

AN ORDINANCE OF THE TOWN OF SAN LUIS, ARIZONA, AMENDING CHAPTER 13, SECTION 13-1-12(2), ADDING SECTION 13-1-12(5), ADDING SECTION 13-1-15, AND ADDING ARTICLE 13-2. SECTIONS 13-2-1 AND 13-2-2 OF THE CODE OF THE TOWN OF SAN LUIS, ARIZONA: PERTAINING TO THE MANDATORY REQUIREMENT OF CONNECTION TO THE SAN LUIS SEWER SYSTEM, PROVIDING FOR A LIEN UPON REAL PROPERTY FOR DELINQUENT SEWER USE OR CONNECTION CHARGES, ADDING SECTION 13-1-12(4), PROVIDING CONNECTION FEE EXEMPTION IN HARDSHIP CASES; ADDING SECTIONS 13-1-12(2)(B). (12), (13), (14); PROVIDING FOR CERTAIN VIOLATIONS AND PENALTIES AND PROHIBITING ACTS, AND DECLARING AN EMERGENCY

BE IT ORDAINED BY THE MAYOR AND TOWN COUNCIL OF THE TOWN OF SAN LUIS, ARIZONA, YUMA COUNTY AS FOLLOWS:

SECTION 1: That Article 13-1, Section 13-1-12(2) of the Code of the Town of San Luis is amended to read as follows:

(A) Residential: Each single family residence is required to pay a connection charge if the property is within 200 feet of the San Luis sewer. The sewer connection charge shall be assessed against a residence immediately upon its connection to the system or 60 days after the system is available for connection to a residence unless otherwise provided for in the Chapter. The Town shall be authorized to collect user fees or connection charges levied pursuant to this Chapter.

Until May 30, 1985, a single family residence shall receive a fifteen (15) per cent discount from the three hundred (300.00) dollar connection charge if the entire amount is paid. This fee shall be two hundred and fifty-five (\$255.00) dollars per residence.

From Feb. 1, 1985 until June 28, 1985; the connection charge shall be three hundred (300.00) dollars per residence except for those utilizing the discount as outlined above.

Partial payment for the three hundred (300.00) dollars connection charge shall be authorized by a minimum payment of seventy-five (75.00) dollars or one-fourth of the connection charge upon application and by signing a promisory note for payment of the balance of the charge. The balance must be paid on at least a quarterly basis over the following calendar year.

Beginning July 1, 1985 the connection charge shall be four hundred (400 00) dollars due to an increase in operation expenses. Partial payment as outlined above. applies to this fee also, except the base payment would be \$100.00.

The monthly user fee for all single family residences shall be twelve (12.00) dollars per month. The monthly user fee shall be paid one month in advance and is due and payable by the first working day of the new month.

Residences not connecting to the system by June 30, 1985. who are required to do so by the provisions of this Chapter shall be liable for and billed the monthly user fee and the connection charge beginning July 1, 1985.

SECTION 2: That Article 13-1 of the Code of San Luis is amended by adding subsection 13-1-12(5) to read as follows:

(5) Each charge or fee levied by or pursuant to this article is a lien upon the real property of the user to whom service is supplied, or who is required to connect to the sewer system. The lien shall attach immediately upon the provision of service or sixty (60) days subsequent to the availability of the service to the user who is required to connect to the system and who fails to do so pursuant to the provisions of this Chapter. If a charge or fee is not paid within thirty (30) days after it becomes due and payable, the Town may issue a notice and claim a lien setting forth:

1. The name of the user owing the charge or fee;
2. The amount owed;
3. The penalty accrued, if any;
4. The period for which it is due; and
5. A statement that the Town Claims a lien therefore and a description of the property subject to the lien.

(A) When the lien is filed, the cost of preparing, processing and releasing the lien shall be added to the charges then due.

(B) Upon the delinquency of any user fee or connection charge levied pursuant to Article 13-1, a copy of a statement of such delinquency shall be delivered by return mail to the person or persons last known to be the owner of the property, demanding payment of the amount due. If the amount declared due is not paid within twenty days (20) after demand, a notice and claim of lien may be filed by the Town. The lien shall be recorded in the Office of the Yuma County Recorder and from the date of the recording shall be a lien against the lot or tract of land upon which service was rendered until it is paid.

(C) The liens shall be subject to and inferior to the first mortgage lien. A sale of the property to satisfy a lien obtained under provisions of this section shall be made upon judgement of foreclosure and order of sale. The Town Attorney may institute any action to enforce the lien in any court of appropriate jurisdiction in Yuma County at any time after recording of the lien. A prior lien for the purpose provided in this section shall not be a bar to a subsequent lien or liens for such purposes and any number of liens on the same lot or tract of land may be enforced in the same action. The amount owing may also be collected by a civil suit instituted in the name of the Town by the Town Attorney at any time after the amount becomes delinquent.

(B) Notwithstanding any other provisions to the contrary, the remedies provided by this section shall be cumulative and supplemental to other remedies provided under this article.

