

ORDINANCE NO. 16-815

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CHINO VALLEY, ARIZONA, AMENDING THE TOWN CODE OF THE TOWN OF CHINO VALLEY, ARIZONA, TITLE V: PUBLIC WORKS, CHAPTER 50: GENERAL PROVISIONS, SUBCHAPTER GENERAL REGULATIONS BY DELETING SECTION 50.56 EFFLUENT COLLECTION, TREATMENT AND RECHARGE POLICY; AND AMENDING CHAPTER 51 WATER AND SEWER SYSTEMS, BY AMENDING SUBCHAPTER PRIVATE WATER AND SEWER SYSTEMS, SECTIONS 51.001 DEFINITIONS AND 51.002 APPROVAL REQUIRED AND DELETING SECTIONS 51.003 PERMIT REQUIRED AND 51.004 VIOLATION; AND SUBCHAPTER WASTEWATER COLLECTION, TREATMENT AND RECHARGE POLICY, BY AMENDING SECTION 51.135 WASTEWATER COLLECTION REQUIRED; GENERALLY AND BY DELETING SECTIONS 51.137 WASTEWATER COLLECTION, 51.139 CONSTRUCTION FINANCIAL CAPABILITIES, 51.140 PRIVATE SEWERAGE SYSTEMS; CONSTRUCTION AND MAINTENANCE WITHIN TOWN PROHIBITED GENERALLY, 51.141 PRIVATE SEWERAGE SYSTEMS; WHEN PERMITTED, TO BE CONSTRUCTED AND MAINTAINED IN SANITARY MANNER, AND 51.155 SEWER CONNECTIONS WITHIN THE TOWN, ALL RELATED TO MODIFYING THE MANDATORY SEWER CONNECTION REQUIREMENTS AND PERMITTING PRIVATE SEWER SYSTEMS IN CERTAIN CIRCUMSTANCES; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING PENALTIES.

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

Section 1. In General.

The Town Code of Chino Valley, Arizona, Title V Public Works, Chapter 50 General Provisions, Section 50.56 Effluent Collection, Treatment and Recharge Policy is hereby deleted.

The Town Code of Chino Valley, Arizona, Title V Public Works, Chapter 51 Water and Sewer Systems, Subchapter Private Water and Sewer Systems, Sections 51.001 Definitions and 51.002 Approval Required are hereby amended to read as follows (additions shown in ALL CAPS; deletions shown in strikeout):

**§ 51.001 Definitions**

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**PACKAGE WASTEWATER TREATMENT PLANT.** A DECENTRALIZED WASTEWATER TREATMENT SYSTEM UTILIZING BIOLOGICAL EXTENDED

AERATION PRINCIPLE OF OPERATION, OR OTHER ACTIVATED SLUDGE TREATMENT PROCESS.

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**§51.002 PRIVATE SEWER SYSTEMS; Approval Required; VIOLATION; ENFORCEMENT.**

(A) EXCEPT AS PROVIDED IN THIS TITLE, It is unlawful to construct or maintain WITHIN THE TOWN any privy, VAULT, cesspool, PACKAGE WASTEWATER TREATMENT PLANT, or other facility intended or used for the disposal of sewage, except THAT a private sewage disposal system constructed and maintained according to standards prescribed by the town or appropriate county agency MAY CONTINUE OPERATING AS LONG AS IT IS VIABLE AND COMPLIANT WITH TOWN AND COUNTY STANDARDS.

(B) WHERE A PUBLIC SANITARY SEWER IS NOT AVAILABLE WITHIN THE TOWN, THE BUILDING SEWER SHALL BE CONNECTED TO A PRIVATE SEWAGE DISPOSAL SYSTEM, IN FULL COMPLIANCE AND AS APPROVED BY THE YAVAPAI COUNTY HEALTH DEPARTMENT AND ADEQ.

