

1. Town Council - Agenda

Documents:

[2022\\_02\\_15\\_CC\\_SS\\_AG.PDF](#)

2. Town Council - Agenda Packet

Documents:

[2022\\_02\\_15\\_CC\\_SS\\_AG\\_PK.PDF](#)



# Town of Chino Valley

## MEETING NOTICE TOWN COUNCIL

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**STUDY SESSION  
TUESDAY, FEBRUARY 15, 2022  
6:00 P.M.**

**Council Chambers  
202 N. State Route 89  
Chino Valley, Arizona**

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### AGENDA

- 1) CALL TO ORDER; ROLL CALL
- 2) Discussion regarding the proposed amendments to Title V: Public Works, Chapters 50 and 51 of the Chino Valley Town Code. (Terri Denemy, Assistant to the Town Manager)
- 3) ADJOURNMENT

Dated this 10th day of February, 2022.

By: *Erin N. Deskins, Town Clerk*

The Town of Chino Valley endeavors to make all public meetings accessible to persons with disabilities. Please call 636-2646 (voice) or 711 (Telecommunications Arizona Relay Service) 48 hours prior to the meeting to request reasonable accommodation to participate in this meeting.

Supporting documentation and staff reports furnished to the Council with this agenda are available for review on the Town website at <http://www.chinoaz.net/agendacenter>, and in the Public Library and Town Clerk's Office.

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#### CERTIFICATION OF POSTING

The undersigned hereby certifies that a copy of this notice was duly posted at Chino Valley South Campus, Chino Valley Post Office, and Chino Valley North Campus in accordance with the statement filed by the Town Council with the Town Clerk.

Date: \_\_\_\_\_ Time: \_\_\_\_\_ By: \_\_\_\_\_  
Erin N. Deskins, Town Clerk





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## TOWN OF CHINO VALLEY COUNCIL AGENDA ITEM STAFF REPORT

**Town Council Study Session** 2)  
**Meeting Date:** 02/15/2022  
**Contact Person:** Terri Denemy, Assistant to the Town Manager  
 Phone: 928-636-2646 x-1301  
**Department:** Town Manager  
**Estimated length of Staff Presentation:** 10 minutes  
**Physical location of item:** N/A

### Information

**AGENDA ITEM TITLE:**

Discussion regarding the proposed amendments to Title V: Public Works, Chapters 50 and 51 of the Chino Valley Town Code. (Terri Denemy, Assistant to the Town Manager)

**SITUATION & ANALYSIS:**

Staff will present and discuss proposed changes to the Chino Valley, AZ Code of Ordinances, Title V: Public Works, Sections 50 - General Provisions and 51 - Water and Sewers. The proposed changes were developed in a collaborative effort among the Town Manager's Office, Finance, Public Works/Engineering, Development Services and the Town Attorneys. The goal of the proposed amendments is to align Town Code with Council philosophy, particularly regarding requirements for connection to water and sewer, in order to manage development until a new General Plan and Utility Master Plan are in place.

The full text of the proposed amendments is attached in the Table of Major Changes. A portion of the changes recommended are primarily administrative in nature - cleaning up language, aligning defined staff responsibilities more appropriately, removing unused program language and/or updating standards. Other items are policy considerations impactful for managing development.

In the presentation portion of the agenda, staff will walk Council through the proposed changes framing their potential impacts and alternatives for Council consideration, looking for direction from Council to make sure the changes align with Council vision for water and sewer requirements related to development. Staff will make changes based upon Council feedback to develop the final text for the Code Amendments and return on a future agenda for council action. We also anticipate bringing back a related amendment to the Unified Development Ordinance to correlate the definitions for Minor Subdivision and Land Splits with the final updated Code Amendments.

### Attachments

Proposed Code Amendment 50-51 2.9.22  
 Table of major changes

**TOWN OF CHINO VALLEY 2018 AMENDMENTS TO TITLE V: PUBLIC WORKS**

**CHAPTER 50: GENERAL PROVISIONS**

*General Provisions*

- 50.01 Definitions
- 50.02 On-site restroom facilities

*Utility Department*

- 50.15 Public Works Director AND FINANCE DIRECTOR
- [50.16 Duties](#) OF THE DEPARTMENT
- 50.17 Right of entry for inspection; credentials
- 50.18 Records to be kept

*Prohibitions*

- 50.30 Ownership of main extensions, service pipes and appurtenant equipment
- 50.31 Interference, digging and tampering prohibited
- 50.32 Water system shut-off valves
- 50.33 Obstruction of water and sewer system
- 50.34 Only authorized persons to ~~turn on water~~ CONNECT AND DISCONNECT SERVICE
- 50.35 Fire hydrants

*General Regulations*

- 50.50 Application for service, activation or reactivation of service; information required
- 50.51 Interruption of service
- 50.52 Street works; utility relocation; notice to Utility Department
- 50.53 Protection of water supply and sewerage systems
- 50.54 Services and materials to be property of Utility Department; consumers to pay for damages
- 50.55 Permit required for consumer to supply water or sewer service to others
- [50.56 Effluent collection](#), treatment and recharge policy
- 50.57 WATER QUALITY; POTABLE, NON POTABLE AND WASTEWATER

**GENERAL PROVISIONS**

**§ 50.01 DEFINITIONS.**

For the purpose of this ~~chapter~~ TITLE, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**ADEQ.** The Arizona Department of Environmental Quality.

**ADWR.** The Arizona Department of Water Resources.

**APPROACH MAIN.** THE EXTENSION OF A WATER OR SEWER MAIN FROM A DISTANT POINT TO SERVE A DEVELOPMENT, PARCEL, OR PROJECT.

**APPROVAL AUTHORITY.** The Director ~~in an NPDES state with an approved state pretreatment program~~

and the appropriate U.S. EPA regional administrator in a non-NPDES state or NPDES state without an approved state pretreatment program. OF THE ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY.

**APPROVED BACKFLOW PREVENTION ASSEMBLY (ASSEMBLY).** Any testable assembly, with the exception of an approved air gap, which has been issued a certificate of approval by the USC- FCCCHR or such other third party certifying entity, unrelated to the product's manufacturer or vendor, which may be acceptable to ADEQ. A list of assemblies shall be maintained by the Utility Department.

**APPROVED LABORATORY PROCEDURES.** The measurements, tests and analyses of the characteristics of water and wastes in accordance with analytical procedures as established in Title 40 C.F.R. part 136, as revised, that are performed by an environmental laboratory licensed by the state pursuant to A.R.S. §§ 36-495 *et seq.* Alternative procedures may be approved by the PUBLIC WORKS Director in accordance with applicable federal regulations.

**AVERAGE QUALITY.** The arithmetic average (weighted by flow value) of all the “daily determinations of concentrations”, as that term is defined herein, made during a calendar month.

**AVERAGE DAILY EFFLUENT LIMITATION.** The maximum allowable concentration in the discharge as measured in a representative sample during a sampling day. In determining compliance with the daily average effluent limitation, town samples shall not be combined with non-town samples.

**AWWA.** American Water Works Association.

**BACKFLOW.** The undesirable reversal of flow of water or mixtures of water and other liquids, gasses or other substances into the distribution system of the public potable water supply.

**BACKPRESSURE.** A form of backflow due to any elevation of pressure in the downstream piping system (by pump, elevation of piping or steam and/or air pressure) above the supply pressure at the point of service delivery which would cause, or tend to cause, a reversal of the normal direction of flow through the backflow prevention assembly.

**BACKSIPHONAGE.** A form of backflow due to a reduction in system pressure which causes a negative or sub-atmospheric pressure to exist at a site in the water system.

**BMP (BEST MANAGEMENT PRACTICES).** Measures or practices used to reduce the amount of pollution entering the sanitary sewer system, surface water, land or groundwaters.

**BOD (BIOLOGICAL OXYGEN DEMAND).** The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory conditions for FIVE days at a temperature of 20 CENTIGRADE, expressed in milligrams per liter.

**BODY OF WATER.** A manmade lake, pond, lagoon or swimming pool that has a surface area greater than 12,320 square feet, and that is used wholly or partly for landscape, scenic or recreational purposes, BUT IS NOT ~~BODY OF WATER~~ does not include a manmade lake or basin used for groundwater recharge pursuant to A.R.S. § 45-565(A)(6). For purposes of this chapter-TITLE, TWO or more bodies of water that are connected, or that are designed to function as a unit shall be considered ONE lake-BODY OF WATER.

**BRANCH SEWER.** An arbitrary term for a sewer which-THAT receives sewage from more than ONE public sewer from a relatively small area.



**BUILDING CONNECTION.** The extension from a sewer tap to the property line, or to the easement line, of the property to be served.

**BUILDING OFFICIAL.** The officer or other designated authority charged with the administration and enforcement of the building codes adopted by the town.

**BUILDING SEWER.** The extension from the building drain to the building connection or other place of disposal.

**BYPASS.** The intentional diversion of wastes from any portion of a treatment facility.

**CATEGORICAL STANDARDS (NATIONAL/FEDERAL CATEGORICAL PRETREATMENT STANDARDS).** Those standards promulgated by the EPA under the authority of § 307(b) and (c) of the Clean Water Act (33 U.S.C § 1317) which apply to a specific category of industrial user and which are published in Title 40 C.F.R. chapter I, subchapter N (parts 405-471) and are incorporated in this chapter by reference.

**CERTIFIED TESTER.** An individual certified to test backflow prevention assemblies by the California-Nevada Section of the AWWA or the Arizona State Environmental Technology Training (ASETT) Center or other agencies or organizations involved with the training and certification of testers if they are acceptable to ADEQ.

**C.F.R.** Code of Federal Regulations.

**C.I.P.** CAPITAL IMPROVEMENT PLAN.

**COD (CHEMICAL OXYGEN DEMAND).** The quantity of oxygen consumed from a chemical oxidation of inorganic and organic matter present in the water or wastewater, expressed in milligrams per liter.

**COMMERCIAL USER.** Any nonresidential user which provides a service or one connected with commerce and which is not classified as an industrial user. ~~The Director maintains a list of the types of businesses that are commercial users and has the authority to classify specific users.~~

**COMMON AREA.** A recreational or open space or areas THAT IS maintained for the benefit of the residents of a housing development, ~~which~~ AND is owned and operated as a single integrated facility.

**COMPOSITE SAMPLE.** A combination of individual samples obtained at regular intervals over a specified time period. The volume of each individual sample shall be either proportional to the flow rate during the sample period (flow composite) or constant and collected at equal time intervals during the composite period (time composite) as defined in the AQUIFER PROTECTION Permit.

**COMPOSITE SAMPLE QUALITY.** The concentration of some parameter tested in a "composite sample"; ~~as that term is defined herein.~~

**CONTIGUOUS.** In contact at any point along a boundary or part of the same master planned community. Two parcels of land are contiguous even if they are separated by ~~ONE~~ or more of the following: a road, easement, or right-of-way.

**COOLING WATER.** The clean wastewater discharged from any heat transfer system such as condensation, air conditioning, cooling or refrigeration.

**CROSS CONNECTION.** Any unprotected or potential connection or structural arrangement between a public or a customer's potable water system and any other source or system through which it is possible to introduce into any part of the potable water system any used water, industrial fluid, gas or substance other than the intended potable water with which the system is supplied. Bypass arrangements, jumper connections, removable sections, swivel or changeover devices and other temporary or permanent devices through which, or because of which, "backflow" can or may occur are considered to be cross connections. Compliance with the town's Plumbing Code creates a rebuttable presumption that a cross connection does not exist.

**CTR (OR COLLECTION, TREATMENT AND RECHARGE SYSTEM).** ~~The publicly owned sewer collection, treatment works and effluent recharge system which is owned and/or operated, in whole or in part, by the town and which provides the town with wastewater collection, treatment and recharge services~~ The **SANITARY SEWER SYSTEM.**

**CTR RESIDUALS.** All ~~CTR~~ effluent and/or solids, including sludge, scum, screenings and grit, which are the byproduct of wastewater treatment operations and which must be discharged to the environment for ultimate disposal and/or reuse.

**CUSTOMER.** Any person, partnership, association, company, private corporation, public corporation, political subdivision, the United States and the State of Arizona who receives potable water and/or sewage service from the town.

**DEPARTMENT.** The Utility Department of the town.

**DEVELOPER.** Any person engaged in the organizing and financing of a wastewater collection system within an area contributing to a branch, main or a trunk sewer of the town sewer system, ~~Such may be~~ INCLUDING, BUT NOT LIMITED TO, A PROPERTY OWNER, a subdivider or a legally constituted improvement district.

**DIRECTOR, PUBLIC WORKS.** The Public Works Director, or his or her authorized deputy, agent or representative.

**DIRECTOR, FINANCE.** THE FINANCE DIRECTOR, OR HIS OR HER AUTHORIZED DEPUTY, AGENT, OR REPRESENTATIVE.

**DISCHARGE.** The disposal of any sewage, pollutant(s), water or any liquid from any sewer into the TOWN sewerage system.

**DOMESTIC USER.** A typical user who discharges only domestic wastewater.

**DOMESTIC WASTE.** A typical residential-type waste which requires no pretreatment under the provisions of this chapter before discharging into the sanitary sewer system, excluding all commercial, manufacturing and industrial wastes.

**DOMESTIC WASTEWATER.** Any waterborne wastes, derived from the ordinary living processes in a residential dwelling unit, of such character as to permit satisfactory disposal, without special treatment, by conventional CTR processes.

**EPA.** The United States Environmental Protection Agency.

**ESTABLISHMENT; ~~or~~ PLANT.** Any establishment or ~~plant~~ FACILITY producing liquid waste, with or without suspended solids, required to be discharged into the town sewer system.

**FREE ACCESS.** The ability of town personnel to enter user facilities under safe and non-hazardous conditions with a minimum of delay to inspect any and all parts of the user's facility IN ACCORDANCE WITH ARS 9-832 THROUGH 9-834.

**GARBAGE.** Solid wastes from the preparation, cooking and dispensing of food and from the handling, storage and sale of produce and other foodstuffs.

**GENERATOR.** A person who generates septage.

**GRAB SAMPLE.** An individual sample of effluent collected in less than 15 minutes without regard to flow or time of day.

**GRAB SAMPLE QUALITY.** The concentration of some parameter tested in a grab sample, ~~as that term is defined herein.~~

**INDUSTRIAL DISCHARGE.** Any introduction into the ~~CTR-system~~ SANITARY SEWER SYSTEM of a non-domestic pollutant which:

(1) Is produced by a source which would be subject to any categorical standards or pretreatment requirements if such source were to be discharged into the ~~CTR-system~~ SANITARY SEWER SYSTEM; or

(2) Contains any substance or pollutant for which a discharge limitation or prohibition has been established by any categorical standard or pretreatment requirement.

**INDUSTRIAL USER.**

(1) A source of industrial discharge; OR

(2) Any non-residential user of the sewer system which discharges more than the equivalent strength of 25,000 gallons per day of domestic wastes; OR

(3) Any significant industrial user; OR

(4) ANY USER WHO Has control over the disposal of a waste as described in ~~divisions~~ SUBSECTIONS (1), (2) or (3) of this definition; or

(5) ANY USER WHO Has the right of possession and control over any property which produces a waste described in ~~divisions~~ SUBSECTIONS (1), (2), (3) or (4) above.

**INDUSTRIAL WASTE.** Any liquid, free-flowing waste, including cooling water, resulting from any industrial or manufacturing process or from the development, recovery or processing of natural resources, with or without suspended solids, excluding uncontaminated water.

**INFLOW.** Water other than wastewater that enters a sewerage system (including sewer service connections) from sources such as roof leaders, cellar drains, foundation drains, drains from springs and

swampy areas, manhole covers, cross connections between storm sewers and sanitary sewers, catch basins, cooling towers, storm waters, surface runoff, street wash waters or drainage.

**INSTANTANEOUS EFFLUENT LIMITATION.** The maximum allowable concentration in the discharge at any time as measured in a grab sample. In determining compliance with the instantaneous limitation, town samples shall not be combined with non-town samples.

**INTERFERENCE.** A discharge which, alone or in conjunction with a discharge or discharges from other sources both:

(1) Inhibits or disrupts the ~~CTR system~~ SANITARY SEWER SYSTEM, its treatment processes or operations, or its sludge processes, use or disposal; and

(2) Therefore is a cause of a violation of any requirement of any environmentally related permit issued by a governmental entity (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued thereunder (or more stringent state and local regulations): § 405 of the Clean Water Act, being 33 U.S.C. §§ 1251 et seq.; the Solid Waste Disposal Act (SWDA), being 42 U.S.C. §§ 6901 et seq.) (including title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA) and including state regulations contained in any state sludge management plan prepared pursuant to subtitle D of the SWDA; The Clean Air Act, the Toxic Substances Control Act, being 15 U.S.C. §§ 2601 et seq.); and the Marine Protection, Research and Sanctuaries Act, being 33 U.S.C. §§ 1401 et seq.

**IPC.** THE EDITION OF THE INTERNATIONAL PLUMBING CODE AS ADOPTED BY THE TOWN.

**LANDSCAPE WATERING.** The application of water from any source, including effluent, by a turf related facility to a water intensive landscaped area, a low water use area or ~~revegetation~~ REVEGETATION acres.

**LANDSCAPE PLANT.** Any member of the kingdom plantae, including any tree, shrub, vine, herb, flower, succulent, ground cover or grass species that grows or has been planted out-of-doors and is used for landscaping purposes.

**LINE CHARGE.** A CHARGE LEVIED BY THE TOWN AGAINST A PARCEL OF REAL PROPERTY AND DUE AT THE TIME OF THE PARCEL'S CONNECTION TO PUBLIC INFRASTRUCTURE, AS PAYMENT FOR TOWN-INSTALLED IMPROVEMENTS OR TO COLLECT A REPAYMENT AMOUNT.

**LIQUID WASTE HAULER, HAULER or WASTE HAULER.** Any person carrying on or engaging in vehicular transport of wastewater or wastes as part of, or incidental to, any business for the purpose of discharging such waste into the town's treatment works.

**LOT.** A parcel of land or  $\geq$ TWO or more contiguous parcels to be used as a unit.

**MAIN SEWER.** A sewer which receives sewage from  $\geq$ TWO or more branch sewers as tributaries.

**MAINTENANCE.** Keeping the water or ~~sewerage works~~ SANITARY SEWER SYSTEM in a state of repair, including expenditures necessary to maintain the capacity (capability) for which said works were designed and constructed.

**NATIONAL PRETREATMENT STANDARD.** Any regulation containing pollutant discharge limits

promulgated by the EPA in accordance with § 301(b) and (c) of the Clean Water Act (33 U.S.C. §§ 1317 et seq.) which applies to industrial users, ~~This term includes~~ INCLUDING, BUT NOT LIMITED TO, prohibitive discharge limits established pursuant to Title 40 C.F.R. § 403.5.

**NATURAL OUTLET.** Any outlet into a watercourse, ditch or other body of surface water or ground water, or into a dry channel, wash or tributary of any of the above.

**NET LOT AREA.** That portion of a lot excluding all dedicated streets or alleys and roadway or alley easements.

**NEW SOURCE.** Any building, structure, facility or installation from which there is or may be a discharge of pollutants, the construction of which commenced after the publication of proposed standards under § 307(c) of the Clean Water Act which will be applicable to the source if the standards are thereafter promulgated in accordance with that section, and as stated in detail in Title 40 C.F.R. § 403.3(k).

**NHLW (NON-HAZARDOUS LIQUID WASTES).** The wastes specifically identified herein.

**NON-POTABLE WATER.** Reclaimed water, storm water runoff that is not subject to appropriation under A.R.S. § 45-141; water withdrawn pursuant to poor quality groundwater withdrawal permit pursuant to A.R.S. § 45-516; groundwater withdrawn pursuant to Type 1 or Type 2 non-irrigation certificates of grandfathered right issued pursuant to ADWR, or other non-potable water source of a quality suitable for landscape irrigation, which meets all local, state and federal water quality requirements for full body contact, except untreated Central Arizona Project water.

