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**BEFORE THE MAYOR AND CITY COUNCIL
FOR THE CITY OF ALBION, IDAHO**

ORDINANCE No. 2024-02-01

AN ORDINANCE OF THE CITY OF ALBION, CASSIA COUNTY, IDAHO, AMENDING ALBION CITY CODE TITLE 4, CHAPTER 5, SECTION 3 (C) ON SERVICE TERMINATION CLARIFYING NOTICES; TITLE 4 CHAPTER 5 SECTION 4(I) FOR SCHEDULE OF RATES; PAYMENT POLICY TO PROVIDE TIMES OF NOTICE, ADMINISTRATIVE CHARGES ON DELINQUENT BALANCES OF ONE AND ONE-HALF PERCENT OF ENTIRE BALANCE; TITLE 7 CHAPTER 5, SECTION 15 FOR SEWER SERVICE CHARGES, PARAGRAPH (E) TO PROVIDE NOTIFICATIONS PRIOR TO TERMINATION OF SERVICES AND IN PARAGRAPH (F) TO PROVIDE FOR ADMINISTRATIVE CHARGES AND WHEN SUCH SHALL BE IMPOSED AND PAYMENT POLICY; REPEALING ALL OF TITLE 7, CHAPTER 6, SECTION 30 REGARDING DELINQUENT ACCOUNTS; AND PROPOSING NEW LANGUAGE FOR DELINQUENT ACCOUNTS PROVIDING FOR NOTIFICATIONS, SCHEDULE OF RATE AND PAYMENT POLICY; ALL OF WHICH PROVIDE SUCH TREATMENT OF DELINQUENCIES FOR ANY UTILITY IN A CONSISTENT MANNER; REPEALING LANGUAGE IN TITLE 5, CHAPTER 1, SECTION (9A)(2) REGARDING ZONING ADMINISTRATOR INTERPRETATION OF ZONING CHART TO COMPLY WITH IDAHO LAW AND CHANGING THE TABLE OF REQUIRED SETBACKS TO MORE EASILY

**REVIEWED TEXT-LIST FORM, AND REMOVING
OUTDATED LANGUAGE REGARDING AVERAGING
METHODS FOR DETERMINING R-1 FRONT SETBACK;
CLARIFYING R-1 SUBSTANDARD FRONT SETBACK
LANGUAGE; PROVIDING A SEVERABILITY CLAUSE;
PROVIDING FOR REPEAL OF CONFLICTING
PROVISIONS; AND EFFECTIVE DATE.**

WHEREAS, the Mayor and City Council conduct regular review of City ordinances and policies; and

WHEREAS, the City Council determined to review the City's utility billing and procedures provisions in Title 4, Chapter 5 for Electrical Service; Title 7, Chapter 5 for Sewer Services; and Title 7, Chapter 6 for Water Services and make those billing and notice procedures consistent across all City utilities; and

WHEREAS, the City Council has been informed of a provision that is inconsistent with established statutory and case law in Idaho regarding interpretation of uses set out in zoning regulations; and

WHEREAS, the City Council has previously published its setbacks with respect to each zone in a textual list format in place of its current table format, for purposes of clarification and have prior hereto removed language regarding averaging regarding R-1 zone front setback;

WHEREAS, the City Council desires to be clearer and more consistent in the published regulations for city governance to the benefit of its citizens.

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF ALBION, CASSIA COUNTY, IDAHO, AS FOLLOWS:

Section 1. That Title 4, Chapter 5, Sections 3(C) and 4(I) be amended as set forth in Exhibit A, which is attached hereto and is incorporated by reference as though fully set forth herein.

Section 2. That Title 7, Chapter 5, Sections 15(E) and 15(F) be repealed and new proposed language be adopted as set forth in Exhibit A, which is attached hereto and is incorporated by reference as though fully set forth herein.

Section 3. That Title 7, Chapter 6, Section 30 be repealed and new proposed language be adopted as set forth in Exhibit A, which is attached hereto and is incorporated by reference as though fully set forth herein.

Section 4. That Title 5, Chapter 1, Section 9A (2)(B) be repealed in its entirety.

Section 5. That the table of setback requirements as set out at the end of Title 5, Chapter 1, Section 9A (2) be repealed in its entirety, and to be replaced by the textualized list of setbacks set out in Exhibit B, which is attached hereto and is incorporated by reference as though fully set forth herein.

