

ORDINANCE NO. 15-792

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CHINO VALLEY, ARIZONA, AMENDING THE TOWN CODE OF THE TOWN OF CHINO VALLEY, ARIZONA, TITLE V: PUBLIC WORKS, CHAPTER 51: UTILITY FEES, BY AMENDING SECTIONS 51.250 UTILITY SERVICE DEPOSITS AND 51.261 FEES AND ASSESSMENTS DUE, SUBSECTIONS (C), (D) AND (E), ALL RELATED TO CLARIFYING THE RESPONSIBILITY OF THE CUSTOMER TO CONTINUE TO PAY SEWER BILLS WHEN SERVICE IS DISCONNECTED; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING PENALTIES

WHEREAS, the Town provides wastewater collection services to the residents and businesses located within the Town of Chino Valley and has approved certain fees and charges for these services based upon a rate study, as required by and in full compliance with Arizona law; and

WHEREAS, the fees and charges approved by the Town Council are based upon, among other things, the continued payment of fees from a property once that property has been connected to the Town's sewer system; and

WHEREAS, continued collection of the approved fees and charges is crucial to the Town's ability to pay for the expenses of providing the services to the community and the debt service incurred in order to provide this service; and

WHEREAS, wastewater service is a non-metered service and the calculation of necessary fees and charges is based upon the number of users, not the amount of services each user requires and the effect of customers disconnecting from the service and failing to pay his portion is detrimental to the entire system and not in the best interests of the public health, safety and welfare of the community;

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the Town of Chino Valley, Arizona, as follows:

Section 1. In General.

The Town Code of Chino Valley, Arizona, Title V Public Works, Chapter 51 Utility Fees, Section 51.250 Utility Service Deposits, Subsections (C), (D) and (E) are hereby amended to read as follows (additions shown in ALL CAPS; deletions shown in ~~strikeout~~):

§ 51.250 UTILITY SERVICE DEPOSITS.

* * *

(C) The town will refund UTILITY SERVICE deposits OR PORTIONS THEREOF ~~upon 1 of the following conditions~~ IF ONE OF THE FOLLOWING OCCURS:

(1) ~~A person~~THE TOWN UTILITY CUSTOMER WHO PAID A UTILITY DEPOSIT ~~who has been a town utility customer for at least ONE (1) year FOLLOWING PAYMENT OF THE DEPOSIT and has paid the appropriate deposit and has a good payment record.~~ If after 1 year the town utility customer has not ~~demonstrated~~MAINTAINED a good payment record, the deposit will not be refunded until the TOWN UTILITY customer has achieved a good payment record FOR AT LEAST ONE (1) YEAR.

(2) ~~ATHE~~ town utility customer, ~~upon notification~~ HAS PROVIDED WRITTEN NOTICE TO THE TOWN to discontinue service and ~~upon the town's receipt of~~ HAS RECEIVED payment in full for utilities rendered, any WATER meter damage, or other damage to the town system for which the UTILITY customer may be liable under this chapter. ~~When such notification has been given to the town,~~ ~~†~~The town, AT ITS OPTION may, ~~at that time,~~ apply the applicable deposit(s) to the UTILITY customer's final bill or send the customer a check for the difference.

(D) The TOWN UTILITY customer shall notify the town prior to or at the time the property to which service is provided becomes vacant. ~~Otherwise,~~ ~~†~~The TOWN UTILITY customer shall be responsible for all utility usage or damage to the town's property until the town receives a vacancy notice. THEREAFTER, THE TOWN UTILITY CUSTOMER SHALL NO LONGER BE RESPONSIBLE FOR PAYMENT OF METERED WATER SERVICES BUT, BECAUSE SEWER SERVICE IS A NON-METERED SERVICE, THE TOWN UTILITY CUSTOMER SHALL BE RESPONSIBLE FOR PAYMENT OF SEWER FEES AT THE APPLICABLE BASE RATE UNTIL SUCH TIME AS THE TOWN RECEIVES NOTICE THAT THE PROPERTY IS OCCUPIED BY A NEW TOWN UTILITY CUSTOMER, AT WHICH TIME THE NEW OCCUPANT SHALL BE RESPONSIBLE FOR PAYMENT OF THE UTILITY FEES AND CHARGES.

