

RESOLUTION NO. 1961

A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PRESCOTT VALLEY, A MUNICIPAL CORPORATION OF ARIZONA, REPEALING THE "TOWN OF PRESCOTT VALLEY UTILITY REGULATIONS"; AND, PROVIDING THAT THIS RESOLUTION SHALL BE EFFECTIVE AFTER ITS PASSAGE AND APPROVAL ACCORDING TO THE LAW.

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

WHEREAS, on November 30, 1995, the Town Council adopted Resolution No. 664 to revise and update said regulations; and

WHEREAS, said regulations referenced the Uniform Plumbing Code (UPC) and the Uniform Administrative Code (UAC) as they had previously been adopted in the Town Code; and

WHEREAS, on July 10, 1997, the Town Council adopted Resolution No. 769 amending said regulations to clarify that Town staff were authorized to waive administrative and judicially-ordered fees, charges and penalties relating to delinquent wastewater accounts, in accordance with procedures written by the Town Manager; and

WHEREAS, on August 9, 2001, the Town Council adopted Resolution No. 1030 to (a) rename said Regulations to the "Prescott Valley Utility Regulations" ("Regulations"), (b) revise the Regulations to apply to operation and administration of the Town's Water and Reclaimed Water Systems as well as its Wastewater System ("Utility System"), (c) revise the Regulations to respond to various landlord and other Utility System administration issues, (d) prepare to implement various revisions of Utility System rates, fees, service charges and penalties, and (e) revise the Regulations to better correlate with the "Prescott Valley Water District Water System Regulations"; and

WHEREAS, on November 15, 2001, the Town Council adopted Resolution No. 1057, amending the Regulations to add additional time to the account administration and collection process in order to prevent inequities from occurring as a result of delayed postal service; and

WHEREAS, on July 11, 2002, the Town Council adopted Resolution No. 1102 amending the Regulations to incorporate a new methodology for calculating System Capacity Charges and Water Resource Charges for new residential, commercial and industrial uses that connect to the wastewater and water systems, and to expressly provide for "water only" meters; and

WHEREAS, on April 10, 2003, the Town Council adopted Resolution No. 1177 amending the Regulations to correspond to certain revisions to the Arizona Revised Statutes related to adoption and administration of improvement district assessments, including clarification that such assessments become a first lien on property, clarification that service of

certain notices may be made by mail, and specification that certain additional notices to lienholders would be required before property could be sold at auction for non-payment of assessments; and

WHEREAS, on October 23, 2003, the Town Council adopted Resolution No. 1228 to clarify that wastewater rates paid by a customer may be reimbursed when it is discovered that a customer's property has not been connected to the wastewater system despite records showing such a connection; and

WHEREAS, on January 13, 2005, the Town Council adopted Resolution No. 1321 to coincide with changes in Arizona law which a) establish the crime of obtaining utilities fraudulently as a Class 6 felony, and b) restrict government use of complete social security numbers; and

WHEREAS, on December 15, 2005, the Town Council adopted Resolution No. 1400 to reflect the earlier adoption by the Town (Ordinance No. 576, January 22, 2004) of the 2003 International Plumbing Code (IPC) in place of the 1994 Uniform Plumbing Code (UPC) and the "Town of Prescott Valley Administrative Code (PVAC)" in place of the 1997 Uniform Administrative Code (UAC); and

WHEREAS, on September 14, 2006, the Town Council adopted Resolution No. 1458 to (a) eliminate overlapping billing cycles which was creating confusion as to when accounts became delinquent, (b) revise the billing format to include more information on usage and account history, (c) waive deposits in certain circumstances where proof of paying utilities is provided, and (d) make other minor housekeeping revisions; and

WHEREAS, on March 13, 2008, the Town Council approved Resolution No. 1570 dissolving the Prescott Valley Water District; and

WHEREAS, on November 4, 2010, the Town Council adopted Resolution No. 1724, removing references to the Prescott Valley Water District in the Regulations and separating out Customer Accounts Regulations and Improvement District Administrative Regulations from these Regulations so that these Regulations apply only to operation of the utility systems; and

WHEREAS, staff has now proposed Town Code amendments which revise the local limits involved with wastewater discharges and backflow requirements for the domestic water and fire protection systems; and

WHEREAS, in the process staff has noted that these Regulations now largely mirror the detailed Town Code provisions related to system operations and are no longer necessary; and

WHEREAS, the Council finds that it is in the best interests of the Town to repeal these Regulations;

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

1. That the “Town of Prescott Valley Utility Regulations” are hereby repealed in their entirety.
2. That this Resolution shall be effective after its passage and approval according to law.

RESOLVED by the Mayor and Common Council of the Town of Prescott Valley, Arizona, this 14th day of April, 2016.

Harvey C. Skoog, Mayor

ATTEST:

Diane Russell, Town Clerk

APPROVED AS TO FORM:

Ivan Legler, Town Attorney