Section 6. That provisions of this ordinance are severable, therefore, should any section or portion thereof be declared invalid by a court of competent jurisdiction, the remaining portions of this ordinance shall continue in full force and effect.

Section 7. This ordinance specifically repeals any ordinance or provisions thereof of the City of Albion that is in conflict herewith.

Section 8. This ordinance shall take effect, and be in full force, from and after its required reading, passage, approval and publication.

Section 9. The members of the City Council, by motion and vote and pursuant to Idaho Code § 50-902, waived and dispensed with the requirement of three (3) separate readings of this Ordinance, by title and in full. Therefore, this ordinance shall take effect and be in full force from and after its first and only reading, passage, approval and publication.

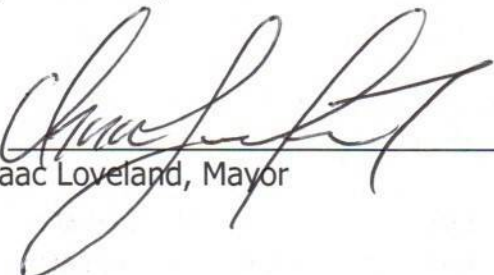
PASSED this 6th day of February, 2024, by the City Council of the City of Albion, Idaho. Roll call vote of Council members in favor of said Ordinance being as follows:

Kevin Lloyd	Yea <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>
Dallan Doc Carlson	Yea <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>
Wayne Winder	Yea <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>
Tyson Tolman	Yea <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>

APPROVED this 6th day of February, 2024, by the Mayor of the City of Albion, Idaho.

City of Albion, Idaho

ATTEST:

By: 
Isaac Loveland, Mayor


Linda Hutchison, City Clerk

CLERK'S CERTIFICATION

I, Linda Hutchison, the duly appointed Clerk for the City of Albion, Idaho do hereby certify that the foregoing document is a true and correct copy of Ordinance No. 2024-02-01, adopted by the Mayor and City Council of Albion, Idaho, on the 6th day of February, 2024 and that the original of said document is in my possession as part of the permanent minutes of the City Council of the City of Albion, Idaho.

Dated this 6th day of February, 2024.

Clerk of the City of Albion, Idaho


Linda Hutchison, Clerk

Electrical Service

4-5-3. SERVICE TERMINATION.

C. Notifications. Prior to termination, the following notices shall be given:

- (1) On the Tenth (10) calendar day after the bill has not been paid, the Customer will be mailed a Delinquent Notice. The Delinquent Notice will tell the Customer the service will be disconnected five (5) calendar days after the notice is mailed, if the bill is not paid.
- (2) On the sixth (6) calendar day after the mailing of the Delinquent Notice, a yellow colored notice disconnect-tag will be delivered to the place of service. The yellow notice tag will advise the Customer that the service will be disconnected the following calendar day, if the bill is not paid by the time specified.
- (3) If the bill is not paid by the deadline of the yellow colored notice tag, a red colored notice Disconnect-Tag will be delivered to the place of service advising the Customer that the service has been disconnected.
- (4) Each of the notices will contain a statement of additional administrative charges and any reconnect fee that may be imposed as well as the account balance.

4-5-4. SCHEDULE OF RATES; PAYMENT POLICY.

I. Administrative Charges. Administrative charges and reconnect fees, as determined by the City Council and as set by their resolution, shall be imposed under the following conditions:

- ~~(1) An administrative charge shall be added to any account that is not paid within the time prescribed in 4-5-3-C(1) and/or (2), and to which a notice is given pursuant thereto.~~
- (12) On the fifth (5th) ~~sixteenth (16th)~~ calendar day, from the due date printed on the current utility billing statement, after the utility system bill has is-not been paid, an administrative charge will be imposed to cover the cost of processing notices, and general administration as to the delinquency. The administrative charge authorized herein will not apply to Accounts with a balance of Nine Dollars and Ninety-Nine Cents (\$9.99) or less.
- (23) If it is necessary to deliver a Disconnect Notice and if service is disconnected, a fee for reconnection of services ~~shall-will~~ be charged and ~~shall-must~~ be paid before services can be reconnected to that point of service.