SECTION 3: That Article 13-1, of the Town Code of San Luis is amended by adding Section 13-1-12(3) to read as follows:

13-1-12(3) CONNECTION CHARGES, HARDSHIP:

(A) Despite any provision in any ordinance relating to charges to be paid before connecting a residence to a sewer line, such connection charges may be deferred in hardship cases as described in this section as follows:

1. Any person desiring to obtain a connection to a sewer without first paying the fee required by ordinance for such connection shall make a written application for deferral of the charge, on a form to be provided by the Town Manager. The application shall fully state the resources and income of the applicant, and each person over eighteen years of age proposing to live in the premises to be connected.

2. If the family income is below the level of poverty, considering all of the persons in the household and income of each person in the household, and if there are no other resources available to pay the connection charge, payment of the charge shall be deferred. The level of poverty shall be considered to be \$4,980 per year for one person in the household, and \$1,740 per year for each additional person in the household.

3. Deferral of the connection charge as provided herein shall not excuse the payment of the charge; before any connection to the sewer system is made the owner of the premises to be connected shall execute a note secured by a mortgage on the real estate involved. The note shall provide for payment of the charge in installments with _____ percent interest on the unpaid principle. The mortgage shall provide that no foreclosure action shall be brought unless the amount due has not been paid in full by the time of the death of the original mortgagor or the sale of or transfer of title of the property, whichever happens first. Such foreclosure shall only be taken to the Council for authorization.

SECTION 4: That Article 13-1 of the Town Code of San Luis is amended by adding sections 13-1-12(2)(B)(12), (13), & (14) to read as follows:

(12) Churches	\$ 8.00	\$ 200.00
(13) Border Stations	72.00	1,500.00
(14) Schools	72.00	1,500.00

SECTION 5: That Article 13-1 of the Town Code of San Luis is amended by adding Section 13-1-15 to read as follows:

SECTION 13-1-15. SEVERABILITY:

If any provision of this ordinance or application thereof to any person or circumstance is held unconstitutional or otherwise invalid, such invalidity shall not affect the other provisions or applications of this ordinance which can be given effect without the invalid application or provision, and to this end each invalid provision or invalid application of this ordinance is severable, unless otherwise provided by this ordinance. It is hereby declared to be the legislative intent of the Town Council that this ordinance would have been adopted had such unconstitutional or otherwise invalid provision or application not been included.

SECTION 6: That Article 13-2 is added to the Town Code of San Luis to read as follows:

ARTICLE 13-2 VIOLATIONS & PENALTIES:

- 13-2-1 Violations
- 13-2-2 Unlawful and Prohibited Acts

SECTION 13-2-1 VIOLATIONS:

(A) It is a violation of this Chapter to refuse to connect and pay a connection charge or user fee to the Town when the user is required to connect to the Town sewer system pursuant to the provisions of this Chapter

(B) It is a violation of this Chapter to refuse to pay any fees or charges when due. Such refusal shall provide sufficient grounds for the Town to discontinue sewer service to any premises, and the service shall not be restored until the violations have been discontinued or eliminated and all outstanding charges paid. The discontinuance of sewer service shall be accomplished by physically cutting and blocking the building connection. A charge of one hundred (100.00) dollars shall be paid to the Town for reconnecting to the system. The Town shall notify the user of the proposed discontinuance of service by delivering a notice, return receipt requested, to the user and by posting a notice on the property at least ten (10) days prior to the actual discontinuance.

SECTION 13-2-2. UNLAWFUL & PROHIBITED ACTS:

(A) It is unlawful for any person, firm or corporation to violate any provisions of this Chapter.

(B) It is unlawful for any person, firm, corporation to interfere with an employee or agent of the Town in the discharge of his or her duties, either in the tapping of any sewer pipe, main or lateral belonging to the Town, or the laying or connecting of any such pipe or main or lateral.

(C) It is unlawful for any person, firm or corporation to deposit, or permit to be deposited in an unsanitary manner upon public or private property within the Town or any area under the jurisdiction of the Town, any human excrement or other objectionable waste.

(D) It is unlawful to discharge to any natural outlet within the Town, or in any area under the jurisdiction of the Town, any sanitary sewage, industrial waste, or other polluted water, except where suitable treatment has been provided, in accordance with provisions of this article.

(E) It is unlawful for any person, firm or corporation to maliciously or intentionally break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is part of the municipal sewage works.

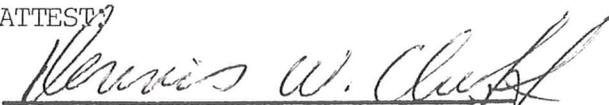
(F) It is unlawful for any septic tank or scavenger waste hauler to discharge septic tank or scavenger wastes into any public sanitary sewer owned or operated by the Town.

SECTION 7:

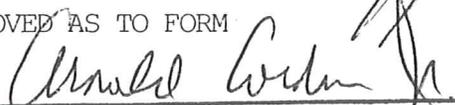
Whereas, it is necessary for the preservation of the peace, health, and safety of the Town of San Luis, Arizona, and emergency is declared to exist, and this ordinance shall become immediately operative and in force.

PASSED AND ADOPTED this 24th day of April, 1985

ATTEST:


Dennis W. Cluff, Town Manager

APPROVED AS TO FORM


Arnold Cordova Jr, Attorney


Marco Antonio Reyes, Mayor