

TOWN OF MIAMI

ORDINANCE NO. 360

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF MIAMI, ARIZONA, AMENDING THE CODE OF MIAMI, ARIZONA, TITLE 13 PUBLIC SERVICES, BY AMENDING CHAPTER 13.04 SEWER SYSTEM USE REGULATIONS, SECTION 13.04.124 RATES FOR SEWAGE COLLECTION WITHIN THE TOWN LIMITS OF MIAMI RELATED TO INCREASING RATES AND CHARGES FOR WASTEWATER SERVICES; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR PENALTIES; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, by Resolution No. 1076, the Town Council of the Town of Miami approved and accepted the Water Infrastructure Financing Authority of Arizona (“WIFA”) Loan 710142-10 for the design of the Miami Wastewater Collection Repair Project (“Project”) and by Resolution 1093 approved the form, terms and provisions of the Loan Agreement Amendment No. 1 and authorized its execution, and

WHEREAS, the United States of America acting through the United States Department of Agriculture-Rural Utilities Service (“USDA-RS”) has approved a grant agreement for the Project to include a total Project cost in the amount of \$19,529,000.00, with the Town of Miami being responsible for repayment of a loan in the amount of 80% of the Project cost; and

WHEREAS, the Town Council of the Town of Miami approved and accepted a loan from the USDA-RS in the principal amount of not to exceed \$3,953,000, which loan was contingent upon all of the requirements of USDA-RS being satisfied; and

WHEREAS, the Town Council has committed to maintain a sewer rate schedule that provides adequate income to meet the minimum requirements for operation and maintenance, debt service and reserves as required by the WIFA and USDA-RS agreements and directed the Town Manager to proceed with updating the rate study for its sewer utility rates; and

WHEREAS, the Mayor and Town Council of the Town of Miami have determined that it is necessary and in the Town’s best interests to increase the rates and charges for monthly sewer services charged by the Town; and

WHEREAS, pursuant to A.R.S. § 9-511.01 and the direction of the Town Council, the Town of Miami engaged economist.com to perform a wastewater rate analysis and prepare a written report supporting the increased rate or rate component, fee or service charge, a copy of which was made available to the public by being on file in the Office of the Town Clerk at least thirty days before the public hearing held on February 12, 2018; and

WHEREAS, at its December 11, 2017 meeting, the Town Council adopted a Notice of Intent to Increase Wastewater Service Rates and Charges Pursuant to A.R.S. § 9-511.01 and set the matter for public hearing on February 12, 2018; and

WHEREAS, the Notice of Intent was published and posted as required by law; and

WHEREAS, the Town Council held a public hearing on the proposed wastewater rate, fee or service charge increase prior to adoption of this Ordinance; and

WHEREAS, the Town Council finds the proposed increases to be just and reasonable,

NOW THEREFORE, BE IT ORDAINED by the Mayor and Common Council of the Town of Miami, Arizona, as follows:

Section I. In General.

The Code of Miami, Arizona, Title 13 Public Services, Chapter 13.04 Sewer System Use Regulations is hereby amended by amending Section 13.04.124 Rates for Sewage Collection within the Town of Miami to read as follows (deletions in ~~strikeout~~; additions in ALL CAPS):

13.04.124 Rates for Sewage Collection Within the Town Limits of Miami.

The monthly fee for sewer service within the town limits of Miami is as set forth below:

A. Rates for Single Family Residential Accounts

Usage Per Gallon 100s	Usage** Fee	Minimum Fee	Total Charges
-0-	\$ 0.00	\$ 25.50 26.01	\$ 25.50 26.01
001-025	\$ 17.75 18.25		\$ 43.25 44.26
026-050	\$ 35.50 36.50		\$ 61.00 62.51
051-075	\$ 53.25 54.75		\$ 78.75 80.76
076-100	\$ 71.00 73.00		\$ 96.50 99.01
101-125	\$ 88.75 91.25		\$ 114.25 117.26
126-150	\$ 106.50 109.50		\$ 132.00 135.51
151-175	\$ 124.25 127.75		\$ 149.75 153.76
176-200	\$ 142.00 146.00		\$ 167.50 172.01
201-225	\$ 157.75 164.25		\$ 185.25 190.26
226-250	\$ 177.50 182.50		\$ 203.00 208.51
251-275	\$ 195.25 200.75		\$ 220.75 226.76
276-300	\$ 213.00 219.00		\$ 238.50 245.01
301-325	\$ 230.75 237.25		\$ 256.25 263.26
326-350	\$ 248.50 255.50		\$ 274.00 281.51
351-375	\$ 266.25 273.25		\$ 291.75 299.26