(34) The Delinquency Charge Notice, the administrative charge and the reconnect Fee will be required to be paid in addition to the amount of the unpaid balance for services rendered, before any reconnection ~~may~~ will occur.

(4) At the time of the creation of the next utility system bill creation cycle, all accounts with a delinquent balance on any or all utility services, will have an administrative fee equal to one and one-half percent (1.5%) of the entire utility billing delinquent balance added to the Account Balance due on a monthly basis until such balance is fully paid.

Sewer Services

7-5-15: SEWER SERVICE CHARGES:

~~(E) Water and sewer charges will be billed by the City as a unit. The regular billing period will be on a calendar month basis and the due date for water and sewer services shall be on the first day of each month following rendering of services and all bills shall be paid on or before the 15th day of each month. Monthly billing for all persons will begin at the date of issuance of the official notice by the City to connect to the sewer or the date of issuance of a permit to connect to the public sewer, whichever is earlier.~~

~~(F) All bills that are not paid on or before the fifteenth day of the month in which the bill was due and payable shall be delinquent, and there shall be due and payable upon delinquent bills interest at the rate of two percent (2%) per month on the unpaid balance from the first day of the month in which said was due and payable.~~

(E) Notifications. Prior to termination the following notices shall be given:

- (1) On the Tenth (10th) calendar day after the bill has not been paid, the Customer will be mailed a Delinquent Notice. The Delinquent Notice will tell the Customer that the service will be disconnected five (5) calendar days after the notice is mailed, if the bill is not paid.
- (2) On the sixth (6th) calendar day after the mailing of the Delinquent Notice, a yellow colored notice will be delivered to the place of service. The yellow notice will advise the Customer that the service will be disconnected on the following calendar day, if the bill is not paid by the time specified.
- (3) If the bill is not paid by the deadline on the yellow colored notice, a red colored notice will be delivered to the place of service advising the Customer that the service has been disconnected.
- (4) Each of the notices will contain a statement of additional administrative charges and any reconnect fee that may be imposed as well as the account balance.

(F) Schedule of Rate; Payment Policy:

(1) Administrative Charges. Administrative charges and reconnect fees, as determined by the City Council and as set by their resolution, shall be imposed under the following conditions:

(a) On the fifth (5th) calendar day, from the due date printed on the current utility billing statement, after the system bill has not been paid, an administrative charge will be imposed to cover the cost of processing notices, and general administration as to the delinquency. The administrative charge authorized herein will not apply to Accounts with a balance of Nine Dollars and Ninety-Nine Cents (\$9.99) or less.

(b) If it is necessary to deliver a Disconnect Notice and if service is disconnected, a fee for reconnection of services will be charged and must be paid before services can be reconnected to that point of service.

(c) The Delinquency Charge Notice, the administrative charge and the reconnect fee will be required to be paid, in addition to the amount of the unpaid balance for services rendered, before any reconnection will occur.

(d) At the time of the creation of the next utility system bill creation cycle, all accounts with a delinquent balance on any or all utility services, will have an administrative fee equal to one and one-half percent (1.5%) of the entire utility billing delinquent balance added to the Account Balance due on a monthly basis until such balance is fully paid.

Water Services

~~7-6-30: DELINQUENT ACCOUNTS:~~

~~A. If bills for water service are not paid within twenty (20) days after the past due date, then the City Clerk shall issue a five (5) day "Notice of Delinquency and Intent to Shut Off and Discontinue Water Service" to such delinquent customers.~~

~~B. If said bill is not paid within five (5) days thereafter, a "Twenty-Four (24) Hour Shut Off Notice" shall be given to the customer prior to termination of water services.~~

~~C. In the case where service is discontinued for delinquency in payment for services provided, the service shall not be restored until the delinquency is paid, or until arrangements for payments, as deemed satisfactory by the Mayor, have been made, together with payment of a service fee of thirty five dollars (\$35.00) for restoration of services. The thirty five dollar (\$35.00) fee shall be charged and paid whenever a service trip is made for the purpose of discontinuing or restoring service because of nonpayment.~~

~~D. In the event that a delinquent customer fails to pay customer's bill within the time set forth hereinabove, the City may discontinue City water service and enter upon the customer's property for accomplishing such purposes.~~

7-6-30: DELINQUENT ACCOUNTS:

