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TOWN OF JEROME

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ORDINANCE NO. 409

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF JEROME, YAVAPAI COUNTY, ARIZONA, AMENDING ARTICLE 11-1, "DEFINITIONS," AND ARTICLE 11-3, "DEPARTMENT AND CONSUMER RESPONSIBILITIES," AND ADDING NEW SECTION 11-3-11, "SHARED SEWER LINES," OF CHAPTER 11, "SEWER," OF THE JEROME TOWN CODE, AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE TOWN OF JEROME, YAVAPAI COUNTY, ARIZONA, AS FOLLOWS:

Section 1. Article 11-1, "Definitions," of Chapter 11, "Sewer" of the Jerome Town Code is hereby amended by the addition of the following definition:

U. "SHARED SEWER LINE" MEANS A SEWER LINE IN, ON OR UNDER PRIVATE PROPERTY, SERVING MORE THAN ONE CONSUMER ON MORE THAN ONE LOT. SHARED SEWER LINES ONLY INCLUDE THAT PORTION OF A SEWER LINE THAT TRANSPORTS SEWAGE FROM MORE THAN ONE CONSUMER AND DOES NOT INCLUDE ANY PORTION OF A SEWER LINE FROM A CONSUMER'S PREMISES TO THE POINT THAT THE SEWER LINE EMANATING FROM A CONSUMER'S PREMISES JOINS OR IS JOINED BY ANOTHER SEWER LINE WHICH SERVES ONE OR MORE OTHER CONSUMERS. IN ADDITION, A SHARED SEWER LINE SHALL ALSO INCLUDE THAT PORTION OF A SEWER LINE ON A CONSUMER'S PROPERTY THAT CARRIES SEWAGE FROM ANOTHER PROPERTY BEFORE CONNECTING WITH A SEWER LINE ON THAT CUSTOMER'S PROPERTY.

Subsequent numbered items within Article 11-1 shall be renumbered accordingly.

Section 2. Article 11-3, "Department and Consumer Responsibilities," of Chapter 11, "Sewer," of the Jerome Town Code is hereby amended as follows:

A. Paragraph A. of Section 11-3-1, "Sewer Department Responsibilities and Liabilities," is hereby amended as follows:

A. The sewer department shall not be responsible for the installation, maintenance or inspection of the consumer's service line piping or apparatus or for any defects therein, EXCEPT AS PROVIDED IN SECTION 11-3-11.

B. Paragraph D. of Section 11-3-1, "Sewer Department Responsibilities and Liabilities," is hereby amended as follows:

D. The sewer department shall not be responsible for the negligence of third persons or forces beyond the control of the sewer department resulting in an interruption of services or damage to the property of the consumer, SHALL NOT BE RESPONSIBLE FOR THE NEGLIGENT ACTIONS OR OMISSIONS OF A CONSUMER, AND SHALL NOT BE RESPONSIBLE FOR DAMAGE ARISING OUT OF TOWN EMPLOYEE'S ACTIONS OR INACTIONS REGARDING THE CLEARING OR REPAIRING OF PRIVATE, SHARED LINES PURSUANT TO SECTION 11-3-11 UNLESS SUCH DAMAGE IS THE DIRECT RESULT OF TOWN EMPLOYEE NEGLIGENCE. A CONSUMER REQUESTING THE TOWN TO CLEAR OR REPAIR A SHARED SEWER LINE MUST EXECUTE AND DELIVER TO THE TOWN A RELEASE OF LIABILITY CONCERNING TOWN EMPLOYEES CLEARING OR REPAIRING A SHARED SERVER LINE ON THE CONSUMER'S PROPERTY.

C. Paragraph B. of Section 11-3-2, "Consumer Responsibility," is hereby amended as follows:

B. EXCEPT AS PROVIDED IN SECTION 11-3-11, THE ~~The~~ consumer's house or building service line, sewer connection and apparatus shall be installed and maintained by the consumer, at the consumer's expense, in a safe and efficient manner and in accordance with the sewer department's rules and regulations and in full compliance with the regulations of the State Department of Health.

D. There is hereby created NEW Section 11-3-11 "Shared Sewer Lines," to read as follows:

SECTION 11-3-11 SHARED SEWER LINES.

A. BLOCKAGE. IF A BLOCKAGE OCCURS IN ANY SHARED SEWER LINE, THE CONSUMER EXPERIENCING THE BLOCKAGE MAY NOTIFY THE SEWER DEPARTMENT. UPON SUCH NOTIFICATION, EMPLOYEES OF THE TOWN SEWER DEPARTMENT ARE AUTHORIZED TO ENTER UPON THE PROPERTY WHERE THE BLOCKAGE OCCURS AND ARE AUTHORIZED TO UNDERTAKE EFFORTS TO REMOVE THE BLOCKAGE BY USING CUSTOMARY, REASONABLE MEASURES TO ELIMINATE THE BLOCKAGE. THE COST OF SUCH REMOVAL SHALL BE A COST OF THE SEWER DEPARTMENT.

B. REPAIR. IF A SHARED SEWER LINE FAILS, EITHER INDEPENDENTLY OR AS A RESULT OF ATTEMPTS TO REMOVE A BLOCKAGE AS PERMITTED BY SECTION 11-3-11.A, EMPLOYEES OF THE TOWN SEWER DEPARTMENT ARE AUTHORIZED TO ENTER UPON THE PROPERTY WHERE REPAIRS TO THE SHARED SEWER LINE ARE NECESSARY AND ARE AUTHORIZED TO UNDERTAKE EFFORTS TO REPAIR THE FAILED SEWER LINE BY USING CUSTOMARY, REASONABLE MEASURES TO REPAIR THE FAILED SEWER LINE. THE COST OF SUCH REPAIR SHALL BE A COST OF THE SEWER DEPARTMENT.

C. NEGLIGENT OR WILLFUL ACTS OF CONSUMERS. THE TOWN'S OBLIGATION TO CLEAR OR REPAIR A SHARED SEWER LINE DOES NOT INCLUDE ANY OBLIGATION TO CLEAR OR REPAIR A LINE THAT IS BLOCKED OR DAMAGED DUE TO ANY NEGLIGENT ACT OR OMISSION OF A CONSUMER OR ANY WILLFUL ACT OF A CONSUMER TO DAMAGE A SEWER LINE.

Section 3. Following its adoption, this Ordinance shall be published by the Town Clerk in accordance with the requirements of A.R.S. § 39-203 *et seq.*

Section 4. All ordinances or parts of ordinances that are in conflict with the provisions of this Ordinance are hereby repealed to the extent of their inconsistency herewith.

Section 5. Should any section or provision of this Ordinance be declared invalid by a court of competent jurisdiction, such decision shall not affect the validity of this Ordinance, any provision incorporated by reference and any other provision of the Town Code as a whole or any part thereof other than the part so declared invalid.

Section 6. In order to preserve the public peace, health and safety, an emergency is hereby declared to exist, and this Ordinance shall become immediately effective upon its approval by no less than three-fourths of the members of the Town Council, taken by ayes and nays, and its approval by the Mayor.

PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF JEROME, YAVAPAI COUNTY, ARIZONA, THIS ____ DAY OF _____, 201__.

Nikki Check, Mayor

ATTEST:

APPROVED AS TO FORM:

Candace Gallagher, Town Manager/Clerk

William J. Sims, Esq.
Town Attorney

Date of First Reading:	Date of Adoption:			
	<i>Ayes</i>	<i>Nays</i>	<i>Absent</i>	<i>Abstain</i>
Date Published:				
Date Posted:				