ORDINANCE NO. 800

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, AMENDING SECTION 50.02(C) OF THE CODE OF THE TOWN OF PAYSON, RELATING TO THE DISCONTINUATION OF WATER SERVICE PENDING A TERMINATION OF SEWER SERVICES.
(COORDINATING WATER SERVICE SEWER SERVICE TERMINATION)

WHEREAS, a majority of the Town's water customers are connected to the Northern Gila County Sanitary District ("Sanitary District") system; and

WHEREAS, the Town currently discontinues water services to any customer whose connection to the sewer system has been terminated; and

WHEREAS, in order for a customer's sewer service to be terminated, the sewer connection must literally be dug up and often this digging takes place in the roadway or the right of way; and

WHEREAS, the Town desires to coordinate closer with the Sanitary District to avoid such digging and/or disruptions in the Town roadways and rights of way; and

WHEREAS, the Town desires to amend the Town Code to allow for termination of water services upon notice that the Sanitary District is going to discontinue sewer services,

NOW, THEREFORE, THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, DO HEREBY ORDAIN AS FOLLOWS:

Section 1. Section 50,02(C) of the Code of the Town of Payson is hereby amended, and as amended shall read as follows:

50.02(C) Discontinuation. ~~The town may discontinue water service without notice for the following reasons:~~
~~(1) To prevent fraud or abuse.~~
~~(2) Consumer's willful disregard of, or refusal to comply with, this chapter.~~
~~(3) To prevent or stop any serious public health hazard, including, but not limited to, lack of connection to an approved sewer or septic system or the discharge of sewage in any manner other than to an approved sewer or septic system.~~

(1) Upon receipt of an official notice from the Sanitary District that a consumer's sewer service is subject to disconnection on a date specific, the Town may discontinue water service to the consumer no more than three (3) days prior to the disconnection date.

Insertions underline/~~deletions strikeout~~

FEB 17 2011 G.5

FIRST READING AND PUBLIC HEARING

MAR 03 2011 G.4

SECOND READING AND PUBLIC HEARING

Prior to discontinuation of water service under this subsection, the Town or Sanitary District will provide the consumer with at least 10 days notice of such discontinuation. If prior to discontinuation of water service, the consumer provides the Town with proof that the consumer's sewer service is no longer subject to disconnection, water service shall not be discontinued.

(2) The Town may discontinue water service without notice for any of the following reasons:

(a) To prevent fraud or abuse.

(b) The consumer's willful disregard of or refusal to comply with this chapter.

(c) To prevent or stop any serious public health hazard, including, but not limited to, lack of connection to an approved sewer or septic system or the discharge of sewage in any manner other than to an approved sewer or septic system.

PASSED AND ADOPTED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON this _____ day of _____, 2011, by the following vote:

AYES _____ NOES _____ ABSTENTIONS _____ ABSENT _____

_____
Kenny J. Evans, Mayor

ATTEST:

_____
Silvia Smith, Town Clerk

APPROVED AS TO FORM:

_____
Timothy M. Wright, Town Attorney

Water Department

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February 10, 2011

Council Action Information Memo

The NGCSD utilizes a standard procedure for the collection of past due sewer service accounts. They disconnect the delinquent customer's private sewer line from the public sewer line. This method requires that the private sewer line be exposed by means of digging it up, in the public right of way or street, with a backhoe and placing a cap on the private sewer line. After the delinquent account is brought up to date the District must return to the site and dig the private sewer line up again in order to reconnect it to the public sewer main. These excavation activities can, and do, damage public streets and raise a risk of damaging other buried utilities such as telephone lines, gas lines, electric lines, water lines, etc. In order to prevent these unnecessary excavations and the resultant damage to streets the NGCSD and the Payson Water Department have developed a proposed policy. The policy would allow the Water Department to assist the District by discontinuing water service to a property whose owner is delinquent in quarterly sewer service payment(s). The District would notify the delinquent property owner and/or their tenant and the Water Department simultaneously that the customer's water service is subject to discontinuance if the delinquent account is not paid within 10 days. The District would notify the Water Department of any accounts that were brought current and the Town would take no action. The District would also notify the Water Department of any bills that were not brought current or for which payment arrangements had not been made and the Water Department would disconnect water service until such time as notified by the District that the account was current.

The main reason for this proposed action is to prevent unnecessary damage to our streets, rights of way and buried utilities. This action coincides with existing Water Department practice of denying public water service to properties with inadequate sewer service when directed to do so by the Gila County Health Department.

The District would pay a fee for any Water Department actions necessary under the arrangement.

Buzz Walker
Asst. Public Works Dir./Water Supt