**NPDES PERMIT.** A national pollutant discharge elimination system permit, issued to the town by the EPA, which imposes federal standards governing the quality of the treated effluent discharged from the sewage treatment plant.

**OIL AND GREASE.** The measure of oil and grease content of a sample as determined by EPA Method 413.1, or other equivalent method approved by the PUBLIC WORKS Director.

**OIL AND GREASE (TPH).** For purposes of determining compliance with the oil and grease limitation contained herein, oil and grease is defined as the measure of a petroleum and mineral oil (total petroleum hydrocarbons (TPH)) content of a sample as determined by EPA Method 418.1, or other equivalent test method approved by the PUBLIC WORKS Director.

**PASS-THROUGH.** A discharge which exits the treatment plant into waters of the United States, or groundwaters, in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the treatment plant NPDES permit (including an increase in the magnitude or duration of a violation) or which causes or contributes to a violation of an applicable numeric or narrative water quality standard.

**PAYMENT PLAN.** AN AGREEMENT FOR PAYMENT MADE BY THE FINANCE DEPARTMENT, ~~CUSTOMER SERVICE OR ITS THEIR~~ DESIGNEE BETWEEN THE TOWN OF CHINO VALLEY AND A CHINO VALLEY UTILITY CUSTOMER.

**PERMIT.** A written control mechanism that the PUBLIC WORKS Director issues to particular users or class of users under the authority of this chapter, also similar control mechanisms issued by state or federal regulatory agencies.

**PERMITTEE, PERMIT HOLDER.** Any person, firm, association, corporation, trust or governmental body which owns, operates processes or controls an establishment or plant operated under a valid permit to discharge wastewater into the town ~~CTR system~~ SANITARY SEWER SYSTEM.

**PERSON.** Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, state, municipality, Indian tribe, political subdivisions of the state or federal governmental agency or any other legal entity, including their legal representatives, agents or assigns.

**pH.** The logarithm of reciprocal of the weight of hydrogen ions per liter of solution.

**POINT OF SERVICE DELIVERY.** The terminal end of a service connection from the public water system. If a meter is installed at the end of the service connection, then the point of service delivery shall mean the downstream end (i.e., customer's side) of the meter.

**POLLUTANT.** Any dredged spoil, solid waste, incinerator residue, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt and industrial, municipal and agricultural wastes.

**POLLUTION PREVENTION.** Source reduction and other practices that reduce or eliminate the creation of pollutants through:

- (1) Increased efficiency in the use of raw materials, energy, water or other resources; or
- (2) Protection of natural resources by conservation.

**POTABLE WATER.** Water delivered through the town's domestic water delivery system after treatment designed to meet EPA and ADEQ drinking water standards.

**PRETREATMENT.** The physical, chemical, biological or other treatment of any industrial discharge, prior to discharge to the ~~CTR system~~ SANITARY SEWER SYSTEM, for the purpose of:

- (1) Reducing the amount of concentration of any pollutant; OR
- (2) Eliminating the discharge of any pollutant; or
- (3) Altering the nature of any pollutant characteristic to a less harmful state.

**PRETREATMENT REQUIREMENTS.** All of the duties or responsibilities imposed upon ~~CTR system~~ SANITARY SEWER SYSTEM users by this chapter.

**PRIVATE SEWAGE DISPOSAL SYSTEM.** A SEPTIC TANK SYSTEM WITH LEACH FIELD.

**PRIVATE WELL.** A DOMESTIC WELL SERVING A SINGLE FAMILY ONLY.

**PRODUCER.** Any person, firm, association, corporation or trust which owns, operates, possesses or controls an establishment or plant, whether or not a permittee.

**PROPERLY SHREDDED GARBAGE.** Garbage that has been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than 1/4 of an inch in any dimension.

**PUBLIC SEWER.** THE SANITARY SEWER SYSTEM OR ANY ~~A~~-branch, main, or trunk LINE THEREOF. ~~sewer controlled and maintained by the town.~~

**RECYCLING.** A material is recycled if it is used, reused or reclaimed. A material is used or reused if it is either:

(1) Employed as an ingredient (including its use as an intermediate) to make a product; however a material will not satisfy this condition if distinct components of the material are recovered as separate end products (as when metals are recovered from metal containing secondary materials); or

(2) Employed in a particular function as an effective substitute for a commercial product. A material is reclaimed if it is processed to recover a useful product or if it is regenerated. Examples include the recovery of lead values from spent batteries and the regeneration of spent solvents.

**REPAYABLE COSTS.** THE ACTUAL COSTS, PRE-APPROVED BY THE TOWN AND RELATED TO THE CONSTRUCTION, DEVELOPMENT, OR INSTALLATION OF A PUBLIC IMPROVEMENT, WHICH MAY BE FIXED, LEVIED, OR ASSESSED AGAINST REAL PROPERTY BENEFITTED BY THAT PUBLIC IMPROVEMENT.

**REPAYMENT AGREEMENT.** A DEVELOPMENT AGREEMENT BETWEEN THE TOWN AND A DEVELOPER, GOVERNING THE CALCULATION AND PAYMENT OF REPAYABLE COSTS FOR A PARTICULAR PUBLIC IMPROVEMENT.

**REPAYMENT AMOUNT.** THE PORTION OF REPAYABLE COSTS, APPORTIONED PER FRONTAGE FOOT, TO BE FIXED, LEVIED, OR ASSESSED AGAINST A PARCEL OF REAL PROPERTY.

**REPLACEMENT.** Those expenditures made for obtaining and installing equipment, accessories and/or appurtenances during the useful life of the treatment works which are necessary to maintain the capacity and performance of the treatment works for which they were designed and constructed.

**REPRESENTATIVE SAMPLE.** A composite sample obtained by flow proportional sampling techniques where feasible: OR When the PUBLIC WORKS Director HAS DETERMINED ~~determines~~ that flow ~~proportional~~ PROPORTIONATE sampling is not feasible; ~~the Director may allow or conduct composite-sampling~~ by time-proportional techniques or by the compositing or averaging of ~~ONE~~ or more grab samples.

**SANITARY SEWER.** A sewer which carries sewage and to which storm waters, surface waters and ground waters are not intentionally admitted.

**SANITARY SEWER SYSTEM.** The publicly owned sewer collection, treatment works and effluent recharge system which is owned and/or operated, in whole or in part, by the town and which provides the town with wastewater collection, treatment and recharge services.

**SCHOOL.** A place of general instruction including colleges, but not including business colleges, nursery schools, dancing schools, riding academies or specialized trade or vocational schools.

**SEPTAGE.** Aerobic wastewater originating from a domestic source, be it from a residential, commercial or industrial facility that is not hazardous waste and is compatible with the biological wastewater treatment plant process.

**SEWAGE.** A combination of water-carried wastes from residences, business buildings, institutions and industrial establishments, together with such ground waters, surface waters and storm waters as may be present.

~~**SEWAGE TREATMENT PLANT.** Any arrangement of devices and structures used for treating sewage.~~

~~**SEWAGE WORKS.** All facilities for collecting, pumping, treating and disposing of sewage.~~ As used in this chapter TITLE the terms **SEWER SYSTEM** or **SEWERAGE WORKS**, AND **SEWAGE WORKS** shall have the same meaning and definition as **SEWAGE WORKS SANITARY SEWER SYSTEM**.

**SEWER.** A pipe or conduit for carrying sewage.

**SEWER TAP.** The wye, saddle or other device placed on a public sewer to receive a building connection.

**SIU (SIGNIFICANT INDUSTRIAL USER).**

(1) All users subject to categorical pretreatment standards under Title 40 C.F.R. § 403.6 and Title 40 C.F.R. chapter I, subchapter N (parts 405-471).

(2) Any other user that:

(a) Discharges an average of 25,000 gallons per day or more of process wastewater to the CTR facility (excluding sanitary, non-contact cooling and boiler blow-down wastewater); or

(b) Contributes a process waste stream which makes up 5% or more of the average dry weather hydraulic or organic capacity of the CTR system; or

(c) Is designated as such by the PUBLIC WORKS Director on the basis that it has a reasonable potential for adversely affecting the ~~CTR system~~ SANITARY SEWER SYSTEM's operation or for violating any pretreatment standard or requirement.

~~**SNC (SIGNIFICANT NONCOMPLIANCE).** An industrial user is in a state of significant noncompliance (SNC) when~~ Violations meet ~~ING~~ ONE or more of the following criteria:

(1) ~~Chronic violations of wastewater discharge limits, defined here as those in which~~ 66% or more of all of the measurements taken during a 6-month period exceeded (by any magnitude) the daily maximum limit or the average limit for the same pollutant parameter (“CHRONIC VIOLATION”):

(2) ~~Technical review criteria (TRC) violations, defined here as those in which~~ 33% or more of all measurements for each pollutant taken during a 6-month period equal or exceed the product of the daily maximum limit or the average limit multiplied by the applicable TRC (TRC equals 1.4 for BOD, TSS, fats, oil and grease, and 1.2 for all other pollutants except pH)(“TECHNICAL REVIEW CRITERIA VIOLATIONS OR TRC”).

(3) Any other violation of a pretreatment effluent limit (daily maximum or longer-term average) that the PUBLIC WORKS Director determines has caused, alone or in combination with other discharges, interference or pass-through (including endangering the health of CTR personnel or the general public);

(4) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the CTR's exercise of its emergency authority under this chapter to halt or prevent such a discharge;



(5) Failure to meet, within 90 days after the schedule date, a compliance schedule milestone contained in a permit or enforcement order for starting construction, completing construction or attaining final compliance;

(6) Failure to provide, within 30 days after the due date, required reports such as baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports and reports on compliance with compliance schedules;

(7) Failure to accurately report noncompliance; or

(8) Any other violation, or group of violations, which the PUBLIC WORKS Director determines will adversely affect the operation or implementation of the local pretreatment program.

***SINGLE FAMILY DWELLING UNIT.*** A DETACHED RESIDENTIAL DWELLING UNIT DESIGNED FOR AND OCCUPIED BY ONE FAMILY ONLY.

***SLUG DISCHARGE.*** Any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge.

***SOURCE REDUCTION.*** Any practice which:

(1) Reduces the amount of any pollutant or contaminant entering any waste stream or otherwise released into the environment (including fugitive emissions) prior to recycling, treatment or disposal; and

(2) Reduces the hazards to public health and the environment associated with the release of such substances, pollutants or contaminants.

***STANDARD INDUSTRIAL CLASSIFICATION (SIC).*** A coded classification of industries based upon economic activity developed by the U.S. Department of Commerce as published in the Standard Industrial Classification Manual, 1972, Office of Management and Budget.

***STANDARD METHODS.*** The procedure as described in the most current edition of Standard Methods for the Examination of Water and Wastewater published by the American Health Association, or the most current edition of Manual Methods for Chemical Analysis of Water and Wastes published by the EPA.

***STORM SEWER or STORM DRAIN.*** A sewer which carries storm and surface waters and drainage, but excludes sewage and polluted industrial wastes.

***SUBDIVISION.*** IMPROVED OR UNIMPROVED LAND AS FURTHER DEFINED IN CHAPTER 154.

***SUSPENDED SOLIDS (SS).*** Solids measured in milligrams per liter that either float on the surface of or are in suspension in water, wastewater or other liquids and which are largely removable by a laboratory filtration device, as defined in the Standard Methods, as defined herein.

***SWIMMING POOL.*** An artificially constructed pool for swimming purposes that meets the applicable design standards and specifications for swimming pools provided by the Arizona Department of Health Services pursuant to A.R.S. § 36-136(H)(10).

***SYSTEM DESIGN CAPACITY.*** The design capacity for normal domestic wastewater as established by accepted engineering standards.

**TOTAL ORGANIC CARBON (TOC).** The total of all organic compounds expressed in milligrams per liter as determined by the combustion-infrared method prescribed by approved laboratory procedures.

**TREATMENT PARAMETER.** A fundamental characteristic of sewage around which treatment is designed, such as, but not limited to: flow, BOD and suspended solids.

**TRUNK SEWER.** A sewer which receives sewage from many tributary main sewers and serves as an outlet for a large territory.

**UPSET.** An exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond the reasonable control of the permittee, excluding such factors as operational error, improperly designed or inadequate treatment facilities or improper operation and maintenance thereof.

**USC-FCCCHR or USC MANUAL.** University of Southern California Foundation for Cross- Connection Control and Hydraulic Research.

**USED WATER.** Any water supplied by the town from the public potable water system to a customer's water system, after it has passed through the point of service delivery.

**USER.** Any person, lot, parcel of land, building, premises, municipal corporation or other political subdivision that discharges, causes or permits the discharge of wastewater into the sewage system.

**UTILITY.** PUBLIC SERVICE OF WATER AND OR SEWER PROVIDED BY THE TOWN OF CHINO VALLEY.

**WASTE MINIMIZATION.** An activity which eliminates or reduces the amount of any pollutant from entering the waste stream or the environment. This may include a change in raw materials, operational improvement, process improvement, product reformulation reuse or reclamation.

**WASTEWATER.** Any liquid or water-carried pollutant, including an industrial discharge, which is introduced into the ~~CTR system~~ SANITARY SEWER SYSTEM from any source.

**WASTEWATER TREATMENT PLANT.** A WATER POLLUTION CONTROL PLANT OWNED BY THE TOWN OF CHINO VALLEY.

**WATER FEATURE.** Use of water in a landscaped area other than for irrigation and includes BUT IS NOT LIMITED TO fountains, artificial streams, ponds and waterfalls.

**WATER FROM ANY SOURCE.** Any water, including reclaimed wastewater from a wastewater treatment facility or cooling tower.

**WATERCOURSE.** A channel in which the flow of water occurs either continuously or intermittently.

**ZERO PROCESS DISCHARGE USER.** Those users that only discharge domestic wastes or have no discharge, but have significant quantities of hazardous material or high strength wastes which, if discharged, would be regulated by this chapter. The facilities may be regulated by requiring them to have ZERO discharge of process wastes, thus allowing only domestic wastes to be discharged.

## § 50.02 ON-SITE RESTROOM FACILITIES.

All construction sites shall provide on-site restroom facilities for employees while construction is occurring in conformance with all of the following provisions:

(A) There shall be a minimum of ~~1~~one toilet provided on-site for every single-family residential construction project. When the same general contractor has ~~2~~two single-family residential construction projects on adjoining lots with the same street frontage, ~~1~~one toilet located as close as possible to the common property shall fulfill the requirements of this section for both sites.

(B) When there is a non-single-family residential construction site, there shall be ~~1~~ONE toilet facility for every 5,000 square feet of building area. Any fraction thereof shall be rounded up to require the additional toilet facility.

### ***UTILITY DEPARTMENT***

#### **§ 50.15 PUBLIC WORKS DIRECTOR AND FINANCE DIRECTOR.**

##### **(A) PUBLIC WORKS DIRECTOR AUTHORITY AND RESPONSIBILITIES**

(1) The Public Works Director, ~~herein referred to as "the Director", shall be the general executive officer in charge of~~ SUPERVISE all personnel AND the ~~entire~~ operation, equipment and facilities of the Utility Department (water and wastewater), ~~herein referred to as "the Department."~~

(2) ~~He or she~~ THE PUBLIC WORKS DIRECTOR shall be responsible for the enforcement of the policies regarding water and wastewater contained in this TITLE ~~chapter~~. CIVIL CITATIONS MAY BE USED TO PROVIDE A TIMELY AND EFFICIENT MEANS TO ADDRESS ORDINANCE VIOLATIONS. THE PUBLIC WORKS DIRECTOR SHALL DESIGNATE THOSE DEPARTMENT EMPLOYEES WHO MAY ISSUE CIVIL CITATIONS UNDER THIS TITLE. THE RULES OF PROCEDURE IN CIVIL TRAFFIC CASES SHALL APPLY TO CIVIL CITATIONS WRITTEN UNDER THIS TITLE.

(3) ~~He or she~~ THE PUBLIC WORKS DIRECTOR shall ~~also~~ have general supervision over, subject to the approval of the Town Manager, ~~THE COLLECTION OF all charges for water and sewer services,~~ departmental policies, IMPLEMENTATION OF agreements, new connections, repairs and the like, ~~and for all charges not expressly provided for in this chapter.~~

(4) ~~He or she~~ THE PUBLIC WORKS DIRECTOR shall ~~also~~ BE RESPONSIBLE FOR ~~control~~ the water supply and SHALL at all times insure the sufficiency thereof ~~and~~

(5) THE PUBLIC WORKS DIRECTOR shall notify the public, unless an emergency requires otherwise, of the necessity ~~of shutting~~ TO SHUT off any pipeline for the purpose of making repairs, extensions or connections, ~~should he have~~ IN THE EVENT HE HAS cause to expect OR to know beforehand of the necessity to so shut off water from any line.

~~The Director shall have the authority to waive the collection or imposition of risk deposits, delinquent monthly fees, miscellaneous fees or late charge fees imposed by the provisions of this chapter.~~

(6) THE PUBLIC WORKS DIRECTOR SHALL MAINTAIN A LIST OF THE TYPES OF BUSINESSES THAT ARE COMMERCIAL USERS AND IS AUTHORIZED TO CLASSIFY SPECIFIC USERS AS COMMERCIAL USERS.

(7) The PUBLIC WORKS Director shall have the authority to decide any questions that may arise WITHIN THE SCOPE OF THIS CHAPTER which ~~is~~ ARE not fully covered by the provisions contained in this chapter, and his or her decision in such cases shall be final subject only to the general direction of the Town Manager.

(B) FINANCE DIRECTOR RESPONSIBILITIES

(1) COLLECTION OF ALL CHARGES FOR WATER AND SEWER SERVICES.

(+2) THE FINANCE DIRECTOR SHALL HAVE THE AUTHORITY TO DEVELOP PAYMENT PLANS WITH TOWN UTILITY CUSTOMERS.

(23) THE FINANCE DIRECTOR SHALL HAVE THE AUTHORITY TO WAIVE THE COLLECTION OR IMPOSITION OF RISK DEPOSITS, DELINQUENT MONTHLY FEES, MISCELLANEOUS FEES OR LATE CHARGE FEES IMPOSED BY THE PROVISIONS OF THIS TITLE.

(34) THE FINANCE DIRECTOR SHALL HAVE THE AUTHORITY TO PARTICIPATE IN RATE PLAN DEVELOPMENT AND DECISIONS, AND MAKE RECOMMENDATIONS TO THE TOWN COUNCIL REGARDING THE SOLVENCY OF THE UTILITY SYSTEMS.

**§ 50.16 DUTIES OF THE DEPARTMENT.**

The Department shall make all water AND SEWER service connections WITH A DIAMETER OF TWO INCHES OR LESS FOR WATER AND SIX INCHES OR LESS FOR SEWER FOR SINGLE FAMILY DWELLING UNITS and inspect all OTHER WATER AND sewer service connections, ~~except those in new subdivisions where the developer is required to install water and sewer service connections~~, set and read all meters for service, make all repairs on mains, meters and services, and check all valves and fire hydrants, and maintain them in good working order, change all meters as necessary to maintain good working order and accuracy, shall operate and maintain all water and sewer system facilities, shall maintain compliance with local, state and federal regulations and shall perform such other duties as required by the PUBLIC WORKS Director, subject to the approval of the Town Manager.

