

## ORDINANCE 701-19

### **AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF QUEEN CREEK, ARIZONA, AMENDING CHAPTER 16 UTILITIES, ARTICLE 16-3 SANITARY SEWER REGULATIONS, AMENDING THE WASTEWATER SERVICE FEES AND RATE STRUCTURE, AND ESTABLISHING AN EFFECTIVE DATE.**

**WHEREAS**, Chapter 16 UTILITIES, ARTICLE 16-3 SANITARY SEWER REGULATIONS of the Queen Creek Town Code provides that charges for sanitary sewer system use and service shall be established by Council and the Town possess the authority to adopt regulations for wastewater rates, rate components, fees or service charges pursuant to A.R.S. § 9-511.01; and

**WHEREAS**, all users of municipal sewage collection and treatment facilities are to be charged user fees in proportion to the quantity and strength of discharge; and

**WHEREAS**, Council directed staff to assess the feasibility of implementing a 10% rate/revenue reduction; and

**WHEREAS**, on June 5, staff recommended reducing the builder base fee to the residential base fee, a reduction of the flow factor associated with users' average winter water use (AWWU) from 90% to 70% for residential users without separately metered landscaping and amending the usage calculation for new residential customers such that their usage fee reflects 70% of active residential customer's AWWU, which is updated annually; and

**WHEREAS**, the Town has complied with all other notice requirements pursuant to A.R.S. §9-511.01; and

**WHEREAS**, Arizona Revised Statutes § 9-802 provides a procedure whereby a municipality may enact the provisions of a code or public record by reference, without setting forth such provisions, providing that the adopting ordinance is published in full; 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 16-3 Sanitary Sewer Regulations, Section 16-3-8 Sewer Service Fees is hereby amended to read as follows:

- C. The average winter water use or the volume portion of the sewer service fee shall be determined for residential (R1) **AND COMMERCIAL (C2)** users from the average monthly water use during the winter billing cycles of December, January, and February. The **NEW VOLUME PORTION OF THE SEWER SERVICE FEE SHALL BECOME EFFECTIVE THE FIRST BILLING CYCLE OF THE SUBSEQUENT FISCAL YEAR.** For other users the monthly volume shall be used.

**E. IF A USER DISCHARGES SANITARY SEWAGE, INDUSTRIAL**

WASTES, WATER OR OTHER LIQUIDS INTO THE TOWN SEWER SYSTEM, EITHER DIRECTLY OR INDIRECTLY, AND IT CAN BE SHOWN BY SUCH PARTY, TO THE SATISFACTION OF THE DIRECTOR, THAT A SIGNIFICANT PORTION OF THE WATER AS MEASURED BY THE WATER METER DOES NOT AND CANNOT ENTER THE SEWER SYSTEM, THEN THE DIRECTOR MAY DETERMINE IN SUCH MANNER AND BY SUCH METHOD AS THE DIRECTOR MAY FIND PRACTICABLE, THE PERCENTAGE OF METERED WATER ENTERING THE SEWER SYSTEM TO DETERMINE THE SEWER CHARGE, OR THE DIRECTOR MAY REQUIRE OR PERMIT THE INSTALLATION OF ACCEPTABLE ADDITIONAL WATER OR SEWER METERS, AT THE DISCHARGING PARTY'S EXPENSE TO DETERMINE THE QUANTITY OF WATER ACTUALLY ENTERING THE SEWER SYSTEM, IN WHICH CASE THE QUANTITY OF WATER USED TO DETERMINE THE SEWER CHARGE SHALL BE THE QUANTITY OF WATER ACTUALLY ENTERING THE SEWER SYSTEM. IF SUCH ADDITIONAL WATER OR SEWER METERS ARE INSTALLED, THE METER SHALL BE SUBJECT TO THE ADOPTED BASE CHARGE FOR THAT SPECIFIC METER WITHOUT ANY ADDITIONAL USAGE CHARGES.

EF. The following sewer user classes are established:

**Section 2:** That the following monthly charges shall apply to customers for sanitary sewer system use and service provided by the Town of Queen Creek, as prescribed in Section 16-3-8 "Sewer Service Fees" of the Town Code and, as further set forth in Exhibit "A", which is attached hereto and incorporated herein by reference.

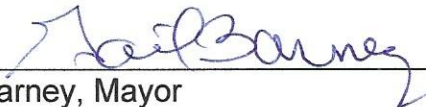
**Section 3: Effective Date for Wastewater Service Fees and Rate Amendments**

This ordinance and adoption of Wastewater Service Fees and Rate Structure will be effective on July 5, 2019.

**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 5<sup>th</sup> day of June 2019.

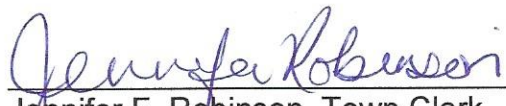
FOR THE TOWN OF QUEEN CREEK:

  
\_\_\_\_\_  
Gail Barney, Mayor

REVIEWED BY:

  
\_\_\_\_\_  
John Kross, Town Manager

ATTESTED TO:

  
\_\_\_\_\_  
Jennifer F. Robinson, Town Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Dickinson Wright, PLLC  
Attorneys for the Town

## EXHIBIT A

### WASTEWATER RATE SCHEDULE

#### Base Wastewater Rates

|            | Current  | PROPOSED |
|------------|----------|----------|
| Rate Class | Base Fee | July-19  |
| R1         | \$10.25  | \$10.25  |
| R2         | \$10.25  | \$10.25  |
| R3         | \$10.25  | \$10.25  |
| C1         | \$11.96  | \$11.96  |
| C2         | \$11.96  | \$11.96  |
| C3         | \$11.96  | \$11.96  |
| B1         | \$14.52  | \$10.25  |

#### Base Wastewater Usage Fee (per 1,000 gallons)

|            | Current   |                          | PROPOSED                      |             |
|------------|-----------|--------------------------|-------------------------------|-------------|
| Rate Class | Usage Fee | AWWU <sup>1</sup> Factor | July-19                       | AWWU Factor |
| R1         | \$4.82    | 90%                      | \$4.82                        | 70%         |
| R2         | \$4.82    | 100%                     | \$4.82                        | 100%        |
| R3         | \$33.21   | N/A                      | <i>R1 Average<sup>2</sup></i> | 70%         |
| C1         | \$5.61    | N/A                      | \$5.61                        | N/A         |
| C2         | \$5.61    | 100%                     | \$5.61                        | 100%        |
| C3         | \$5.61    | N/A                      | \$5.61                        | N/A         |
| B1         | \$0.00    | N/A                      | \$0.00                        | N/A         |

#### Notes

<sup>1</sup> AWWU is the "average winter water use" during the months of December, January, & February

<sup>2</sup> Recommended R3 usage fee based on 70% of active R1 customer's AWWU, which is updated annually

**R1:** Residential I – With an individual water meter such as single family detached.

**R2:** Residential II – Other, with landscaping on a separate meter, such as condominiums.

**R3:** Residential III – New customers prior to establishing the AWWU.

**C1:** Commercial and Industrial I – Landscaping on separate meters and no pretreatment; includes office buildings, apartments, retails, restaurants, schools, employment, etc.

**C2:** Commercial and Industrial II – Landscaping on the same meter and no pretreatment; includes Queen Creek Middle School, Canyon State Academy, and some Town Center office conversions.

**C3:** Commercial and Industrial III – C1 with pretreatment.

**B1:** Builder I – Between issuance of building permit and certificate of occupancy