

ORDINANCE NO. 1104

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF WICKENBURG, STATE OF ARIZONA, BY AMENDING CHAPTER 13 UTILITIES, ARTICLE 13-1 UTILITIES IN GENERAL, BY AMENDING SECTION 13-1-14 PROCEDURE TO CHALLENGE UTILITY BILLS, RELATING TO UTILITY CUSTOMER PROCESS TO CHALLENGE UTILITY BILLS AND CHARGES; PROVIDING FOR CHANGES; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES, AND PROVIDING FOR SEVERABILITY

WHEREAS, the Mayor and Council find that the process to challenge utility bills as set forth in the Wickenburg Town Code should be modified to specifically outline the process for the utility customer and Town staff to follow in the event a utility customer believes the utility bill to be inaccurate; and

WHEREAS, it is in the best interests of the citizens of the Town of Wickenburg to implement the process set forth in this Ordinance for challenging utility bills.

NOW THEREFORE BE IT ORDAINED, by the Mayor and Common Council of the Town of Wickenburg, County of Maricopa, State of Arizona as follows:

SECTION I. IN GENERAL

It is hereby ordained by the Mayor and Common Council of the Town of Wickenburg that the Wickenburg Town Code, Chapter 13 UTILITIES, Article 13-1 Utilities in General, Section 13-1-14 PROCEDURE TO CHALLENGE UTILITY BILLS is hereby amended as follows (additions shown in ALL CAPS, deletions shown in ~~strikeout~~):

Section 13-1-14 Procedure To Challenge Utility Bills

- A. All bills tendered for TOWN utility services are presumed to be correct. A ~~person~~ CUSTOMER who believes a utility bill or any charge related to HIS/HER utility service is incorrect shall:
1. IMMEDIATELY CONTACT THE TOWN UTILITY BILLING DIVISION AND REPORT THE INCORRECT CHARGE OR BILL.
 2. UPON REVIEW OF THE INFORMATION, A METER READER SHALL BE SENT TO VERIFY THE METER IS FUNCTIONING OR DETERMINE IF THERE IS A MALFUNCTION OR OBSERVABLE PROBLEM.
 3. IF THE METER IS FOUND TO BE MALFUNCTIONING, UTILITY BILLING STAFF WILL IMMEDIATELY CONTACT THE CUSTOMER AND SEND AN ADJUSTED BILLING STATEMENT WITHIN FIVE (5) WORKING DAYS.
 4. IF THE METER IS FOUND TO BE FUNCTIONING, THE UTILITY BILLING STAFF WILL ADVISE THE CUSTOMER AND REVIEW POSSIBLE REASONS FOR THE AMOUNT OF WATER USED. IT IS THE RESPONSIBILITY OF THE CUSTOMER TO IDENTIFY THE ACTUAL CAUSE AND IT IS NOT THE TOWN'S RESPONSIBILITY TO REMEDY PROBLEMS OTHER THAN THOSE RELATED TO THE METER.
 5. IF THE CUSTOMER STILL FEELS THE METER IS MALFUNCTIONING DESPITE THE INSPECTION BY THE METER READER, THE CUSTOMER WILL BE PROVIDED THE OPTION OF HAVING THE METER REMOVED AND TESTED AT HIS/HER EXPENSE BASED ON THE TOWN'S ACTUAL COST. THE CUSTOMER SHALL PAY THE TESTING FEE PRIOR TO THE METER BEING SENT FOR TESTING