**§ 50.17 RIGHT OF ENTRY FOR INSPECTION; CREDENTIALS.**

(A) By accepting utility services from the town, customers acknowledge and agree that any authorized employee of the Public Works or Utility Department, upon presentation of his or her credentials, shall have free access ~~as that term is herein defined~~ at all reasonable hours to any residential, commercial or industrial premises connected to the town's water service area and/or connected to the town's sewer system for purposes of assessing applicability and/or compliance with the requirements of this ~~chapter~~ TITLE, SUBJECT TO A.R.S. TITLE 9, CHAPTER 7, ARTICLE 4.

(B) Any user or potential user shall allow all inspection, monitoring, copying of records and the like, reasonably needed by the PUBLIC WORKS Director ~~or his or her agent~~ to perform the duties required or needed under this ~~chapter~~ TITLE.

(C) In case any authorized employee of the Department is refused or delayed admittance to any premises, or, upon being admitted, shall be hindered or prevented from making the inspection, examination or review of records the PUBLIC WORKS Director may cause the water to be turned off from the premises after giving 24 hours' notice to the owner or occupant of the premises of his or her intention to do so.

(D) Service persons and other employees of the Department whose duty it may be to enter upon private premises to make inspections, collect samples, examine pipes, fixtures or attachments or to measure the quantity or quality of wastes delivered to the town sewer, shall be provided with credentials to identify the employees as authorized representatives of the Department.

(E) (1) ~~No person not an~~ ONLY authorized employees of the Department shall have or exhibit credentials of the Department.

(2) IT SHALL BE THE DUTY OF EACH EMPLOYEE OF THE DEPARTMENT UPON RESIGNATION OR DISMISSAL TO SURRENDER AND DELIVER, AT THE OFFICE OF THE HUMAN RESOURCES DIRECTOR, ALL CREDENTIALS OF THE DEPARTMENT.

### **§ 50.18 RECORDS TO BE KEPT.**

The Department shall keep a record of all water and sewer taps, the exact locations, the purpose for which they are to be used, together with the name of the owner of the property, his or her agent or representative, date of installation, repair history and other pertinent data for all water and sewer infrastructure as it is constructed, repaired or modified.

### ***PROHIBITIONS***

### **§ 50.30 OWNERSHIP OF MAIN EXTENSIONS, SERVICE PIPES AND APPURTENANT EQUIPMENT.**

The ownership of all water mains, sewer mains, fire lines, service pipes and appurtenant equipment maintained by the ~~Utility~~ Department shall be vested in the town ~~department~~ and in no case shall the owner of any premises have the right to claim any part THEREOF except where otherwise provided.

### **§ 50.31 INTERFERENCE, DIGGING AND TAMPERING PROHIBITED.**

Every person who ~~shall~~ in any way interfereS with ANY employees of the ~~Public Works and Utility~~ Departments in ~~any~~ THE discharge of ~~their~~ THE EMPLOYEE'S duties, either ~~in the~~ BY tapping of ~~any~~ A water or sewer pipe, main or lateral belonging to the town, or ~~the~~ cleaning, laying or connection of ~~any~~ ~~such~~ A pipe or main or lateral, or ~~the~~ inspection of ~~any~~ ~~such~~ construction or discharging facility, or who ~~shall~~ digS up, or causeS to be dug up, any street, alley or easement in the town for the purpose of connecting with the water or sewer system of the town without first obtaining a permit from the Department, or who, having a permit, ~~shall~~ digS up any portion of any street, alley or easement of the town for the purpose of connecting to the water or sewer system of the town and ~~shall~~ failS or neglectS to place the street, alley or easement in its original or better condition, or who shall maliciously or willfully break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the municipal water and ~~sewerage works~~ SANITARY SEWER SYSTEM shall be guilty of a misdemeanor, except ~~for~~ WHERE the damages or/and penalties as may be assessed on the town ~~which~~ total over \$5,000 in which case the persons shall be guilty of a felony.

### **§ 50.32 WATER SYSTEM SHUT-OFF VALVES.**

All shutoff valves on the public water system are installed by the town for the use of the Department. The shutoff valves shall not be used or in any way operated, tampered with or manipulated by consumers of water or any member of the public. All consumers shall provide their own valve for ordinary usage. This valve shall be located on the consumer's side of the meter ahead of the first water outlet.

### § 50.33 OBSTRUCTION OF WATER AND SEWER SYSTEM.

No person shall place upon or about any valve, valve box, curb stop, water meter box, water gate, manhole or cleanout with the water or sewer system of the town any object, materials, debris, fence or structure of any kind that shall prevent free access to the same at all times or in any manner tamper with or injure the appurtenances. No person shall deposit any material in, fill up or cover over any valve or meter box, or any manhole or cleanout.

### § 50.34 ONLY AUTHORIZED PERSONS TO ~~TURN ON WATER~~ CONNECT AND DISCONNECT SERVICE.

(A) No person other than an official or employee of the ~~town's Utility Department~~ shall ~~turn on water~~ CONNECT OR DISCONNECT SERVICE from the town SEWER OR WATER mains without written permission from the PUBLIC WORKS Director.

(B) Should the water SERVICE be ~~turned on~~ MADE TO FUNCTION to the premises by anyone except an employee of the Department, after it has been turned off at the town's ~~curb stop~~ CONNECTION POINT, it will be turned off at the main and will not be turned on again until a flat charge covering the cost of excavation and replacing the paving, as established by the ~~Director subject to the approval of the Town Manager, shall have~~ TOWN HAS been paid in full.

### § 50.35 FIRE HYDRANTS.

(A) Fire hydrants are provided for the primary purpose of extinguishing fires and shall be opened and used only by the ~~Utility Department~~, the Fire Department, or such persons as may be authorized by the ~~Director~~ DEPARTMENT. No permit shall be issued and existing permits shall be cancelled to any person who has violated any of the provisions of this ~~chapter~~ TITLE or whose indebtedness to the town for water used or damage to hydrants is delinquent. Every person authorized to open fire hydrants will be required to replace caps on the outlets when such are not in use and will keep hose connections in good repair. Failure to do so will be sufficient cause to prohibit further use of the hydrants and the refusal to grant subsequent permits for the use of the fire hydrants.

(B) It shall be unlawful for any person to obstruct the access to any fire hydrant by placing around, on or within 20 feet of the hydrant any stone, brick, lumber, dirt, rubbish, fence or other material or to open or operate any fire hydrant or to draw or attempt to draw water or to willfully or carelessly injure the hydrants or in any manner to tamper with or injure the hydrants.

(C)

(1) When water for construction is required by a contractor, it shall be supplied through a meter whenever possible. When an existing service connection is not available, or is of insufficient size, the contractor may apply to the Department for a fire hydrant meter. The application may be approved subject to the applicant's compliance with all rules and regulations established by the Department pertaining to the use of construction water from fire hydrants and the payment of applicable deposits, fees and charges. The contractor shall be responsible for any damage to the hydrant meter, costs of which shall be determined by the PUBLIC WORKS Director.

(2) Whenever the use of un-metered water on a street, pipeline or other public improvement project is approved by the PUBLIC WORKS Director, it shall be the duty of the ~~Utility Department~~ to furnish the Finance Department with an estimate of all un-metered water used. The water shall be billed to the contractor at the same rate as water taken through a fire hydrant meter. In addition, there will be a

charge equal to the cost plus overhead for any work performed, and materials used by the town to provide construction water access for the contractor.

### **GENERAL REGULATIONS**

#### **§ 50.50 APPLICATION FOR SERVICE, ACTIVATION OR REACTIVATION OF SERVICE; INFORMATION REQUIRED.**

(A) Each person making application for a water and/or sewer connection shall present a valid plumbing permit issued by the town's Building Department to the Utility Department as a prerequisite for the approval of the requested service connection.

(B) The applicant shall state the following in his or her application for a new service tap:

- (1) Name;
- (2) Description of the lot, block and addition;
- (3) The desired location where the town main is to be tapped;
- (4) The desired tap size to be made;
- (5) The official house or building address assigned to the premises; and
- (6) The purpose for which the water will be used.

(C) The Department, as a condition to granting the application and furnishing water and/or sewer to the premises, is authorized to and shall require payment for the installation of service connections and meters.

(D) Service applications are required of all customers requesting activation or reactivation of water and/or sewer service. Application information must be submitted for each service address. An application must also be submitted when requesting the transfer of service from one customer to another. Service applications will require the following information THE FINANCE DIRECTOR DEEMS APPROPRIATE, IN COMPLIANCE WITH APPLICABLE STATE LAWS:-

~~(1) Residential.~~

- ~~— (a) Name of responsible party (must be an individual);~~
- ~~— (e) Social security number;~~
- ~~— (d) Address;~~
- ~~— (c) Mailing address;~~
- ~~— (f) Service address;~~
- ~~— (g) If property owner, escrow number and title company;~~
- ~~— (h) If tenant, landlord's name and address;~~
- ~~— (i) If agent, proof of agency;~~
- ~~— (j) Employers name, address and phone; and~~
- ~~— (k) Requested turn-on date.~~

~~(2) Commercial.~~

- ~~— (a) Legal name of firm;~~
- ~~— (b) Service address;~~
- ~~— (c) Contact person;~~
- ~~— (d) Nature of business;~~
- ~~— (e) Dining on premises?;~~
- ~~— (f) Employer's ID number;~~
- ~~— (g) Town business license number;~~



- ~~— (h) Mailing address;~~
- ~~— (i) Name and address of owner(s);~~
- ~~— (j) If property owner, escrow number and title company;~~
- ~~— (k) If tenant, landlord's name and address;~~
- ~~— (l) If agent, proof of agency; and~~
- ~~— (m) Requested turn-on date.~~

~~(E) A service fee for activation or reactivation of service will include obtaining a beginning water meter reading and will be charged a fee. The fee shall be reviewed and may be revised by Council resolution.~~ ACTIVATION OR REACTIVATION OF WATER SERVICE SHALL NOT BE PERFORMED UNTIL AN INITIAL WATER METER READING HAS BEEN COMPLETED AND THE TOWN HAS RECEIVED PAYMENT IN FULL OF AN ACTIVATION OR REACTIVATION FEE AS ESTABLISHED BY THE TOWN COUNCIL BY RESOLUTION.  
(Former § 50.50)

### **§ 50.51 INTERRUPTION OF SERVICE.**

By accepting utility service from the town, customers acknowledge, and accept that the water may at any time be shut off from the town's mains without notice due to emergencies or for the purpose of making repairs, extensions or any other necessary work. The town will not be liable for any damage that may occur on account of the water cut off for any purpose or on account of the breaking of any pipe or fixtures by the water from the town's mains. Water consumers who have any machinery, material, process or plant which requires a constant supply of water shall install upon the premises such water storage facilities as will prevent any damage in case the town water supply may, for any reason, be interrupted or discontinued.

### **§ 50.52 STREET WORKS; UTILITY RELOCATION; NOTICE TO UTILITY DEPARTMENT.**

All persons ~~handling~~ PERFORMING street work, such as grading, re-grading, filling and trenching or paving and the like, shall give the PUBLIC WORKS Director written notice in case it becomes necessary during the work to remove, displace or change any water or sewer mains, taps, pipes, fittings, meters, gates, valves or other appurtenances that may interfere with the ~~prosecution~~ PERFORMANCE of the work. Where the ~~amount~~ VALUE of work to be done does not exceed the amount of \$300, the notice shall be delivered not less than 48 hours before the services of the Department are required. Where the ~~amount~~ VALUE of work TO BE DONE does exceed the amount of \$300, notice shall be delivered not less than ~~5~~FIVE days before the services of the Department are required. Failure to furnish the notice shall make the person liable to the Department in case damages ~~should~~ result from the failure. Costs and responsibility for the protection and relocation of existing utilities shall be borne by the person or firm requiring the relocation.

### **§ 50.53 PROTECTION OF WATER SUPPLY AND SEWERAGE SYSTEMS.**

The PUBLIC WORKS Director and the town's Building Official may, with the approval of the Town Manager, make such additional rules and regulations in furtherance of the purposes of this code, and not inconsistent with specific provisions of this code, as may be deemed necessary to properly protect the town water supply system or the sewage collection, treatment and recharge facilities.

### **§ 50.54 SERVICES AND MATERIALS TO BE PROPERTY OF UTILITY DEPARTMENT; CONSUMERS TO PAY FOR DAMAGES.**

All water and/or sewer service and water meters and all materials supplied by the Department in the installation or repair of any meter and all materials supplied in the installation of any service connection



with town water and/or sewer mains shall remain at all times the property of the Department and shall be maintained, repaired and renewed by the Department when rendered unserviceable through normal use. Where replacements, repairs to pipes, meters or other materials are rendered necessary by the acts, negligence or carelessness of the ~~consumer~~ CUSTOMER or any member of his or her family, guest or person in his or her employ, any expenses caused to the Department for the repair shall be charged against and collected from the ~~consumer~~-CUSTOMER. The Department may refuse to furnish water through the service until the account is paid in full.

#### **§ 50.55 PERMIT REQUIRED FOR CONSUMER TO SUPPLY WATER OR SEWER; SERVICE TO OTHERS.**

No owner or lessee of property supplied with water and/or sewer service from town mains shall furnish water or sewer service to other persons or property without first obtaining written permission to do so from the PUBLIC WORKS Director. The permit may be issued only for emergencies or other unusual circumstances on a temporary basis. No permit will be issued until the person desiring to use the water or sewer has obtained and filed with the PUBLIC WORKS Director the written consent of the owner or lessee of the property from which the service is to be taken, stating the location of the property by street and address number and the location by street and address number of the property to be supplied and stating the purpose for which it will be used. Upon receipt of a proper permit from the owner or lessee of the property from which the water or sewer service is to be taken, the PUBLIC WORKS Director may issue a temporary permit for a specific time frame allowing the service to be supplied to other persons or property.

#### **§ 50.56 EFFLUENT COLLECTION, TREATMENT AND RECHARGE POLICY.**

~~A) All new developments, subdivided and unsubdivided, containing 1 or more lots of less than 1-acre shall be required to construct an effluent collection system as approved by the town and connect to the town's Effluent CTR system~~

~~(BA)The town will design, build and operate an effluent CTR system-SANITARY SEWER SYSTEM on its own schedule. If a development requires additional effluent collection, treatment and recharge capacity prior to the time such services or capacity is available from the town, the development shall provide financial resources sufficient to construct the additional capacity as requested, at their-ITS own expense, at the town's facilities only. The developERments shall MAY receive reimbursement of THE COST FOR ADDITIONAL CAPACITY-financial resources PURSUANT TO AN AGREEMENT BETWEEN THE TOWN AND DEVELOPER. provided according to the schedule as per the development agreement.~~

~~(C) New development, subdivided and unsubdivided, shall be required to install septic tanks as the first stage of wastewater treatment and install lines and other required components to connect with the town's effluent CTR system as system collection lines are extended to within 400 feet of the septic tank. They shall be required to maintain their septic tanks in proper working order as directed by the town as part of the town wastewater treatment process.~~

~~(D) Current septic tank owners, at the effective date of this section, shall be required to connect to the effluent CTR system as system collection lines are extended to within 400 feet of the septic tank. They shall be required to maintain their septic tanks in proper working order as directed by the town as part of the town wastewater treatment process.~~

(EB) At the time of building permit application for a new residence or a new commercial building, the permittee shall pay an effluent CTR system-SANITARY SEWER SYSTEM hookup fee as adopted in the fee schedule(s), which may be amended from time to time.

(EC) All new developments, subdivided and unsubdivided, shall be required to demonstrate adequate financial capability and assurance, as approved by the Town of ~~Chino Valley~~, to design and construct the effluent ~~CTR system~~ SANITARY SEWER SYSTEM components sufficient to serve the new development and other areas as approved by the town.

(FD) Package wastewater treatment plants shall not be allowed, UNLESS APPROVED AT THE DISCRETION OF THE PUBLIC WORKS DIRECTOR AND TOWN ENGINEER.

(GE) The town reaffirms its ownership and control of all effluent produced within the town's Regional 208 Planning Area.

**§ 50.57 WATER QUALITY; POTABLE, NON POTABLE, WASTEWATER.**

WATER QUALITY SHALL BE IN ACCORDANCE WITH THE RULES AND REGULATIONS OF EPA, ADEQ, AND ADWR.

**CHAPTER 51: WATER AND SEWERS**

Section

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**§ 51.001 DEFINITIONS RESERVED.** For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

~~**ACRE.** 43,560 square feet including utility and easements for ingress and egress.~~

~~**LOT.** A parcel of land occupied by 1 building and the accessory buildings or uses customarily incident to it, including such open spaces as are arranged and designed to be used in connection with the buildings.~~

~~**PRIVATE SEWAGE DISPOSAL SYSTEM.** A septic tank system with leach field.~~

~~**PRIVATE WELL.** A domestic well serving a single family only.~~

~~**SINGLE FAMILY DWELLING UNIT.** A detached residential dwelling unit designed for and occupied by 1 family only.~~

**§ 51.002 APPROVAL REQUIRED PRIVATE SEWER SYSTEMS; GENERAL PROHIBITION.**

(A) Except as provided in this ~~Section~~ CHAPTER, it is unlawful to construct or maintain within the town any privy, vault, SEPTIC TANK, cesspool, ~~package wastewater treatment plant~~, or other facility intended or used for the disposal of sewage, except 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 § 10.99 of this code. Thereafter, each day the violation continues constitutes a separate violation.~~

### **§ 51.003 PRIVATE SEWER SYSTEMS; PERMIT REQUIRED.**

(A) 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.

(B) BEFORE CONSTRUCTION OF A PRIVATE SEWAGE DISPOSAL SYSTEM WITHIN THE TOWN MAY BEGIN, THE OWNER SHALL FIRST OBTAIN A WRITTEN PERMIT FURNISHED AND SIGNED BY THE TOWN OR 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.

(C) 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 PROPERTY AGENCY WHEN THE WORK IS READY FOR FINAL INSPECTION, AND BEFORE ANY UNDERGROUND PORTIONS ARE COVERED.

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

(E) ON-SITE WASTEWATER TREATMENT SYSTEMS MAY BE ALLOWED, AT THE TOWN'S DISCRETION, IN AREAS BEYOND THE 10-YEAR LIMITS OF THE TOWN'S MAIN EXTENSION PLAN AS DETAILED IN THE CAPITAL IMPROVEMENT PLAN. 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 THE SUBJECT DEVELOPMENT, THE DEVELOPER SHALL CONNECT TO THE TOWN'S LINE, PAY THE APPROPRIATE BUY-IN FEE AND CLOSE THE SYSTEM IN ACCORDANCE WITH ADEQ PROCEDURES, ALL AT THE DEVELOPER'S SOLE EXPENSE.

#### **§ 51.004 VIOLATION.**

(A) ANY PERSON FOUND TO BE VIOLATING ANY PROVISION OF THIS SUBCHAPTER SHALL BE SERVED BY THE TOWN OR COUNTY WITH WRITTEN NOTICE STATING THE NATURE OF THE VIOLATION AND PROVIDING A REASONABLE TIME LIMIT FOR THE SATISFACTORY CORRECTION THEREOF.

(B) THE OFFENDER SHALL, WITHIN THE PERIOD OF TIME STATED IN THE NOTICE, PERMANENTLY CEASE ALL VIOLATIONS.

(C) IF THE VIOLATION CONTINUES PAST THE DATE OR PERIOD OF TIME SHOWN ON THE NOTICE, A CIVIL CITATION MAY BE ISSUED. THEREAFTER, EACH DAY CONSTITUTES A SEPARATE VIOLATION.

### ***WATER WELLS***

#### **§ 51.020 LAND BOUNDARIES.**

From and after December 15, 1972, no further land within the boundaries of the town shall be purchased or leased for the purpose of drilling a water well, or for pumping from an existing well, to secure water for transmission or carriage to another city, town or using agency outside the Granite Creek Critical Water Basin, Yavapai County, Arizona.

