

## **MARANA ORDINANCE NO. 2015.004**

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RELATING TO UTILITIES; AMENDING TOWN CODE TITLE 14 (UTILITIES) BY  
ADDING CHAPTER 14-10 (INDUSTRIAL WASTEWATER ORDINANCE)

WHEREAS the Town Council is authorized by A.R.S. § 9-240, among other things, to construct and maintain sewers and prevent and punish for any obstruction of or to sewers; to adopt regulations to prevent and suppress the introduction or spread of contagious or infectious diseases; and to define, abate, and remove nuisances, and punish those who commit nuisances; and

WHEREAS the Town Council finds that regulating industrial waste received by the town's wastewater utility in the manner set forth in this industrial wastewater ordinance is consistent with best management practices and is generally consistent the practices and regulations adopted by Pima County for its wastewater facilities; and

WHEREAS the Town Council finds that revising Title 14 (Utilities) of the Marana Town Code to add Chapter 14-10 (Industrial wastewater ordinance) is in the best interests of the Town and its residents.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE TOWN OF MARANA, as follows:

SECTION 1. The amendments to Marana Town Title 14 (Utilities) adding Town Code Chapter 14-10 (Industrial wastewater ordinance), three copies of which are on file in the office of the Town Clerk of the Town of Marana, Arizona, which were made a public record by and attached as Exhibit A to Resolution No. 2015-013 of the Town of Marana, Arizona, are hereby referred to, adopted and made a part of this ordinance as if fully set out here.

SECTION 2. The following penalty clauses are included in Chapter 14-10 as adopted pursuant to this ordinance:

### **14-10-24 Judicial proceedings**

A. Initiation of legal action. Whenever the director finds that a user has violated any provision of this chapter, the director may request the town's legal department to take appropriate legal action. The town's legal department is authorized to take legal action to enforce this chapter. This legal action may include, among other things, one or more of the following:

1. Prohibitive injunctions.
2. Mandatory injunctions for corrective action and cleanup.

3. Civil penalties in accordance with this chapter and A.R.S § 49-391.
4. Criminal penalties pursuant to paragraph 14-10-24 E below.
5. Recovery of civil damages, penalties, and costs to the [publicly owned treatment works (POTW)];
6. Recovery of expenses experienced by the POTW in responding to or repairing damages for which the user is liable under section 14-10-23 above.

B. Civil and criminal penalties for violation.

1. Except as set forth in subparagraph 14-10-24 B. 2 below, civil penalties for violation of any article of this chapter, any part of a permit written and issued in compliance with this chapter, or any requirement of a notification of violation issued in compliance with this chapter, shall not exceed \$25,000 for each violation. For continuing violations, each day constitutes a separate offense.
2. Civil penalties for non-submittal of reports, noncompliance with the reporting or application requirements required in this chapter or permit, or failure to complete an increment of progress of a compliance schedule, shall not exceed \$1,000 for each day the requirements are not satisfied.
3. Any person who attempts to deceive a government agency by submitting documents to the agency or by making statements to a representative of the agency which the person knows to be false, or by destroying or concealing or refusing to deliver papers or records required by the agency to be kept for its information, is subject to prosecution for tampering with a public record, or fraudulent schemes and practices. Tampering with a public record is a class 6 felony (A.R.S. § 13-2407), and carries a maximum penalty of 1.5 years imprisonment and/or a \$150,000.00 fine. Fraudulent schemes and practices is a class 5 felony (A.R.S. § 13-2311), and carries a maximum penalty of 2.0 years imprisonment and/or a \$150,000.00 fine.

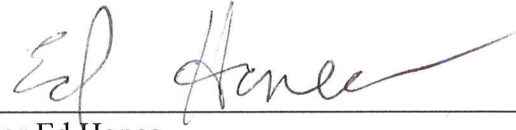
SECTION 3. The various town officers and employees are authorized and directed to perform all acts necessary or desirable to give effect to this ordinance.

SECTION 4. All ordinances, resolutions, or motions and parts of ordinances, resolutions, or motions of the Council in conflict with the provisions of this ordinance are hereby repealed, effective as of the effective date of this ordinance.

SECTION 5. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, the decision shall not affect the validity of the remaining portions of this ordinance.

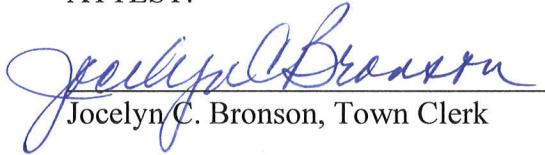
SECTION 6. This ordinance shall become effective on February 20, 2015.

PASSED AND ADOPTED BY THE MAYOR AND COUNCIL OF THE TOWN OF MARANA, ARIZONA, this 20<sup>th</sup> day of January, 2015.



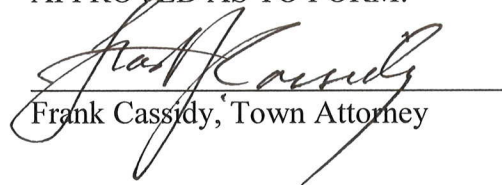
Mayor Ed Honea

ATTEST:



Jocelyn C. Bronson, Town Clerk

APPROVED AS TO FORM:



Frank Cassidy, Town Attorney

