

## **ORDINANCE 544-14**

### **AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF QUEEN CREEK, ARIZONA, AMENDING CHAPTER 16 UTILITIES, ADDING ARTICLE 16-6 WATER AND WASTEWATER CAPACITY CHARGES AND ESTABLISHING EFFECTIVE DATES.**

**WHEREAS**, capacity charges are used to pay the proportionate share of costs for needed utility infrastructure attributable to new growth, and development fee law only allows municipalities to charge development fees for service areas within municipal boundaries, and given the Town acquisition of H<sub>2</sub>O, the Town's water services extends outside the Town boundaries, and the Town will also have the need to provide some wastewater services outside of Town boundaries, it has become necessary to adopt capacity charges for Water and Wastewater in lieu of development fees; and

**WHEREAS**, the Town completed a study to determine the water and wastewater capacity charges, and has made that data available to the public; and

**WHEREAS**, pursuant to A.R.S. §9-511.01, a copy of the Water and Sewer Capacity Charges report was filed with the Town Clerk and on February 19, 2014, the Town Council approved a Notice of Intention to adopt Water and Wastewater Capacity Charges as required by state statute; and

**WHEREAS**, pursuant to A.R.S. §9-511.01, §9-499.15 and Article 16-4 & 16-5 of the Town of Queen Creek Town Code the Notice of Intention was adopted and published in the newspaper as required by law setting the time (April 2, 2014) and place (Town Hall) for the public hearing on the possible adoption of water and wastewater capacity charges; and

**WHEREAS**, the Town has conducted a public hearing and complied with all other notice requirements of A.R.S. §9-511.01; and

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

**Section 1:** The Queen Creek Town Code, Arizona Chapter 16 UTILITIES, Article 16-6 Water and Wastewater Capacity Charges is hereby added to read as follows:

#### **ARTICLE 16-6 WATER AND WASTEWATER CAPACITY CHARGES**

**16-6-1            THE COUNCIL MAY BY ORDINANCE OR RESOLUTION SET  
AND AMEND ANY CAPACITY CHARGE FOR WATER AND OR  
WASTEWATER**

**Section 2:** That the following charges shall apply to customers for Water and Wastewater, as prescribed in Section 16-6 "Water and Wastewater Capacity Charges" of the Town Code:

### Water Capacity Charges

All Development Types (per meter)

| <u>Meter (inches) and Type</u> | <u>Capacity Ratio</u> | <u>Proposed Water Capacity Charges</u> |
|--------------------------------|-----------------------|----------------------------------------|
| 0.75 displacement              | 1.00                  | \$ 4,014                               |
| 1.00 displacement              | 1.70                  | \$ 6,806                               |
| 1.50 displacement              | 3.30                  | \$ 13,189                              |
| 2.00 compound/turbine          | 5.30                  | \$ 21,166                              |
| 3.00 compound                  | 10.70                 | \$ 42,707                              |
| 3.00 turbine                   | 12.00                 | \$ 47,892                              |
| 4.00 compound                  | 17.00                 | \$ 67,837                              |
| 4.00 turbine                   | 20.50                 | \$ 81,798                              |

### Wastewater Capacity Charges

All Development Types (per meter)

| <u>Meter (inches) and Type</u> | <u>Capacity Ratio</u> | <u>Proposed Sewer Capacity Charges</u> |
|--------------------------------|-----------------------|----------------------------------------|
| 0.75 displacement              | 1.00                  | \$ 5,082                               |
| 1.00 displacement              | 1.70                  | \$ 8,629                               |
| 1.50 displacement              | 3.30                  | \$ 16,738                              |
| 2.00 compound/turbine          | 5.30                  | \$ 26,875                              |
| 3.00 compound                  | 10.70                 | \$ 54,243                              |
| 3.00 turbine                   | 12.00                 | \$ 60,831                              |
| 4.00 compound                  | 17.00                 | \$ 86,172                              |
| 4.00 turbine                   | 20.50                 | \$ 103,910                             |

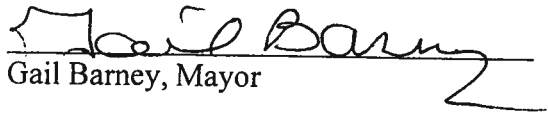
### **Section 3:** Effective Dates for Water and Wastewater Capacity Charges

This ordinance and adoption of Water and Wastewater Capacity Charges will be effective on May 2, 2014.

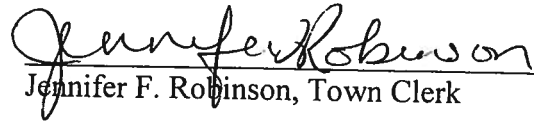
**Section 4:** If any section, subsection, sentence, clause, phrase or portion of this Ordinance or any part of this addition or modification adopted herein by reference is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

**PASSED AND ADOPTED** by the Mayor and Common Council of the Town of Queen Creek, Arizona, this 2nd day of April 2014.

**FOR THE TOWN OF QUEEN CREEK:**

  
Gail Barney, Mayor

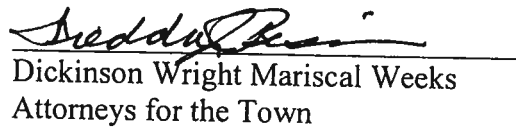
**ATTESTED TO:**

  
Jennifer F. Robinson, Town Clerk

**REVIEWED BY:**

  
John Kross, Town Manager

**APPROVED AS TO FORM:**

  
Dickinson Wright Mariscal Weeks  
Attorneys for the Town