### ***WATER USE POLICY***

#### **§ 51.035 COMMERCIAL WATER CREDITS.**

Non-residential commercial water users may lease water credits from the town's water portfolio provided that such developments allocate at least 75% of the square footage to retail sales tenants, and provided that sewer collection services are available within 400-300 feet of the property line or are scheduled to be constructed within FIVE years. The entire commercial development shall be required to connect to the ~~CTR system~~ SANITARY SEWER SYSTEM and pay all fees and satisfy additional conditions as approved by the town.



**§ 51.036 RESIDENTIAL ASSURED WATER SUPPLY.**

All new residential subdivisions shall demonstrate to the satisfaction of the town an application has been submitted to the Arizona Department of Water Resources for a 100-year Assured Water Supply for any new development in the Prescott Active Management Area with the filing for preliminary plat approval with the town. The 100-year assured water supply certificate, issued by ADWR, shall be submitted with the final plat application.

**§ 51.037 DEVELOPMENT; ALLOCATION OF WATER CREDITS.**

Allocation of water credits to development from the town's water portfolio will only be considered using the following minimum criteria (additional conditions may be required):

(A) The development must provide a water budget that meets or exceeds the water use and water conservation goals of the Arizona Department of Water Resources.<sup>2</sup>~~Third Management Plan for Prescott Active Management Area, 2000-2010.~~

(B) The development shall participate in the town's ~~CTR program~~ SANITARY SEWER SYSTEM, or be able to participate within ~~5~~FIVE years per the towns then current and adopted Capital Improvement Plan, at the town's discretion, and construct dry service laterals and wastewater collection main lines.

(C) The development shall pay the effluent ~~CTR system~~ SANITARY SEWER SYSTEM buy-in fees, according to the then adopted fee schedule(s).

(D) The development shall pay a water portfolio access fee according to the then adopted fee schedule(s).

(E) The initial water portfolio access fee shall be paid at the rate set by Council resolution per acre-foot for a 100 year assured water supply. The Town Council may adjust this rate from time to time by resolution.

(F) The development shall construct, as approved by the town Engineer and Public Works Director, a central water delivery system, IN ACCORDANCE WITH THE CURRENT MASTER PLAN, including production and storage as required, at their own expense, which ownership shall transfer to the Town ~~of~~ ~~Chino Valley~~ at no cost to the town at the final acceptance of the development infrastructure or at a date negotiated by the developer and the town at the time of request for development.

(G) The development shall provide, to the town's satisfaction, the financial capability and assurances to complete the development in a timely manner, as approved by the Town ~~of Chino Valley~~.

**§ 51.038 DEVELOPMENT NON-PERFORMANCE; FORFEITURE OF WATER RIGHTS.**

Once a development has received a water allocation from the town's water portfolio, the developer shall perform as per the development agreement. If the developer does not perform as per the development agreement, and begin construction within ~~2~~TWO years, the developer's town water allocation shall be forfeited and no fees shall be refunded.

**§ 51.039 ASSURED WATER SUPPLY; APPLICATION OF EXISTING RIGHTS AND TRANSFER TO TOWN.**



(A) All water rights applicable to a specific parcel of land must be utilized to demonstrate a 100-year assured water supply for that parcel, before the developer is allowed to acquire any water rights or credits from the town for that parcel.

(B) Parties seeking access to the town's water portfolio are required to transfer to the town, at no cost to the town, prior to the recording of final plat, all water rights and credits used by the developer to demonstrate a 100-year assured water supply for that subdivision.

**§ 51.040 LIMITATION OF USAGE.**

The town at its discretion may make its water, effluent rights and credits available for purchase by developers submitting a preliminary subdivision plat. The purchased water rights shall be utilized only for the platted subdivision, and may not be sold or transferred without the town's express written permission.

**§ 51.041 DEVELOPMENT OF WATER SYSTEM MASTER PLAN.**

(A) The town will develop a water system master plan to identify the general location and sizing of all central water system infrastructure required throughout certain designated areas of the community.

(B) The developer will be responsible for all costs for the design, and construction of all water system infrastructure in general conformance with the master plan, or any revisions thereto.

***WATER AND SEWER MAIN EXTENSIONS***

**§ 51.055 APPROVAL BY TOWN ENGINEER AND PUBLIC WORKS DIRECTOR REQUIRED.**

No public water or sewer extensions shall be made until the plans and specifications are approved by the town Engineer and the Public Works Director. Water and sewer main extensions shall be designed and constructed in accordance with ADEQ Bulletin 10, ADEQ Bulletin 11, AWWA Standards, TOWN OF CHINO VALLEY STANDARDS, YAG Standards and MAG standards, as appropriate. With the concurrence of the Town Engineer, the PUBLIC WORKS Director may authorize variances from the standards and specifications.

**§ 51.056 MAIN EXTENSIONS; CONNECTION WITH DISTRIBUTION AND COLLECTION SYSTEMS.**

(A) Persons desiring to connect water and sewer main extensions to the existing distribution and collection systems shall make application to the ~~Utility~~ Department in writing and shall pay all established fees and charges.

(B) In new subdivisions, shopping centers, industrial tracts or other similar developments, the developer shall furnish and install, to town specifications, all water mains, valves, service lines, sewer lines, manholes and all required appurtenances for each type of main extension within the boundary of the designated area of development.

**§ 51.057 EXTENSIONS; CONSTRUCTION, OWNERSHIP AND MAINTENANCE.**

(A) In new subdivisions and developments where public sewers and/or water mains are authorized by the PUBLIC WORKS Director, the mains, service lines and appurtenances, including storage tanks and pump stations, shall be designed and constructed at the developer's expense in accordance with plans and specifications approved by the PUBLIC WORKS Director. Review and inspection fees shall be paid in

accordance with provisions of the town code. The costs for the preparation of the plans and specifications, the staking of the location of the lines, the cost of inspection and testing, the cost of acquiring rights-of-way and easements, and preparation of as-built plans shall be the responsibility of the developer. The town will perform inspection during construction.

(B) Subsequent to final approval and acceptance of construction, the person responsible for the construction of the extension shall relinquish all right to, or interest in, FREE OF ALL LIENS, the ownership of the extension and the Department shall exercise complete control over such extension.

(C) Upon acceptance of construction, water main extensions and service connections shall be maintained by the ~~Utility~~ Department, up to and including the consumer's meter and shall be operated by the Department, as part of the distribution system. The Department shall maintain all public sewer lines, pumping stations, treatment facilities and other appurtenances, except for the package pumping stations as may be required for individual residences or businesses to access to the gravity system. The Department shall exercise complete operational control over all such extensions and appurtenances.

#### **§ 51.058 EXTENSIONS; POLICY OF TOWN GENERALLY.**

The water and sewer main extension policy of the town for areas beyond present town trunk mains and the policy to be followed in connection therewith shall be, and the same is hereby declared to be, as follows: The town desires to encourage the development of undeveloped areas through repayment for extra costs incurred in construction of "off-site" mains that are necessary to serve new developments, and bring service to existing developments, in order to distribute the costs of extending the mains between 2TWO or more developers. This policy would apply where a main extension was constructed by 4ONE developer and connected to or utilized at a later date by 4ONE or more developers or property owners. For this purpose, a water or sewer main is defined as a main constructed from the town's existing point of connection to, and along, the frontage or boundary of the development with the capacity to serve additional developments. However, the developer must pay all costs for engineering design and construction of mains of such size as to afford adequate capacity and service for specific "service areas" to be served by such mains.

#### **§ 51.059 APPROACH MAINS; CONSTRUCTION BY DEVELOPERS; REPAYMENT AGREEMENTS; ~~MAINS BY DEVELOPERS (APPROACH MAINS).~~**

~~(A) In the event that a proposed new development or project finds it necessary to extend water or sewer mains from a distant point in order to serve the project or development, the cost of the main extension, designated as an "approach main" will be included in a separate agreement. Should others in the service area desire to join with the A developer in constructing the AN proposed "aApproach mMain", the agreement will be considered as including such others. The town will limit the maximum size of the approach main entirely at the developer's costs to 12 inches in diameter for water mains and 18 inches in diameter for sewer mains. AN APPROACH MAIN MAY BE CONSTRUCTED BY THE TOWN, OR BY A DEVELOPER, IN ACCORDANCE WITH THE PROVISIONS OF THIS SECTION.~~

(B) THE FINAL DETAILED PLANS AND SPECIFICATIONS FOR AN "APPROACH MAIN" SHALL BE APPROVED BY THE TOWN ENGINEER AND PUBLIC WORKS DIRECTOR PRIOR TO CONSTRUCTION. THE ENGINEERING COST FOR THE PREPARATION OF PLANS, SPECIFICATIONS, ADEQ AND/OR YAVAPAI COUNTY REVIEW FEES, AND PERMIT FEES, AND CONSTRUCTION STAKING OF THE "APPROACH MAIN" INCURRED BY A DEVELOPER MAY BE INCLUDED IN THE CALCULATION OF REPAYABLE COSTS AS PROVIDED FOR IN THIS SECTION. THE PLANS AND BID LINE ITEMS FOR THE APPROACH MAINS SHALL BE CLEARLY AND DISTINCTLY SEPARATED FROM ALL OTHER ON-SITE PLAN SHEETS AND BID ITEMS.

(C) THE COST OF DISTRIBUTION MAINS WITHIN THE BOUNDARIES OF A DEVELOPMENT SHALL NOT BE ELIGIBLE FOR REPAYMENT. WHERE BOOSTER PUMPS AND STORAGE TANKS ARE NECESSARY TO MAINTAIN RESERVE, PEAK AND FIRE FLOW CAPACITY AND/OR TO MAINTAIN ADEQUATE PRESSURES IN THE WATER MAINS DUE TO THE DEVELOPMENT BEING NEAR OR ABOVE THE HYDRAULIC GRADIENT IN THE TOWN SERVICE AREA, THE DEVELOPER SHALL PROVIDE ADEQUATE LAND, AND CONSTRUCT, AT HIS OR HER OWN EXPENSE, THE NECESSARY STORAGE FACILITY AND BOOSTER PUMPING STATION TO TOWN SPECIFICATIONS. THE TOWN WILL ASSUME OWNERSHIP, MAINTENANCE AND OPERATION OF THE PROPERTY AND FACILITIES UPON COMPLETION AND ACCEPTANCE BY THE TOWN.

~~(B) The town reserves the right, to increase the diameter of the approach main, if it deems advisable, but under this condition, the town will participate in the cost of the difference between the larger size and the maximum size stated in division 51.059(A) above so that the laid cost of the aApproach mMain of larger pipe diameter to the developer will not exceed the laid cost of the same extension if it were 12 or 18 inches in diameter, as appropriate.~~

~~(C) The final detailed plans and specifications for the "approach main" extension must be approved by the Town Engineer and Public Works Director prior to construction. The engineering cost for the preparation of plans, specifications, ADEQ and/or Yavapai County Review fees, and permit fees, and construction staking of the "approach main" incurred by the developer may be included in the agreed upon construction costs as provided for in this section. The plans and bid line items for the approach mains shall be clearly and distinctly separated from all other on-site plan sheets and bid items.~~

~~————(D) The cost of distribution mains within the boundary of the development shall not be eligible for repayment. Where booster pumps and storage tanks are necessary to maintain reserve, peak and fire flow capacity and/or to maintain adequate pressures in the water mains due to the development being near or above the hydraulic gradient in the town service area, the developer shall provide adequate land, and construct, at his or her own expense, the necessary storage facility and booster pumping station to town specifications. The town will assume ownership, maintenance and operation of the property and facilities upon completion and acceptance by the town.~~

(D) THE TOWN MAY UTILIZE LINE CHARGES TO FACILITATE THE REPAYMENT OF REPAYABLE COSTS ASSOCIATED WITH AN APPROACH MAIN, PROVIDED THAT SUCH LINE CHARGES SHALL EXPIRE AFTER 20 YEARS, AND THAT THE TOWN SHALL RECORD NOTICE OF SUCH LINE CHARGES IN THE OFFICE OF THE YAVAPAI COUNTY RECORDER. FOR AN APPROACH MAIN THAT WAS CONSTRUCTED BY A PRIVATE DEVELOPER, LINE CHARGES MAY ONLY BE UTILIZED IF REPAYABLE COSTS HAVE BEEN ESTABLISHED PURSUANT TO A REPAYMENT AGREEMENT AND APPROVED BY THE TOWN COUNCIL. REPAYABLE COSTS TO BE INCLUDED IN A REPAYMENT AGREEMENT SHALL BE DETERMINED BY THE TOWN ENGINEER, BASED ON AN ESTIMATE BY THE DEVELOPER'S DESIGN ENGINEER AND AFTER CONSIDERATION OF COMPARABLE PROJECTS.

(E) THE TOWN RESERVES THE RIGHT, IN ITS SOLE DISCRETION, TO REQUIRE AN INCREASE IN THE DIAMETER OF AN APPROACH MAIN, IN WHICH CASE, IF THE INCREASED DIAMETER EXCEEDS 12 INCHES FOR A WATER MAIN OR 18 INCHES FOR A SEWER MAIN, THE TOWN SHALL PAY THE COST OF THE MATERIALS REQUIRED TO INCREASE THE DIAMETER OF THE MAIN FROM 12 INCHES FOR A WATER MAIN, 18 INCHES FOR A SEWER MAIN, OR THE DIAMETER REQUIRED BY THE DEVELOPER, WHICHEVER IS LARGER, AND THE INCREASED DIAMETER REQUIRED BY THE TOWN.

(F) IF THE TOWN WILL PAY ANY PORTION OF THE COST OF AN APPROACH MAIN WITH PUBLIC FUNDS, THAT APPROACH MAIN SHALL BE DESIGNED AND CONSTRUCTED IN COMPLIANCE WITH ARIZONA REVISED STATUTES TITLE 34 AND FUNDS TO BE USED FOR REIMBURSEMENT SHALL BE APPROVED BY TOWN COUNCIL.

(G) *IMPROVEMENT OR COMMUNITY FACILITY DISTRICTS*. WHEN JUSTIFIED BY THE ANTICIPATED SCOPE OR COST OF CONSTRUCTION, A COMMUNITY FACILITIES DISTRICT OR AN IMPROVEMENT DISTRICT MAY BE FORMED BY THE TOWN COUNCIL AT ITS SOLE DISCRETION AND IN ACCORDANCE WITH PROVISIONS OF STATE AND LOCAL LAW.

**§ 51.060 APPROACH MAINS; LENGTH OF EXTENSION IN SUBDIVISIONS, SINGLE LOTS AND SUBLot DEVELOPMENTS AND ALL OTHER DEVELOPMENTS.**

Where main line trunk sewers and/or water mains exist adjacent to the nearest property line of a single, existing residential lot, created with a dry lot subdivision or by the lot split process or any other method, but no water or sewer main exists along the frontage of the A lot, and the developer or owner of the lot requests water and/or sewer service, sufficient length of main shall be constructed by the developer or owner to extend the main from the point of connection at the existing main to the far property line of the lot. If the Director determines after a review of the size, length and location of the line that an approach main repayment agreement is practical and warranted, and the applicant desires to enter into such an agreement, the new main(s) shall be constructed to and across the entire lot frontage. THE FULL FRONTAGE, REARAGE, OR SIDEAGE OF THE PROPERTY.

**§ 51.061 APPROACH MAINS; BIDS FOR CONSTRUCTION AND METHODS OF REPAYMENT[RESERVED].**

(A) Approach mains shall be procured by the developer, in accordance with the provisions of the Town of Chino Valley procurement code. The approach main reimbursement cost shall be estimated by the developer's design engineer and approved by the Town Engineer to determine the applicable method of procurement to be utilized. These are as follows:

- (1) *Total cost less than \$5,000*. Purchases of goods and services totaling less than \$5,000 shall require the solicitation of 3 oral bids. In some cases 3 bids may not be secured, in which case all attempts shall be documented and any non-bidders listed as "no bid submitted". The low bidder shall provide a detailed, written breakdown of the total bid cost, which will be used to determine the total reimbursement allowed.
- (2) *Total cost greater than \$5,000 but less than or equal to \$10,000*. Purchases of \$5,000 up to \$10,000 for goods and services shall require 3 written bids providing a detailed, written breakdown of the total bid cost, which will be used to determine the total reimbursement allowed. The Director shall review the bids for accuracy and completeness and, if satisfied, recommend award to the low bidder. The Town Council will have final authority to award the bid and the reimbursement agreement.
- (3) *Total cost greater than \$10,000*. Purchases of goods and services with a value greater than \$10,000 shall be procured through competitive sealed bids.

(a) A notice of solicitation of construction for and payment by the developer shall be posted at town hall and advertised, as a minimum, in local newspapers at least 10 days prior to the date set for receipt of bids. The solicitation may also be mailed directly to all responsible prospective bidders who may have expressed interest in similar type projects.

(b) The notice shall state the date, time and place of opening submitted bids, along with a general

~~description of the services required.~~

~~(c) The notice shall include a contact name, telephone number and location where project plans and specifications, along with the bid submittal package, may be obtained.~~

~~(d) Bids shall be submitted at the location specified in the solicitation, prior to the time specified for opening, in a sealed envelope clearly marked as a bid for the specific project name and the name of the person or firm submitting the bid. Any bid not received within the time period allowed shall be rejected and returned unopened.~~

~~(e) All bids shall be publicly opened at the time and place specified, and read aloud. The bids shall be reviewed by the Town Engineer for completeness and any mathematical errors. A tabulation of all bids received shall be posted in town hall for public inspection.~~

~~(f) The town and the developer each reserve the right to reject any or all bids. The construction cost of the approach mains shall be determined prior to the commencement of construction and shall be approved by the Public Works Director for inclusion in the repayment agreement. The Town Council shall have final authority to approve the repayment agreement and cost.~~

~~(g) All construction of approach mains and appurtenances shall be in accordance with standards and procedures of the Town of Chino Valley.~~

~~(B) — (1) *Buy-in fee.* Based upon the cost of construction determined under § 51.059, the developer may be credited for reimbursement the cost of utility buy-in fees at the then current rate as established by Council resolution. Agreements for extensions may be executed with 1 or more developers as circumstances dictate. The total amount reimbursed shall not exceed the buy-in cost unless specifically approved and budgeted by Council. In the event the buy-in exceeds the cost of construction, no cash reimbursement shall be paid to the developer and the balance of the buy-in fees shall be due and paid to the town.~~

~~———— (2) *Line charge.* Where a utility line extends past several properties, and a multi-party extension agreement is not executed, the Town Council may provide by resolution a charge be placed on the line to recover additional expenses that exceed the buy-in fees or to recover town contributions. Such charge shall apply to all subsequent developers and property owners that connect to the utility line. Line charges so applied shall be for a period not to exceed 10 years. Line charges collected for amounts in excess of the original developers construction cost, and paid by the original developer for the extension, shall be reimbursed to the original developer.~~

~~(3) *Improvement or community facility districts.* Where either of the above methods are not applicable due to the scope or cost of anticipated construction costs, a community facilities district or an improvement district may be formed in accordance with provisions of state and local ordinances.~~

#### **§ 51.062 EXTENSIONS; INAPPLICABILITY OF PROVISIONS TO EXISTING AGREEMENTS, NO INTEREST TO BE PAID.**

~~This policy is not retroactive~~ THE PROVISIONS OF SECTIONS 51.058 THROUGH 51.060 SHALL NOT APPLY to existing agreements signed under previous policies OR CODE PROVISIONS. No interest will be applicable on ACCRUE; nor applied OR BE APPLIED to, the agreed "aApproach mMain" construction cost UNLESS SPECIFICALLY SET FORTH IN THE EXISTING AGREEMENT.