(C) BEFORE COMMENCEMENT OF CONSTRUCTION OF A PRIVATE SEWAGE DISPOSAL SYSTEM LOCATED WITHIN THE TOWN, THE OWNER SHALL FIRST OBTAIN A WRITTEN PERMIT FROM THE TOWN AND APPROPRIATE COUNTY AGENT. A PERMIT FOR OPERATION OF A PRIVATE SEWAGE DISPOSAL SYSTEM SHALL NOT BECOME EFFECTIVE UNTIL THE INSTALLATION IS COMPLETED TO THE SATISFACTION OF THE TOWN OR COUNTY INSPECTOR, AS APPROPRIATE.

(D) THE APPROPRIATE TOWN OR COUNTY AGENCY SHALL BE ALLOWED TO INSPECT THE WORK AT ANY STAGE OF CONSTRUCTION, AND, IN ANY EVENT, THE APPLICANT FOR THE PERMIT SHALL NOTIFY THE PROPER AGENCY WHEN THE WORK IS READY FOR FINAL INSPECTION, AND BEFORE ANY UNDERGROUND PORTIONS ARE COVERED.

(E) A PERMIT AND INSPECTION FEE SHALL BE PAID TO THE TOWN OR APPROPRIATE COUNTY AGENCY AT THE TIME THE APPLICATION IS FILED.

(F) ON-SITE WASTEWATER TREATMENT SYSTEMS MAY BE ALLOWED, AT THE TOWN'S DISCRETION, IN AREAS NORTH OF GRANITE CREEK LANE. THE DESIGN, CONSTRUCTION AND OPERATION OF ANY SUCH SYSTEM SHALL BE AT THE SOLE EXPENSE OF THE DEVELOPER. AT SUCH TIME AS THE TOWN'S COLLECTION LINES ARE EXTENDED TO WITHIN 400 FEET OF THE SUBJECT DEVELOPMENT, THE DEVELOPER SHALL CONNECT TO THE TOWN'S LINE, PAY THE APPROPRIATE BUY-IN FEE AND CLOSE THE PRIVATE SYSTEM IN ACCORDANCE WITH ADEQ PROCEDURES, ALL AT THE DEVELOPER'S SOLE EXPENSE.

(G) VIOLATION; ENFORCEMENT. ANY PERSON ALLEGEDLY VIOLATING THIS SECTION SHALL BE NOTIFIED BY THE TOWN OR COUNTY IN WRITING STATING THE NATURE OF THE VIOLATION AND PROVIDING A REASONABLE TIME FOR THE SATISFACTORY CORRECTION THEREOF. THE OFFENDER SHALL, WITHIN THE PERIOD OF TIME STATED IN THE NOTICE, PERMANENTLY CEASE ALL VIOLATIONS. IF THE VIOLATION CONTINUES PAST THE DATE OR PERIOD OF TIME SHOWN ON THE NOTICE, A CIVIL CITATION MAY BE ISSUED AS SET FORTH IN SECTION 10.99 OF THIS CODE. THEREAFTER, EACH DAY THE VIOLATION CONTINUES CONSTITUTES A SEPARATE VIOLATION.

The Town Code of Chino Valley, Arizona, Title V Public Works, Chapter 51 Water and Sewer Systems, Subchapter Private Water and Sewer Systems, Sections 51.003 Permit Required and 51.004 Violation are hereby deleted.

The Town Code of Chino Valley, Arizona, Title V Public Works, Chapter 51 Water and Sewer Systems, Subchapter Wastewater Collection, Treatment and Recharge Policy, Section 51.135 Wastewater Collection Required; Generally is hereby amended to read as follows (additions shown in ALL CAPS; deletions shown in strikeout):

**§51.135. Wastewater Collection Required; Generally.**

(A) *NEW DEVELOPMENT*. All new developments, subdivided and unsubdivided, containing one (1) or more lots of less than one (1) acre shall:

(1) AT THEIR OWN EXPENSE, ~~be required to construct a wastewater collection system TO DELIVER WASTEWATER TO THE TOWN'S COLLECTION, TREATMENT AND RECHARGE (CTR) SYSTEM AND MAIN WASTEWATER TREATMENT PLANT, as DIRECTED AND approved by the town and connect to the town's Collection treatment and Recharge (CTR) system.~~ Sizing and alignment of the mains shall be in general conformance with the approved town sewer system master plan or amendments thereto.

