

ORDINANCE NO. (O)14-06

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE TOWN OF ORO VALLEY, ARIZONA AMENDING SECTIONS TO CHAPTER 15, WATER CODE OF THE ORO VALLEY TOWN CODE AT SECTIONS 15-5-2 AND 15-5-3; AND REPEALING ALL RESOLUTIONS, ORDINANCES, AND RULES OF THE TOWN OF ORO VALLEY IN CONFLICT THEREWITH; AND PRESERVING THE RIGHTS AND DUTIES THAT HAVE ALREADY MATURED AND PROCEEDINGS THAT HAVE ALREADY BEGUN THEREUNDER

WHEREAS, pursuant to ARS § 9-511, *et seq.*, the Town has the requisite statutory authority to acquire, own and maintain a water utility for the benefit of the landowners within and without the Town's corporate boundaries; and

WHEREAS, on March 25, 1996, the Town Council approved Ordinance No. (O) 96-13, which adopted that certain document entitled, "Oro Valley Town Code, Chapter 15, Section 15-5-2, Requirement of Deposit, Amount"; and

WHEREAS, on March 25, 1996, the Town Council adopted Ordinance No. (O) 96-13, which adopted that certain document entitled "Oro Valley Town Code, Chapter 15, Section 15-5-3, Refund of Deposit"; and

WHEREAS, on November 7, 2007, the Town Council adopted Ordinance No. (O) 07-41, which adopted that certain document entitled "Oro Valley Town Code, Chapter 15, Section 15-5-3, Refund of Deposit"; and

WHEREAS, changes made to the "Refund of Deposit" include security deposits for all accounts other than single family residential shall not be refunded until the account is closed and the final bill is paid.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and the Council of the Town of Oro Valley, Arizona that the amendments to the Oro Valley Town Code, Chapter 15, Sections 15-5-2 and 15-5-3, with amendments thereto, are hereby adopted.

NOW, THEREFORE, BE IT FURTHER ORDAINED, by the Mayor and Council of the Town of Oro Valley as follows:


Section 1. Oro Valley Town Code, Chapter 15, Sections 15-5-2 and 15-5-3, with amendments thereto, is attached hereto as Exhibit "A".

Section 2. All Oro Valley 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parts of Ordinances, Resolutions or Motions of the Council in conflict with the provisions of this Ordinance are hereby repealed.

Section 3. 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, such decision shall not affect the validity of the remaining portions thereof.

PASSED AND ADOPTED by the Mayor and Town Council of the Town of Oro Valley, Arizona, this 2nd day of April, 2014.

TOWN OF ORO VALLEY



Dr. Satish I. Hiremath, Mayor

ATTEST:



Julie K. Bower, Town Clerk

Date: 4/4/14

PUBLISH: DAILY TERRITORIAL
APRIL 10, 11, 14, 15, 2014

APPROVED AS TO FORM:



Tobin Sidles, Legal Services Director

Date: 4/3/14

POSTED: 4/10/14/- 5/12/14

Exhibit “A”

15-5-2 Requirement of Deposit, Amount

The Town of Oro Valley will require a deposit from an applicant for service not to exceed twice the average monthly bill for the account or in the case of a new account, twice the estimated monthly bill, as a condition of providing water service. A separate deposit may be required for each meter installed. The Town may review the customer's water usage after service has been connected and adjust the deposit amount either up or down based on the customer's actual water usage and/or a review of an account in regards to delinquency.

(96-13, Enacted, 03/25/1996)

15-5-3 Refund of Deposit

Deposits for all single family residential accounts that are in the homeowner's name will be refunded after one (1) year if the customer has not been delinquent in the payment of bills rendered during such period or the deposit shall be refundable upon closing the account after the final bill is paid, whichever occurs first. For all other accounts, the deposit will not be refunded until the account is closed and the final bill is paid. The individual and/or organization in whose name the deposit is made shall be responsible for the payment of all bills incurred in connection with the service furnished. Deposits may be transferable from an existing account to a new account. This section applies to all deposits collected after April 2, 2014.

((O)07-41, Amended, 11/07/2007; 96-13, Enacted, 03/25/1996)