



Town of Huachuca City

The Sunset City

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ORDINANCE NO. 2019-09

AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF HUACHUCA CITY, COCHISE COUNTY, ARIZONA, AMENDING THE TOWN CODE TITLE 14 "SEWERS," CHAPTER 14.10 "RULES AND REGULATIONS," SECTION 14.10.020 "GUARANTEE DEPOSIT," AND SECTION 14.10.030 "MINIMUM CHARGES, TAXES AND RATES," AND CHAPTER 14.20 "DEPARTMENT AND CONSUMER RESPONSIBILITIES," SECTION 14.20.010 "SEWER DEPARTMENT RESPONSIBILITIES AND LIABILITIES" TO INCREASE RATES, FEES AND DEPOSITS FOR RESIDENTIAL AND COMMERCIAL SEWER 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)(5) grants the Town Council the power to construct and maintain sewers and drains within the limits of the Town;

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 14 “SEWERS,” Chapter 14.10 “RULES AND REGULATIONS,” Section 14.10.020 “Guarantee deposit,” subsection (A), is amended as follows, with deletions in ~~strikeout~~ and additions in underlined text:

A. A deposit not in excess of ~~\$10.00~~ \$25.00 shall be required of a user. Such deposit shall be retained by the sewer department as security for payment of future sanitary sewer rental fees until such service is terminated.

SECTION 2. The Code, Title 14 “SEWERS,” Chapter 14.10 “RULES AND REGULATIONS,” Section 14.10.030 “Minimum charges, taxes and rates,” subsection (D), is amended as follows, with deletions in ~~strikeout~~ and additions in underlined text:

D. If service is to be established at the same service location for a consumer who has there ordered a service connection within the preceding 12-month period or for any member of such consumer's household, a nonrefundable charge of \$25.00 may will be required as a precondition to the establishment of such service. Any prior Town Utility bill arrears must be paid in full before new service may be established.

SECTION 3. The Code, Title 14 “SEWERS,” Chapter 14.10 “RULES AND REGULATIONS,” Section 14.10.030 “Minimum charges, taxes and rates,” subsection (E), is amended as follows by replacing the current fee schedule in its entirety with the following fee schedule:

<u>Residential Sewer Rates</u>
For calendar year 2019 residential sewer fees are set as described below. Beginning January 1, 2020 residential sewer fees (monthly service charge and all progressive tiers) will be increased 3% automatically every January 1 annually.
<u>Calculation of Residential Sewer Bills</u>
All residential sewer customers will pay the monthly service charge and pay the amount per progressive tier in which they use sewer. Also the rate set for Progressive Tier K shall increase by the Progressive Tier K amount for every 1000 gallons used. Ex: A residential sewer 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.

Infrastructure Reimbursement Fee

Beginning April 1, 2019 there will be an infrastructure reimbursement fee of \$.000104 per gallon of sewer produced. This per gallon rate will be the same per gallon for 1 gallon or 100,000 gallons. This reimbursement fee will be paid until April 1, 2026 to the general fund when it will expire.

Monthly Service Charge	\$18.00
Progressive Tier A 1-1999 Gallons	\$2.00
Progressive Tier B-2000-2999 Gallons	\$2.25
Progressive Tier C-3000-3999 Gallons	\$2.50
Progressive Tier D-4000-4999 Gallons	\$2.50
Progressive Tier E-5000-5999 Gallons	\$2.50
Progressive Tier F-6000-6999 Gallons	\$2.50
Progressive Tier G-7000-7999 Gallons	\$3.00
Progressive Tier H-8000-8999 Gallons	\$3.00
Progressive Tier I-9000-9999 Gallons	\$3.00
Progressive Tier J-10,000-10,999 Gallons	\$3.00
Progressive Tier K 11,000-Ceiling Gallons	\$4.00

Commercial Sewer Rates

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

Calculation of Commercial Sewer Bills

All commercial sewer customers will pay the monthly service charge and pay the amount per progressive tier in which they use sewer. Also the rate set for Progressive Tier K shall increase by the Progressive Tier K amount for every 1000 gallons used. Ex: A commercial sewer 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.

Infrastructure Reimbursement Fee

Beginning April 1, 2019 there will be an infrastructure reimbursement fee of \$.000104 per gallon of sewer produced. This per gallon rate will be the same per gallon for 1 gallon or 100,000 gallons. This reimbursement fee will be paid until April 1, 2026 to the general fund when it will expire.

Monthly Service Charge	\$22.00
Progressive Tier A 1-1999 Gallons	\$4.00
Progressive Tier B-2000-2999 Gallons	\$4.25
Progressive Tier C-3000-3999 Gallons	\$4.50
Progressive Tier D-4000-4999 Gallons	\$4.50
Progressive Tier E-5000-5999 Gallons	\$4.50
Progressive Tier F-6000-6999 Gallons	\$4.50
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	\$6.00

SECTION 4. The Code, Title 14 “SEWERS,” Chapter 14.10 “RULES AND REGULATIONS,” Section 14.10.030 “Minimum charges, taxes and rates,” subsections (G) and (H), are amended as follows, with deletions in ~~strikeout~~ and additions in underlined text:

G. All fees for sewer service will be included on the utility bill including water, garbage and sewer service and are payable by the ~~tenth~~ 15th day of the month next following the month of consumption at ~~the office of the water department, or the office of the authorized agent of such department~~ Town Hall, and no demand for the payment of the same need be made by the department, but each consumer shall be responsible for the payment thereof, at the proper place and time. If not paid by such date, a penalty of 10 percent of total billing shall be added on account of such nonpayment. If payment of the total bill plus the penalty charge is not made before 10:00 a.m. of the ~~fourteenth~~ 24th day of the month next following the month of consumption, the town shall give notice to the consumer that unless charges are paid the water meter will be disconnected. 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 business days after the notice has been mailed 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 a 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 common council by giving written notice thereof and by posting with the town 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. Balance of deposit, if any, remains to customer's credit. Reconnection charge shall be ~~\$1.00~~ \$5.00, payable in addition to a new deposit, as herein above provided.

H. In case any prescribed payment date falls on ~~a Sunday or legal holiday~~ any non-business day, the effective day of payment, as set forth above, shall be deemed to be the day following such Sunday or legal holiday. All services furnished the town or any public buildings shall be charged to the appropriate department, and the sewer department shall account for all services whether to the town or any person or corporation.

SECTION 5. The Code, Title 14 "SEWERS," Chapter 14.20 "DEPARTMENT AND CONSUMER RESPONSIBILITIES," Section 14.20.010 "Sewer department responsibilities and liabilities," is amended by adding new subsection (F) reading as follows:

F. Sewer system tampering shall carry a fee of \$250 for the first occurrence and \$500 for the 2nd occurrence.

SECTION 6. 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 7. 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 8. 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