

ORDINANCE NO. 2011-27

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, ARIZONA AMENDING CHAPTER 22 OF THE PEORIA CITY CODE (1992) BY REPEALING SECTION 22-21 AND SECTION 22-22 PERTAINING TO SOLID WASTE DEVELOPMENT FEES; AND BY REPEALING TABLE SECTION 22-22A AND TABLE 22-22(A) (2) PERTAINING TO SOLID WASTE DEVELOPMENT FEES AND PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

THEREFORE, it is ordained by the Mayor and Council of the City of Peoria as follows:

SECTION 1. Chapter 22 of the Peoria City Code (1992) is amended by repealing Section 22-21 pertaining to Solid Waste Development Fees and which shall read as follows:

~~Sec. 22-21. Solid Waste Development fees.~~

~~_____ (a) In addition to other charges for solid waste collection and disposal imposed by the city, there is established a solid waste development fee to be charged for each dwelling unit and non-commercial unit constructed in the city. The fee to be charged for residential dwelling units and the fee to be charged for non-commercial units shall be as established by ordinance. In this section:~~

~~_____ (1) Multiple family dwelling unit means a mobile home space within a mobile home park, a travel trailer space within a travel trailer park, a hotel, motel, rest home, hospital, apartment, condominium and other building in _____ which more than one (1) family may reside either temporarily or on a _____ permanent basis.~~

~~_____ (2) Single family dwelling unit includes a unit in which only a single family _____ may reside other than a multiple family dwelling unit.~~

~~_____ (b) The fees shall be used to offset capital costs to the city associated with providing for the expansion of the city's ability to provide required solid waste collection, disposal and recycling services to the improvements against which the fee is charged. Such expansion to the city's sanitation services shall include, but not be limited to acquisition and maintenance of capital improvements and equipment, debt service and such other necessary expenses or improvements necessary to provide efficient sanitation service.~~

~~———— (c) ——— The fee shall be due and payable to the city at such time as a building permit is issued for residential units and as to all other types of improvements on which the fee is collected at such time as off-site building permits are requested therefor and if no off-site building permit is required for the improvement, then at the time the building permit is obtained for the construction of such improvement.~~

~~———— (d) ——— A separate fund shall be kept and maintained for all fees and into which the monies collected from all improvements subject to such fee shall be deposited and a separate accounting made for such single fund. The fees deposited to such account shall be used only for the uses specified in this section and for the benefit of the improvements from which it is collected.~~

~~———— (e) ——— Any solid waste development fee paid in advance of initial construction of a dwelling, commercial, industrial or institutional structure shall expire ten (10) years from the date of payment. The expansion fee previously paid shall not be refundable, but may be used as a credit against any subsequent sanitation expansion fee which may become due and payable.~~

~~———— (f) ——— The Solid Waste Development fee provided for in this section and section 22-22 shall not become effective until an ordinance has been adopted in the manner provided by A.R.S. §9-463.05.~~

SECTION 2. Chapter 22 of the Peoria City Code (1992) is amended by repealing Section 22-22 pertaining to Calculation of solid waste development fee and which shall read as follows:

~~Sec. 22-22. Calculation of solid waste development fee.~~

~~———— (a) ——— each new residential or non residential development, other than a commercial development shall be assessed a solid waste development fee according to the following calculations:~~

~~(1) ——— the number of equivalent dwelling units constituting the particular new development shall be determined.~~

~~———— (b) ——— The solid waste development fee shall be based on:~~

~~———— (1) ——— the cost of capital facilities per equivalent dwelling unit necessary to provide solid waste collection services, and~~

~~(2) ——— any extraordinary costs necessary to extend infrastructure to the new development from the developed portion of the city, and~~

~~———— (3) ——— any nonstandard costs uniquely necessary to serve the new development.~~

~~(c) — The solid waste development fee shall be calculated as set forth on Table 22A.~~

SECTION 3. Chapter 22 of the Peoria City Code (1992) is amended by repealing Tables 22-22A and Table 22-22A(2):

Table 22-22A and Table 22-22A(2)

SECTION 4. Chapter 22 of the Peoria City Code (1992) is amended by reserving sections 22-21 and 22-22.

SECTION 5. If any section, subsection, sentence, clause or phrase 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 of this Ordinance.

SECTION 6. This Ordinance shall become effective in the manner provided by law.

PASSED AND ADOPTED by the Mayor and Council of the City of Peoria, Arizona, this 6th day of December, 2011.

Dated: 12/12/2011

Bob Barrett
Bob Barrett, Mayor

ATTEST:

Wanda Nelson
Wanda Nelson, City Clerk



APPROVED AS TO FORM:

Stephen M. Kemp
Stephen M. Kemp, City Attorney

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