

ORDINANCE NO. 1044
RE: Wastewater Treatment Plant Setback Encroachment

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF WICKENBURG, COUNTY OF MARICOPA, STATE OF ARIZONA, AMENDING THE WICKENBURG TOWN CODE CHAPTER 13 UTILITIES, ARTICLE 13-3 SEWER SERVICE BY ADDING NEW SECTION 13-3-25 SEWAGE TREATMENT FACILITY EXPANSION DECREASING THE SETBACK DISTANCE FOR THE WICKENBURG SEWAGE TREATMENT FACILITY TO THREE HUNDRED (300) FEET, IN COMPLIANCE WITH REGULATIONS OF THE ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; AND PROVIDING FOR SEVERABILITY

WHEREAS, the Town of Wickenburg's sewage treatment facility is undergoing a major modification that will expand its present capacity to one million (1,000,000) gallons to better service the community; and

WHEREAS, Arizona Department of Environment Quality Administrative (ADEQ) Rule R18-9-B201(I) sets forth required setbacks for major modifications to sewage treatment facilities but permits the facility to encroach into such setback areas if permitted by local ordinance.; and.

WHEREAS, this ordinance is being adopted for the protection of the health and safety of the public pursuant to A.R.S. § Section 12-1134B(1) and assures that the Town may continue to provide for the treatment of wastewater generated by customers of the Wickenburg wastewater treatment plant; and

WHEREAS, the Common Council has determined it would be in the best interest of the community to adopt a local ordinance permitting the sewage treatment facility to decrease the required setbacks at the facility.

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

The Wickenburg Town Code, Chapter 13 Utilities, Article 13-3 Sewer Service is hereby amended by adding new Section 13-3-25 Sewage Treatment Facility Expansion to read as follows (additions shown in ALL CAPITAL LETTERS and deletions shown in ~~strikeout~~):

Section 13-3-25 SEWAGE TREATMENT FACILITY EXPANSION

IN COMPLIANCE WITH ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY REGULATIONS, THE SETBACK AREA ESTABLISHED IN ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY ADMINISTRATIVE (ADEQ) RULE R18-9-B201(I) FOR THE SEWAGE TREATMENT FACILITY LOCATED AT THE ALIGNMENT OF SOUTH TEGNER STREET IS DECREASED TO THREE HUNDRED (300) FEET AS MEASURED FROM THE DISPOSAL COMPONENT CLOSEST TO AN ADJACENT DWELLING OR WORKPLACE AND SUCH ADJACENT DWELLING OR WORKPLACE. NO DWELLING, WORKPLACE, SEWAGE TREATMENT FACILITY, OR DISPOSAL COMPONENT OF THE SEWAGE TREATMENT FACILITY SHALL ENCROACH INTO THE SETBACK AREA

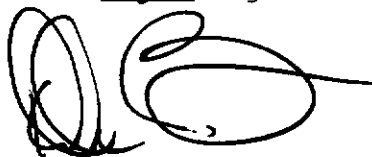
SECTION II. REPEAL OF CONFLICTING ORDINANCES

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 III. 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.

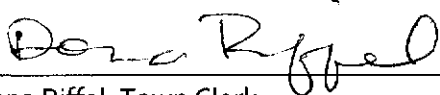
PASSED AND ADOPTED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF WICKENBURG, STATE OF ARIZONA, ON THIS 3rd DAY OF August 2009.



KELLY BLUNT, MAYOR

Date Signed: 8-3-09

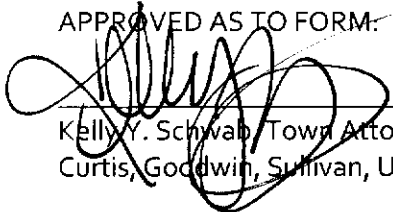
ATTEST:



Donna Riffel, Town Clerk

Date Signed: 8-3-09

APPROVED AS TO FORM:



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

Number of Councilmembers Present: 7
Number of Votes For: 6
Number of Votes Against: 1
Number of Abstentions: 0

CERTIFICATION

I, Donna Riffel, the duly appointed and qualified Town Clerk of the Town of Wickenburg, an Arizona Corporation, do hereby certify that the foregoing is a full, true and correct copy of Ordinance No. 1044 passed and adopted by the Mayor and Common Council of the Town of Wickenburg at the regular meeting held on the 3rd day of August 2009.

Witness my hand as Town Clerk of said corporation on this 3rd day of AUGUST 2009.


Donna Riffel, Town Clerk