

ORDINANCE NO. 1020

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF WICKENBURG, ARIZONA AMENDING THE TOWN OF WICKENBURG CODE BY AMENDING CHAPTER 11 SUBDIVISIONS, ARTICLE 11-5 STREET AND UTILITY IMPROVEMENT REQUIREMENTS BY AMENDING CHAPTER 11-5-6 LIFT STATIONS, SEPTIC TANKS AND WATER SUPPLY, PARAGRAPH C TO REQUIRE ADEQUATE WATER SUPPLIES FOR FIRE PROTECTION; PROVIDING FOR PENALTIES; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; AND PROVIDING FOR SEVERABILITY

BE IT ORDAINED by the Mayor and Common Council of the Town of Wickenburg, Arizona as follows:

Section 1. In General.

The Code of Wickenburg, Chapter 11 Subdivisions, Article 11-5 Street and Utility Improvement Requirements, Section 11-5-6 Lift Stations, Septic Tanks and Water Supply, Paragraph C to read as follows (deleted text appears in ~~strikeout~~; new text in ALL CAPS):

Section 11-5-6 Lift Stations, Septic Tanks and Water Supply

* * *

C. ~~That~~ All subdivisions, except those having a minimum lot size of 175,000 square feet as restricted by zoning shall be served by the Town's water system. Subdivisions that are restricted by zoning to a minimum lot area of 175,000 square feet may utilize shared private wells upon approval of a Fire Protection Plan as recommended to the Town Council by the Wickenburg Fire Chief.

THE SUBDIVIDER SHALL PROVIDE FACILITIES FOR AN ADEQUATE WATER SUPPLY FOR FIRE FLOW TO THE SUBDIVISION IN ACCORDANCE WITH THE TOWN'S FIRE CODE. IF THE FACILITIES ARE NOT DIRECTLY CONNECTED TO THE TOWN WATER SYSTEM, SUCH FACILITIES SHALL BE ADEQUATE TO DELIVER THROUGHOUT THE SUBDIVISION A MINIMUM 1,000 GALLONS PER MINUTE FOR A 30 MINUTE DURATION AND SHALL INCLUDE A BACKUP POWER SOURCE. FIRE FLOW REQUIREMENTS MAY BE DECREASED BY 50% IF AN APPROVED AUTOMATIC FIRE SPRINKLER SYSTEM IS INSTALLED IN ALL UNITS IN THE SUBDIVISION.

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Section II. Repeal of Conflicting Ordinance.

All ordinances and parts of ordinances in conflict with the provisions of this ordinance or any part of the code adopted herein by reference are hereby repealed.

Section III. Providing for Severability.

If any section, subsection, sentence, clause, phrase or portion of this Ordinance or any part of the Code 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 IV. Providing for Penalties.

Any person found guilty of violating any provision of this Ordinance shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not to exceed Two Thousand Five Hundred Dollars (\$2,500) or by imprisonment for a period not to exceed six (6) months, or both such fine and imprisonment. Each day that a violation continues shall be a separate offense punishable as herein described.

PASSED AND ADOPTED by the Town Council of the Town of Wickenburg, Arizona, this 3 day of November, 2008.

By: R. R. Badowski
R. R. Badowski, Mayor

ATTEST:

By: Donna Riffel
Donna Riffel, Town Clerk

APPROVED AS TO FORM:

By: Susan D. Goodwin
Susan D. Goodwin, Town Attorney
Curtis, Goodwin, Sullivan,
Udall & Schwab, P.L.C.

Number of Councilmembers Present: 6
Number of Votes For: 6
Number of Votes Against: 0
Number of Abstentions: 0

CERTIFICATION

I HEREBY CERTIFY that the foregoing Ordinance Number 1020 was duly passed and adopted by the Common Council of the Town of Wickenburg, Arizona, at a regular meeting held on the 3 day of November, 2008, and that a quorum was present at the meeting.

Donna Riffel
Donna Riffel, Town Clerk