

ORDINANCE NO. 815

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PRESCOTT VALLEY, A MUNICIPAL CORPORATION OF ARIZONA, ADOPTING BY REFERENCE A DOCUMENT ENTITLED "AMENDMENTS TO ARTICLES 9-05, 9-05A AND 9-05B OF THE TOWN CODE" (DECLARED BY RESOLUTION NO. 1960 TO BE A PUBLIC RECORD) TO UPDATE THE TOWN'S LOCAL LIMITS FOR WASTEWATER DISCHARGES AND ITS BACKFLOW REQUIREMENTS FOR DOMESTIC WATER AND FIRE PROTECTION SYSTEMS; PROVIDING THAT ALL OTHER CHAPTERS, ARTICLES, AND SECTIONS OF THE TOWN CODE, NOT HEREIN AMENDED, SHALL REMAIN IN FULL FORCE AND EFFECT; PROVIDING THAT IF ANY PROVISION IN THIS ORDINANCE IS HELD INVALID BY A COURT OF COMPETENT JURISDICTION, THE REMAINING PROVISIONS SHALL NOT BE AFFECTED BUT SHALL CONTINUE IN FULL FORCE AND EFFECT; AND PROVIDING THAT THIS ORDINANCE SHALL BE EFFECTIVE THIRTY (30) DAYS AFTER ITS PASSAGE AND APPROVAL ACCORDING TO LAW.

WHEREAS, the Common Council of the Town of Prescott Valley ("Town Council") adopted Ordinance No. 284 (dated October 8, 1992) creating a new Article 9-05 "WASTEWATER TREATMENT" in the Town Code to establish a framework for the operation and administration for the wastewater treatment system; and

WHEREAS, on April 14, 1994, the Town Council adopted the Town of Prescott Valley Wastewater Collection and Treatment Regulations ("Regulations") by Resolution No. 536 to operate and administer the wastewater system pursuant to Town Code Article 9-05; and

WHEREAS, on June 27, 1996, the Town Council adopted Ordinance No. 391 amending Article 9-05 to establish an industrial waste pretreatment program as part of administering the wastewater treatment system; and

WHEREAS, on July 11, 1996, the Town Council adopted Ordinance No. 386 establishing a new Article 9-05a "DOMESTIC WATER SERVICE" in the Town Code to establish a framework for regulating the operation and administration of a domestic water system; and

WHEREAS, on July 8, 1999, the Town Council adopted Ordinance No. 466 further amending Town Code Article 9-05 to implement the Town's wastewater pretreatment program; and

WHEREAS, on August 9, 2001, the Town Council adopted Resolution No. 1030 to, among other things, revise the Regulations to apply them to the operation and administration of the Town's Water and Reclaimed Water Systems as well as to the Wastewater Collection and Treatment system; and

WHEREAS, on August 23, 2001, the Town Council adopted Ordinance No. 510 amending the Town Code to (1) change the title of Article 9-05 to "WASTEWATER

TREATMENT SERVICES,” (2) amend Article 9-05 and 9-05a to revise the underlying framework to correspond with changes to the Regulations, (3) adopt a new Article 9-05b “RECLAIMED WATER SERVICE” to provide further framework for the Regulations; and

WHEREAS, on November 15, 2001, the Town Council adopted Resolution No. 1057 amending the Regulations to further refine the utility system accounts administration and collection processes; and

WHEREAS, as a result of a wastewater spill at the Town’s Wastewater Treatment Plant, the Town cooperated with the Arizona Department of Environmental Quality and entered into a Consent Judgment in April 2013 requiring the Town to conduct a technological study regarding the Town’s local limits applicable to wastewater discharge; and

WHEREAS, as a result of the study (completed on March 25, 2014) staff proposes the adoption of new local limits; and

WHEREAS, the Backflow Prevention Program contained within the Town Code for the domestic water systems needs to be updated to reflect current practices to support the highest level of protection for the water system; and

WHEREAS, the Town Council finds that these proposed amendments to the Town Code promote the health, safety and welfare of the community; and

WHEREAS, ARS 9-802 provides for the adoption by reference of particularly lengthy or complex ordinances when they are declared to be “public records;” and

WHEREAS, the document adopting the amendments to Articles 9-05, 9-05a and 9-05b has been declared by Resolution No. 1960 to be a public record;

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PRESCOTT VALLEY, ARIZONA, AS FOLLOWS:

SECTION ONE. That that certain document entitled “Amendments to Articles 9-05, 9-05a and 9-05b of the Town Code” declared to be a “public record” by Resolution No. 1960 (and available for public inspection in the Office of the Town Clerk, 7501 East Civic Circle, Prescott Valley, Arizona, 86314), be hereby referred to, adopted and made a part hereof as if fully set forth herein.

SECTION TWO. That all other Chapters, Articles and Sections of the Town Code, not herein amended, shall remain in full force and effect.

SECTION THREE. That, if any provision in this Ordinance is held invalid by a Court of competent jurisdiction, the remaining provisions shall not be affected but shall continue in full force and effect.

SECTION FOUR. That this Ordinance shall be effective thirty (30) days after its passage and approval according to law.

PASSED AND APPROVED by the Mayor and Common Council of the Town of Prescott Valley, Arizona, this 28th day of April, 2016.

Harvey C. Skoog, Mayor

ATTEST:

Diane Russell, Town Clerk

APPROVED AS TO FORM:

Ivan Legler, Town Attorney