

ORDINANCE NO. 2707

AN ORDINANCE OF THE COMMON COUNCIL OF THE TOWN OF GILBERT, ARIZONA, AMENDING THE CODE OF GILBERT, ARIZONA, CHAPTER 10 BUILDINGS AND CONSTRUCTION REGULATIONS BY AMENDING ARTICLE IX UTILITY EXTENSIONS AND CONNECTIONS, DIVISION 3 SEWER, SECTION 10-312 CONNECTION REQUIRED; EXPENSES; ABATEMENT OF CESSPOOLS, RELATED TO SEPTIC SYSTEMS; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; AND PROVIDING FOR SEVERABILITY

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

Section I. In General.

The Code of Gilbert, Arizona, Chapter 10 Buildings and Construction Regulations, Article IX Utility Extensions and Connections, Division 3 Sewer, Section 10-312 Connection Required; Expenses; Abatement of Cesspools, is hereby amended to read as follows (additions in ALL CAPS; deletions in ~~strikeout~~):

Sec. 10-312. - Connection required; expenses; abatement of cesspools.

- (a) All persons owning real property and all persons leasing or using real property, buildings or fixtures thereon for which sewer service is available shall cause all new structures or existing structures served by failing septic systems located on such real property to be connected with the sewer system, except as provided in paragraphs (b) and (c) below. Construction of a septic system shall require the approval of both the building official and Maricopa County Department of Environmental Services. Town approval will not be granted unless the town engineer determines that sewer service is not available.

- (b) For single family residential lots in existing subdivisions, sewer service shall be available if sewer pipes or mains are located within 330' of the property line. However, if the total cost of the sewer connection from the sewer pipe or main to the property line (including trench backfill and restoration of surface conditions in accordance with town standards) exceeds 150% of the cost of construction or replacement of an adequately designed septic system, then this requirement may be waived by application to the town engineer, and if approved, connection may be made to a properly permitted septic system in good working order. An application for waiver shall include WRITTEN JUSTIFICATION ~~at least two bids prepared by licensed contractors in support~~ of the costs alleged

therein. The town engineer shall approve or deny a waiver request within 30 days, and that decision may be appealed to the town council.

- (c) Sewer service shall be considered available when public sewer pipes or mains are located within 660 feet of a new single family residential subdivision with ten or fewer lots, and within one-half mile of all other new development. The town engineer, upon petition by a developer, may waive or modify these requirements based on the findings that the strict enforcement of this article would constitute an undue hardship on the developer and that minimal benefits would accrue to the town. The town engineer shall approve or deny a waiver request within 30 days, and that decision may be appealed to the town council.
- (d) All expenses of such connection shall be borne by the owner of the real property or building, or the person using or leasing the same.
- (e) It is unlawful for any person to fail to abate all cesspools, privies and open or unconnected drains lying within the town.

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.

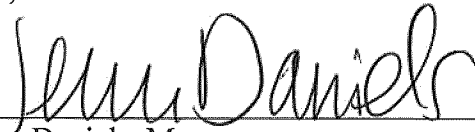
PASSED AND ADOPTED by the Common Council of the Town of Gilbert, Arizona, this 4th day of April, 2019, by the following vote:

AYES: Anderson, Cook, Daniels, Peterson, Ray, Taylor, Yentes

NAYES: _____ ABSENT: _____

EXCUSED: _____ ABSTAINED: _____

APPROVED this 4th day of April, 2019.



Jim Daniels, Mayor

ATTEST:



Lisa Maxwell, Town Clerk

APPROVED AS TO FORM:



Chris Payne, Town Attorney

I, LISA MAXWELL, TOWN CLERK, DO HEREBY CERTIFY THAT A TRUE AND CORRECT COPY OF THE ORDINANCE NO. 2707 ADOPTED BY THE COMMON COUNCIL OF THE TOWN OF GILBERT ON THE 4TH DAY OF APRIL, 2019, WAS POSTED IN FOUR PLACES ON THE 11 DAY OF April, 2019.



Lisa Maxwell, Town Clerk