



Town of Huachuca City

The Sunset City

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ORDINANCE NO. 2019-08

AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF HUACHUCA CITY, COCHISE COUNTY, ARIZONA, AMENDING THE TOWN CODE TITLE 13 "WATER," CHAPTER 13.05 "WATER SYSTEM ADMINISTRATION," SECTION 13.05.010 "MANAGEMENT OF WATER SYSTEM;" CHAPTER 13.10 "APPLICATION FOR SERVICE," SECTION 13.10.010 "APPLICATION FOR WATER," SECTION 13.10.030 "VIOLATION OF APPLICATION PROVISIONS;" CHAPTER 13.15 "DEPOSIT," SECTION 13.15.010 "DEPOSIT REQUIRED;" "CHAPTER 13.20 "DISCONTINUANCE OF SERVICE;" "CHAPTER 13.25 "RATES AND BILLS," SECTION 13.25.010 "WATER RATES," SECTION 13.25.030 "WATER BILLS," SECTION 13.25.050 "TURN OFFS AND TURN ONS;" AND "CHAPTER 13.30 "METERS," SECTION 13.30.050 "WATER METER INSTALLATION FEE SCHEDULE," SECTION 13.30.070 "INTERFERENCE BY DOGS," SECTION 13.30.080 "SPECIAL METER READING," AND SECTION 13.30.090 "METER TESTS," TO INCREASE RATES, FEES AND DEPOSITS FOR RESIDENTIAL AND COMMERCIAL WATER SERVICE, AND TO ESTABLISH PENALTIES FOR METER TAMPERING AND THEFT OF SERVICE.

WHEREAS, the Town Council of the Town of Huachuca City has adopted by Resolution No. 84-002 a code known as the Town Code of the Town of Huachuca City, Arizona [the "Code"], and has amended and republished the Code from time to time, as authorized by A.R.S. 9-240 (B) (28) and Town Ordinance No. 15-02; and

WHEREAS, A.R.S. § 9-240(B)(6) grants the Town Council the power to provide the Town with water; and

WHEREAS, A.R.S. § 49-391(A) grants the Town Council the power to adopt any ordinances necessary for implementing and enforcing the pretreatment requirements under the federal Water Pollution Control Act Amendments of 1972 (P.L. 92-500; 86 Stat. 816; 33 United States Code §§ 1251 through 1376), as amended; and

WHEREAS, A.R.S. 9-511.01 authorizes the Town Council to increase the rates and fees charged for water and sewer services, pursuant to a rate study supporting the rate changes, and after a public hearing; and

WHEREAS, the Town commissioned a rate study by a registered engineer, and this study has been available to the public in the office of the Town Clerk, at least thirty days before the public hearing; and

WHEREAS, a public hearing was held on February 14, 2019, to receive public comment, pro and con, for adopting the fee and rate increases; and

WHEREAS, the Town Council has determined that increases in the amounts of its rates, service fees and deposits, as described below, are necessary to cover the costs of providing services, and that the proposed rates, fees and deposits are just and reasonable; and

WHEREAS, as required by the Code, section 2.25.040, this Ordinance was first read at a public meeting of the Town Council on January 10, 2019.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Town of Huachuca City, as follows:

SECTION 1. The Code, Title 13 "WATER," Chapter 13.05 "WATER SYSTEM ADMINISTRATION," Section 13.05.010 "Management of water system," is amended as follows, with deletions in ~~strikeout~~ and additions in underlined text:

The ~~clerk~~ town manager shall have the immediate control and management of all things pertaining to the town water works system and shall perform all acts that may be necessary for the prudent, efficient and economical management and protection of said water works, subject to the approval and confirmation of the council. The council shall have the power to prescribe such other and further rates, rules and regulations as it may deem necessary.

SECTION 2. The Code, Title 13 "WATER," Chapter 13.10 "APPLICATION FOR SERVICE," Section 13.10.010 "Application for water," is amended as follows, with additions in underlined text:

Application for the use of water and sewer service shall be made in person, at the Town Hall, to the clerk by the owner or agent of the property to be benefited, designating the location of the property and stating the purpose for which the water may be required. Applicants for water service shall pay a \$15.00 non-refundable application processing fee.

SECTION 3. The Code, Title 13 "WATER," Chapter 13.10 "APPLICATION FOR SERVICE," Section 13.10.030 "Violation of application provisions" is amended as follows, with deletions in ~~strikeout~~ and additions in underlined text:

For violation of any of the provisions relating to application for service, the town shall, at the expiration of seven days after mailing written notice to the last known address of the consumer, at its option, remove the meter and discontinue service. Where the meter is thereafter reinstalled, the consumer shall first pay to the town a reinstallation charge of ~~\$6.00~~ \$75.00.

