ORDINANCE 718

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, ADOPTING AN INCREASE IN THE WATER DEVELOPMENT FEE.

WHEREAS, on March 1, 2007, pursuant to A.R.S. §§ 9-463.05 and 9-511.01, the Mayor and Common Council of the Town of Payson adopted a Notice of Intention to Increase the Water Development Fee and established May 17, 2007, as the date for the Public Hearing on the proposed increase; and

WHEREAS, on March 9, 2007 a copy of the notice of intention was published in the Payson Roundup; and

WHEREAS, a written report and data supporting the increased Water Development Fee has been made available to the public by the filing of a copy thereof in the Office of the Town Clerk at least thirty days prior to the scheduled Public Hearing; and

WHEREAS, at least sixty days have passed since the adoption of said notice of intention and scheduling of a date for Public Hearing; and,

WHEREAS, the Mayor and Common Council of the Town of Payson held a Public Hearing on the proposed Water Development Fee increase on May 17, 2007 and have otherwise complied with the requirements of A.R.S. §§ 9-463.05 and 9-511.01 and other relevant provisions of law,

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

Section 1. Section 50.56 of the Code of the Town of Payson is amended and as amended shall read as follows:

§ 50.56 IMPOSITION OF FEE; COMPOSITION OF FEE.

(A) There is hereby established and imposed a Water Development Fee upon each Equivalent Peak Residential Unit in the amount of $7570.00. No such Water Development Fee shall be imposed upon any property utilizing one or more equivalent peak residential units when such property does not have an existing water line within five hundred feet thereof from which the Town water supply is available to such property.

Prepared by Town of Payson Legal Department

First Reading & Public Hearing JUN 0 7 2007 G-11

(B) The Water Development Fee shall consist of three components:

(1) A technical studies recapture fee in the amount of $163.00 for each Equivalent Peak Residential Unit;

(2) A storage tank recapture fee in the amount of $225.00 for each Equivalent Peak Residential Unit; and

(3) A water supply recapture fee in the amount of $7182.00 for each Equivalent Peak Residential Unit.

Section 2. Section 50.58 of the Code of the Town of Payson is amended and as amended shall read as follows:

§ 50.58 CREDITS AGAINST FEES.

The person or entity paying a Water Development Fee shall be entitled to receive one or more of the following credits against such fee:

(A) For areas for which a developer has provided a viable Water Supply Technical Study, a credit of up to $163.00 for each Equivalent Peak Residential Unit shall be permitted against the technical studies recapture fee.

(B) For areas for which a developer has provided a viable water storage tank, a credit of up to $225.00 for each Equivalent Peak Residential Unit shall be permitted against the storage tank recapture fee.

(C) For areas for which a developer has provided a viable water supply, a credit of up to $7182.00 for each Equivalent Peak Residential Unit shall be permitted against the water supply recapture fee.

(D) For areas for which a developer has prepaid Water Development Fees, a credit of up to the amount per Equivalent Peak Residential Unit up to a maximum of the original platted density units allowed shall be permitted.

Section 3. All other such resolutions and parts of other resolutions in conflict with provisions in this Ordinance 718 are hereby repealed to the extent of such conflict.

Section 4. The Water Development Fee adopted by this Ordinance718 shall become effective October 1, 2007 in accordance with A.R.S. §§ 9-463.05(C) and 9-511.01(C).

PASSED AND ADOPTED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, this _____ day of _____, 2007, by the following vote:

AYES _____ NOES _____ ABSTENTIONS _____ ABSENT _____

_____
F. Robert Edwards, Mayor

ATTEST:

_____
Silvia Smith, Town Clerk

APPROVED AS TO FORM:

_____
Samuel I. Streichman, Town Attorney