

ORDINANCE NO. 15-08

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF QUARTZSITE, ARIZONA, AMENDING THE CODE OF QUARTZSITE, ARIZONA, CHAPTER 16 WASTEWATER TREATMENT AND COLLECTION SYSTEM CODE, ARTICLE 16-2 WASTEWATER TREATMENT, DISCHARGE & REQUIREMENTS IS HEREBY AMENDED BY AMENDING SECTION 6-2-2 SEWER FEES SUBSECTION D, PARAGRAPH 1 RELATED TO PRIVATE WATER SUPPLY METERS AND SEWER USE FEES; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR PENALTIES.

WHEREAS, the Town Code of the Town of Quartzsite currently requires that for purposes of determining a sewer use charge, sewer usage is calculated by using the amount of metered water usage supplied by the Town; and

WHEREAS, some residents of the Town are not connected to the Town's water utility and therefore sewer usage cannot be measured by the amount of water supplied by the Town; and

WHEREAS, the Town currently charges persons connected to the Town's sewer system but who have their own well and do not receive water supplied by the Town a flat rate calculated in a manner consistent with guidelines accepted by the Arizona Department of Environmental Quality; and

WHEREAS, the Town believes it would be in the best interest of the community and its residents to establish an alternative method of calculating sewer usage for persons who receive water from private wells on their property and therefore do not receive water service from the Town's water utility.

NOW THEREFORE BE IT ORDAINED by the Mayor and Common Council of the Town of Quartzsite, Arizona, as follows:

The Code of Quartzsite, Arizona, Chapter 16 Wastewater Treatment and Collection System Code, Article 16-2 Wastewater Treatment, Discharge & Requirements is hereby amended by amending Section 6-2-2 Sewer Fees Subsection D Sewer Use Charge, Paragraph 1 to read as follows (additions in ALL CAPS; deletions in ~~strikeout~~):

D. Sewer Use Charge.

1. *SEWER USE CHARGES*

a. *PERSONS CONNECTED TO THE TOWN'S WATER UTILITY.* For the purposes of determining the sewer use charge, the charge *shall* be based upon equivalent residential units. Each contributor on the system *shall* be evaluated as

to their flow contribution and set as their proportionate share of the equivalent residential unit. Sewer use charges shall commence when connection of the sewer line to the facility being served is no longer physically connected to the Town sewer line. The service charge shall be collected from the property owner whether or not said unit is occupied during the building period or any period when the property is not occupied.

b. PERSONS USING PRIVATE WELLS FOR WATER SUPPLY. WHERE THE TOWN DOES NOT SUPPLY WATER SERVICE AND A PERSON HAS HIS OWN WELL OR WELLS, THE SEWER CHARGE SHALL BE BASED UPON EITHER:

1) A FLAT MONTHLY RATE BASED UPON CRITERIA RECOGNIZED BY THE ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY OR AS APPROVED BY RESOLUTION OF THE TOWN COUNCIL; OR

2) AT THE OPTION OF THE PERSON, FLOW CONTRIBUTIONS EVIDENCED BY MONTHLY READS BY TOWN PERSONNEL OF METERS MEASURING THE QUANTITY OF WATER DELIVERED TO THE ACCOUNT FROM THE PRIVATE WELL OR WELLS, PROVIDED ALL THE FOLLOWING APPLY:

- a) THE PERSON'S ACCOUNT IS IN GOOD STANDING;
- b) THE PERSON SUBMITS AN APPLICATION AND IS APPROVED FOR A PRIVATE WELL ACCOUNT;
- c) THE PERSON IS RESPONSIBLE FOR ACQUIRING, INSTALLING AND MAINTAINING A TOWN APPROVED METER FOR THE PRIVATE WELL OR WELLS;
- d) THE PERSON SECURES A PLUMBING PERMIT FOR THE INSTALLATION OF THE PRIVATE METER AND ALL WORK IS INSPECTED AND APPROVED BY THE TOWN;
- e) THE TOWN IS ALLOWED ACCESS TO INSPECT THE METER AT ANY TIME FOR ANY REASON;
- f) THE PERSON AGREES THAT IF AT ANY TIME THE TOWN DETERMINES THE METER IS NOT FUNCTIONING PROPERLY FOR ANY REASON OR THAT METER IS NOT BEING PROPERLY MAINTAINED, THE TOWN MAY CHARGE THE APPLICABLE FLAT MONTHLY UNTIL THE TOWN DETERMINES THE ACCOUNT IS AGAIN ELIGIBLE FOR THE PRIVATE METER OPTION.

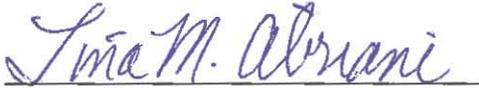
APPROVED AS TO FORM:



Curtis, Goodwin, Sullivan, Udall & Schwab, P.L.C.
Town Attorneys

60 By: Susan D. Goodwin

I, TINA ABRIANI, TOWN CLERK, DO HEREBY CERTIFY THAT A TRUE AND CORRECT COPY OF THE ORDINANCE NO. 15-08 ADOPTED BY THE COMMON COUNCIL OF THE TOWN OF QUARTZSITE, ARIZONA, ON THE 10TH DAY OF NOVEMBER, 2015, WAS POSTED IN THREE PLACES AND ON THE TOWN'S WEBSITE ON THE 16TH DAY OF NOVEMBER, 2015.



Town Clerk

Section II. 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 III. 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 IV. Providing for Penalties.

Any person found guilty of violating any provision of this Ordinance shall be guilty of a misdemeanor, and upon conviction thereof shall be punishable by a fine not to exceed Two Thousand Five Hundred Dollars (\$2,500) or by imprisonment for a period not to exceed six (6) months, or both such fine and imprisonment. Each day that a violation continues shall be a separate offense punishable as herein described.

PASSED AND ADOPTED by the Common Council of the Town of Quartzsite, Arizona, this 10TH day of NOVEMBER, 2015, by the following vote:

AYES: <u>7</u>	ABSENT: <u>0</u>
NAYES: <u>0</u>	ABSTAINED: <u>0</u>
EXCUSED: <u>0</u>	

APPROVED this 10TH day of NOVEMBER, 2015.


Ed Foster, Mayor

ATTEST:


Tina Abriani, Town Clerk