

MARANA ORDINANCE NO. 2015.020

RELATING TO UTILITIES; AMENDING TOWN CODE TITLE 14 (UTILITIES) BY REVISING CHAPTER 14-6 (RATES AND CHARGES) TO ADD NEW SECTION 14-6-4 (BILL ADJUSTMENT FOR EXCESSIVE WATER LEAK)

WHEREAS the Town Council finds that authorization of a reasonable bill adjustment procedure for an excessive water leak 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. Marana Town Code Title 14 (Utilities) is hereby amended to revise Chapter 14-6 (Rates and Charges) to add new section 14-6-4 (Bill adjustment for excessive water leak), as follows:

14-6-4 Bill adjustment for excessive water leak

- A. Purpose. This section is intended to provide financial relief for an abnormally high residential water bill caused by an unpredictable and accidental water leak.
- B. Criteria. The relief authorized by this section is available only if all of the following elements are present:
1. The affected meter serves a residential customer for domestic use.
 2. Relief authorized by this section has not been granted with respect to the affected meter within the 36-month period preceding the date of the bill in question.
 3. The customer seeking relief is current on all Marana water payments except the bill in question.
 4. The application for relief is submitted by the customer who is responsible for paying the bill in question.
 5. The water director reasonably determines that:
 - a. The bill in question was caused by an accidental water leak; and
 - b. The water leak that caused the bill in question has been repaired; and
 - c. Water use at the affected meter has returned to normal consumption.
 6. The application for relief is submitted to the water director within 60 days of the date of the bill in question.

7. The bill in question shows water consumption no less than three times the affected meter's normal consumption.

C. Definitions. The following definitions apply to this section:

1. The "affected meter" is the meter that delivers water to the leak location.
2. The "bill in question" is the water bill for which relief is sought.
3. "Normal consumption" is the total water consumption measured by the affected meter over the 12 months preceding the date of the bill in question divided by 12. If for any reason the subject residence has been vacant at any time in the 12 months preceding the date of the bill in question, "normal consumption" shall be the higher of the following:
 - a. The total water consumption measured by the affected meter during the months the subject residence was fully occupied and the applicant was the customer on the water account in the prior year, divided by the number of months so measured.
 - b. The default average for all Marana water customers.
4. The "subject residence" is the residential property served by the affected water meter.

D. Adjustment calculation. If an application meets all requirements of this section, the water department shall adjust the bill in question as follows:

1. Normal tiered water rates shall apply to the quantity of water constituting three times the affected meter's normal consumption.
2. Any quantity of water exceeding three times the affected meter's normal consumption shall be charged based on the irrigation rate.
3. The ground water resource acquisition fee and superfund tax shall be charged for the full volume of water reported in the bill in question.

E. Payment and remedies.

1. A customer shall not be subject to late fees or in jeopardy of disconnection for non-payment of the bill in question during the period that the bill in question is under consideration for adjustment pursuant to this section.
2. A customer shall pay the adjusted water bill within 20 calendar days of its issuance.
3. All normal water department remedies shall apply after the 20-day period for payment of the adjusted water bill, including without limitation delinquent fees and disconnection for non-payment.

SECTION 2. The various town officers and employees are authorized and directed to perform all acts necessary or desirable to give effect to this ordinance.

SECTION 3. 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 4. 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 5. This ordinance is administrative, and shall be retroactively effective from and after July 1, 2015.

SECTION 6. Notwithstanding Town Code Section 14-6-4 subparagraph (B)(6) as adopted by this ordinance, any application for financial relief filed concerning a water bill issued between the retroactive effective date and the adoption date of this ordinance (that is, a water bill issued between July 1 and December 1, 2015) shall be filed no later than 5:00 p.m. MST on February 1, 2016.

PASSED AND ADOPTED BY THE MAYOR AND COUNCIL OF THE TOWN OF MARANA, ARIZONA, this 1st day of December, 2015.



ATTEST:

Jocelyn C. Bronson
Jocelyn C. Bronson, Town Clerk

Ed Honea

Mayor Ed Honea

APPROVED AS TO FORM:

Frank Cassidy
Frank Cassidy, Town Attorney