#### ***WATER SERVICE CONNECTIONS***

**§ 51.075 CONNECTION TO WATER MAINS REQUIRED; EXISTING RESIDENTIAL OPTIONAL.**

(A) UNLESS SERVICED BY ANOTHER PUBLIC WATER PROVIDER, ~~W~~where commercial, industrial and other non-residential property is located upon a street in which a water main is laid, the property shall be connected with the TOWN'S water system. These services CONNECTIONS shall extend at right angles from the main to the curbside, or property line, and shall be installed in accordance with town standard details.

(B) A new home on residential property located upon a street where a town water main is located shall be connected with the town water system AT THE TIME OF CONSTRUCTION. The connection shall not prohibit the construction and operation of a non-exempt well in accordance with state ADWR regulations.

(C) Where a new TOWN water main is laid on a street with existing residential homes that have an on-site domestic well, the properties may elect to continue use of their on-site well in lieu of connecting to the town system. In the event that the properties do connect to the town system, either at the time of original line construction or at some later date, the on-site well shall be properly sealed and abandoned. In accordance with ADWR and ADEQ standards, the abandonment shall be inspected, confirmed and documented by the Utility Department.

(D) The number, location, manner of construction and sizes of all service connections shall be subject to the approval of the PUBLIC WORKS Director.

(E) NEW SUBDIVISIONS CONTAINING LOTS OF LESS THAN ONE ACRE SHALL CONNECT TO THE TOWN'S WATER SYSTEM. NEW SUBDIVISIONS CONTAINING LOTS OF ONE ACRE OR GREATER WHICH ARE WITHIN 300 FEET OF THE TOWN'S WATER SYSTEM SHALL CONNECT EACH LOT TO THE TOWN'S WATER SYSTEM.

(F) PRIVATE SYSTEMS AND WELLS SHALL NOT BE CONSTRUCTED WHERE THE TOWN'S PUBLIC WATER SYSTEM IS AVAILABLE AT THE PROPERTY LINE OF A LOT, OR WITHIN THREE HUNDRED (300) FEET OF THE PROPERTY LINE OF A SUBDIVISION.

(G). SERVICE CONNECTION TO THE TOWN WATER SYSTEM SHALL ONLY BE PROVIDED PURSUANT TO AN APPLICATION OR AGREEMENT BETWEEN THE PROPERTY OWNER OR APPLICANT AND THE TOWN. AN APPLICATION OR AGREEMENT FOR SERVICE CONNECTION TO A NEW PROJECT OR DEVELOPMENT SHALL BE APPROVED AND ACCEPTED BY THE TOWN ONLY IF THE TOWN FINDS THAT THE PROJECT OR DEVELOPMENT IS CONSISTENT WITH, CONFORMS TO, AND FURTHERS THE IMPLEMENTATION OF:

(1) THE TOWN'S WATER USE POLICY.

(2) THE TOWN'S GENERAL PLAN.

(3) ANY APPLICABLE ADOPTED PLAN, INCLUDING, BUT NOT LIMITED TO, SPECIFIC AREA PLAN, CIRCULATION PLAN, CAPITAL IMPROVEMENT PLAN, GROWTH PLANNING, OR GROWTH MANAGEMENT PLAN.



## (4) THE TOWN'S WATER BUDGET.

**§ 51.076 BUILDINGS TO HAVE SEPARATE SERVICE CONNECTIONS; EXCEPTIONS.**

(A) Every separate building supplied with town water and/or sewer service must have its own separate connection with the town mains, except TWO (2) or more buildings located on the same lot or on contiguous lots under single ownership, or property known as a ~~N court~~, apartment house, trailer court or other similar developments covering more than ONE (1) lot may be, upon written permission granted by the PUBLIC WORKS Director, supplied through a single metered connection with the town main as long as single ownership continues. Upon change from such single ownership, a new separate connection shall be immediately made for the building or premises having the indirect connection.

(B) ~~(1) In case there is no water main on any street on which the premises abut, and the consumer first in order of service from the main guarantees in writing the payment of water charges for all parcels of property so served, the Director may permit the connection to be installed, upon payment of applicable buy-in fees, or remain until a water and/or sewer main is laid in the abutting street.~~

~~(2) The Utility Department shall give 30 days notice in writing to all consumers served through the service before enforcing this section by cutting off water.~~ (C) The Utility Department shall have the right, at its sole discretion, to install a single service pipe of sufficient size from the main to the back of curb to supply not more than TWO (2) separate properties connecting to separate meters. The size of the service pipe shall be determined by the ~~Public Works~~ Director and the Building Official.

**§ 51.077 UNAUTHORIZED CONNECTIONS WITH WATER MAINS.**

No person shall connect any pipe, tube or other instrument with any main, service pipe, conduit or flume for the purpose of taking and conducting water belonging to the town, without a permit or authorized service connection from the Utility Department. Violators shall be guilty of a misdemeanor.

**§ 51.078 SERVICE CONNECTIONS ON EXISTING MAINS.**

~~Where all or part of a new subdivision is served by existing town water mains,~~ Only authorized personnel of the ~~Utility~~ Department shall make taps for service connections ON TOWN WATER MAINS, unless specifically authorized in writing by the PUBLIC WORKS Director.

**§ 51.079 DEVELOPER TO INSTALL SERVICE CONNECTIONS ON NEW MAINS IN NEW SUBDIVISIONS.**

(A) In all new subdivisions or other developments where there are no existing town water mains, ~~THE developers are required to have their contractors~~ SHALL install all 3/4 and/or 1-inch service connections simultaneously with the installation of the ~~subdivider's~~ water mains TO THE SUBDIVISION OR DEVELOPMENT. Services of 1-1/2 inches and/or 2-inches may also be installed by the developer's ~~contractor~~ if ~~so~~ approved by the PUBLIC WORKS Director.

(B) Services larger than ~~2~~ TWO inches shall have a resilient seat shutoff valve with a valve box.

(C) In all new subdivisions or other developments where the developer's ~~contractor~~ installs the service connections and meter sets, application must be made to the ~~town~~ Utility Department, as otherwise provided in this code, for installation of water meters.

(D) ALL SERVICE CONNECTIONS SHALL BE INSTALLED IN FULL COMPLIANCE WITH

TOWN STANDARDS AND SPECIFICATIONS. ONLY METER BOXES AND METER SETS SPECIFIED BY THE TOWN MAY BE INSTALLED. ANY REQUIRED PRESSURE REGULATING VALVE SHALL BE INSTALLED AND TESTED BY THE CONTRACTOR. THE PRESSURE REGULATING VALVE SHALL BE MAINTAINED BY THE TOWN UTILITY CUSTOMER.

(E) IN THE EVENT A SERVICE CONNECTION MUST CROSS AN ARIZONA DEPARTMENT OF TRANSPORTATION (“ADOT”) HIGHWAY RIGHT-OF-WAY, THE CUSTOMER SHALL OBTAIN THE NECESSARY PERMITS DIRECTLY FROM THE ADOT AND MAKE THE SERVICE CONNECTION THROUGH A LICENSED CONTRACTOR. THE SERVICE CONNECTION SHALL INCLUDE THE METER SET AND BOX AND THE SERVICE LINE FROM THE METER BOX TO THE WATER MAIN. THE CONTRACTOR SHALL INSTALL THE WATER MAIN TAP AND EXPOSE THE WATER MAIN. THE TOWN SHALL INSTALL THE METER IN THE BOX.

#### **§ 51.080 CONNECTION OF EXISTING SERVICE TO NEW MAIN.**

Where a new main has been laid in any street, the owners of premises on the street who are being supplied through ~~temporary~~ EXISTING services, and have paid the regular buy-in and service installation charges, shall be connected to the new main by the ~~Utility~~ Department without further charge.

#### **§ 51.081 CHANGES TO EXISTING SERVICE CONNECTION.**

When new buildings are to be erected on the site of old ones and it is desired to increase the size of, to change the location of the old service connection, or where a service connection to any premise is abandoned or no longer used, the Department may immediately reclaim and disconnect the connection at the main, after which, should a service connection be required to the premises, a new service shall be placed ~~only upon the owner making application and paying for a new service in the regular manner as described elsewhere in this chapter.~~ . ANY ADDITIONAL BUY IN FEES MAY APPLY. ANY FEES PAID FOR THE EXISTING SERVICE SHALL BE CREDITED AGAINST THE DETERMINATION OF THE NEW BUY IN FEES.

### **METERS**

#### **§ 51.095 SERVICES TO BE METERED.**

(A) Whenever a service shall be installed, connecting any property or water using equipment with the water supply of the town, the water will be supplied to the property or equipment through meter only, except as provided in § 51.260 for sprinkler type fire prevention systems.

(B) A separate water meter is required for new services established after ~~the date of this chapter~~ AUGUST 23, 2004 for the following:

(1) Landscaped watering (irrigation) ~~as defined in § 50.01~~ of all landscaped areas greater than 10,000 square feet; or

(2) All water features, ~~as defined in § 50.02~~, having a maximum daily water consumptive use of 500 gallons per day.

#### **§ 51.096 LOCATION OF METERS.**

All meters ~~of the Utility Department~~ shall be located on the back of the sidewalk side of the curb line, if such exists, or at the property line if the curbs do not exist in accordance with standard construction details



as approved by the Public Works Director.

#### **§ 51.097 COST OF CHANGING SIZE OF METER OF SERVICE.**

In case a larger or smaller meter or service is applied for, other than the ~~ONE~~ already in service, the applicant shall pay for the installation of the new service in accordance with the schedule of charges as established by the PUBLIC WORKS Director, subject to the approval of the Town Manager. The original tap shall be ~~killed~~ REMOVED and the applicant given a refund for the old meter removed by the Department, in accordance with a refund schedule approved by the PUBLIC WORKS Director.

#### **§ 51.098 REMOVAL OF METERS.**

Meters, when installed to service any property, shall be removed only by an authorized employee of the ~~Utility~~ Department or upon order of the PUBLIC WORKS Director. ~~For the v~~Violation of this provision ~~the water~~ shall RESULT IN THE WATER TO THE PROPERTY beING turned off. BEFORE WATER SERVICE IS RESTORED, THE PROPERTY OWNER OR PERSON IN CONTROL SHALL REIMBURSE THE TOWN'S ~~and a charge equal to the costs incurred by the town for restoring~~ TO RESTORE the meter to its authorized and designated location. ~~must be paid before the water is again turned on.~~ IF ~~n~~ ~~case~~ the meter ~~has been~~ WAS removed by a plumber or other contractor, his or her ~~plumber's~~ business license may be revoked and not again issued until the charge has been paid.

#### **§ 51.099 REPLACEMENT OF METERS.**

The ~~Utility~~ Department may replace any meter at such time as it may see fit and shall be the judge of the size and type of any water meter installed. In the event there is an excessive rate of flow through an installed meter the town may require the owner, at his or her expense, to install a meter of adequate size.

#### **§ 51.100 MAINTENANCE AND REPAIR; CONSUMER TO PAY FOR DAMAGES.**

The ~~Utility~~ Department shall maintain and repair all meters when rendered unserviceable through normal use and shall renew them if necessary. Where replacements, repairs or adjustments of any meter are determined necessary by the act, neglect or carelessness of the owner or occupant of any premises, and this shall include any damage to meters due to hot water, breaking meter seals, tampering with working parts of the meter and the like, any expense caused to the ~~Utility~~ Department thereby shall be charged against and collected from the owner of the premises or person supplied. The Department may refuse to furnish water through the service until all charges are paid in full.

#### **§ 51.101 TESTING METER ACCURACY.**

Any TOWN WATER CUSTOMER ~~consumer~~ may have the accuracy of his or her meter examined and tested by the ~~Utility~~ Department upon WRITTEN REQUEST AND receipt by the town of the established fee for such work. The ~~Utility~~ Department will examine and test the meter, and, if found to be inaccurate in excess of 2% of water passing through it, ~~such~~ THE TOWN WILL REMOVE AND REPLACE THE meter ~~shall be removed and replaced~~ at the town's expense. ~~The consumer may be present when the test is performed.~~ If the meter is found to be inaccurate in excess of 2% of water passing through it, the billing for the current period will be adjusted in the manner deemed appropriate by the FINANCE Director, and the testing fee ~~will~~ SHALL be refunded to the ~~consumer~~ CUSTOMER. If the meter is found to be accurate, the town ~~will~~ SHALL retain the testing fee.

## BACKFLOW PREVENTION

### § 51.115 DECLARATION OF POLICY; AUTHORIZATION.

It is determined that danger to the public health, safety and welfare resulting from contamination or pollution of the public potable water supply system requires that measures be adopted to protect that system by authorizing town officials to:

- (A) Protect the public potable water supply from the possibility of contamination or pollution by preventing the backflow of contaminants or pollutants into the public water supply system;
- (B) Promote the awareness and elimination of cross connections, actual or potential, of a customer's internal potable water system with the public potable water supply system;
- (C) Provide for a continuing program of backflow prevention control which will prevent the contamination or pollution of the public potable water supply system;
- (D) Provide for the monitoring and enforcement of a continuing program of backflow prevention which will prevent the contamination or pollution of the public potable water supply; and
- (E) Comply with the FEDERAL, State AND LOCAL requirements, ~~contained in A.A.C. Title 18, Chapter 4, Article 232 (R18-4-232) entitled "Operation: Backflow Prevention" that was promulgated by ADEQ with an effective date of August 8, 1991, and is incorporated herein by reference (hereinafter referred to as State Rule R-18-4-232). One copy shall be on file with the Town Clerk, the Building Department and the Public Works Department~~

### § 51.116 CROSS CONNECTIONS FROM OR TO SOURCE OF WATER SUPPLY OTHER THAN THAT OF TOWN.

It shall be unlawful for any customer to cause a connection to be made or to allow one to exist for any purpose whatsoever between the town water supply and any other source of supply without the approval of the PUBLIC WORKS Director.

### § 51.117 RESPONSIBILITY FOR BACKFLOW PREVENTION CONTROL.

- (A) *Public Works Director.* It shall be the responsibility of the Public Works Director to protect the public water supply by applying the remedies and enforcement provisions set forth in § 51.120 AND AS OTHERWISE PROVIDED IN STATE, LOCAL AND FEDERAL LAW.
- (B) *Building Department.* ~~It shall be the responsibility of~~ The town Building Official, as head of the Building Department, SHALL HAVE THE FOLLOWING RESPONSIBILITIES FOR ~~to~~ BACKFLOW PREVENTION ENFORCEMENT ~~enforce certain provisions of this chapter as follows:~~

(1) The Building Official shall administer and enforce all applicable cross connection control provisions of the town of Chino Valley Plumbing Code, and amendments, including issuance of permits for all required backflow prevention assemblies.

(2) The Building Official shall determine, in conjunction with the ~~Utility~~ Department, whether a facility is a listed facility or activity in § 51.118 and therefore requires backflow protection. This responsibility includes inspection as necessary of all existing facilities to be connected to the town water services.

(3) The Building Official shall, as a condition of issuance of any building permit, require installation of appropriate backflow prevention as required by § 51.118 and the town's Plumbing Code.

(4) The Building Official and Public Works Director shall determine the type and location of all backflow prevention assemblies in accordance with this chapter and all other codes and ordinances of the town.

(5) The ~~Utility~~ Department shall keep accurate and adequate records of each location of an approved backflow prevention assembly, required tests and any subsequent maintenance or repair thereof.

(C) *Customer RESPONSIBILITIES*. It shall be the responsibility of the customer to prevent contaminants or pollutants from entering the customer's building potable water system and the public potable water system. The customer's responsibility starts at the point of service delivery from the public potable water system and includes all water piping systems. The customer ~~is required to~~ SHALL properly locate, install, test and maintain each backflow assembly in good working condition and ~~shall~~ provide the necessary inspections and tests to assure that the assembly is operating properly. These responsibilities include, but are not limited to, the following:

(1) The customer shall obtain a permit from the Building Department for ~~the~~ installation of any backflow prevention assembly; AND for ~~the~~ modification or relocation of the assembly; or ~~for the~~ modification of any plumbing system.

(2) The customer shall test all backflow prevention assemblies at least once a year, except that the Building Official or the Public Works Director may require more frequent testing if warranted. As to fire lines or fire sprinkler systems with backflow prevention assemblies, the initial and annual tests shall be performed by a certified tester who is also permitted by the Fire Marshal to test fire lines or fire sprinkler systems. The initial and annual test shall include a full flow test. It is the responsibility of the customer to test and submit all testing results to the ~~Utility~~ Department. If the test reveals the assembly to be defective or in an unsatisfactory operating condition, the customer shall perform all repairs or replacement, to the satisfaction of the Public Works Director, so that the assembly is in satisfactory operating condition.

(3) If the Public Works-Director, the Building Official or the customer becomes aware during the interim period between annual tests that an assembly is defective or in unsatisfactory operating condition, the customer shall perform all repairs, replacement and testing, to the satisfaction of the PUBLIC WORKS Director, so that the customer has an assembly in satisfactory operating condition.

(4) Assembly testing shall be performed only by a certified tester. ~~Testing requirements shall be in accordance with the procedures outlined in the Eighth Edition of the University of Southern California Manual of Cross-Connection Control and Hydraulic Research (USC FCCCHR or the Foundation) Los Angeles, CA, June 1988 (hereinafter "USC manual", § 9. The USC manual is incorporated herein by reference. One copy of the USC manual shall be on file with the Town Clerk and the Building Department.~~

(5) The customer shall be responsible for submitting copies of testing records pertaining to assemblies, on forms approved by the ~~Utility~~ Department, by the date specified by the ~~Utility~~ Department. The customer shall ~~be required to~~ retain all records for a minimum of 3 THREE years from the date that a copy of the record was provided to the ~~Utility~~ Department.

(6) THE CUSTOMER SHALL INSTALL THE Bbackflow prevention assemblies ~~shall be installed by the customer,~~ at the customer's expense, in compliance with the standards and specifications adopted by the town.

(7) In the event the customer's or the public water system is contaminated or polluted due to a cross connection or other cause, and the same comes to the knowledge of the customer, the Public Works-Director and the Yavapai County Health Department shall be promptly notified by the customer so that appropriate measures may be taken to overcome the contamination.

### § 51.118 BACKFLOW PREVENTION METHODS.

Unless otherwise specifically designated by the Public Works-Director:

(A) An approved backflow prevention shall be ~~+~~ONE of the following types:

(1) *Air gap*. An unobstructed vertical distance through the free atmosphere between the opening of any pipe or faucet supplying potable water to a tank, plumbing fixture or other device and the flood level rim of the tank, plumbing fixture or other device. An approved air gap shall be at least double the diameter of the supply pipe or faucet and in no case less than ~~+~~ONE inch.

(2) *Reduced pressure principle assembly (hereinafter "RP")*. An assembly containing ~~2~~-TWO independently acting approved check valves together with a hydraulically operating, mechanically independent pressure differential relief valve located between the check valves and ~~at the same time~~ below the first check valve. The assembly shall include properly located test cocks equipped with brass plugs and tightly closing resilient seat shut-off valves at each end of the assembly.

(3) *Pressure vacuum breaker assembly (hereinafter "PVB")*. An assembly containing an independently operating, loaded check valve and an independently operating, loaded air inlet valve located on the discharge side of the check valve. The assembly shall be equipped with properly located test cocks equipped with brass plugs and tightly closing resilient seat shut-off valves at each end of the assembly.

(4) *Double check valve assembly (hereinafter "DC")*. An assembly containing ~~2~~-TWO independently acting approved check valves including properly located test cocks equipped with brass plugs and tightly closing resilient seat shut-off valves at each end of the assembly.

