



Ordinance No. O2016-07-004

AN ORDINANCE OF THE COUNCIL OF THE CITY OF NOGALES, ARIZONA, AMENDING CITY CODE CHAPTER 19, UTILITIES, BY AMENDING SECTIONS 19-52, 19-81, 19-82, 19-83 AND 19-141 RELATING TO WATER AND SEWER FEES AND CHARGES.

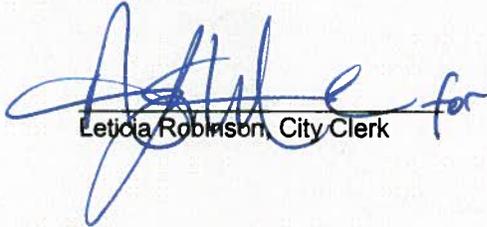
BE IT ORDAINED by the Council of the City of Nogales, Arizona, as follows:

- Section 1:** Nogales City Code Chapter 19, Utilities, Sections 19-52, 19-81, 19-82, 19-83 and 19-141 are hereby amended by adopting those deletions and additions set forth in that public document titled "Amendments to City Code Chapter 19 dated July 6, 2016," three copies of which are on file with the City Clerk's office.
- Section 2:** All other ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed to the extent of any such conflict.
- Section 3:** In the event any provision in this ordinance is held invalid by any court of competent jurisdiction, the remaining provisions in this ordinance shall be deemed severable and shall remain in full force and effect.
- Section 4:** The City Clerk is directed to publish the text of this Ordinance in a newspaper of general circulation for two (2) consecutive weeks after its effective date, and further to post a copy of this Ordinance in three (3) or more public places within the City

PASSED, ADOPTED, AND APPROVED by the Council of the City of Nogales, Arizona, this 06th day of July, 2016.


John F. Doyle, Mayor

ATTEST:


Leticia Robinson, City Clerk

APPROVED AS TO FORM:


Jose L. Machado, City Attorney

AMENDMENTS TO CITY CODE CHAPTER 19 DATED JULY 6, 2016

(deletions depicted by ~~strikeout~~, additions by CAPITALS)

Sec. 19-52. - Deposits.

(a) All customers of water, present and prospective, shall deposit with the City Clerk and Treasurer the amounts hereinafter designated, to be kept throughout the period during which the customers making such deposits shall use or consume water, and such amounts shall be returned to such customers as they may discontinue such consumption; providing that, at the time of such discontinuance, such customers shall have fully paid for all water theretofore furnished or delivered to them. The City Clerk and Treasurer shall have the power and authority to apply the deposit of any customer to the payment, in full or in part, of any delinquent and unpaid amount by such customer owing upon the account of water supplied and delivered. Such deposits shall not bear interest.

(b) The City Clerk and Treasurer may require a deposit of not less than two months nor more than 12 months average monthly bill for the account or in the case of a new account, based on the estimated monthly bill, as a condition of providing water service. The city may review the customer's water usage after service has been connected and adjust the deposit amount up or down based on the customer's actual water usage.

(C) CONSTRUCTION WATER DEPOSIT. IN ADDITION TO PAYING A PERMIT FEE ESTABLISHED BY ORDER OR RESOLUTION OF CITY COUNCIL, CONTRACTORS REQUESTING TO DRAW WATER DIRECTLY FROM CITY FIRE HYDRANTS SHALL PAY A DEPOSIT BASED ON THE REPLACEMENT COST OF THE WATER METER, AS DETERMINED BY THE UTILITIES DIRECTOR.

Sec. 19-81. - Monthly Water service charges.

(a) Charges for water utility service shall be made at monthly intervals consistent with the express policy of the City of Nogales to charge for water in direct proportion to the cost of securing, developing, and delivering water to the customers of the city water system, and to recover all capital, operational and maintenance costs associated with or attributable to providing water service through the city water utility system.

(b) Water charges will be computed through the summation of:

- (1) A monthly water service fee; plus
- (2) A monthly water use charge; plus
- (3) Applicable state and/or local sales taxes, if any; plus
- (4) Applicable state and/or local utility taxes, if any; plus
- (5) Any other applicable local, state, or federal tax, imposition or charge.

(c) Rates and charges. The City Council by resolution shall adopt rates for monthly water service base and usage charges, the latter of which shall be based on metered water consumption, and the rate may vary depending on volume of water consumed. These water service base and usage charges shall be established for the following categories of users, for both within and without the city limits:

- (1) Residential, single family.
- (2) Residential, multi-unit.
- ~~(3) Residential, senior/low income.*~~
- ~~(4)(3) Commercial, single OR MULTI-UNIT.~~
- ~~(5) Commercial, multi-unit.~~
- ~~(6)(4) Trailer parks.~~
- ~~(7)(5) Public buildings and schools.~~
- ~~(8)(6) Irrigation/construction water and water trucks.**~~

~~*To qualify for senior/low income discount rate, the account owner(s) shall establish that he, she or they are receiving some form of state or federal income or housing assistance, or social security, disability or unemployment benefits.~~

~~**A permit issued by the Revenue Director and a water meter approved by Utilities Director are required for any water used for construction water or water truck purposes. Permit fee shall be~~

~~\$137.50 per three months. In addition, a refundable deposit amount reflecting replacement cost for a meter issued by the city shall be required.~~

(d) Late fee. A late fee in the amount of 1½ percent per month will be charged and shall accrue for any outstanding water charges not paid within 30 days of billing.

