by the City Treasurer or designee, a customer desiring elimination of irrigation water from the water meter reading may install a second water service and meter at his own expense that is dedicated to irrigation water. In this manner, the wastewater user charge will not include irrigation water that does not enter the sewer.

G. Vacancies: At any month during which the occupant does not occupy the residence or business, and does not show water use, the wastewater charge for that month shall be equal to the monthly service charge.

H. Change Of Use: The customer is responsible for immediate written notification to the City Finance Department of any change in use for correct classification for billing. No adjustment to bills will be made sooner than sixty (60) days from written notification.

SECTION 3. *That section 13.16.010 of the Coeur d'Alene Municipal Code be repealed.*

SECTION 4. *That a new section 13.16.010 of the Coeur d'Alene Municipal Code be adopted as follows:*

A. The owners of property connecting to the Coeur d'Alene public sewer system, directly or by connecting to a private system that connects to the City sewer system, except property for which a monthly sewer service charge was being made prior to June 1, 1979, or except property for which a wastewater treatment plant expansion fee has been assessed by a local improvement district, shall be assessed a sewer capitalization fee (in addition to any hookup fee), in an amount as set forth in the following schedule:

CAPITALIZATION FEE SCHEDULE

Customer Type	PE	Units	Calculated CF
Residential			
Single Family Dwelling ^[1]	2.27	per unit	\$6,665
Multiple Family Dwelling (2 units)	2.27	per unit	\$6,665
Accessory Dwelling Unit (ADU)	2.20	per unit	\$6,460
Commercial-Low^[2]			
Bar or tavern	0.20	per seat	\$587
Coffee (or other beverage) Kiosk	0.77	per Kiosk	\$2,261
Factories	0.10	per 100 sq. ft.	\$294
Hospital	2.50	per bed	\$7,341
Institution (other than hospital) ^[3]	1.25	per bed	\$3,670
Mobile Home	2.27	per unit	\$6,665
Mobile or Temporary Vendors	0.70	per vendor or space	\$2,055
Multiple Family Dwelling (>2 units)	2.20	per unit	\$6,460
Office Space	0.10	per 100 sq. ft.	\$294
Retail Space	0.05	per 100 sq. ft.	\$147
Recreational Vehicle Park	2.08	per RV site	\$6,107
School (without meal preparation)	0.08	per student/staff	\$235
Warehouse	0.04	per 100 sq. ft.	\$117
Commercial-Medium			
Hotel or motel (without kitchen facilities in room)	1.30	per unit	\$3,817
Commercial-High^[4]			
Bakeries	0.20	per seat	\$814
Bowling Alley	1.00	per lane	\$4,070
Funeral homes	0.05	per 100 sq. ft.	\$203
Grocery markets with garbage disposals	0.04	per 100 sq. ft.	\$163
Hotel or motel (with kitchen facilities in room)	1.60	per unit	\$6,511

Laundry, commercial	1.90	per washing machine	\$7,732
Brewery ^[5]	2.30	per Barrels of production capacity	\$9,360
Restaurants	0.20	per seat	\$814
School (with meal preparation) ^[6]	0.13	per student/staff	\$528
Theaters (indoor and outdoor)	0.03	per seat	\$122

[1] "Single Family Dwelling" category applied to Vacation Rentals or any dwelling unit defined in City Code.

[2] "Retail" category will be used to calculate PE's for customers not listed in the above Commercial Low Category.

[3] Institution, (other than hospital) category will be used to calculate PE's for Assisted care/group home with more than 8 occupants and 2 caregivers.

[4] Commercial high strength customer fees include a high strength surcharge of \$1,133.35 per PE.

[5] Brewery category will be used to calculate PE's based on the industry strength standards and maximum barrel production provide by applicants equipment supplier.

[6] School (with meal preparation) category will be used to calculate child care facilities with more than 8 children and 2 employees.

B. The sewer capitalization fees fixed herein are based upon population equivalents (64.36 gallons per day, 0.0807 pound per day biochemical oxygen demand (BODs), 0.0807 pound per day suspended solids (SS), and 0.0054 pound per day total phosphorus (TP) and 0.0135 pound per day nitrogen). The present population equivalent charge upon which the present residential and residential strength commercial rates are fixed is two thousand nine hundred thirty-six dollars (\$2,936.00) for FY 2023-2024 through FY 2027-2028. The population equivalent charge upon which individual high strength commercial sewer connection charges are based includes a high strength surcharge to account for the greater than residential strength of these classifications. Development of these high strength population equivalent charges was tabulated in Appendix C of the most recent and adopted City of Coeur d'Alene wastewater rate and fee study, by HDR Engineering Inc., or its successor, and includes the following steps:

1. Calculation of the incremental strengths for the commercial-high customer classifications. "Incremental strength" is defined as the difference between the strength of a high strength commercial classification and residential strength (0.0807 pound/day BOD, 0.0807 pound/day SS, 0.0054 pound/day TP, and 0.0135 pound/day nitrogen). The incremental strengths are shown in Appendix C, table C-3.

2. Multiplication of the incremental strength(s) by the respective unit costs (\$295.26 pound/day BOD, \$4,125.35 pound/day SS, \$118,405.06 per pound/day TP and \$10,346.81 per pound/day nitrogen). Summing the results yields the high strength surcharge of three hundred seventy-one dollars fifty-four cents (\$371.54) as shown in Appendix C, table C-3.