~~—(E) The town will presume service is being rendered from the time utilities are turned on by application of the customer until the customer gives notice to discontinue service or at such time as it is apparent that the property has been vacated without notice.~~

The Town Code of Chino Valley, Arizona, Title V Public Works, Chapter 51 Utility Fees, Section 51.261 Utility Service Deposits, Subsections (C), (D) and (E) are hereby amended to read as follows (additions shown in ALL CAPS; deletions shown in ~~strikeout~~):

§ 51.261 FEES AND ASSESSMENTS DUE.

(A) All fees and assessments are due and payable on the date billed. Water service may be discontinued for the nonpayment of any of the fees, penalties or assessments set forth in this ~~section~~CHAPTER. Late charges of 1.5% per month of the unpaid balance due will be imposed on bills not paid within ~~30~~22 days after the billing date.

(B) BECAUSE SEWER SERVICE IS AN UN-METERED SERVICE, ALL MONTHLY FEES SHALL APPLY AND ACCRUE WHETHER OR NOT SERVICE IS UTILIZED.

(C) THE PUBLIC WORKS DIRECTOR, WITH APPROVAL OF THE TOWN MANAGER, SHALL BE AUTHORIZED TO WAIVE ALL, OR ANY PORTION OF THE DEPOSIT FEES, WATER AND SEWER MONTHLY FEES, LATE FEES AND ANY OTHER MISCELLANEOUS FEES. THE WAIVER OF ANY FEES MUST BE CONSISTENT WITH FEDERAL AND STATE LAW. IN THE EVENT THAT AN OUTSTANDING BALANCE IS OWED FROM A PREVIOUS ACCOUNT HOLDER, THE WAIVER OF ANY FEES SHALL APPLY ONLY TO A NEW ACCOUNT HOLDER.

Section 2. Providing for Repeal of Conflicting Ordinances.

All ordinances and parts of ordinances in conflict with the provisions of this Ordinance or any part of the Code adopted herein by reference, are hereby repealed.

Section 3. Providing for Severability.

If any section, subsection, sentence, clause, phrase or portion of this Ordinance or any part of the Code adopted herein by reference, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

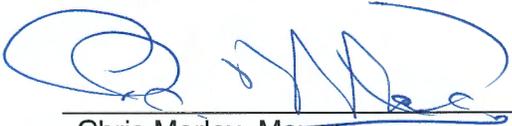
Section 4. Providing for Penalties.

Penalties for violations of the provisions of this Ordinance shall be as set forth in Sections 51.275 through 51.290 of the Town Code of the Town of Chino Valley, Arizona.

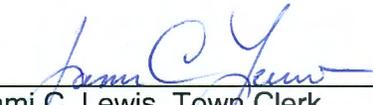
PASSED AND ADOPTED by the Mayor and Common Council of the Town of Chino Valley, Arizona, this 13th day of January, 2015 by the following vote:

AYES:	<u>4</u>	ABSENT:	<u>0</u>
NAYS:	<u>3</u>	ABSTAINED:	<u>0</u>

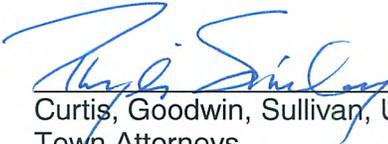
APPROVED this 13th day of January, 2015.


Chris Marley, Mayor

ATTEST:

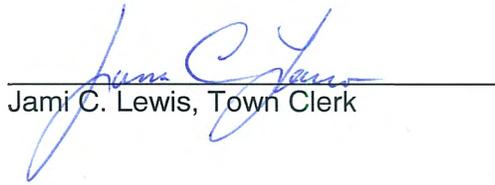

Jami C. Lewis, Town Clerk

APPROVED AS TO FORM:



Curtis, Goodwin, Sullivan, Udall & Schwab, PLC
Town Attorneys
By: Phyllis L.N. Smiley

I, JAMI LEWIS, TOWN CLERK, DO HEREBY CERTIFY THAT A TRUE AND CORRECT COPY OF THE ORDINANCE NO. 15-792 ADOPTED BY THE COMMON COUNCIL OF THE TOWN OF CHINO VALLEY ON THE 13TH DAY OF JANUARY, 2015, WAS POSTED IN THREE PLACES ON THE 14TH DAY OF JANUARY, 2015.



Jami C. Lewis, Town Clerk