

ORDINANCE NO. 278

AN ORDINANCE OF THE TOWN OF JEROME, ARIZONA AMENDING ORDINANCES 272 AND 259 AND CHAPTERS 11 AND 13 OF THE JEROME TOWN CODE TO CLARIFY ENFORCEMENT PROCEDURES FOR COLLECTION OF WATER AND SEWER BILLS AND NOTICE REQUIREMENTS RELATED THERETO, AND AUTHORIZING THE TOWN TO IMPOSE A LIEN UPON REAL PROPERTY FOR NON-PAYMENT OF WATER AND SEWER BILLS.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE TOWN OF JEROME AS FOLLOWS:

Section 1: The Jerome Town Code is amended by adding Section 11-5, which reads as follows:

Rates for the provision of sewer service as provided in this Chapter, and procedures for billing, collection and enforcement of rates and other fees imposed, shall be set in accordance with the provisions of Chapter 13.

Section 2: Section 13-3-2 of the Jerome Town Code is amended as follows:

a. The last two sentences of Section 13-3-2, which read: "However, in the event of non-payment by the tenant, the Town Clerk shall advise the record owner in writing of said non-payment. In the event the record owner does not pay said charges within ten (10) days of said notice, the Town may terminate said utility service," are deleted.

b. The following language is added to the end of Section 13-3-2:

However, the record owner shall remain responsible for payment for utilities services provided by the Town, and in the case of non-payment by the tenant, the record owner shall pay any and all charges for said utilities due and owing. Both the tenant and the record owner shall be entitled to notice of service termination as provided in this Chapter.

Section 3: Section 13-5-1 of the Jerome Town Code is retitled "Water and Sewer Rates," and the language thereof is deleted and replaced with the following language:

A. Monthly Water Service Rates	Regular	Out of Town
1. Residential Rates		
a. Single Resident	\$17.00	\$18.70
b. Double Resident	\$21.25	\$25.50
c. Multi Resident	\$25.50	\$31.45

d. Artist Studio
 (non-residential,
 light water, sewer
 use) \$17.00

2. Commercial Rates

a. Small Business (1-5 employees)	\$25.50	\$34.00
b. Medium Business (6-10 employees)	\$34.00	\$42.50
c. Large Business (11+ employees)	\$42.50	\$51.00
d. Bar Only	\$34.00	\$42.50
e. Restaurant Only	\$42.50	\$51.00
f. Restaurant and Bar	\$63.75	\$72.25
g. Hotels/Rooms/B&B	\$5.95/unit	\$6.80/unit

3. Light Industry Rates

a. Small Industry (2-5 employees)	\$34.00	\$46.75
b. Medium Industry (6-10 employees)	\$42.50	\$46.75
c. Large Industry (11+ employees)	\$51.00	\$63.75

B. New Water Service Fees/Charges

1. Capital Improvements Reserve

a. Residential	\$300.00
b. Small Business	\$500.00
c. Medium Business	\$600.00
d. Large Business	\$700.00
e. Small Industry	\$600.00
f. Medium Industry	\$700.00
g. Large Industry	\$800.00

2. Installation/Initiation Charges

a. New Account	\$10.00
b. Service Inspection/ Turn-on	\$15.00

In addition to the foregoing charges, the prospective user of the Town water system must pay for the cost of all materials, equipment and labor necessary for installation.

C. Miscellaneous Water Fees and Charges

1. Customer Maintenance Support

- a. Turn-off/Turn-on \$10.00
- b. Disconnect/Reconnect \$50.00

2. Delinquency Charges
(applies to water, sewer and sanitation)

- a. Returned Check \$15.00
- b. Delinquent Payment \$10.00
- c. Disconnect \$100.00

D. Monthly Sewer Service Rates: 106% of water

E. New Sewer Service Fees/Charges

1. Capital Improvements Reserve

- a. Residential \$300.00
- b. Small Business \$500.00
- c. Medium Business \$600.00
- d. Large Business \$700.00
- e. Small Industry \$600.00
- f. Medium Industry \$700.00
- g. Large Industry \$800.00

2. New Service Installation. All costs of materials, equipment and labor for installation shall be negotiated with the Commissioner and approved by the Council.