(B) An approved backflow prevention method is required IN ACCORDANCE WITH THE EDITION OF THE INTERNATIONAL PLUMBING CODE AS ADOPTED AND AMENDED BY THE TOWN. ~~for the activities or facilities listed in this paragraph that are connected to the public water system. The backflow prevention method shall be in accordance with that specified in § 7 of the USC Manual. The location shall be as close as practical to the point of service delivery except that the customer may request that the approved backflow prevention method be located internally within the activity or facility. The customer must demonstrate that the proposed location will adequately protect the public water supply as well as satisfy the applicable requirements of this subchapter. For purposes of this division, the listed facilities, equipment or conditions shall be as defined in § 7 of the USC Manual, or if not listed, shall be defined in the town's zoning ordinance or Construction Code:-~~

~~(1) Industrial facilities:-~~

~~(a) Automotive plants (air gap or RP);-~~

~~(b) Beverage bottling plants (air gap, RP or DC);-~~

~~(c) Breweries (air gap or RP);-~~

~~(d) Canneries, packing houses, reduction plants and food processing plants (air gap or RP);-~~

~~(e) Chemical plants – manufacturing, processing, compounding or treatment (air gap or RP);-~~

~~(f) Dairies and cold storage plants (air gap, RP or DC);-~~

~~(g) Film laboratories (air gap or RP);-~~

~~(h) Laundry and dye works (air gap or RP);-~~

- (i) Metal manufacturing, cleaning, processing and fabricating plants (air gap, RP or DC);-
  - (j) Oil and gas production, storage or transmission properties (air gap or RP);-
  - (k) Paper and paper products plants (air gap or RP);-
  - (l) Plating plants (air gap or RP);-
  - (m) Power plants (air gap or RP);-
  - (n) Radioactive materials or substances – plants or facilities handling (air gap or RP);-
  - (o) Rubber plants – natural or synthetic (air gap or RP);-
  - (p) Sand and gravel plants (air gap or RP);-
  - (q) Semiconductor manufacturing facilities (air gap or RP); and-
  - (r) Sewage and storm drain facilities, reclaimed water (air gap or RP).
- (2) *Medical facilities.*

- (a) Research laboratories (air gap or RP);-
- (b) Hospitals, medical buildings, sanitariums, morgues, mortuaries, autopsy facilities, nursing and convalescent homes and clinics (air gap or RP); and-
- (c) Veterinary hospital, animal research, animal grooming, animal boarding or animal impound (air gap or RP).

(3) *Commercial and educational facilities.*

- (a) Buildings: any structure having a cross-connection in violation of the town Plumbing Code or water operated sewage pumping facilities, auxiliary water supplies or other like sources of contamination which would create a potential hazard to the public water system (air gap, RP or DC);-
- (b) Carwash facilities (air gap or RP);-
- (c) Motion picture studios (air gap or RP);-
- (d) Multi-storied buildings having booster pumps or above ground storage tanks (air gap, RP or DC);-
- (e) Multiple services – interconnected (air gap, RP or DC);-
- (f) Mobile home parks (RP or DC); (Exception: Existing mobile home parks unless a specific hazard is identified.)-
- (g) Recreational vehicle parks (RP or DC);-
- (h) Schools and colleges with laboratories (air gap or RP); and-
- (i) Retail shopping centers and strip malls; retail and industrial shell buildings (when one service supplies more than 1 tenant) (RP).

(4) *Portable or temporary services or equipment.*

- (a) Construction sites or construction water services (air gap or RP);-
- (b) Mobile equipment utilizing public potable water (i.e., water trucks, street sweepers, hydro-vacs and the like) (air gap or RP); and-
- (c) Portable insecticide and herbicide spray tanks (air gap or RP).

(5) *Miscellaneous activities and equipment.*

- (a) Auxiliary water systems (air gap or RP);-
- (b) Chemically contaminated water systems (air gap or RP);-
- (c) Fire systems:

1. Class 1 or 2: No backflow prevention assembly required. Check valve assemblies required by the town's Fire Code shall be inspected, tested and maintained at least annually to verify the valves are properly installed and functioning. Annual flow and valve confidence tests shall be performed by a tester who is permitted by the Fire Marshall to test or maintain fire lines or fire sprinkler systems. Test results, on forms approved by the town, shall be provided to the Director and the Fire Marshal within 30 days following the inspection. Any fire sprinkler system which fails shall be repaired as required by the Fire Code.

2. Class 3, 4, 5 or 6 (RP)

~~(d) Industrial fluid systems; (Any industrial fluid system interconnected with the public water supply and containing any fluid or solution which may be chemically, biologically or otherwise contaminated or polluted in a form or concentration such as would constitute a health, system, pollution or plumbing hazard if introduced into an approved water supply (RP or DC).)~~

~~(e) Irrigation systems:~~

~~1. Systems using a chemical injection system (RP);~~

~~2. Systems having elevated areas which are higher than 6 inches below the PVB or multiple services (RP); and~~

~~3. Systems not subject to backpressure (PVB).~~

~~(f) Restricted, classified or other closed facilities including civil works (air gap or RP); and~~

~~(g) Solar Heating systems – direct and auxiliary (RP). Exception: Once through solar heating systems.~~

~~(C) WHERE THERE IS A QUESTION OR A FACILITY OR ACTIVITY IS NOT SPECIFICALLY LISTED IN THE INTERNATIONAL PLUMBING CODE AS ADOPTED AND AMENDED BY THE TOWN, The Building Official, in conjunction with the Public Works Director, shall determine on a case-by-case basis backflow prevention requirements for any facility or activity not listed in this section in order to prevent contamination or pollution of the public potable water system.~~

(D) All assemblies shall be accessible for testing, inspection and maintenance. A reduced pressure principle assembly or double check valve assembly shall not be installed in a basement, meter box, pit or vault unless adequate clearance and drainage is provided. A pressure vacuum breaker assembly shall be installed above ground.

(E) Unless a cross connection problem is specifically identified, or as otherwise provided in this ordinance CHAPTER, the requirements of this SECTION do not apply to single family residences used solely for residential purposes. Home occupation or home businesses shall be reviewed on a case-by-case basis.

~~(F) Close as practical is the point nearest the service delivery where the assembly can be installed. Where the assembly location may interfere with obstacles such as driveways and sidewalks, then close as practical is the nearest point after the obstacle but in no event beyond the first tap.~~

~~(G) An air gap separation shall be located as close as practical to the customer's point of service delivery. All piping between the customer's connection and receiving tank shall be entirely visible unless otherwise approved by the Building Official and the Public Works-Director. "CLOSE AS PRACTICAL" MEANS THE POINT NEAREST THE SERVICE DELIVERY WHERE THE ASSEMBLY CAN BE INSTALLED. WHERE THE ASSEMBLY LOCATION MAY INTERFERE WITH OBSTACLES SUCH AS DRIVEWAYS AND SIDEWALKS, THEN "CLOSE AS PRACTICAL" IS THE NEAREST POINT AFTER THE OBSTACLE BUT IN NO EVENT BEYOND THE FIRST TAP.~~

### **§ 51.119 APPEALS.**

An action or decision concerning the determination of the Building Official or the Public Works Director may be appealed to the town's Board of Adjustment in accordance with the procedures set forth in THE TOWN PLUMBING CODE other chapters of the town code.

### **§ 51.120 REMEDIES.**

(A) If a customer has committed ~~ONE~~ or more of the following acts in ~~division~~ PARAGRAPH ~~(D)~~ below and, NOTICE FROM THE TOWN, has not taken the corrective action WITHIN THE TIME SPECIFIED BY THE ~~required~~ by the Building Official, the Public Works Director may:

(1) TERMINATE WATER SERVICE TO THE FACILITY; AND

(2) AFTER THREE (3) DAYS' WRITTEN NOTICE ~~elect to~~ impose a civil penalty not to exceed 1,000%/billing period on the charges for all water used beginning from the date the corrective action was required and until the corrective action has been completed by the customer TO THE SATISFACTION OF THE TOWN.

(B) If a situation exists, which would otherwise result in discontinuance of water service, and is not remedied within the time provided in the notice of termination sent to the customer, the Public Works Director, at his or her discretion, may install a backflow prevention assembly at the customer's point of service delivery, IN WHICH CASE THE ~~and bill~~ the customer SHALL BE RESPONSIBLE for all costs, including testing, together with applicable penalties.

~~(C) The Public Works Director, at his or her discretion, may publish in the local newspaper, notice of customers who, at least once during the preceding 12-month period, were in violation with any requirement of this subchapter. The publication shall also summarize any enforcement and corrective action taken.~~

~~(D)~~ (1) In addition to any other ENFORCEMENT remedy available to the Public Works-Director hereunder to enforce this subchapter, the Building Official may request the Public Works Director to terminate the water service if the customer:

- (a) Fails to locate, install, test or maintain a required backflow prevention assembly;
- (b) Removes or bypasses a required backflow prevention assembly without the prior approval of the Building Official;
- (c) Allows a cross connection to occur;
- (d) Fails to timely submit records of tests and repairs of a backflow prevention assembly;
- (e) Fails to comply with the written policy on backflow prevention and cross connection on file with the Town Clerk, the Building Department and the Utility Department; or
- (f) Fails to comply with any requirements imposed upon the customer by ARIZONA ADMINISTRATION CODE R-18-4-215 ~~State Rule R-18-4-232~~.

(2) NOTWITHSTANDING THE ABOVE, ~~T~~ermination of water service shall be immediate and without prior notice if the Public Works Director determines that the customer's water system may cause a health hazard to the public potable water supply. Otherwise, the Public Works Director shall give TEN (10) days written notice to the customer prior to termination of water service, WHICH NOTICE SHALL INCLUDE THE TIME AND PLACE WHERE CUSTOMER MAY PRESENT GROUNDS WHY HIS WATER SERVICE SHOULD NOT BE TERMINATED. Water service may be restored when the condition forming the basis for the termination has been remedied, to the satisfaction of the Public Works-Director. All costs, fees and expenses incurred, and all surcharges and penalties relating to the termination and restoration of water service, shall be paid prior to the water service being restored.

## WASTEWATER COLLECTION, TREATMENT, AND RECHARGE POLICY

### § 51.135 ~~WASTEWATER COLLECTION REQUIRED; GENERALLY. [RESERVED]~~



~~(A) *New Development.* All new developments, subdivided and un-subdivided, containing 1 or more lots of less than 1 acre shall:~~

~~(1) At their own expense, 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. 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.~~

**§ 51.136 WASTEWATER COLLECTION; TREATMENT AND RECHARGE; SCHEDULE OF CONSTRUCTION.**

(A) The town ~~will~~ SHALL develop a centralized Wastewater Treatment Plant ~~at Old Home Manor~~ to serve the greater Chino Valley area.

(B) The town ~~will~~ SHALL design, build and operate the ~~CTR system~~ SANITARY SEWER SYSTEM on its own schedule. If a development requires additional effluent collection, treatment and recharge capacity prior to the time such services or capacity is available from the town, the development shall provide financial resources sufficient to construct the additional capacity as requested, at their own expense, at the town's facilities only. The developments shall receive reimbursement of financial resources provided according to the schedule as per a development agreement approved by Council, and in accordance with provisions of this chapter. Any proposed exceptions or deviations from this policy shall be reviewed by the Public Works Director and specifically approved by the Town Council. The approval, if granted, shall not negate mandatory connection to the town system and payment of appropriate fees at a future date, as required in other portions of this chapter.

(C) The town ~~will~~ SHALL develop a Wastewater Collection System Master Plan to identify the general location and sizing of all central sewer system mains and infrastructure required throughout certain designated areas of the community and also a treatment and recharge system phasing plan.

**§ 51.137 RESERVED. WASTEWATER COLLECTION.**

~~(A) New development, subdivided and un-subdivided, shall be required to install collection lines and other required components to connect with the town's CTR system as system collection lines are extended to within 400 feet of the property SEPTIC TANK. They shall be required to abandon any existing septic tanks in accordance with procedures established by ADEQ, and as directed by the town, as part of the town wastewater treatment process.~~

~~(B) All developments within the town will be required to construct at their own expense a sewer collection system to deliver wastewater to the town's main Wastewater Treatment Plant, as directed by the town. Sizing, and alignment of mains shall be in general conformance with the approved town sewer system Master Plan, or amendments thereto.~~

~~(C) Current septic tank owners, at the effective date of this ordinance, shall be required to connect to the CTR system as system collection lines are extended to within 400 feet of the property.~~

**§ 51.138 CTR SANITARY SEWER SYSTEM BUY-IN FEE.**

At the time of building permit application for a new residence or a new commercial building, the permittee shall pay a ~~CTR system~~ SANITARY SEWER SYSTEM buy-in fee as adopted by Council Resolution in the fee schedule(s), which may be amended from time to time. AT THE TIME IT IS REQUIRED TO

CONNECT TO THE SANITARY SEWER SYSTEM, THE PROPERTY OWNER OF AN EXISTING RESIDENCE OR COMMERCIAL BUILDING SHALL PAY THE SANITARY SEWER SYSTEM BUY-IN FEE IN ACCORDANCE WITH THESE REGULATIONS. The is fee shall include the cost of administration, operation, maintenance and regulatory compliance of the town's wastewater collection, treatment and recharge facilities, including sludge disposal costs and an amount for replacement costs of equipment and real property.

**§ 51.139 CONSTRUCTION FINANCIAL CAPABILITIES.**

ALL NEW DEVELOPMENTS, SUBDIVIDED AND UNSUBDIVIDED, SHALL BE REQUIRED TO DEMONSTRATE ADEQUATE FINANCIAL CAPABILITY AND ASSURANCE, AS APPROVED BY THE TOWN, TO DESIGN AND CONSTRUCT THE SANITARY SEWER SYSTEM COMPONENTS SUFFICIENT TO SERVE THE NEW DEVELOPMENT AND OTHER AREAS AS APPROVED BY THE TOWN.

**§ 51.140 RESERVED.-§ 51.141 RESERVED.**

**§ 51.142 EFFLUENT; CONTROL AND OWNERSHIP.**

The town reaffirms its ownership and control of all effluent produced within the town's Regional 208 Planning Area.

**SEWER SERVICE CONNECTIONS TO PUBLIC SEWERS, PUMPING**

**§ 51.155 ~~RESERVED~~ SEWER REQUIRED FOR NEW DEVELOPMENT; OPTIONAL FOR EXISTING RESIDENTIAL.**

(A) A DEVELOPED PROPERTY SERVED BY AN EXISTING SEPTIC TANK SYSTEM IS NOT REQUIRED TO CONNECT TO THE SANITARY SEWER SYSTEM, EXCEPT THAT:

(1) WHEN A TOWN SEWER MAIN IS EXTENDED TO WITHIN 300 FEET OF A MULTI-FAMILY OR NON-RESIDENTIAL PROPERTY, THE PROPERTY OWNER SHALL CONNECT TO THE TOWN'S SANITARY SEWER SYSTEM WITHIN 120 DAYS OF WRITTEN NOTICE BY THE TOWN THAT THE SERVICE IS AVAILABLE.

(2) IN THE EVENT THAT THE TOWN OR THE YAVAPAI COUNTY HEALTH DEPARTMENT DETERMINE THAT THERE EXISTS A CONDITION WHICH 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 SANITARY SEWER SYSTEM WITHIN 60 DAYS OF RECEIVING WRITTEN NOTIFICATION FROM THE TOWN OR COUNTY HEALTH DEPARTMENT TO DO SO.

(3) IF, AFTER RECEIVING NOTICE PURSUANT TO SUBSECTIONS (1) OR (2) ABOVE, A PROPERTY OWNER REFUSES TO CONNECT OR DOES NOT HAVE THE FINANCIAL ABILITY NECESSARY TO MAKE CONNECTION TO THE TOWN'S SANITARY SEWER SYSTEM AS HEREIN REQUIRED, THE TOWN MAY INSTALL THE SEWER CONNECTION AND RELATED FACILITIES NECESSARY TO PROVIDE SERVICE TO THE PROPERTY AND CHARGE THE PROPERTY OWNER THE ACTUAL PRICE FOR THE LABOR AND MATERIALS FOR THE INSTALLATION. THE TOWN SHALL WORK WITH THE PROPERTY OWNER TO ESTABLISH A REASONABLE REPAYMENT SCHEDULE BASED UPON THE PROPERTY OWNER'S FINANCIAL CONDITIONS. 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, SHALL FILE A LIEN AGAINST THE AFFECTED PROPERTY FOR THE AMOUNT UNPAID. IN ADDITION TO OR AS AN ALTERNATIVE TO FILING SUCH LIEN, THE TOWN MAY REFER ANY UNPAID CONNECTION FEES OR COSTS TO A COLLECTION AGENCY.

(4) UPON CONNECTION OF A PROPERTY TO THE SANITARY SEWER SYSTEM, EXISTING SEPTIC TANKS ON THAT PROPERTY SHALL BE ABANDONED IN ACCORDANCE WITH PROCEDURES ESTABLISHED BY ADEQ, AND AS DIRECTED BY THE TOWN.

(B) A NEW DEVELOPMENT CONTAINING ONE OR MORE LOTS SHALL CONNECT TO THE SANITARY SEWER SYSTEM, EXCEPT THAT:

(1) A SINGLE LOT GREATER THAN OR EQUAL TO ONE ACRE MAY BE PERMITTED TO INSTALL A SEPTIC TANK SYSTEM IF THE SANITARY SEWER SYSTEM IS NOT AVAILABLE AT THE PROPERTY LINE.

(2) A SUBDIVISION CONTAINING LOTS GREATER THAN OR EQUAL TO ONE ACRE MAY BE PERMITTED TO INSTALL SEPTIC TANK SYSTEMS IF THE SANITARY SEWER SYSTEM IS NOT AVAILABLE WITHIN 300 FEET OF THE SUBDIVISION.

(3) A SUBDIVISION CONTAINING LOTS OF ANY SIZE MAY BE PERMITTED TO CONSTRUCT A PACKAGE WASTEWATER TREATMENT PLANT WITH THE APPROVAL OF THE PUBLIC WORKS DIRECTOR AND TOWN ENGINEER.

(C) IF A LAND SPLIT OR OTHER DIVISION OF LAND CREATES ONE OR MORE LOTS OF LESS THAN ONE ACRE, SUCH LOTS SHALL CONNECT TO THE SANITARY SEWER SYSTEM AT THE TIME OF THE LAND SPLIT OR OTHER DIVISION OF LAND.

**§51.156 PERMIT REQUIRED.**

No unauthorized person shall uncover, make any connections with or opening into, use, alter or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Utility Department.

**§ 51.157 APPLICATION FOR SEWER TAP, SEWER DYE TEST.**

(A) Applications for sewer taps shall be made in accordance with the provisions hereof.

(B) A SEWER customer who ~~has been connected to the public sewer system and~~ questions whether a THE sewer tap TO HIS PROPERTY is in service may apply to the Utility Department for a sewer dye test to be performed. The sewer dye test shall be performed by the Utility Department when the customer has paid a fee to cover the costs of the test. If the test shows that the sewer tap is not in service, the fee shall be refunded to the customer. The fee shall be set by Council resolution and may be amended from time to time.

**§ 51.158 PUBLIC WORKS DIRECTOR TO APPROVE DESIGN, QUANTITY, LOCATION, SIZE AND CONSTRUCTION OF SEWER SERVICES.**

(A) The design, quantity, location, method of connection and size of all sewer taps ~~shall be~~ IS subject to the approval of the ~~Public Works~~ BY THE PUBLIC WORKS Director. The Utility Department ~~will~~ SHALL install all sewer taps FOR SINGLE FAMILY DWELLING UNITS THAT ARE less than 6 inches in

diameter, except as provided elsewhere in this chapter. All sewer taps FOR SUBDIVISIONS OR NONRESIDENTIAL PROPERTY, AND ALL SEWER TAPS THAT ARE 6 inches in diameter or larger, shall be installed by a private contractor in accordance with plans and standard details approved by the PUBLIC WORKS Director. Review, buy-in and inspection fees shall be paid as set forth in this chapter and other pertinent chapters of the town Code. Sewer taps shall be connected to public sewer MAINS only, unless specifically authorized and approved by the PUBLIC WORKS Director.