6. THE CUSTOMER SHALL BE PROVIDED WITH A LIST OF AT LEAST TWO (2) QUALIFIED INDEPENDENT METER TESTING FIRMS TO SELECT FROM WHEN HE/SHE COMPLETES THE "METER TEST FORM" AND PAYS THE FEE TO START THE METER TESTING PROCESS.
 7. UPON RECEIPT OF THE TEST RESULTS OF THE INDEPENDENT FIRM THAT THE METER IS MALFUNCTIONING, THE TOWN UTILITY DIVISION WILL, WITHIN FIVE (5) WORKING DAYS, REFUND THE COST OF THE TEST AND ADJUST THE CUSTOMER'S BILLING STATEMENT ACCORDINGLY.
 8. UPON RECEIPT OF THE TEST RESULTS OF THE INDEPENDENT FIRM THAT THE METER IS FUNCTIONING PROPERLY, NO REFUND OR BILLING STATEMENT ADJUSTMENT SHALL BE MADE.
 9. IF THE RESULTS OF THE METER TESTING DETERMINE THE METER IS UNDERCHARGING THE CUSTOMER, NO REFUND OR BILL ADJUSTMENT SHALL BE MADE.
 10. IF THE CUSTOMER CONTINUES TO HAVE A REASONABLE BELIEF THAT THE METER IS MALFUNCTIONING, HE/SHE MAY contact the Town and arrange to meet with the Town Manager or designee to discuss his THE DISPUTED bill and the grounds for SAID dispute. Following the meeting, the Town Manager or designee shall determine whether the utility bill is correct or whether an adjustment in the bill is appropriate. The determination shall be provided IN WRITING to the customer by mail. THE TOWN MANAGER OR HIS/HER DESIGNEE'S DETERMINATION SHALL BE FINAL.
 11. THE TOWN MANAGER, MAY, AT HIS/HER DISCRETION, AUTHORIZE A ONE-TIME ADJUSTMENT FOR UNANTICIPATED LEAKS, SUCH AS A MAJOR PIPE BREAK ON THE CUSTOMER'S PROPERTY. A ONE-TIME ADJUSTMENT IS DEFINED AS BEING AUTHORIZED ON/FOR THE SAME PROPERTY, NOT OWNER, ONCE EVERY FIVE (5) YEARS.
 12. AN "EXTREME UTILITY BILL," DEFINED AS A UTILITY BILL AT LEAST FIVE (5) TIMES GREATER THAN THE CUSTOMER'S AVERAGE MONTHLY BILL BASED ON THE PREVIOUS SIX (6) MONTH PERIOD FOR HIS/HER PROPERTY, SHALL GO THROUGH THE ABOVE OUTLINED CHALLENGE PROCESS TO DISPUTE HIS/HER BILL. IF NO DEFINITE RESULTS ARE FOUND AFTER THE METER IS TESTED AND PROPERLY INSPECTED, THE TOWN MANAGER MAY, IN HIS/HER SOLE DISCRETION, AUTHORIZE A UTILITY BILL REDUCTION IN TEN PERCENT (10%) INCREMENTS UP TO FIFTY PERCENT (50%). IN NO CASE SHALL THE TOWN MANAGER HAVE THE AUTHORITY TO WAIVE THE ENTIRE UTILITY BILL. IF THE UTILITY BILL IS REDUCED BY ANY PERCENTAGE, THE ADJUSTMENT SHALL BE DEFINED AS A ONE-TIME ADJUSTMENT WHICH EQUATES TO ONCE EVERY FIVE (5) YEARS FOR SAID PROPERTY, NOT OWNER.
 - ~~13. Any consumer who feels aggrieved by the determination by the Town Manager or designee, or by the discontinuation, suspension or refusal of utility service shall follow the claims procedures of the Town to challenge payments, charges, assessments or taxes and shall follow those steps and abide by those time limits.~~
- B. Disputing a bill or contacting the Town regarding a bill shall not relieve the customer of the obligation to make a timely payment as specified by Section 13-1-4 or preclude the Town from terminating utility service or taking any other action permitted by this Chapter or otherwise. THE CUSTOMER SHALL CONTINUE PAYING THE HIS/HER MONTHLY UTILITY BILL WHILE THE UTILITY BILL DISPUTE PROCESS IS BEING FOLLOWED BY THE TOWN.

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SECTION II. PROVIDING FOR CHANGES

The Town Clerk is authorized and directed to make such changes in the Wickenburg Town Code so as to properly reflect the changes herein made by this Ordinance.

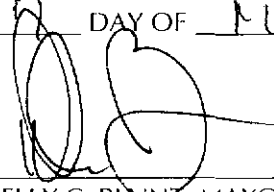
SECTION III. REPEAL OF CONFLICTING ORDINANCES

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

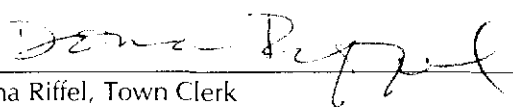
SECTION IV. SEVERANCE CLAUSE

In any section, subsection, sentence, clause, phrase, or portion of this Ordinance or any part of the Code adopted therein by reference, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decisions shall not affect the validity of the remaining portions thereof.

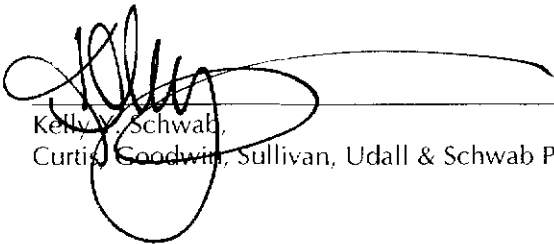
PASSED AND ADOPTED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF WICKENBURG, STATE OF ARIZONA, ON THIS 10 DAY OF May, 2012.


KELLY C. BLUNT, MAYOR

ATTEST:


Donna Riffel, Town Clerk

APPROVED AS TO FORM:


Kelly Y. Schwab,
Curtis Goodwin, Sullivan, Udall & Schwab P.L.C., Town Attorneys

Number of Councilmembers Present: 7
Number of Votes For: 7
Number of Votes Against: 0
Number of Abstentions: 0

CERTIFICATION

I, Donna Riffel, Town Clerk, HEREBY CERTIFY that the foregoing Ordinance Number 1104 was duly passed and adopted by the Common Council of the Town of Wickenburg, Arizona, at a regular meeting held on the 7th day of MAY, 2012, and that a quorum was present at the meeting.


Donna Riffel, Town Clerk