

State of Arizona
Senate
Fiftieth Legislature
First Regular Session
2011

SENATE BILL 1157

AN ACT

AMENDING SECTION 9-511.01, ARIZONA REVISED STATUTES; AMENDING TITLE 9, CHAPTER 5, ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING SECTION 9-511.04; RELATING TO MUNICIPAL CHARGES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 9-511.01, Arizona Revised Statutes, is amended to
3 read:

4 9-511.01. Water and wastewater business; rates; procedures

5 A. A municipality engaging in a domestic water or wastewater business
6 shall not increase any water or wastewater rate or rate component, fee or
7 service charge without complying with the following:

8 1. Prepare a written report or supply data supporting the increased
9 rate or rate component, fee or service charge. A copy of the report shall be
10 made available to the public by filing a copy in the office of the clerk of
11 the municipality governing board at least thirty days before the public
12 hearing described in paragraph 2.

13 2. Adopt a notice of intention by motion at a regular council meeting
14 to increase water or wastewater rates or rate components, fees or service
15 charges and set a date for a public hearing on the proposed increase that
16 shall be held not less than thirty days after adoption of the notice of
17 intention. A copy of the notice of intention showing the date, time and
18 place of the hearing shall be published one time in a newspaper of general
19 circulation within the boundaries of the municipality not less than twenty
20 days before the public hearing date.

21 B. After holding the public hearing, the governing body may adopt, by
22 ordinance or resolution, the proposed rate or rate component, fee or service
23 charge increase or any lesser increase.

24 C. Notwithstanding section 19-142, subsection B, the increased rate or
25 rate component, fee or service charge shall become effective thirty days
26 after adoption of the ordinance or resolution.

27 D. Any proposed water or wastewater rate or rate component, fee or
28 service charge adjustment or increase shall be just and reasonable.

29 E. Rates and charges demanded or received by municipalities for water
30 and wastewater service shall be just and reasonable. Every unjust or
31 unreasonable rate or charge demanded or received by a municipality is
32 prohibited and unlawful.

33 F. For residential property of four or fewer units, a municipality
34 shall not require payment of unpaid water and wastewater service rates and
35 charges by anyone other than the person who the municipality has contracted
36 with to provide the service.

37 G. For residential property of four or fewer units, a municipality
38 shall not refuse service within the ~~municipalities~~ MUNICIPALITY'S service
39 area for the unpaid water and wastewater rates and charges to anyone other
40 than the person who the municipality has contracted with to provide the
41 service.

42 H. A MUNICIPALITY SHALL IMPOSE WASTEWATER RATES AND CHARGES ON THE
43 USER OF THE SERVICE OR THE PERSON WHO CONTRACTS FOR THE SERVICE. THE USER OF
44 THE SERVICE IS RESPONSIBLE FOR PAYMENT OF THE WASTEWATER RATES AND CHARGES
45 IMPOSED BY THE MUNICIPALITY. THE PROPERTY OWNER SHALL NOT BE RESPONSIBLE FOR

1 PAYMENT OF RATES AND CHARGES UNLESS THE OWNER OF THE PROPERTY HAS CONTRACTED
2 FOR THE SERVICE.

3 Sec. 2. Title 9, chapter 5, article 2, Arizona Revised Statutes, is
4 amended by adding section 9-511.04, to read:

5 9-511.04. Waste or garbage collection service: payment

6 IF A MUNICIPALITY PROVIDES WASTE OR GARBAGE COLLECTION SERVICE, THE
7 MUNICIPALITY SHALL IMPOSE WASTE OR GARBAGE COLLECTION RATES AND CHARGES ON
8 THE USER OF THE SERVICE OR THE PERSON WHO CONTRACTS FOR THE SERVICE. THE
9 USER OF THE SERVICE IS RESPONSIBLE FOR PAYMENT OF THE WASTE OR GARBAGE
10 COLLECTION RATES AND CHARGES IMPOSED BY THE MUNICIPALITY. THE PROPERTY OWNER
11 SHALL NOT BE RESPONSIBLE FOR PAYMENT OF RATES AND CHARGES UNLESS THE OWNER OF
12 THE PROPERTY HAS CONTRACTED FOR THE SERVICE.