(B) ~~Where property borders public rights-of-way or public easements containing an existing serviceable town wastewater main, the property, when developed, shall be connected to the town CTR system.~~ Sewer taps shall extend at right angles from the main to the property, unless otherwise specifically authorized for unusual conditions, and shall be installed in accordance with the most current edition of the MAG standard specifications and details for public works construction, unless otherwise modified and approved by the Town Engineer.

(C) Permits for sewer taps ~~will~~ SHALL not be granted, ~~or~~ AND may be revoked, when the lateral sewer passes through property which at the time is, or may become, the property of persons other than the owner of the property to be served from the connection, UNLESS A PRIVATE SEWER SERVICE CONNECTION EASEMENT IS OBTAINED AND RECORDED IN THE OFFICE OF THE YAVAPAI COUNTY RECORDER. THIS EASEMENT SHALL INCLUDE LEGAL DESCRIPTIONS OF THE PROPERTY THAT IT BURDENS AND THE PROPERTY THAT IT BENEFITS.

#### **§ 51.159 SPECIAL PROVISIONS FOR INSTALLING SEWER TAPS IN NEW SUBDIVISIONS AND DEVELOPMENTS.**

In new subdivisions or developments where ~~public sewer~~ SANITARY SEWER SYSTEM extensions are authorized by the town and constructed at the developer's expense, the town may authorize the developer, or his or her agent, if he or she so desires, to install sewer taps with wyes or tees and extend the lateral sewer to the right-of-way line, or connect the lateral sewer to the building sewer, under the following conditions:

(A) The design and construction of the ~~public sewer~~ SANITARY SEWER SYSTEM LINES, sewer taps and connections of the lateral sewer to the sewer tap shall be under the supervision of a registered civil engineer holding registration in the State of Arizona, who shall submit "as-built" plans to the Public Works Department bearing the engineer's signed and dated registration seal. It shall be the duty of the developer to require that all sewer taps serving lots in the development, upon which no buildings are initially constructed, to be effectively sealed until such time as buildings will be constructed on the lots. The ~~sealed~~ SERVICE connections shall be inspected and approved by the Public Works Department before being backfilled and shall be designated and accurately located on the as-built plans with stations from manholes. The effective seal shall consist of a watertight cap placed on the cleanout located at the right-of-way line.

(B) Before any building sewer construction is commenced, plumbing permits must be obtained by the developer or his or her agent from the Building Department.

(C) When the "as-built" plans are submitted, the PUBLIC WORKS Director will make a record of the sewer taps.

(D) The town will collect the appropriate fee for initial plan review, inspection and "as built" plan review as required by the Town Code.

#### **§ 51.160 INSTALLATION OF SEWER TAPS.**

UNLESS OTHERWISE REQUIRED BY SECTION 50.159 OR DETERMINED BY THE PUBLIC WORKS DIRECTOR, ~~the responsibility for installation of sewer taps may~~ SHALL be assumed and paid for by the contractor/developer, whose work will be inspected by the Utility Department. The contractor/developer ~~will be~~ IS responsible for the excavation to and the uncovering of the town's sanitary sewer main. All excavation and trenching shall be in accordance with the latest regulation of OSHA. The contractor shall notify the Utility and Roads Departments at least 48 hours in advance of the time required for the sewer tap installation. Department employees ~~will be~~ ARE prohibited from entering any excavation or trench not meeting the safety requirement of any applicable town, state, or federal regulations. Upon completion of the installation of the sewer tap and approval by the Utility Department, the contractor/developer ~~will be responsible for~~ SHALL backfilling the trench and restoring the road or ground surface to its original condition, or as shown on the approved engineering plans. All ~~sealed~~ SERVICE connections shall be inspected and approved by the Utility Department prior to being backfilled. The contractor/developer shall ~~take special precautions to~~ ensure that the service lateral is not damaged, broken or crushed during the backfilling operation.

**§ 51.161 PROPERTY OWNER RESPONSIBLE FOR CLEANING, REPAIR AND REPLACEMENT OF BUILDING SEWERS AND CONNECTIONS.**

(A) The property owner shall ~~be responsible for the cleaning, unstoping, maintainance, and repair of~~ the building connection piping serving the owner's property from the home or building to the public sewer line ~~except for~~ INCLUDING repairS or replacement of damaged or broken piping in the public right-of-way serving a single-family or duplex property.

(B) ~~Where the correction of a stoppage requires the repair or replacement of a damaged or broken section of the building connection piping serving a single-family or duplex property and the damaged or broken section is located within the public right-of-way, the town will be responsible for the repair or replacement of the damaged or broken section in the public right-of-way.~~ (C) Where the correction of a stoppage requires the repair or replacement of a damaged or broken section of the building connection piping serving other than a single family or a duplex property and the damaged or broken section is located off property in a street, alley or easement, the owner or his or her contractor shall obtain a permit from the town to ~~do~~ work in the street, alley or easement prior to ~~doing~~ COMMENCING the work.

**~~§ 51.162 SEWER SERVICE LINE REPAIR AND REPLACEMENT IN THE PUBLIC RIGHT-OF-WAY [RESERVED].~~**

(A) ~~The single family or duplex property owner shall be responsible for first ascertaining the approximate location of damaged or broken section of piping serving the property. If the damaged or broken section is in the public right of way, the property owner shall contact the Utility Department. The Department will verify the location of the damaged or broken section. If the damaged or broken section is verified to be in the public right of way and is of sufficient nature to require repair, the Department shall initiate appropriate repair or replacement measures. When the broken section is on private property, it shall be the property owner's responsibility to repair the broken section.~~

(B) ~~Disputes as to location, extent of damage or the method of repair or replacement of the damaged or broken section shall be resolved at the sole discretion of the Public Works Director.~~

(C) ~~A special account shall be created to fund the repairs and replacements with an annual allocation as approved by the Town Council with the annual budget for each fiscal year. Requests for repairs or replacements shall be handled on a first-in basis. When the total funding in the account has been exhausted, all subsequent requests will be deferred until the Town Council approves additional funding into the account.~~

**§ 51.163 PUMPING CHARGES; ~~BASIN BOUNDARIES.~~**

~~(A) GENERALLY, THE TOWN HAS ADEQUATE TOPOGRAPHY TO RENDER THE NECESSITY OF SEWER LIFT STATION UNNECESSARY. Where it is DEEMED necessary for sewage to be pumped from a specific geographic area to the treatment plant main lift station or main collector lines due to topography, as opposed to gravity flow, additional service charges may be assessed BY THE TOWN to cover the cost of pumping and maintenance of pump stations.~~

~~(B) In the absence of an agreement or contract, this charge shall be determined by the Public Works Director and shall be within the rate span established by Council resolution, depending on the quantity and expenses involved.~~

~~(C) These charges shall apply to all customers within the pump station gravity boundary, as established by the Town Engineer. These charges shall not apply to private ejector pumps.~~

**§ 51.175 RESERVED. ~~UNSANITARY DISPOSAL OF EXCREMENT PROHIBITED.~~**

~~It shall be unlawful for any person to deposit, or permit to be deposited, in an unsanitary manner, upon public or private property within the town, or in any area under the jurisdiction of the town, any human or animal excrement or other objectionable wastes.~~

**§ 51.176 TREATMENT OF POLLUTED WASTES REQUIRED.**

It shall be unlawful to discharge to any natural outlet or drainage channel within the town, or in any area under the jurisdiction of the town, any sewage, industrial wastes or other polluted waters, except where suitable treatment has been provided in accordance with provisions of this chapter.

**§ 51.177 SEWER DISCHARGE, GENERAL USER REQUIREMENTS AND PRE TREATMENT.**

It shall be unlawful for any user to discharge or cause to be discharged to any point of entry into the publicly owned sanitary sewer system **SANITARY SEWER SYSTEM:**

(A) ~~Unless otherwise approved by the Director,~~ Any storm water, surface water, groundwater, roof runoff, surface drainage, cooling water or unpolluted process waters that may constitute inflow, as defined in § 50.01. No rain spout, roof drain or other form of surface drainage and no foundation drainage or sump pump shall be connected to, or discharge into, any sanitary sewer;

(B) Pollutants which create a fire or explosion hazard to the system or treatment plant. In no case shall pollutants be discharged with a closed cup flash point less than 140°F (60°C), or pollutants which cause an exceedence of 10% of the lower explosion limit (LEL) at any point within the wastewater treatment plant for any single reading or more than 5% for any ~~2~~TWO consecutive readings;

(C) Solid or viscous pollutants, petroleum oil, non-biodegradable cutting oil or products of mineral oil origin in amounts that will cause interference with, pass through or that will cause obstruction in the flow in sewers or other interference or damage with the ~~CTR system~~ **SANITARY SEWER SYSTEM** or treatment plant efficiency;

(D) Any waters or wastes containing a toxic, radioactive, poisonous or other substance in sufficient quantity to cause, or have the potential to cause, injury or interference with any sewage treatment process, cause effluent of the treatment plant to come out of ADEQ compliance, cause corrosive structural damage or



equipment degradation, constitute a hazard to humans or create any hazard to the ~~CTR system~~ SANITARY SEWER SYSTEM or in the receiving waters of the sewage treatment plant or pollutants which result in the presence of toxic gasses, vapors or fumes within the ~~CTR system~~ SANITARY SEWER SYSTEM in a quantity that may cause acute worker health and/or safety problems;

~~(E) Any waters with a pH less than 5.0 standard units (S.U.) or greater than 10.0 S.U., except as provided herein;~~ PRETREATMENT OF ANY RAW SEWAGE SHALL BE REQUIRED FOR EXCESSIVE PH, LOW PH, EXCESSIVE WATER TEMPERATURES, SYNTHETIC / ORGANIC CHEMICALS, INORGANIC CHEMICALS, VOLATILE ORGANIC CHEMICALS, METALS, RADIO NUCLEUS AND ANY OTHER COMPOUNDS OR CHEMICALS IN ACCORDANCE WITH THE TOWN'S AQUIFER PROTECTION PERMIT.

~~(F) Any waters with a temperature greater than 110°F (43.3°C) or heat in amounts which will inhibit biological activity in the treatment plant resulting in interference, but in no event heat in such quantities that the temperature at the headworks of the treatment plant exceeds 130°F (54.4°C);~~

~~(GF) Any water or waste greater than the following parameters (mg/l):~~~~(F)~~~~(H)~~ Any water or waste that has in any way been diluted, as a substitute for pretreatment, for the purpose of obtaining compliance with any categorical standard or pretreatment requirement imposed by this chapter, except where dilution is expressly authorized by any ACCEPTABLE categorical standard.

~~(IG) Any water or waste that could~~ HAS THE POTENTIAL TO cause a violation of any ACCEPTED categorical standard, pretreatment or recharge requirement.

~~(HF)~~ Any water or waste that is transported from the point of generation to the treatment plant by any septic tank pumper, (or) chemical waste hauler, or similarly transported unless the transporter has first:

(1) Disclosed to the PUBLIC WORKS Director the origin, nature, concentration and volume of all pollutants to be discharged; and

(2) Obtained written consent of the PUBLIC WORKS Director to discharge.

~~(IK) Any water or waste which could cause interference or pass-through with CTR system~~ THE SANITARY SEWER SYSTEM or component operations.

~~(JE)~~ Any discharge that exhibits a characteristic of a hazardous waste, or contains a substance that is listed as a hazardous waste pursuant to either A.A.C. R 18-8-261 or Title 40 C.F.R. part 261, whichever is applicable, whether or not the discharge is otherwise subject to hazardous waste regulations. This provision does not apply to domestic wastewater unless part of a home occupation, or to discharges of hazardous wastes that are authorized by the PUBLIC WORKS Director.

~~(M) Any water or waste exceeding the limits for the following substances that are expressed in the total form except if otherwise stated:~~

Instantaneous Effluent Limitations	
Benzene	130 ug/l
Chloroform	420 ug/l
Cyanide (amenable to chlorination)	200 ug/l

Methylene chloride	4,200 ug/l
Sulfides (dissolved)	0.5 mg/l
Tetrachloroethylene	530 ug/l
Trichloroethylene	700 ug/l

(N) Any of the following prohibited substances: BHC-alpha, BHC-beta, BHC-gamma (Lindane), Chrysene, Heptachlor, Heptachlor epoxide, Phenanthrene, polychlorinated biphenyl compounds.

**§ 51.178 AUTHORITY OF PUBLIC WORKS DIRECTOR TO ESTABLISH PROHIBITIONS AND EFFLUENT LIMITATIONS.**

(A) ~~In addition to the prohibitions and effluent limitations contained in this chapter,~~ The Public Works-Director shall have the authority to establish limitations for individual users or class of users for various specific substances, materials, waters or wastes that can be accepted into the sewer system, as well as specify those substances, materials, waters or wastes that are prohibited from entering the sewer system. All prohibitions and effluent limitations so established shall be placed on file with the Town Clerk and ~~will~~ become effective and enforceable on the thirty-first day after the date of filing.

(B) All affected individualS or classES of users shall comply with the prohibitions and effluent limitations established pursuant to this section.

**§ 51.179 PRELIMINARY TREATMENT; REQUIRED APPROVAL; MAINTENANCE OF FACILITIES.**

(A) Where necessary, ~~in the opinion of the Director,~~ any user of the ~~sewage works~~ SANITARY SEWER SYSTEM shall provide, at his expense, the preliminary treatment as may be necessary to reduce objectionable characteristics or constituents to within the maximum limits ~~provided for in this chapter~~ IN ACCORDANCE WITH FEDERAL, STATE AND LOCAL STANDARDS. Plans, specifications and any other pertinent information relating to proposed preliminary treatment facilities shall be submitted for review and approval by the PUBLIC WORKS Director. ~~No~~ Construction of the facilities shall NOT be commenced until the PUBLIC WORKS Director's approval is obtained in writing. The completed facilities shall not be placed in service until they have been inspected for conformance to the approved plans and the final construction approved by the PUBLIC WORKS Director. ~~The~~ Approval of the plans and inspection of construction shall not relieve the owner from complying with, and achieving, discharge limitations set forth in this chapter. ~~The town will enforce~~ Federal pretreatment requirements as set forth in Title 40 C.F.R. part 403 APPLY AND SHALL BE ENFORCED BY THE TOWN.

(B) Where preliminary treatment facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his or her expense. The owner shall keep written records and documentation of all cleaning, repair, calibration and maintenance required to demonstrate compliance with this section. Records shall be kept at the facility for a minimum of ~~3~~ THREE years IN ACCORDANCE WITH FEDERAL, STATE AND LOCAL REGULATIONS, and be made available for inspection and review upon request.

**§ 51.180 INTERCEPTORS; REQUIREMENTS; TYPE, CAPACITY, LOCATION; CONSTRUCTION OF GREASE AND OIL INTERCEPTORS; MAINTENANCE.**

(A) Fats, oil, grease, lint or sand interceptors shall be provided for laundries, restaurants, service stations, auto repair shops, carwashes and other facilities when, in the opinion of the PUBLIC WORKS Director,



they are necessary for the proper handling of liquid wastes containing fats, oils or grease in excessive amounts or any flammable wastes, sand and other harmful ingredients, except that such interceptors shall not be required for private living quarters or dwelling units.

(B) All interceptors shall be of a type and capacity approved by the Public Works Director and shall be located so as to be readily and easily accessible for inspection, cleaning and maintenance.

(C) All interceptors shall be constructed of impervious materials. They shall be of substantial construction, designed to withstand anticipated internal and external pressures, watertight and equipped with easily removable covers. When bolted covers are required, they shall be gastight and watertight. Grease and oil interceptors shall be capable of withstanding abrupt and extreme changes in temperature.

(D) ~~Where installed,~~ All grease, oil, and sand interceptors shall be maintained by the owner at his or her expense. The owner shall keep written records and documentation of all cleaning, repair, calibration and maintenance required to demonstrate compliance with this section. Records shall be kept at the facility for a minimum of THREE (3) years and be made available for inspection and review upon request.

#### **§ 51.181 CONTROL MANHOLES.**

When required by the PUBLIC WORKS Director, the owner of any property served by a building sewer carrying potentially harmful or industrial wastes shall install a suitable control manhole in the building sewer to facilitate observation, measurement and sampling of the wastes. The manhole, when required, shall be accessible and safely located and shall be constructed in accordance with plans approved by the PUBLIC WORKS Director. The manhole shall be installed by the owner at his or her expense and shall be maintained by him or her so as to be safe and accessible at all times.

#### **§ 51.182 DISCHARGES TO BE REPORTED.**

Every user of the town sewer system shall report to the PUBLIC WORKS Director immediately any accident, negligent act or other occurrence that occasions a discharge to the ~~public sewer~~ SANITARY SEWER SYSTEM of any wastes or process waters that exceed the permissible limits for the wastes established by this chapter or by the PUBLIC WORKS Director.

#### **§ 51.183 TESTS AND ANALYSES.**

All tests and analyses of the characteristics of waters and waste shall be determined in accordance with approved laboratory procedures.

### **INDUSTRIAL AND PRETREATMENT REQUIREMENTS**

#### **§ 51.195 GENERAL AND SPECIFIC INDUSTRIAL USER REQUIREMENTS.**

All industrial users, as defined in this chapter, shall:

(A) Comply with the categorical standards, pretreatment requirements, and all other requirements imposed by this chapter upon ~~CTR-system~~ SANITARY SEWER SYSTEM users. Upon the effective date of any federal categorical pretreatment standards for a particular industrial subcategory, ~~the federal standard,~~ if more stringent than the effluent limitations imposed under this chapter, THE FEDERAL STANDARD shall immediately supersede these limitations SET FORTH IN THIS CHAPTER.

(B) Comply with ~~the~~ orders of the PUBLIC WORKS Director designed to implement the categorical

standards, pretreatment requirements and all other requirements imposed by this chapter.

(C) Prior to the discharge of wastewater to the ~~CTR system~~ SANITARY SEWER SYSTEM by any user required to have a permit under this chapter, the user shall file a written notice with the PUBLIC WORKS Director which identifies the:

(1) Name and address of the existing or prospective users;

(2) Business location(s) served, or to be served, by the ~~CTR facility~~ SANITARY SEWER SYSTEM;

(3) Nature, concentration and amounts of any substance present at, or intended to be present at, such business location(s) which, if discharged to the ~~CTR system~~ SANITARY SEWER SYSTEM, could constitute an industrial discharge; and

(4) Nature and concentration of all pollutants currently discharged to the ~~CTR system~~ SANITARY SEWER SYSTEM from the business location(s).

(D) Carry out, and maintain an adequate record of, all self-inspection and self-monitoring activities necessary for the user to know at all times whether or not such user is introducing any industrial discharge to the ~~CTR system~~ SANITARY SEWER SYSTEM.

(E) Assist the PUBLIC WORKS Director to determine the exact nature, concentration and volume of any pollutant intended for discharge to the ~~CTR system~~ SANITARY SEWER SYSTEM. Upon request by the PUBLIC WORKS Director, any user or industrial user shall promptly:

(1) Allow the examination and copying of all relevant records or documents stored, filed or available from other locations to the user;

(2) Allow the inspection of all business locations served by the ~~CTR system~~ SANITARY SEWER SYSTEM, including all pretreatment equipment, methods and activities utilized by the user at the locations;

(3) Install and maintain, at the user's expense, convenient and adequate monitoring and/or sampling point(s) with appropriate, calibrated equipment approved by the PUBLIC WORKS Director for monitoring and/or sampling purposes;

(4) Allow the taking and removal of samples from any wastewater discharged, or intended for discharge, to the ~~CTR system~~ SANITARY SEWER SYSTEM; and

(5) Provide the PUBLIC WORKS Director with any other information including, but not limited to, chemical analyses of wastewater, architectural or engineering design data, drawings and the like, which are reasonably needed by the PUBLIC WORKS Director for the purpose of determining the user's compliance with the requirements of this chapter.

