

ORDINANCE NO. 2024-940

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CHINO VALLEY, ARIZONA, DECLARING THE DOCUMENT TITLED “JULY 2024 AMENDMENTS TO CHINO VALLEY TOWN CODE CHAPTER 51 REGARDING UTILITY CONNECTIONS” AS A PUBLIC RECORD; ADOPTING THE “JULY 2024 AMENDMENTS TO CHINO VALLEY TOWN CODE CHAPTER 51 REGARDING UTILITY CONNECTIONS” BY REFERENCE; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR PENALTIES.

WHEREAS, the Mayor and Common Council of the Town of Chino Valley desire to update the Town’s water and sewer connections standards and requirements for the benefit of the Town.

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

Section 1. The above recital is hereby incorporated as if fully set forth herein.

Section 2. That certain document titled “July 2024 Amendments to Chino Valley Town Code Chapter 51 Regarding Utility Connections” (the “2024 Utility Connections Amendments”), of which one paper copy and one electronic copy are maintained, in compliance with ARIZ. REV. STAT. § 44-7041, on file in the office of the Town Clerk as required by ARIZ. REV. STAT. § 9-802, and available for public use and inspection during normal business hours, is hereby declared to be a public record and said copies are hereby ordered to remain on file with the Town Clerk.

Section 3. The Chino Valley Town Code is hereby amended by amending Chapter 51 (Water and Sewers) as set forth in the 2024 Utility Connections Amendments, which document is hereby adopted by reference and incorporated herein as if fully set forth in this Ordinance.

Section 4. All ordinances and parts of ordinances in conflict with the provisions of this Ordinance or with any part of the 2024 Utility Connections Amendments adopted herein are hereby repealed.

Section 5. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance or any part of the 2024 Utility Connections Amendments adopted herein 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 6. The Mayor, the Town Manager, the Town Clerk, and the Town Attorney are hereby authorized and directed to take all steps necessary to carry out the purpose and intent of this Ordinance.

Section 7. Except as otherwise provided, any person found responsible for violating any provisions of this Ordinance shall be guilty of a civil violation, punishable by imposition of a civil sanction not to exceed \$500.00. Each day a violation continues shall be considered a separate violation. A person who commits a violation of this Ordinance after previously having been found responsible for committing two or more civil violations of this Ordinance within a 24-month period, whether by admission, by payment of the sanction, by default, or by judgment after hearing, shall be guilty of a class one misdemeanor. The following specific penalties are set forth in the 2024 Utility Connections Amendments:

§ 51.077 UNAUTHORIZED CONNECTIONS WITH WATER MAINS.

No person shall connect any pipe, tube or other instrument with any main, service pipe, conduit or flume for the purpose of taking and conducting water belonging to the town, without a permit or authorized service connection from the Utility Department. Violators shall be guilty of a misdemeanor.

§ 51.120(A)(2) REMEDIES.

The Public Works Director may:

After three (3) days' written notice impose a civil penalty not to exceed 1,000%/billing period on the charges for all water used beginning from the date the corrective action was required and until the corrective action has been completed by the customer to the satisfaction of the town.

§ 51.275 INTERFERENCE WITH OR OBSTRUCTING FACILITIES.

Any person who in any manner willfully defaces, illegally uses, obstructs or interferes with the operation of any well, pump, storage tank, hydrant, valve, pipe, construction trench, or any other water works facility, or any cleanout, manhole, pipe, pump station, treatment plant, recharge facility, construction trench or any other wastewater works facility, or anyone who pollutes the potable water supply or recharge water supply of the town, or violates any provision of this chapter shall be guilty of a misdemeanor, or a felony if the total value of the damage and expense is sufficient to reach such threshold. Any expense caused to the town for the repair, replacement or cleanup of damaged, stolen or misused water and wastewater works facilities shall be charged against and collected from the person or persons who caused the expense. The violation of any provision of this chapter, or failure to pay for damages to town facilities, shall be sufficient cause for the Public Works Director to discontinue town water and/or wastewater service to any property owned or used by the person or persons.

§ 51.278 CRIMINAL PENALTY.

Any person who violates any provision of this chapter, other than the sections designated as civil violations in § 51.279, shall be guilty of a misdemeanor, except for such violations as may exceed felony damage thresholds. Each day a violation continues shall constitute a separate violation.

§ 51.280(A) REMEDIES.

In addition to any civil and/or criminal penalty which may be imposed for violations of this chapter, a user shall be liable for all actual costs which may be assessed by the finance Director on a user of the town's Sanitary Sewer System who discharges wastes containing non-permissible quantities of prohibited substances into the sanitary sewer system or contaminates the town's potable water supply, storage and discharge system. The finance Director is authorized to assess charges based on the extra costs incurred by the town in surveillance, sampling and testing, for additional operating and maintenance expenses, including

overhead charges, and for any other action required to identify, handle, process or supplement normal activities due to the unauthorized discharge of wastes or system contamination.

PASSED AND ADOPTED by the Mayor and Common Council of the Town of Chino Valley, Arizona, this 9th day of July 2024.



Jack W. Miller, Mayor
Tom Armstrong, Vice-Mayor for Mayor Miller

ATTEST:



Erin N. Deskins

Erin N. Deskins, Town Clerk

APPROVED AS TO FORM:



Andrew J. McGuire, Town Attorney
Gust Rosenfeld, PLC

I hereby certify that the above foregoing Ordinance No. 2024-940 was duly passed by the Council of the Town of Chino Valley, Arizona, at a meeting held on July 9, 2024, and that quorum was present, and that the vote thereon was 6 ayes and 0 nays and 0 abstentions. 1 Council members were absent or excused.

Erin N. Deskins

Erin N. Deskins, Town Clerk