SECTION 4. The Code, Title 13 “WATER,” Chapter 13.15 “DEPOSIT,” Section 13.15.010 “Deposit required” is amended as follows, with deletions in ~~strikeout~~ and additions in underlined text:

There shall be charged to all persons applying for water service to be provided to any premises, before such service commences, a deposit of ~~\$25.00~~ \$75.00 for each meter plus any prior town utility bill arrears balance in the customer’s name. ~~, or, at the option of the clerk, a deposit equal to not less than twice the estimated amount of the probable monthly bill.~~ Deposits shall be non-interest-bearing and shall be refunded to the consumer upon discontinuance of service and payment of charges; provided, that charges may be deducted from said security deposit before the refund is made. All prior town utility bills in arrears in the customer’s name must be paid in full before the customer may establish town utility service at another address. Deposits may be waived by providing a verifiable utility letter of reference from another water utility company. For a water customer to re-establish service after disconnection due to non-payment the new deposit shall be twice the standard deposit plus any utility bill arrears balance before service can be reconnected. The Town has (24) business hours to reestablish water connection after receiving full payment for water services that were disconnected due to non-payment or for turn-on off water service due to resident request.

SECTION 5. The Code, Title 13 “WATER,” Chapter 13.20 “DISCONTINUANCE OF SERVICE,” is renamed as “DISCONTINUANCE OF SERVICE; PENALTIES,” and is further amended by adding new Section 13.20.030 “Penalties,” reading as follows:

13.20.030 Penalties.

Meter tampering carries a \$100.00 fee to cover the costs of inspection and remediation. In addition, meter tampering is a civil offense and violations shall be punished with a fine of \$250.00 for the first offense, and a fine of \$500.00 for each subsequent offense. In addition, theft of town water services is a class 2 criminal misdemeanor, punishable as determined by the court, with incarceration of up to four months in jail and a fine of not more than \$750.00, plus restitution to the town. Civil and criminal complaints may be filed in court by any police officer or the town attorney. For purposes of this section, unauthorized manipulation of a water meter shall constitute meter tampering.

SECTION 6. The Code, Title 13 “WATER,” Chapter 13.25 “RATES AND BILLS,” Section 13.25.010 “Water rates,” subsection (A), is amended as follows by replacing the current fee schedule in its entirety with the following fee schedule:

Residential Water Rates

For calendar year 2019 residential water fees are set as described below. Beginning January 1, 2020 residential water fees (monthly service charge and all progressive tiers) will be increased 3% automatically every January 1 annually.

Calculation of Residential Water Bills

All residential water customers will pay the monthly service charge and pay the amount per progressive tier in which they use water. Also the rate set for Progressive Tier K shall increase by the Progressive Tier K amount for every 1000 gallons used. Ex: A residential water customer using 15,000 gallons monthly would pay: Monthly service charge, tier charges for all Progressive Tiers A-K and the Progressive Tier K rate for 12,000, 13,000, 14,000 and 15,000 gallons.

Monthly Service Charge	\$20.00
Progressive Tier A 1-1999 Gallons	\$3.00
Progressive Tier B-2000-2999 Gallons	\$3.25
Progressive Tier C-3000-3999 Gallons	\$3.50
Progressive Tier D-4000-4999 Gallons	\$3.50
Progressive Tier E-5000-5999 Gallons	\$3.50
Progressive Tier F-6000-6999 Gallons	\$3.50
Progressive Tier G-7000-7999 Gallons	\$5.00
Progressive Tier H-8000-8999 Gallons	\$5.00
Progressive Tier I-9000-9999 Gallons	\$5.00
Progressive Tier J-10,000-10,999 Gallons	\$5.00
Progressive Tier K 11,000-Ceiling Gallons	\$7.00

Commercial Water Rates

For calendar year 2019 commercial water fees are set as described below. Beginning January 1, 2020 residential water fees (monthly service charge and all progressive tiers) will be increased 3% automatically every January 1 annually.

Calculation of Commercial Water Bills

All commercial water customers will pay the monthly service charge and pay the amount per progressive tier in which they use water. Also the rate set for Progressive Tier K shall increase by the Progressive Tier K amount for every 1000 gallons used. Ex: A commercial water customer using 15,000 gallons monthly would pay: Monthly service charge, tier charges for all Progressive Tiers A-K and the Progressive Tier K rate for 12,000, 13,000, 14,000 and 15,000 gallons.

Monthly Service Charge	\$22.00
Progressive Tier A 1-1999 Gallons	\$5.00
Progressive Tier B-2000-2999 Gallons	\$5.25
Progressive Tier C-3000-3999 Gallons	\$5.50
Progressive Tier D-4000-4999 Gallons	\$5.50
Progressive Tier E-5000-5999 Gallons	\$5.50
Progressive Tier F-6000-6999 Gallons	\$5.50
Progressive Tier G-7000-7999 Gallons	\$6.00
Progressive Tier H-8000-8999 Gallons	\$6.00
Progressive Tier I-9000-9999 Gallons	\$6.00
Progressive Tier J-10,000-10,999 Gallons	\$6.00
Progressive Tier K 11,000-Ceiling Gallons	\$8.00

SECTION 7. The Code, Title 13 “WATER,” Chapter 13.25 “RATES AND BILLS,” Section 13.25.030 “Water Bills,” subsections (A) and (B), are amended as follows, with deletions in ~~strikeout~~ and additions in underlined text:

A. Water meters shall be read on the ~~twentieth~~ twenty-fifth day of each month, as nearly as possible, and a separate bill shall be rendered for each meter and mailed on the first day of each succeeding month. All water bills shall be due on or before the ~~tenth~~ 15th day of the month following the ~~reading of the meter~~ utility billing date. ~~If the 15th day falls on a non-business day, the bill will be due on the next business day.~~ The town reserves the right to vary the dates or length of billing period, temporarily or permanently, if necessary or desirable. Bills shall become delinquent after ~~40~~ 15 days following billing date, at which time a 10 percent late fee will be assessed, and service may be discontinued after providing notice to the consumer.

