

ORDINANCE NO. 807-23

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF QUEEN CREEK, ARIZONA, AMENDING CHAPTER 10 HEALTH AND SANITATION, SECTION 10-9-13 RATES, CHARGES, FEES AND PAYMENT AND AMENDING CHAPTER 16 UTILITIES, SECTION 16-2-8 DEPOSITS, SECTION 16-2-13 PAYMENT OF BILLS, SECTION 16-2-17 DEPOSIT REQUIRED AFTER TERMINATION, SECTION 16-5-1 DEFINITIONS, SECTION 16-5-14 CUSTOMER BILLING, SECTION 16-5-15 PAYMENT OF BILLS; DELINQUENT BILLS; REMOVING THE UTILITIES LATE FEE; AND REPEALING CONFLICTING ORDINANCES AND RESOLUTIONS.

WHEREAS, the Town of Queen Creek, Arizona (the "Town"), is authorized under Arizona Statutes to provide utility and solid waste services ("Services"); and

WHEREAS, the Town serves a growing customer base of over 40,000 accounts for Services; and

WHEREAS, the implementation of new billing software will change the timing of the monthly billing for Services; and

WHEREAS, needed adjustments have been identified in the Town Code to accommodate the implementation of the new billing software; and

WHEREAS, Articles 10-9 and 16-5 of the Queen Creek Town Code, and A.R.S. § 9-511.01 provide that charges for Services may be set by the Town Council; and

WHEREAS, it is advantageous under the new billing system to eliminate the existing late fee on bills for Services and make a deposit to reestablish Services an option instead of a requirement; and

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF QUEEN CREEK, ARIZONA, AS FOLLOWS:

Section 1: The Queen Creek Town Code, Chapter 10 HEALTH AND SANITATION, Section 10-9-13 Rates, Charges, Fees and Payment and Chapter 16 UTILITIES, Section 16-2-8 Deposits, and Section 16-2-17 Deposit Required after Termination Section 16-2-13 Payment of Bills, Section 16-5-1 Definitions, Section 16-5-14 Customer Billing, Section 16-5-15 Payment of Bills; Delinquent Bills, are hereby amended to read as follows (additions in ALL CAPS, removals in strikethrough):

10-9-13 Rates, Charges, Fees And Payment

The Town Council by resolution may adopt, set or amend the fees, rates, payments, penalties and charges related to this Article 10-9 ~~10-8~~, which resolution shall be on file with the Town Clerk. In addition, the following provisions shall apply:

- A. When Residential Waste Services are made available, a monthly charge shall be imposed upon all Residential Waste Service Units in accordance with the Town resolution plus any additional fees, taxes, or charges, regardless of how they are designated, that are or may be imposed by the state or federal government, or by a regional authority, in respect to either individual or municipal action relating to this Article. Except as provided in subsection F below or Section **10-9-6** ~~10-8-6~~ above, the basic monthly charges as described herein shall apply regardless of the nature and extent of services actually provided to a Residential Waste Service Unit by the Town.

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- C. All charges incurred pursuant to the provisions of this article shall become due and payable when a utility bill is prepared by the Town and shall become a personal debt of the Resident. Except when specific payment arrangements have been made in advance of the delinquent date, all charges levied pursuant to the provisions of this article shall become delinquent **AS PROVIDED UNDER SECTIONS 16-5-14 AND 16-5-15 OF THE TOWN CODE** ~~if unpaid, twenty (20) calendar days after the utility bill is prepared.~~

16-2-8 Deposits

The Town may require a deposit from an applicant for service. A separate deposit may be required for each service ~~LOCATION~~ ~~connection~~. No interest shall be paid to customers on deposits. Deposit refunds shall be made to the individual whose name is on the account at the time of the refund. Upon the discontinuance of service, the deposit will be applied by the Town toward settlement of the account. **DEPOSITS MAY BE REFUNDABLE AFTER 12 CONSECUTIVE MONTHS WITH NO DELINQUENCIES.**

16-2-13 Payment Of Bills

Utility rates, charges or fees are due and payable to the Ttown upon billing **AS PROVIDED UNDER SECTION 16-5-15 OF THE TOWN CODE..** ~~Any rate, charges or fees not paid in full by the next billing due date are subject to a late charge, in addition to the balance due, in an amount established by a fee schedule adopted by the town council and amended from time to time. Rates, fees, and/ or charges that are not paid in full by the 10th day following the original billing due date, may result in water service being discontinued/ disconnected.~~

16-2-17 Deposit Required After Termination

If utility service is terminated due to nonpayment of a delinquent bill, the Ttown shall require payment in full of all amounts due and owing and **MAY REQUIRE** payment of a

utility deposit as a condition of reestablishing service IN AN AMOUNT ESTABLISHED BY THE TOWN COUNCIL.

