



# Staff Report

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**Agenda Item:** Ordinance of the Town of Clarkdale Creating Chapter 19, Article 19-4-1 (E) (1), Application for Water Service: Deposits, of the Code of the Town of Clarkdale, Repealing Conflicting Ordinances and Providing for Severability – Approval of an ordinance creating Article 19-4-1 (E) (1).

**Staff Contact:** Wayne Debrosky, Utility Director

**Meeting Date:** March 10, 2009

**Background:** Due to the increasing number of rental occupancy changes and the failure of some tenants to pay for current and past due utilities charges before vacating the property, the Town of Clarkdale will be retaining all security deposits for rental properties until the tenant(s) close out the account. Any unpaid water, sewer, and trash fees will be deducted from the security deposit and applied to the account, the remaining balance if any will be refunded to the account holder. For accounts that are owner occupied the Town of Clarkdale has the option of applying unpaid utilities to the owner's tax bill.

**Article 19-4-1 (E) (1) Proposed Addition:**

1. Security deposit shall be retained until account is closed on rental properties.

**Recommendation:** Approval of ordinance creating Article 19-4-1 (E) (1).

**ORDINANCE # \_\_\_\_\_**

**AN ORDINANCE OF THE TOWN OF CLARKDALE, ARIZONA, CREATING CHAPTER 19, ARTICLE 19-4-1 (E) (1), APPLICATION FOR WATER SERVICE: DEPOSITS, OF THE CODE OF THE TOWN OF CLARKDALE, REPEALING CONFLICTING ORDINANCES AND PROVIDING FOR SEVERABILITY**

**BE IT ORDAINED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CLARKDALE, ARIZONA THAT:**

**SECTION 1: Article 19-4-1 (E) (1) is created to read:**

1. Security deposit shall be retained until account is closed on rental properties.

**SECTION 2: That all Ordinances and part of Ordinances in conflict with the provisions of this Ordinance or any part of this document adopted herein by reference are hereby repealed.**

**SECTION 3: If any section, subsection, sentence, clause, phrase or portion of this Ordinance or any part of this document adopted herein 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 4: This ordinance shall take effect and be in force thirty days after passage by the Council and approved by the Mayor**

**PASSED AND ADOPTED by the Mayor and Common Council of the Town of Clarkdale, Arizona, this 10<sup>th</sup> day of March, 2009.**

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Doug Von Gausig, Mayor

**ATTEST:**

**APPROVED AS TO FORM:**

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Kathy Bainbridge, Town Clerk/Finance Director

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Robert Pecharich, Town Attorney