3. Adding the high strength surcharge to the population equivalent charge for residential strength customer yields the population equivalent charge for the high strength commercial classification.

C. Industrial users or other businesses with industrial waste, and uses not categorized above or not clearly defined as being within one or more of the above classifications shall be charged at a rate to be determined by the City Council upon application of the property owner, after considering all relevant evidence pertaining thereto at a public hearing held for such purpose; the rate shall be established based upon consideration of the nature and intensity of the proposed use and total impact upon the City sewer system. The charge shall be directly related to the cost of providing sewage facilities for such use, and shall be proportionately consistent with the schedule set forth herein.

SECTION 5. *That section 13.16.030 of the Coeur d'Alene Municipal Code be amended as follows:*

The population equivalent charge (upon which the sewer capitalization fee is based) is developed for a five (5) year study period using the system buy-in method as presented for the City of Coeur d'Alene in the most recent and adopted wastewater rate and fee study, by HDR Engineering Inc., or its successor. The system buy-in method recovers the biochemical oxygen demand (BOD), suspended solids (SS), total phosphorus (TP), and nitrogen (N) based on replacement cost of existing infrastructure only, and divided by existing capacity in equivalent units.

Adjustments to the population equivalent charge during the five (5) year period shall be made if estimated growth in the city changes significantly.

At the end of the five (5) year study period, the population equivalent charges shall be updated for the succeeding five (5) year study period.

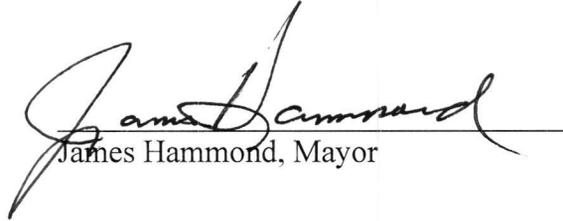
SECTION 6. All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed.

SECTION 7. The provisions of this ordinance are severable and if any provision, clause, sentence, subsection, word or part thereof is held illegal, invalid, or unconstitutional or inapplicable to any person or circumstance, such illegality, invalidity or unconstitutionality or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, subsections, words or parts of this ordinance or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this ordinance would have been adopted if such illegal, invalid or unconstitutional provision, clause sentence, subsection, word, or part had not been included therein.

SECTION 8. After its passage and adoption, a summary of this Ordinance, pursuant to the provisions of the Idaho Code, shall be published once in the official newspaper of the City of Coeur d'Alene, and upon such publication this Ordinance shall be in full force and effect.

Passed under suspension of rules upon which a roll call vote was duly taken and duly enacted an Ordinance of the City of Coeur d'Alene at a regular session of the City Council on March 7, 2023.

APPROVED, ADOPTED and SIGNED this 7th day of March, 2023.


James Hammond, Mayor

ATTEST:


Renata McLeod, City Clerk

SUMMARY OF COEUR D'ALENE ORDINANCE NO. 3715
Repealing Sections 13.08.020 and 13.16.010
of the Coeur d'Alene Municipal Code; Adopting new Sections
13.08.020 and 13.16.010 of the Coeur d'Alene Municipal Code; and
Amending Section 13.16.030 of the Coeur d'Alene Municipal Code.

AN ORDINANCE REPEALING SECTIONS 13.08.020 AND 13.16.010 OF THE COEUR D'ALENE MUNICIPAL CODE; ADOPTING NEW SECTIONS 13.08.020 AND 13.16.010 OF THE COEUR D'ALENE MUNICIPAL CODE, TO ESTABLISH USERS CHARGES AND THE CAPITALIZATION FEE SCHEDULE FOR THE COEUR D'ALENE PUBLIC WASTEWATER COLLECTION AND TREATMENT WORKS; AMENDING SECTION 13.16.30 OF THE COEUR D'ALENE MUNICIPAL CODE TO CLARIFY ADJUSTMENTS TO THE POPULATION EQUIVALENT CHARGE; PROVIDING FOR THE REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE PUBLICATION OF A SUMMARY OF THE ORDINANCE; AND PROVIDING FOR AN EFFECTIVE DATE THEREOF. THE FULL TEXT OF THE SUMMARIZED ORDINANCE NO. 3715 IS AVAILABLE AT COEUR D'ALENE CITY HALL, 710 E. MULLAN AVENUE, COEUR D'ALENE, IDAHO 83814 IN THE OFFICE OF THE CITY CLERK.



Renata McLeod, City Clerk

STATEMENT OF LEGAL ADVISOR

I, Randall R. Adams, am City Attorney for the City of Coeur d'Alene, Idaho. I have examined the attached summary of Coeur d'Alene Ordinance No. 3715, Repealing Sections 13.08.020 and 13.16.010 of the Coeur d'Alene Municipal Code; Adopting new Sections 13.08.020 and 13.16.010 of the Coeur d'Alene Municipal Code; and Amending Section 13.16.030 of the Coeur d'Alene Municipal Code, and find it to be a true and complete summary of said ordinance which provides adequate notice to the public of the content thereof.

DATED this 7th day of March, 2023.



Randall R. Adams, City Attorney