

ORDINANCE NO. 07-697

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CHINO VALLEY, COUNTY OF YAVAPAI, ARIZONA, AMENDING THE TOWN OF CHINO VALLEY CODE OF ORDINANCES, TITLE V "PUBLIC WORKS," CHAPTER 51 "WATER AND SEWERS" BY AMENDING SUBSECTION 51.253(D) "SEWER SYSTEM NEW SERVICE BUY-IN FEES."

WHEREAS, in general, the use of septic tanks creates the potential for ground water contamination by both nitrates and bacteria such as e-coli both of which constitute a health hazard; and

WHEREAS, the potential for contamination of the aquifer rises exponentially with increased density such as that which is present in the Chino Meadows neighborhoods; and

WHEREAS, the public wells and water production facilities are located in close proximity to the high density septic tanks that are located in Chino Meadows; and

WHEREAS, the Town has taken a proactive stance by constructing a wastewater treatment plant and sanitary sewer mains to serve the Chino Meadows area; and

WHEREAS, Chapter 51 of the Town Code requires that when the Town's sanitary sewer mains are extended within 400 feet of the property, property owners with existing businesses or residences requiring sewer service are required to connect to the Town's sewer system within 120 days of written notice by the Town that the service is available; and

WHEREAS, all such property owners shall pay a one-time sewer system service hook-up fee as set by Council resolution per residential dwelling unit; and

WHEREAS, the existing language set forth in Section 51-253 D of the Town Code of Ordinances grants an owner an election to make the sewer system existing service fee only pursuant to a time payment agreement with final payment due within 120 months at a minimum annual interest rate of 5%. Any property owner located in the Chino Meadows Sanitary Sewer project who has obtained a building permit subsequent to August 21, 2004 (the effective date of this Chapter) must pay the sewer system new service hook-up fee in a lump sum, a differential that has created certain inequities;

BE IT ORDAINED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CHINO VALLEY, COUNTY OF YAVAPAI, ARIZONA THAT:

Section 1. Subsection 51.253(D) of the Town Code is hereby amended as follows:

Section 51.253(D) “SEWER SYSTEM NEW SERVICE BUY-IN FEES”

(D) (1) The sewer system existing service hookup fee shall be paid in lump sum within 90 days of the date the owner is notified in writing by the Town that sewer service is available to the property and that such property is scheduled for sewer hookup service. The owner may elect to make the payment pursuant to a time payment agreement consummated with the Town’s Finance Director. Time payments shall bear interest at a minimum rate of 5% per annum, with final payment due within 120 months. If the sewer system existing service connection fee or related time payments are unpaid for more than 90 days, the property shall become subject to lien until fully paid. Final payments shall become due and payable by the close of escrow for any property sold prior to receipt of the final payment by the Town.

(2) Owners of residential dwelling units within the Chino Meadows subdivision for which a building permit has been issued prior to the effective date of this Ordinance and after August 21, 2004 shall pay the sewer system new service hookup fees as per § 51.253. All such owners may elect to make the payment pursuant to a time payment agreement consummated with the Town’s Finance Director. Time payments shall bear interest at a minimum rate of 5% per annum, with final payment due within 120 months. If the sewer system new service connection fee or related time payments are unpaid for more than 90 days, the property shall become subject to lien until fully paid. Final payments shall become due and payable by the close of escrow for any property sold prior to receipt of the final payment by the Town.

Section 2. Because the Chino Meadows Sewer Project currently is underway and sewer hookup fees are in the process of being collected from Chino Meadows Subdivision property owners, this Ordinance is declared to be an emergency measure necessary for the immediate preservation of the peace, health, safety and general welfare of the Town, and shall take effect immediately, upon approval by the Town Council as provided by law.

Section 3. This ordinance repeals any prior enactment by the Town of Chino Valley which is inconsistent herewith.

Section 4. If any section, subsection, sentence, clause, phrase or portion of this ordinance or any part of the code adopted herein by reference 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.

PASSED AND ADOPTED by the Mayor and Common Council of the Town of Chino Valley, Arizona, this 13th day of December, 2007.

Karen Fann, Mayor

ATTEST:

APPROVED AS TO FORM:

Jami C. Lewis, Town Clerk

Musgrove Drutz & Kack, PC
Town Attorney