B. Such notice shall provide the customer the opportunity for a hearing before the town clerk. The notice shall advise the customer that he has five days after the notice has been ~~mailed~~ issued to make a written request to the town clerk for such a hearing. The purpose of the hearing shall be to determine if there is good cause for the customer not

to pay the bill. If after such notice and hearing, the town clerk determines there is not good cause and the customer continues to fail in paying charges, the water meter will be disconnected, the customer's account closed by deducting from the customer's deposit the total amount of the bill, including penalties, up to the time of disconnection of the meter. The customer may appeal the decision of the town clerk to the mayor and council by giving written notice thereof and by posting with the clerk an amount equal to the amount due for the customer's water bill. During the appeal procedure, the customer shall be entitled to continued service provided all bills are kept current.

SECTION 8. The Code, Title 13 "WATER," Chapter 13.25 "RATES AND BILLS," Section 13.25.050 "Turn offs and turn ons," is amended as follows, with deletions in ~~strikeout~~ and additions in underlined text:

A charge of ~~\$25.00~~ \$40.00 shall be made for each turn on of water service for reasons other than change of occupancy.

SECTION 9. The Code, Title 13 "WATER," Chapter 13.30 "METERS," Section 13.30.050 "Water meter installation fee schedule," is amended as follows, with deletions in ~~strikeout~~ and additions in underlined text:

Fees for water meter installation and service line extension shall be actual cost of meters, service line, engineering costs and labor costs, for the installation of the meter and service line. For installation of a meter not requiring additional service line, the cost shall be the actual cost of the meter, meter box, ~~and related equipment and installation costs,~~ and installation costs, plus a \$50.00 service charge for the labor ~~and installation costs.~~

SECTION 10. The Code, Title 13 "WATER," Chapter 13.30 "METERS," Section 13.30.070 "Interference by dogs," is amended as follows, with additions in underlined text:

In the event any dog kept on the premises interferes with meter reading by an employee of the town and the meter is not read, a billing will be made by the town in an amount based on the average monthly billing of the previous three months. The town shall notify the consumer of the interference, and the consumer shall be responsible for ensuring that their dog does not interfere with future meter readings in order to avoid incurring special meter reading fees.

SECTION 11. The Code, Title 13 "WATER," Chapter 13.30 "METERS," Section 13.30.080 "Special meter reading," is amended as follows, with deletions in ~~strikeout~~ and additions in underlined text:

Any consumer may request and have the town perform a special reading of his water meter upon the payment of a ~~\$4.00~~ \$5.00 deposit per special reading. If the special reading indicates that the regular meter reading was incorrect, then such deposit shall be returned to the consumer, otherwise, such deposit shall be retained by the town as a charge for the special meter reading.

SECTION 12. The Code, Title 13 "WATER," Chapter 13.30 "METERS," Section 13.30.090 "Meter tests," is amended as follows, with deletions in ~~strikeout~~ and additions in underlined text:


Any consumer may, upon written application accompanied by a ~~deposit of \$1.00,~~ \$5.00 deposit per test, have his meter tested for accuracy by the town. If the meter registers a divergence from accuracy greater than three percent, the deposit shall be refunded to the applicant and the indicated adjustment made in the water service charges for a total period not longer than the then current period and the monthly period immediately preceding. If a meter so tested registers within three percent of accuracy, the deposit shall be retained by the town as a fee to pay the cost of such test. All inaccurate and defective meters shall be replaced by the town immediately when detected.

SECTION 13. All ordinances, parts of ordinances, resolutions, parts of resolutions, policies, and parts of policies in conflict with the provisions of this Ordinance, or any part hereof, are hereby repealed.

SECTION 14. If any section, subsection or portion of this Ordinance is for any reason held to be invalid or unenforceable by the decision of a court of competent jurisdiction, such decision shall not affect the validity or enforceability of the remaining portions hereof.

SECTION 15. The Town Clerk is hereby directed, pursuant to the Code, sections 2.25.080 and 2.25.090, to post this Ordinance in three or more public places within the Town, and to publish this Ordinance as required by A.R.S. 9-812 and 39-204 (C)(3).

PASSED AND ADOPTED BY THE MAYOR AND TOWN COUNCIL OF THE TOWN OF HUACHUCA CITY, COCHISE COUNTY, ARIZONA, THIS 14TH DAY OF FEBRUARY, 2019.


Johann Wallace, Mayor

ATTEST:


Jennifer Fuller, Town Clerk

Approved as to Form:


Thomas Benavidez, Town Attorney