(2) INSTALL COLLECTION LINES AND OTHER REQUIRED COMPONENTS AND CONNECT EACH LOT TO THE TOWN'S SEWER COLLECTION SYSTEM WHEN SYSTEM COLLECTION LINES ARE LOCATED WITHIN 400 FEET OF THE PROPERTY OR WHERE THE PROPERTY IS ADJACENT TO PUBLIC RIGHT-OF-WAY OR PUBLIC EASEMENTS CONTAINING AN EXISTING SERVICEABLE TOWN SEWER MAIN. DEVELOPMENTS OF CERTAIN SIZE AND IMPACT MAY BE REQUIRED TO EXTEND MAINS TO THE DEVELOPMENT, IN WHICH CASE THE TOWN, AT THE DISCRETION OF THE TOWN COUNCIL, MAY ENTER INTO A DEVELOPMENT REIMBURSEMENT AGREEMENT WITH THE DEVELOPER AND REQUIRE FUTURE DEVELOPMENTS LOCATED WITHIN 400 FEET OF THE LINE EXTENSION TO PAY A SEWER BUY-IN FEE TO CONNECT TO THE LINE EXTENSION.

(3) IF THE NEW SUBDIVISION IS NOT WITHIN 400 FEET OF THE TOWN'S NEAREST SEWER MAIN, INSTALLATION OF SEPTIC TANKS OR A PACKAGE TREATMENT PLANT, AS APPROVED BY THE TOWN

PURSUANT TO § 51.002 PRIVATE SEWER SYSTEMS; APPROVAL REQUIRED; VIOLATION; ENFORCEMENT SHALL BE REQUIRED.

(4) DEMONSTRATE ADEQUATE FINANCIAL CAPABILITY AND ASSURANCE TO DESIGN AND CONSTRUCT THE CTR SYSTEM COMPONENTS, SEPTIC SYSTEMS, OR PRIVATE SEWER SYSTEMS SUFFICIENT TO SERVE THE NEW DEVELOPMENT AND OTHER AREAS, AS APPROVED BY THE TOWN.

(B) *EXISTING DEVELOPMENT.*

(1) WHEN A TOWN SEWER MAIN IS EXTENDED TO WITHIN 400 FEET OF A PROPERTY SERVED BY AN EXISTING SEPTIC SYSTEM OR PACKAGE TREATMENT PLANT, THE PROPERTY OWNER SHALL HAVE THE OPTION TO CONNECT TO THE TOWN'S SEWER SYSTEM. THE TOWN, UPON APPROVAL BY THE TOWN COUNCIL, MAY PROVIDE FINANCIAL INCENTIVES OR ASSISTANCE AS PERMITTED BY LAW FOR PROPERTY OWNERS WHO CONNECT WITHIN 120 DAYS OF WRITTEN NOTICE BY THE TOWN THAT THE SERVICE IS AVAILABLE, OR WITHIN SUCH OTHER REASONABLE TIME PERIOD AS DETERMINED BY THE TOWN COUNCIL.

(2) IF THE TOWN OR YAVAPAI COUNTY HEALTH DEPARTMENT DETERMINES THAT A SEPTIC SYSTEM OR PACKAGE TREATMENT PLANT HAS FAILED AND IS UNREPAIRABLE OR UNREPLACEABLE OR PRESENTS A CONDITION THAT IS A MENACE TO HEALTH ARISING FROM IMPROPER SEWAGE DISPOSAL ON ANY PROPERTY HAVING ACCESS TO A TOWN SEWER MAIN, THE PROPERTY OWNER SHALL CONNECT THE PROPERTY TO THE TOWN MAIN WITHIN 60 DAYS AFTER RECEIVING WRITTEN NOTIFICATION FROM THE TOWN OR COUNTY HEALTH DEPARTMENT TO DO SO.

(3) EXISTING SEPTIC TANKS ON THE PROPERTY OR PACKAGE TREATMENT PLANTS SHALL ONLY BE ABANDONED IN ACCORDANCE WITH PROCEDURES ESTABLISHED BY ADEQ, AND AS DIRECTED BY THE TOWN.