(e) LOW INCOME DISCOUNT. A RESIDENTIAL ACCOUNT SHALL QUALIFY FOR A LOW-INCOME DISCOUNT OF THIRTY PERCENT UPON PRESENTING EVIDENCE THAT THE RESIDENT IS RECEIVING STATE OR FEDERAL INCOME, HOUSING OR FOOD ASSISTANCE OR DISABILITY OR UNEMPLOYMENT BENEFITS. IF THE ACCOUNT SERVES MULTIPLE RESIDENTIAL UNITS, THE LOW INCOME DISCOUNT SHALL BE APPLICABLE IN PROPORTION TO THE NUMBER OF UNITS UNLESS ADDITIONAL DOCUMENTATION FOR ADDITIONAL RESIDENT(S) IS PROVIDED.

(f) COLLECTION COSTS. ALL COSTS INCURRED BY THE CITY TO COLLECT DELINQUENT WATER BILLS, INCLUDING COURT COSTS AND REASONABLE ATTORNEY FEES, SHALL BE ADDED TO THE BALANCE OF THE BILL.

Sec. 19-82. - Charges for installation of water meters and water service connections.

(a) Installation of water meters. The connection or installation fees which shall be paid to the city for the connection or installation of a meter to serve water to any premises or location, exclusive of main extension charges, for properties located within the city limits and for properties located outside the city limits shall be established by the ~~Board of Aldermen~~ CITY COUNCIL BY ORDER OR RESOLUTION from time to time. A copy of such fees will be kept on file in the city hall REVENUE DEPARTMENT. The city shall supply all meters in all cases.

(b) ~~Meter installation charges. The following connection or installation fee shall be paid to the city for the connection or installation of such meter to serve water to any premises or location, exclusive of main extension charges, shall be as follows:~~

(1) ~~For properties located within the city limits:~~

~~5/8;inch; x 3/4;inch;\$110.00~~

~~1;inch;190.00~~

½;inch;375.00

2;inch;500.00

Over 2;inch;Cost + 15%

(2) For properties located outside the city limits, the same charges shall be made as to properties within the city limits, and in addition, the sum of \$75.00 for all single-family residences and \$150.00 for all other connections and installations shall be charged.

(c) In the event any taps or pipelines are required in connection with the above, there shall be charged the actual cost thereof to the city plus ten percent addition to such cost. AN ADDITIONAL CHARGE AS DETERMINED BY A FEE SCHEDULE ADOPTED BY CITY COUNCIL BY ORDER OR RESOLUTION.

(d) No meter shall be installed or connected or reinstalled until the fees provided for in this section shall be ARE paid.

(e) Water supply connection fee. There is hereby imposed a water supply connection fee for the purpose of compensating the city for the costs of acquiring, transporting, treating, maintaining, new surface water and groundwater resources including, but not limited to groundwater rights, surface water rights, effluent recharge and recovery, surface water or groundwater recharge and recovery from underground aquifers, required by developments within the city's water utility service area, and is assessed in the following amounts:

- (1) *Inside the incorporated limits of the city.*
 - a. For all new single-family detached dwelling units: \$2,786.00 per dwelling units.
 - b. For all other new uses other than single-family detached dwelling units:

Required Meter Size (inches)	Fee
5/8 × 3/4	\$2,786.00
3/4	\$3,786.00
1	\$6,965.00

1½	\$13,931.00
2	\$22,289.00
3	\$41,792.00
4	\$69,653.00
6	\$139,305.00
8	\$278,611.00

(2) *Outside the incorporated limits of the city.*

- a. For all new single-family detached dwelling units, \$3,482.00 per single-family dwelling unit.
- b. For all other new uses other than single-family detached dwelling units:

Required Meter Size (inches)	Fee
5/8 × ¾	\$3,482.00
¾	\$4,179.00
1	\$8,706.00
1½	\$17,414.00
2	\$27,861.00
3	\$52,240.00
4	\$87,066.00
6	\$174,131.00
8	\$348,264.00

(3) For connections requiring a meter size greater than eight inch, the fee shall be determined by the city on the basis of expected demand relative to the size of the meter.