A. Notifications. Prior to termination the following notices shall be given:

- (1) On the Tenth (10th) calendar day after the bill has not been paid, the Customer will be mailed a Delinquent Notice. The Delinquent Notice will tell the Customer that the service will be disconnected five (5) calendar days after the notice is mailed, if the bill is not paid.
- (2) On the sixth (6th) calendar day after the mailing of the Delinquent Notice, a yellow colored notice will be delivered to the place of service. The yellow notice will advise the Customer that the service will be disconnected on the following calendar day, if the bill is not paid by the time specified.
- (3) If the bill is not paid by the deadline on the yellow colored notice, a red colored notice will be delivered to the place of service advising the Customer that the service has been disconnected.
- (4) Each of the notices will contain a statement of additional administrative charges and any reconnect fee that may be imposed as well as the account balance.

B. Schedule of Rate; Payment Policy:

- (1) Administrative Charges. Administrative charges and reconnect fees, as determined by the City Council and as set by their resolution, shall be imposed under the following conditions:
 - (a) On the fifth (5th) calendar day, from the due date printed on the current utility billing statement, after the system bill has not been paid, an administrative charge will be imposed to cover the cost of processing notices, and general administration as to the delinquency. The administrative charge authorized herein will not apply to Accounts with a balance of Nine Dollars and Ninety-Nine Cents (\$9.99) or less.
 - (b) If it is necessary to deliver a Disconnect Notice and if service is disconnected, a fee for reconnection of services will be charged and must be paid before services can be reconnected to that point of service.
 - (c) The Delinquency Charge Notice, the administrative charge and the reconnect fee will be required to be paid, in addition to the amount of the unpaid balance for services rendered, before any reconnection will occur.

(d) At the time of the creation of the next utility system bill creation cycle, all accounts with a delinquent balance on any or all utility services, will have an administrative fee equal to one and one-half percent (1.5%) of the entire utility billing delinquent balance added to the Account Balance due on a monthly basis until such balance is fully paid.

5-1-9A-2: SCHEDULE OF ZONING REGULATIONS ADOPTED.

[Current Ordinance Language.]

B. The zoning administrator shall interpret the zoning chart for groups and uses not specifically mentioned in the chart by determining a similar group and/or use listed in the charts. The zoning administrator shall then review the charts for the similar use and appropriate zone for the proposed use to determine if the matter is permitted, conditionally permitted, temporarily permitted or not permitted.

[Proposed Ordinance Language.]

~~B. The zoning administrator shall interpret the zoning chart for groups and uses not specifically mentioned in the chart by determining a similar group and/or use listed in the charts. The zoning administrator shall then review the charts for the similar use and appropriate zone for the proposed use to determine if the matter is permitted, conditionally permitted, temporarily permitted or not permitted.~~ Repealed.

Required Setbacks in the City of Albion, Idaho

Residential Agricultural Zone:

Maximum Height: 20 feet, unless greater height approved by conditional use permit.

Front Setback: 30 feet, from right-of-way line of the street.

Side Setback: 15 feet, from the side property line, except corner lots shall maintain a 30 foot side yard adjacent to street which intersects the street upon which the building fronts.

Rear Setback: 25 feet.

Minimum Lot area: 43,560 square feet.

Minimum Lot width: 50 feet.

R-1 Single Family Zone:

Maximum Height: 25 feet.

Front Setback 25 feet from right-of-way line of the street.

Side Setback: 5 feet, from the side property line, except corner lots must have 20 foot side yard if adjacent to street which intersects the street upon which the building fronts.

Rear Setback: 15 feet.

Minimum Lot width: 50 feet.

Minimum Lot area: 7,000 square feet.

Maximum Area Coverage: 35%.

R-1 Accessory Use:

Maximum Height: One Story.

Setbacks: Shall not encroach upon front or side yard setbacks.

Rear Setback: 15 feet.

Minimum Lot width: 50 feet.

R-1 Substandard: (Substandard provisions do not apply to lots that are part of a planned

development and do not take precedence over any not recorded on a subdivision plat.)

Maximum Height: Not to exceed width of lot or 25 feet, whichever is more restrictive. If lot width is less than 25 feet, then actual width of lot is maximum height setback.

Front Setback: Must be within five (5) feet of setback average of adjoining properties, but setback will not be less than ten (10) feet in any instance.