(C) IF THE TOWN DETERMINES THAT A PROPERTY OWNER HAS RECEIVED NOTICE THAT CONNECTION TO THE TOWN'S SEWER SYSTEM IS REQUIRED AND THE PROPERTY OWNER REFUSES TO CONNECT OR DOES NOT HAVE THE FINANCIAL ABILITY NECESSARY TO DO SO, THE TOWN MAY INSTALL THE CONNECTION AND NECESSARY RELATED FACILITIES TO PROVIDE SERVICES TO THE PROPERTY AND TO CHARGE THE PROPERTY OWNER THE ACTUAL REASONABLE COSTS FOR LABOR AND MATERIALS TO COMPLETE THE CONNECTION. THE TOWN SHALL WORK WITH THE PROPERTY OWNER TO ESTABLISH A REASONABLE REPAYMENT SCHEDULE BASED UPON THE PROPERTY OWNER'S FINANCIAL SITUATION. IF THE PROPERTY OWNER BECOMES DELINQUENT, HAVING NOT COMPLIED WITH THE REPAYMENT SCHEDULE, THE TOWN, UPON PROVIDING WRITTEN NOTICE AND AN OPPORTUNITY FOR A HEARING BEFORE THE TOWN MANAGER, MAY FILE A LIEN AGAINST THE AFFECTED PROPERTY FOR THE AMOUNT OF THE

UNPAID CHARGES. IN ADDITION TO OR IN THE ALTERNATIVE TO FILING A LIEN AGAINST THE PROPERTY, THE TOWN MAY PURSUE ANY AND ALL LEGAL REMEDIES TO COLLECT THE DEBT.

The Town Code of Chino Valley, Arizona, Title V Public Works, Chapter 51 Water and Sewer Systems, Subchapter Wastewater Collection, Treatment and Recharge Policy, Sections 51.137 Wastewater Collection, 51.139 Construction Financial Capabilities, 51.140 Private Sewerage Systems; Construction and Maintenance within Town Prohibited Generally, 51.141 Private Sewerage Systems; When Permitted, to be Constructed and Maintained in Sanitary Manner, and 51.155 Sewer Connections within the Town are hereby deleted.

Section 2. 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 3. 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.

Section 4. Providing for Penalties

Any person found responsible for violating any provision of this Ordinance section shall be subject to the civil sanctions and habitual offender provisions set forth in Section 10.99(A), (B) and (D) of the Town Code of the Town of Chino Valley, Arizona.

**PASSED AND ADOPTED** by the Mayor and Common Council of the Town of Chino Valley, Arizona, this 22nd day of March, 2016 by the following vote:

AYES:	<u>7</u>	ABSENT:	<u>0</u>
NAYS:	<u>0</u>	ABSTAINED:	<u>0</u>

APPROVED this 22<sup>nd</sup> day of March, 2016.



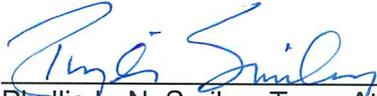
Chris Marley, Mayor

ATTEST:



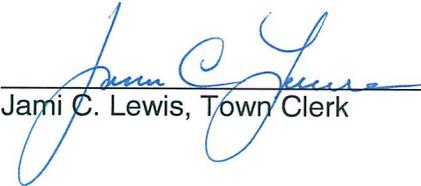
Jami C. Lewis, Town Clerk

APPROVED AS TO FORM:



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Phyllis L. N. Smiley, Town Attorney

I, JAMI LEWIS, TOWN CLERK, DO HEREBY CERTIFY THAT A TRUE AND CORRECT COPY OF THE ORDINANCE NO. 16-815 ADOPTED BY THE COMMON COUNCIL OF THE TOWN OF CHINO VALLEY ON THE 22nd DAY OF March, 2016, WAS POSTED IN THREE PLACES ON THE 24<sup>TH</sup> DAY OF MARCH, 2016.



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Jami C. Lewis, Town Clerk