16-5-1 Definitions

* * *

“PENDING DISCONNECT Second Notice”-means A WRITTEN NOTICE SENT TO CUSTOMERS NOTIFYING THEM OF A PENDING INTERRUPTION IN SERVICE IF THE DELINQUENT BALANCE IS NOT PAID. ~~the customer billing statement that is sent out fifteen (15) days after the first notice and allows ten (10) additional days before termination of service. This notice will be in red ink and contain Notice of Termination language.~~

* * *

16-5-14 Customer Billing

- A. Monthly statements shall be rendered by the Town of Queen Creek to each customer, billing periods to normally consist of approximately thirty (30) days. Statements shall be rendered for each customer based upon the service rendered thereby. ~~Second Notices shall also inform the customer of the consequences of nonpayment and the telephone numbers of appropriate personnel authorized to resolve billing disputes. Each statement shall contain the customer's account number; the reading date; the delinquent date; the present and previous meter reading; the consumption in thousand gallons; the amount of charges for water services; new account fee or service call fee, if applicable; previous balance, if any; applicable taxes; and total amount due.~~

16-5-15 Payment Of Bills; Delinquent Bills

- A. All bills rendered are due and payable upon presentation and are past due (delinquent) ~~fifteen (15) calendar days after date rendered~~ AFTER THE SPECIFIED DUE DATE ON THE BILL. If the total of such bill is not paid BY THE DUE DATE within ten (10) ~~days after delinquency~~, domestic water service MAY BE is subject to discontinuance in accordance with subsection B below.
- B. Before ~~any~~ discontinuance of water service shall be made, other than for such purposes as specified in Section 16-5-16 below, the Town of Queen Creek SHALL ISSUE ~~customer shall receive a second~~ PENDING DISCONNECT Nnotice ADVISING of the reason for the discontinuance ~~from the TofQCWD and be advised, also in writing,~~ PROVIDING the opportunity to contact ~~TofQCWD~~ customer service personnel to present any objections ~~within~~ AT LEAST one (1) business day IN ADVANCE of the DISCONNECT due date listed on the ~~second~~ PENDING DISCONNECT Nnotice. If, ~~after the due date listed,~~ the customer has not RESOLVED ~~cured~~ the delinquency and/or has not presented any reasonable objections regarding discontinuance of service, domestic water services shall MAY be discontinued.

Section 2: The \$5.00 late fee adopted by the Town Council in Resolution 928-12 is hereby repealed.

Section 3: All ordinances and resolutions, and parts of ordinances or resolutions in conflict with the provisions of this Ordinance or any part of the Town Code adopted herein are hereby repealed as of the effective date of this Ordinance.

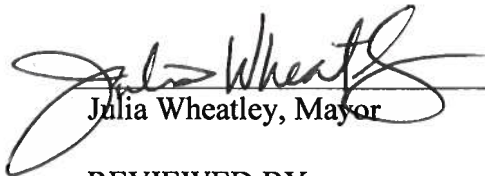
Section 4: If any section, subsection, sentence, clause, phrase or portion of this Ordinance or any part of this additional or modification adopted herein by reference is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall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

Section 5: The Town Clerk is hereby directed to publish this adopting ordinance in full and at least one paper copy and one electronic copy of this Ordinance is to be filed with the Town Clerk.

PASSED AND ADOPTED by the Mayor and Common Council of the Town of Queen Creek, Arizona, this 1st day of February 2023.

FOR THE TOWN OF QUEEN CREEK:

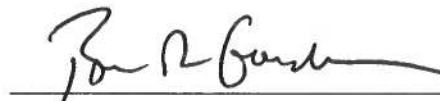
ATTESTED TO:


Julia Wheatley, Mayor


Maria Gonzalez, Town Clerk

REVIEWED BY:

APPROVED AS TO FORM:


Bruce Gardner, Town Manager


Dickinson Wright, PLLC
Attorneys for the Town