

ORDINANCE NO. 1007

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF WICKENBURG, ARIZONA AMENDING THE TOWN OF WICKENBURG CODE BY AMENDING CHAPTER 13 UTILITIES, ARTICLE 13-4 WATER SERVICE, SECTION 13-4-5 METERS, PARAGRAPH B RELATED TO BASE RATES FOR MASTER WATER METERS IN MULTI-OCCUPANCY PROJECTS; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR PENALTIES; AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, Section 13-4-5B of the Wickenburg Town Code requires that in multi-occupancy projects with master water meters, the applicable base rate be charged for each occupancy unit; and

WHEREAS, for many years, the Town erroneously did not charge the applicable base rate for multi-occupancy units; and

WHEREAS, the Town Council believes it to be in the best interest of the Town and its residents to amend Section 13-4-5B to reflect the actual practice of the Town with respect to multi-occupancy projects with master water meters, retroactive to August 1, 2007; and

WHEREAS, on June 25, 2007, the Town Council adopted Resolution No. 1555 amending the Town's applicable water rates and base rate effective August 1, 2007 in accordance with A.R.S. § 9-511.01, which rates are and remain applicable to all customers of the Town's water utility, including customers with master water meters.

WHEREAS commencing August 1, 2007 the Town started billing the applicable base rate for each occupancy unit in multi-occupancy projects with master water meters.

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

Section I. In General.

The Code of Wickenburg, Chapter 13 Utilities, Article 13-4 Water Service, Section 13-4-5 Meters, Paragraph B is hereby amended by amending to read as follows (deleted text appears in ~~strikeout~~; new text in ALL CAPS):

* * *

B. Individual meters shall be installed for each occupancy unit, and each occupant thereof shall be billed separately by the town; however, upon approval by the town manager a master meter may be utilized for multi-occupancy projects ~~providing that~~ AND the base monthly charge ~~shall be equal to the product of the number of occupancy units served by the master meter, times the basic monthly water rate~~ as established by resolution of the council SHALL BE CHARGED FOR THAT METER.

Section II. Repeal of Conflicting Resolutions.

All ordinances and parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

Section III. Severance Clause.

If any section, subsection, sentence, clause, phrase or portion of this Ordinance 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.

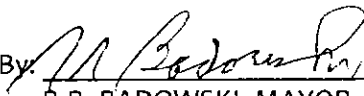
Section IV. Providing for Penalties.

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.

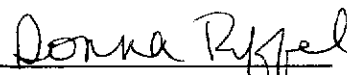
Section V. Effective Date.

It is the intention of this ordinance that the practice of charging for one master water meter for multi-occupancy projects be ratified and that therefore this amendment to Section 13-4-5B of the Wickenburg Town Code shall be effective from and after August 1, 2007, and applicable water rates and master water meter base rates established from time to time by resolution of the Council apply.

PASSED AND ADOPTED BY THE COMMON COUNCIL OF THE TOWN OF WICKENBURG, ARIZONA THIS 7TH DAY OF July, 2008.

By: 
R.R. BADOWSKI, MAYOR

ATTEST:

By: 
Donna Riffel, Town Clerk

APPROVED AS TO FORM:

By: 
Susan D. Goodwin, Town Attorney
Curtis, Goodwin, Sullivan, Udall & Schwab, PLC

Number of Council members 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 1007 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 July, 2008, and that a quorum was present at the meeting.

Donna Riffel
Donna Riffel, Town Clerk