** Usage fee is equal to .85 gallons used x \$.0071.0073 or \$17.7518.25 per 2,500 gallon units of use where the gallons used is the average of the lowest five months of water usage for the prior calendar year for the residence.

B. Rates for Accounts other than Single Family Residential Accounts

Classification	Description	Minimum Fee	Charged Rate**
R	Residential homes, apartments (individually metered), condo, duplex	\$ 25.50 26.01	R
C	Non-food retail under 5,000 gallons (includes services – non-medical)	\$ 25.50 26.01	R
I	Mining	\$ 25.50 26.01	Z
M	Apartments, condos/duplex, 4/plex, motel/ hotel (non-dining)	\$ 25.50 26.01	C
H	Hospital/medical, physicians/dental, clinic/ veterinarians	\$ 25.50 26.01	Z
R	Restaurants (hotel/motel with dining) fast food	\$ 25.50 26.01	Z
Q	Fabricating/ machining	\$ 25.50 26.01	Z
V	Gas/car wash/ laundry	\$ 25.50 26.01	Z
N	Non-profit, schools and churches	\$ 13.25 13.51	N
G	Grocery and department stores	\$ 25.50 26.01	C

** Charged rate:

R = \$ ~~17.75~~ 18.25 per 2,500 gallons or part thereof -- \$0.0069-0.0070 per gallon of usage

C = \$ ~~21.40~~ 21.83 per 2,500 gallons or part thereof -- \$0.0086 0.0087 per gallon of usage

N = \$ ~~8.96~~ 9.13 per 2,500 gallons or part thereof -- \$0.0036 0.0037 per gallon of usage

Z = \$ ~~17.22~~ 17.56 per 2,500 gallons or part thereof -- \$0.0069 0.0070 per gallon of usage

Section II. Providing for Repeal of Conflicting Ordinances.

All ordinances and parts of ordinances in conflict with the provisions of this Ordinance or any part of the Code adopted herein by reference, are hereby repealed.

Section III. Providing for Severability.

If any section, subsection, sentence, clause, phrase or portion of this Ordinance or any part of the Code adopted herein by reference, 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.

Section IV. Providing for Penalties.

Any person found guilty of violating any provision of this Ordinance shall be guilty of a misdemeanor, and upon conviction thereof shall be punishable by a fine not to exceed Two Thousand Five Hundred Dollars (\$2,500) or by imprisonment for a period not to exceed six (6) months, or both such fine and imprisonment. Each day that a violation continues shall be a separate offense punishable as herein described.

Section V. Effective Date.

The sewer rates and charges set forth and adopted herein shall become effective after 30 days from the date of approval of this ordinance by the Miami Town Council.

PASSED AND ADOPTED by the Common Council of the Town of Miami, Arizona, this **12th** day of **February**, 2018, by the following vote:

AYES: 6
NAYES: 0 ABSENT: 0
EXCUSED: 1 ABSTAINED: 0


APPROVED this **12th** day of **February**, 2018.


Darryl Dalley, Mayor


ATTEST:


Karen M. Norris, Town Clerk

APPROVED AS TO FORM:


Phyllis L. N. Smiley, Town Attorney
Gust Rosenfeld, PLC

I, KAREN M. NORRIS, TOWN CLERK, DO HEREBY CERTIFY THAT A TRUE AND CORRECT COPY OF THE ORDINANCE NO. 360 ADOPTED BY THE COMMON COUNCIL OF THE TOWN OF MIAMI, ARIZONA, ON THE 12TH DAY OF FEBRUARY, 2018, WAS POSTED IN THREE PLACES AND ON THE TOWN'S WEBSITE ON THE 14 DAY OF February, 2018.


Karen M. Norris, Town Clerk