Side Setback: 5 feet, from the side property line, except on Corner lot setback is 15 feet if livable space; 20 feet if parking

space.

Rear Setback: 15 feet.

Maximum Lot Size: less than 7,000 square feet.

Minimum Lot width: Less than 50 feet.

Effective Lot area: Residential floor area is not to exceed 50% of effective lot area on lots smaller than 5000 square feet. Must provide a private open space of minimum 225 square feet and at least 10 ft. by 15 ft. open to sky.

Commercial Use: (Residential use in Commercial zone must meet R-1 Single Family Setbacks). Otherwise, applicable setbacks are:

Maximum Height: 30 feet, greater height can be allowed through conditional use permit.

Front Setback: 10 feet, from the front property line when abut residential district, otherwise not required.

Side Setback: 10 feet, from the side property line when abut residential district, otherwise not required.

Rear Setback: 15 feet when abutting upon a residential zone.

Minimum Lot Width: 50 feet.

Minimum Lot Size: No minimum lot size, except Residential uses have same area requirements as in R-1 zone.

I-L Light Industrial Use:

Maximum Height: Greater of 45 feet or five stories, greater height can be allowed through conditional use permit.

Front Setback: 20 feet when abut residential district, otherwise no front setback is required.

Side Setback: 20 feet, from the side property line when abut

residential district, otherwise no side setback is required.

Rear Setback: 20 feet when abut a residential district, otherwise no rear setback is required.

Minimum Lot Width: 50 feet.

Minimum Lot Size: None.

SUMMARY OF ORDINANCE NO. 2024-02-01
City of Albion, Idaho

This is the summary of City of Albion Ordinance No. 2024-02-01, an ordinance of the City of Albion, Cassia County, Idaho, amending Albion City Code Title 4, Chapter 5, Section 3 (C) on service termination clarifying notices; Title 4 Chapter 5 Section 4(I) for schedule of rates; payment policy to provide times of notice, administrative charges on delinquent balances of one and one-half percent of entire balance; Title 7 Chapter 5, Section 15 for sewer service charges, paragraph (E) to provide notifications prior to termination of services and in paragraph (F) to provide for administrative charges and when such shall be imposed and payment policy; repealing all of Title 7, Chapter 6, Section 30 regarding delinquent accounts; and proposing new language for delinquent accounts providing for notifications, schedule of rate and payment policy; all of which provide such treatment of delinquencies for any utility in a consistent manner; repealing language in title 5, chapter 1, section (9a)(2) regarding zoning administrator interpretation of zoning chart to comply with Idaho law and changing the table of required setbacks to more easily reviewed text-list form, and removing outdated language regarding averaging methods for determining R-1 front setback; clarifying R-1 substandard front setback language; providing a severability clause; providing for repeal of conflicting provisions; and effective date.

The full text of City of Albion Ordinance No. 2024-02-01 is available at the City Office, 225 South Main, Albion, Idaho. A copy of the full ordinance will also be provided to any citizen, upon personal request during usual City business hours as posted at the City Office, excepting City recognized holidays.

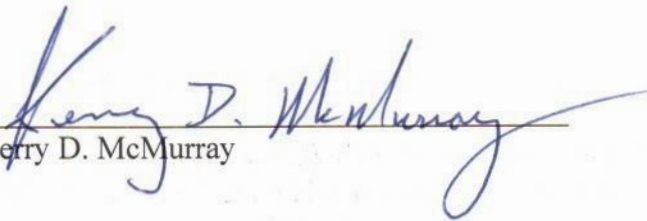
This ordinance shall be in full force and effect from and after its passage, approval and publication as provided by law.

CITY ATTORNEY'S STATEMENT

I, the undersigned City Attorney for Albion, Idaho hereby certify that the foregoing Summary of Ordinance 2024-02-01, an Ordinance of the City of Albion, Idaho amending provisions of the utility regulations, Title 4, Chapter 5 regarding electrical service; Title 7, Chapter 5 regarding sewer service; and Title 7, Chapter 6 regarding water service billing procedures, and repealing zoning administrator interpretation language and changing setback language from a table into a text-list format, is a true and complete summary of said ordinance, as is required by Idaho Code section 50-901, and provides adequate notice to the public of said provisions.

DATED this 6th day of February, 2024.

City Attorney for Albion, Idaho


Kerry D. McMurray