3. Service Initiation

- a. New Account -0-
- b. Service Inspection/
Turn-on \$10.00
- c. Credit Deposit -0-

C. Miscellaneous Sewer Fees and Charges

1. Customer Maintenance Support

- a. Turn-off/Turn-on -0-
- b. Disconnect/Reconnect: actual expenses of Town

Section 3: Section 13-5-3 of the Jerome Town Code is deleted and replaced with the following language:

A. All notices sent out by the Town regarding water or sewer user accounts, and all notices regarding any other matter pertaining to users of the Town water or

sewer system shall be sent to the address on record for such property. To insure proper delivery of notices, all errors in address should be promptly reported to the Town.

B. All rates and service charges are due and payable when rendered and shall be delinquent thirty (30) days after the date rendered. Any delinquent account requiring special collection effort may be assessed a delinquent collection charge to cover the additional cost as established by the Council. If the total of such bill shall not be paid within five (5) days after the date of delinquency and notice of delinquency having been given, water service may be disconnected from the premises of the delinquent consumer and a disconnect fee charged to the customer's account. The delinquent collection charge, the disconnect fee plus the total amount of the bill due and any deposit, if such deposit is required, shall be collected before again providing water service.

C. A consumer's water service may be disconnected for non-payment of a bill for water or sewer service rendered at a previous location served by the Town, provided such bill is not paid within thirty (30) days after the unpaid bill has been presented to the consumer at his new location.

E. When a user of the water or sewer system has been notified of the amount of charges remaining due after the deduction of his security deposit, and payment for same has not been received, the Town may assign the account to a bona fide collection agency.

Section 4: Section 13-5-4 of the Jerome Town Code is repealed and replaced with the following section:

Sec. 13-5-4 Notice Prior to Disconnect, Appeal and Lien

A. Before discontinuing water service for non-payment of any water or sewer user charge, deposit or other assessment provided for in this Chapter, the Town Clerk shall give written notice to the person of the discontinuance and an opportunity to appear before the Water Commissioner or his designee on any disputed matter relative to the discontinuance of water service.

B. If no protest is made regarding the amount of any charge, deposit or other assessment provided for in this Chapter, or if a protest is made and the Commissioner has affirmed or modified the amount of the

charge, deposit of other assessment, the original charge, deposit or assessment, or as so modified, shall be recorded in the office of the county recorder and from the date of its recording shall be a lien on said lot or tract of land until paid. Such liens shall be subject and inferior to the lien for general taxes and to all prior recorded mortgages and encumbrances of record. A sale of the property to satisfy a lien obtained under the provisions of this section shall be made upon judgment of foreclosure or order of sale. The Town shall have the right to bring an action to enforce the lien in the superior court at any time after the recording of the assessment, but failure to enforce the lien by such action shall not affect its validity. The recorded assessment shall be prima facie evidence of the truth of all matters recited therein, and of the regularity of all proceedings prior to the recording thereof. A prior assessment for the purposes provided in this section shall not be a bar to a subsequent assessment or assessments for such purposes, and any number of liens on the same lot or tract of land may be enforced in the same action.

Section 5: Section 13-6-2 of the Jerome Town Code is amended as follows: The last phrase of Section 13-6-2, which reads: "water service may be discontinued," is deleted and replaced with the following language: "the Town may utilize all remedies available to it under this Chapter for non-payment."

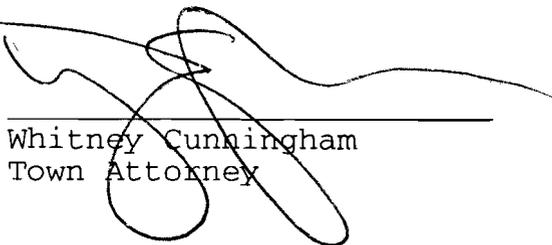
PASSED AND ADOPTED by the Council and approved by the Mayor of the Town of Jerome this 21 day of August, 1995.


Al Palmieri, Mayor

ATTEST:


Lucy Abbot, Town Clerk

APPROVED AS TO FORM:


Whitney Cunningham
Town Attorney