(4) IN-LIEU PAYMENT. THE DEVELOPER OR APPLICANT FOR WATER SERVICE MAY, UPON WRITTEN AGREEMENT WITH THE CITY, PROVIDE WATER SUPPLIES AND WATER RIGHTS TO THE CITY DIRECTLY IN LIEU OF PAYING THE WATER SUPPLY CONNECTION FEE.

(f) Rebating water supply development fees for qualifying employers. The City Council may adopt an infill incentive plan to establish the qualifying terms and schedule of development fee rebates to businesses locating within a designated infill district and creating net new qualifying jobs within the city. The water supply connection fee rebate shall be determined and paid in accordance with City of Nogales Order No. 2012-03-025, and any amendments thereto, and shall not exceed the total amount of the water supply connection fee.

~~(f1) In-lieu payment. The developer or applicant for water service may, upon written agreement with the city, provide water supplies and water rights to the city directly in lieu of paying the water supply connection fee.~~

(g) Time of payment. The developer or applicant for water service shall pay to the city the water supply connection fee at the time and as a condition of issuance of a building permit, or if the development does not require a building permit, the water supply connection fee shall be paid prior to and as a condition of connection of a water meter to the city's water utility system. Payment shall be made to the City Treasurer.

(h) Use of proceeds. All monies received from water supply connection fees pursuant to this section shall be placed in a separate fund and accounted for separately and may only be used for capital expansion or enlargement of the city's water production, storage, treatment, pumping or distribution facilities, and water rights, including repayment of any debt or obligation of the city associated with the construction and installation of new water production, storage, treatment, pumping or distribution facilities, and water rights, to serve new development. Interest earned on monies in the separate fund shall be credited to the fund.

- **Sec. 19-83. - Other service charges.**

~~(a) New service establishment fee\$15.00~~

~~The new service establishment fee is for the costs of establishing the new customer service account during regular working days (Monday through Friday) between the hours of 8:00 a.m. and 5:00 p.m., holidays excepted.~~

~~(b) Establishment fee after hours\$35.00~~

~~The establishment fee after hours is for the costs of establishing a new customer service account at a time other than regular working days.~~

~~(c) Reconnect fee (delinquent account)\$15.00~~

~~The reconnect fee shall be for the costs of reestablishing water service after water service has been terminated due to nonpayment of bills.~~

~~(d) Customer requested re-read of meter\$25.00~~

~~This fee shall be refundable in the event the meter is found to not be reading accurately.~~

~~(e) Check returned for insufficient funds\$20.00~~

~~This fee shall be added to a customer's water bill in the event the check for payment is refused by the bank for any reason.~~

~~(f) Customer requested meter test\$40.00~~

~~This fee shall be refundable to the customer in the event the meter is found not to be reading accurately.~~

IN ADDITION TO CHARGES FOR INSTALLATION OF METERS AND CONNECTION TO THE CITY POTABLE WATER UTILITY SET FORTH IN SECTION 19-82, THE CITY COUNCIL MAY ADOPT BY ORDER OR RESOLUTION A FEE SCHEDULE FOR ADDITIONAL ROUTINE AND NON-ROUTINE SERVICES REQUESTED BY WATER ACCOUNT HOLDERS. A COPY OF SUCH FEE SCHEDULE SHALL BE MAINTAINED BY THE CITY REVENUE DEPARTMENT.

Sec. 19-141. – FEE AND Rate scheduleS; late fees.

(a) The City Council by ORDER OR resolution shall adopt a ~~rate~~ scheduleS for sewer FEES AND RATES, THE LATTER OF WHICH SHALL INCLUDE base charges, ~~which shall~~ reflectING fixed system costs not related to proportionate flows and usage charges, ~~which shall be~~ based on constant units of user contribution established by section 9-140(e), for the following categories of users, for both within and without the city limits:

- (1) Residential.
- ~~(2) Residential, senior/low income.*~~
- ~~(3)~~(2) School/public building.
- ~~(4)~~(3) Clinic/hospital.
- ~~(5)~~(4) Commercial.
- ~~(6)~~(5) Food service.
- ~~(7)~~(6) Trailer parks.

~~*Senior/low income shall utilize the same criteria as section 19-81(E).~~

(B) A LOW INCOME DISCOUNT OF THIRTY PERCENT SHALL BE AVAILABLE TO RESIDENTIAL ACCOUNT HOLDERS MEETING THE CRITERIA OF SECTION 19-81(E) AS SET FORTH THEREIN.

~~(b)~~(C) A late fee in the amount of 1½ per month will be charged and shall accrue for any outstanding sewer charges not paid within 30 days of billing.

(D) COLLECTION COSTS. ALL COSTS INCURRED BY THE CITY TO COLLECT DELINQUENT SEWER BILLS, INCLUDING COURT COSTS AND REASONABLE ATTORNEY FEES, SHALL BE ADDED TO THE BALANCE OF THE BILL.