(F) Not cause an industrial discharge without having first obtained a permit required by this chapter. The industrial user shall comply with all requirements and conditions of said permit. Once a permit is issued, no industrial user shall:

(1) Make any new or increased industrial discharge, or otherwise make any change in the nature of its industrial discharge(s), if the change will cause any new or increased industrial discharge, without first

obtaining an amended permit.

(2) Fail to give written notice to the ~~Utility~~-Department of not less than 90 days prior to any facility expansion, production increase or process modifications which results, or may result, in new or increased discharges or a change in the nature of the discharge.

(3) Fail to give advance written notice to the ~~Utility~~-Department of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.

(G) Comply with the demand of the PUBLIC WORKS Director to immediately halt any actual or threatened discharge to the ~~CTR-system~~ SANITARY SEWER SYSTEM when the PUBLIC WORKS Director has given notice that the actual or threatened discharge:

(1) Presents or may present an imminent or substantial endangerment to the health or welfare of any person or to the environment; or

(2) Will cause interference or pass-through with the ~~CTR-system~~ SANITARY SEWER SYSTEM operations, efficiency or effluent discharge quality.

(H) Immediately give notice to the PUBLIC WORKS Director of any discharge, including an accidental discharge, which is in violation of any categorical standard, pretreatment requirement or permit condition imposed by this chapter. The notice shall also describe the:

(1) Location of the discharge;

(2) Known or estimated nature, concentration and volume of the discharged pollutant(s);

(3) Type of assistance desired from the town;

(4) Corrective action(s) undertaken, being undertaken and/or to be undertaken by the user. Any user causing the discharge shall also initiate all appropriate corrective action(s) required by the PUBLIC WORKS Director which are needed to:

(a) Prevent any further injury to human health or safety, or to the environment, the ~~CTR-system~~ SANITARY SEWER SYSTEM and/or any other property;

(b) Promptly repair all or part of any injury or damage caused by the discharge; and

(c) Ensure that such a discharge does not occur again.

(I) Pay all fees charged by the town for the wastewater collection, treatment and recharge services provided by the ~~CTR-system~~ SANITARY SEWER SYSTEM pursuant to the requirements of this chapter. The service fees will apply equally to all ~~CTR-system~~ SANITARY SEWER SYSTEM users and will be determined by each user's proportionate share of the ~~CTR~~-SANITARY SEWER SYSTEM operating and maintenance costs. In turn, the proportionate share will be based on such factors as the strength, volume and rate of flow of wastewater discharged to the ~~CTR-system~~ SANITARY SEWER SYSTEM by each user.

(J) Reimburse the town for all extraordinary expenses reasonably incurred by the town in insuring such ~~CTR-system~~ SANITARY SEWER SYSTEM user's compliance with the applicable requirements of this

chapter. An extraordinary expense is any cost not otherwise reimbursed from the normal collection of sewer fees. ~~Therefore,~~ Extraordinary expenses include, but are not limited to, the costs associated with:

- (1) Issuing permits;
- (2) Conducting inspection, surveillance and monitoring activities;
- (3) Obtaining laboratory analyses of waste samples;
- (4) Taking enforcement actions against users not in compliance with the requirements of any permit issued and/or of this chapter;
- (5) Carrying out any measure needed for the protection of human health or safety, the environment, the ~~CTR system~~ SANITARY SEWER SYSTEM or any other property in order to correct or mitigate any harm or degradation of existing quality caused by the violation of any categorical standard or pretreatment requirement.

(K) Be financially responsible for all injury, damage and/or loss suffered by any person as a result of any industrial discharge by the user which violates any categorical standard, pretreatment requirement or permit condition enforced pursuant to this chapter. In particular, the user shall be liable for the:

- (1) Personal injury suffered by any person as a result of the discharge;
- (2) Costs reasonably incurred by any person in correcting, or otherwise mitigating, any adverse environmental impact which resulted from the discharge; and
- (3) Economic loss and property damage suffered by any person as a result of the discharge.

(L) Fully comply with this subpart. If the results of the user's self-monitoring wastewater analysis indicates a violation has occurred, THE USER SHALL:

- (1) Inform the PUBLIC WORKS Director of the violation within 24 hours of becoming aware of the violation; and
- (2) Repeat the wastewater sampling and pollutant analysis and submit in writing the results of the repeat analysis within 30 days after becoming aware of the violation, unless the PUBLIC WORKS Director requires it sooner.

(M) In addition to the above requirements, the user shall ~~also~~:

- (1) Notify the PUBLIC WORKS Director, the EPA Regional Wastewater Management Division Director and state hazardous waste authorities in writing of any discharge into the ~~CTR system~~ SANITARY SEWER SYSTEM of a substance which, if otherwise disposed of, would be a hazardous waste under Title 40 C.F.R. part 261. Such notification ~~must~~ SHALL include the name of the hazardous waste as set forth in Title 40 C.F.R. part 261, EPA hazardous waste number and type of discharge (continuous, batch or other). If the industrial user discharges more than 100 kilograms of such waste per calendar month to the ~~CTR system~~ SANITARY SEWER SYSTEM, the notification shall also contain the following information to the extent the information is known and readily available to the industrial user: an estimation of the mass and concentration of the constituents in the waste stream discharged during that calendar month and an estimation of the mass of constituents in the waste stream expected to be discharged during the following 12 months. ~~All notifications must take place BE MADE within 180 days of the effective date of this chapter.~~

Industrial users ~~who commence discharging after the effective date of this chapter~~ shall provide the notification no later than 180 days after the discharge of the listed or characteristic hazardous waste. Any notification under this ~~division~~ SECTION need be submitted only once for each hazardous waste discharged. ~~However,~~ nNotifications of changed discharges must be submitted under Title 40 C.F.R. § 403.12(j). The notification requirement in this section does not apply to pollutants already reported under the self-monitoring requirements of Title 40 C.F.R. § 403.12(b), (d) and (e).

(2) Dischargers are exempt from the requirements of division (M)(1) above during a calendar month in which they discharge no more than 15 kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in Title 40 C.F.R. § 261.30(d) and 261.33(e). Discharge of more than 15 kilograms of non-acute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in Title 40 C.F.R. §§ 261.30(d) and 261.33(c) requires a 1-time notification. Subsequent months during which the industrial user discharges more than such quantities of any hazardous waste ~~do~~ require additional notification.

(3) In the case of new regulations under § 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the industrial user ~~must~~ SHALL notify the PUBLIC WORKS Director of the discharge of the substance within 90 days of the effective date of the regulations.

(4) In the case of any notification made under this paragraph, the industrial user shall certify that it has a program in place to reduce the volume and toxicity of wastes generated to the degree it has determined to be economically practicable and that it has selected the method of treatment, storage and/or disposal currently available which minimizes the present and future threat to human health and the environment.

(N) Sign all permit applications using the appropriate signatory:

(1) For a corporation; by a corporate officer of (or) other persons performing a similar policy or decision-making function for the corporation;

(2) For a partnership or sole proprietorship: By a general partner or the proprietor, respectively; or

(3) For a government entity: By the administrator, chairperson, director or principal executive responsible for operations at the facility.

(O) Ensure that all applications, correspondence, reports and self-monitoring reports are signed by a duly authorized representative of the person described in division (N) above. Any change in signatures or positions shall be submitted to the PUBLIC WORKS Director in writing within 30 days after the change. A person is a duly authorized representative only if:

(1) The authorization is made by a person described in division (N) above; and

(2) The authorization specified either an individual or a position having the responsibility for the overall operation of the regulated facility or activity, such as the position of plant manager, superintendent, or position of equivalent responsibility. (A duly authorized representative may thus be either a named individual or an individual occupying a named position.)

(P) Any person signing a document under this subchapter shall make the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of a fine and imprisonment for knowing violations."

**§ 51.196 SIGNIFICANT INDUSTRIAL USER REQUIREMENTS.**

In addition to all other requirements, each industrial user who discharges an industrial discharge into the ~~CTR system~~ SANITARY SEWER SYSTEM and is designated as a significant industrial user (SIU) by the Director shall also:

(A) Obtain a Class A wastewater discharge permit from the Director. Any application for a Class A permit or an amended Class A permit shall contain the information specified in the application form or such other information as may be requested by the Director. Any person intending to commence any new industrial discharge(s), or any additional discharge(s) not already allowed pursuant to an existing permit, shall apply for a new or amended permit at least 90 days prior to initiating the discharge(s).

(B) Provide all of the pretreatment necessary to comply with the categorical standards and pretreatment requirements imposed by this chapter. In addition, there shall be no discharge of any water or waste exceeding limits for the following substances that are expressed in the total form except if otherwise indicated:

Daily Average Effluent Limitations	
Arsenic	100 ug/l
Boron	5,600 ug/l
Cadminum	47 ug/l
Chromium VI	No limit
Chromium	1,400 ug/l
Copper	1700 ug/l
Cyanide	2,000 ug/l
Lead	500 ug/
Mercury	4.6 ug/l
Nickle	5,000 ug/l
Oil & grease (TPH)	100 mg/l
Selenium	100 ug/l
Silver	500 ug/l
Sulfides	10.0 mg/l
Zinc	5,400 ug/l
NOTES TO TABLE: mg/l= Milligrams per liter ug/l= Micrograms per liter 1 mg/l = 1,000 ug/l	

(C) Maintain a continuous discharge record which clearly indicates the:

- (1) Dates and times of all industrial discharges; and
  - (2) Nature, concentration(s) and volumes of all such discharges.
- (D) Provide the Director with all reports and notices which the SIU is required to submit in accordance with the provisions of Title 40 C.F.R. part 403.12. In particular, each SIU shall meet the requirements of:
- (1) Notices which must be filed within 180 days of the adoption of any categorical standard, including a compliance schedule;
  - (2) Notices which must be filed within 90 days of any final compliance date, or in the case of a new source, following the commencement of the introduction of wastewater into the ~~CTR facility~~ SANITARY SEWER SYSTEM;
  - (3) Reports which must be filed by the SIU in June and December of each year unless required more frequently by the Director;
  - (4) Notices which must be immediately given after a slug load release of any industrial discharge;
  - (5) Sampling and analyses of pollutants discharged to the ~~CTR facility~~ SANITARY SEWER SYSTEM, including any more frequent sampling and analyses performed beyond what is required by the Director;
  - (6) The maintenance of records by the SIU.
- (E) Comply with all reporting requirements and maintain records of all information resulting from any monitoring activities as required hereby.
- (F) Records required by divisions (D) and (E) above shall be required to be retained for a minimum of 3 years from the date of monitoring activity and shall be made available for inspection and copying. This period of retention shall be extended during the course of any unresolved litigation between the SIU and the town. The records shall include for all samples:
- (1) The date, exact place, method, and time of sampling and the name(s) of the person(s) taking the samples;
  - (2) The dates analyses were performed;
  - (3) Who performed the analyses;
  - (4) The analytical techniques/methods used; and
  - (5) The results of the analyses.

#### **§ 51.197 SPECIAL DISCHARGES.**

(A) In addition to all other requirements imposed by this chapter upon industrial users, the following types of industrial users who are not significant industrial users may be required to obtain a Class B wastewater discharge permit if the Director determines the industrial discharge causes, or has the reasonable potential to cause, harm or damage to the ~~CTR system~~ SANITARY SEWER SYSTEM, worker safety, public safety or the environment.

- (1) Zero process discharge user;
- (2) Users which discharge the equivalent strength of 25,000 gallons per day of domestic waste as measured by BOD and SS;
- (3) Discharges of polluted groundwater; and
- (4) Users discharging any of the substances identified in §§ 51.177 and 51.196(B).

(B) The industrial user shall comply with all requirements and conditions of a Class B wastewater discharge permit issued by the Director under § 51.198.-

**§ 51.198 AUTHORITY OF THE DIRECTOR. [RESERVED]**

~~(A) The Director is authorized to enforce CTR user compliance with the requirements of this chapter.-~~

~~(B) In carrying out this responsibility, the Director has authority to:~~

~~(1) Issue or amend (as applicable) Class A and Class B wastewater discharge permits within 60 days of receiving the application for the permit or amended permit. Once issued, a permit:~~

~~(a) Will be for a period of time not to exceed 5 years. A permit may be terminated by revocation by the Director or upon voluntary surrender of the permit by the permittee at an earlier date;-~~

~~(b) Is non-transferable by the permittee;-~~

~~(c) Will specifically identify all applicable discharge prohibitions and limitations which the Director will enforce;-~~

~~(d) May be amended as deemed appropriate by the Director;-~~

~~(e) May contain monitoring requirements;-~~

~~(f) May contain reporting requirements;-~~

~~(g) May contain requirements for installation and maintenance of inspection and sampling facilities;-~~

~~(h) May contain required notifications;-~~

~~(i) May contain requirements for a plan to control slug discharges and spills. The plan shall contain at a minimum:~~

~~1. A description of discharge practices, including non-routine batch discharges; and-~~

~~2. A description of stored chemicals; and-~~

~~3. Procedures to prevent adverse impact from accidental spills, including inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic-organic pollutants (including solvents), and/or measures and equipment for emergency response.~~



~~(j) May require implementation of pollution and/or waste minimization to reduce or eliminate the amount of pollutants discharged to the CTR;~~

~~(k) May contain requirements to control or reduce the concentrations of any of the substances identified in §§ 51.177 and 51.196(B) through the use of best management practices;~~

~~(l) May contain standard permit conditions; and~~

~~(m) May contain other conditions and requirements as deemed reasonably necessary by the Director to prevent pass-through or interference, protect the quality of the water body receiving the treatment plant's effluent, protect worker health and safety, facilitate sludge management and disposal, to protect against damage to the CTR facility and to ensure user compliance with this chapter, state and federal laws, rules, and regulations.~~

~~(2) A permit may be revoked by the Director for good cause, including, but not limited to:~~

~~(a) Failure to notify the Director of significant changes to the wastewater prior to the changed discharge;~~

~~(b) Failure to provide prior notification to the Director of changed conditions pursuant to § 51.196(F);~~

~~(c) Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application;~~

~~(d) Falsifying self-monitoring reports;~~

~~(e) Tampering with monitoring equipment;~~

~~(f) Refusing to allow the Director timely access to the facility premises and records;~~

~~(g) Failure to meet effluent limitations;~~

~~(h) Failure to pay fines and penalties;~~

~~(i) Failure to pay sewer charges;~~

~~(j) Failure to meet compliance schedules;~~

~~(k) Failure to complete a wastewater survey or the permit application;~~

~~(l) Failure to provide advance notice of the transfer of business ownership of a permitted facility; or~~

~~(m) Violation of any pretreatment standard or requirement, or any terms of the permit or the requirement of this chapter.~~

~~(3) Incorporate the pertinent requirements of this chapter into every town contract with any CTR user located within or without the municipal jurisdiction of the town. The contracts may also provide for liquidated damages and, if applicable, specific performance remedies for breach of contract.~~

~~(4) Receive and analyze all self-monitoring reports and notices submitted by industrial users.~~

~~(5) Randomly sample and analyze effluent from CTR users and conduct those surveillance and inspection activities needed to identify, independently of any information supplied by such users, occasional or~~

~~continuing non-compliance with any categorical standard or pretreatment requirement.~~

~~(6) Investigate instances of non-compliance with any categorical standard or pretreatment requirement when notice of any actual or probable non-compliance has been received by the Director.~~

~~(7) Notify CTR facility users of non-compliance with categorical standards or pretreatment requirements discovered by the Director. The notices shall also contain a demand for any appropriate corrective action, which is necessary to meet the applicable requirements of this chapter. Any CTR user will be allowed opportunity to respond to an order of the Director before any enforcement action against the user is initiated, unless the discharge is an immediate threat to the public health, safety, and welfare, in which case the Director may initiate enforcement action without giving notice.~~

~~(8) Comply with the public participation requirements of Title 40 C.F.R. part 25 and A.R.S. § 49-391 in connection with the town's enforcement of any pretreatment standards and requirements.~~

~~(9) Impose appropriate penalties for non-compliance with any or all of the following:~~

~~(a) Suspension or revocation of any industrial user permit for the failure of an industrial user to comply with the pertinent requirements of the permit;~~

~~(b) Termination of CTR services;~~

~~(c) Restricting or otherwise limiting allowable discharges;~~

~~(d) Requesting that the town Attorney commence criminal and/or civil action against any user violating any requirement of this chapter.~~

~~(10) The Director shall:~~

~~(a) Determine which actual or threatened discharge to the CTR will cause interference with the CTR facility or will present (or may present) an imminent or substantial endangerment to the health, safety or welfare of any person and/or to the environment;~~

~~(b) Abate any actual or threatened discharge which would violate any categorical standard or pretreatment requirement imposed by this chapter. This may include plugging or disconnecting any sewer service connection to the CTR facility;~~

~~(c) Correct or mitigate any injury to the environment, the CTR facility or to any other property as a result of any discharge in violation of a categorical standard or pretreatment requirement imposed by this chapter.~~

~~(11) Annually publish public notice of all industrial users who, at least once during the prior calendar year, were in significant non-compliance (SNC). SNC is determined at any time during the year, except that for chronic and TRC violations, SNC is determined at the beginning of each quarter using the prior 6 months. Thus, chronic and TRC SNC is determined 4 times during the year and the total evaluation period covers 15 months (i.e., beginning with the last quarter of the previous year through the end of the current year). The notification shall also summarize any enforcement actions taken against the users during the same 12-month period.~~

~~(12) Notify industrial users of applicable pretreatment standards and any applicable requirements under §§ 204(b) and 405 of the Clean Water Act, being 33 U.S.C. §§ 1251 *et seq.*, and subtitles C and D of the Resource Conservation and Recovery Act, being 42 U.S.C. §§ 6901 *et seq.*~~

~~(13) The Director shall maintain 1 copy of all federal statutes, rules and regulations cited in this chapter in order to allow regulated users adequate opportunity to review the applicable federal requirements that are herein incorporated by reference.~~

**§ 51.199 PERMIT APPEALS PROCESS. [RESERVED]**

~~(A) Any permit applicant or permittee (aggrieved party) may petition the Director to reconsider the conditions and limitations of a permit issued or amended under the authority of § 51.198(A)(1) by filing a petition for review with the Director within 20 days of receipt of the permit.~~

~~(B) Failure to submit a timely petition for review shall be deemed to be a waiver of the administrative appeal.~~

~~(C) In its petition, the aggrieved party must identify the permit provisions objected to, specify in detail the reasons for objection, and present the alternative, if any, it seeks to place in the permit.~~

~~(D) The provisions of the permit that are not objected to shall not be stayed pending the appeal.~~

~~(E) If the Director fails to act within 30 days from receipt of the petition, it shall be deemed to be denied. Decisions not to reconsider the issued or amended permit, not to issue a permit, or not to amend a permit shall be considered final administrative actions for purposes of judicial review.~~

~~(F) The aggrieved party seeking judicial review of the final permit decision may file a complaint with the Superior Court for Yavapai County, Arizona.~~

**§ 51.200 CONFIDENTIAL INFORMATION. [RESERVED]**

~~Information and data on a user obtained from reports, questionnaires, permit applications, permits and monitoring programs and from inspections shall be made available to the public or governmental agency without restriction unless the user specifically requests and is able to demonstrate to the satisfaction of the town that the release of the information would divulge information, processes or methods of production entitled to protection as trade secrets of the user. To claim this trade secret protection, the user must specify at the time of submitting his or her reports or information, that part he or she desires to protect. When requested by the person furnishing the report, the portions of the report which might disclose trade secrets or secret processes shall not be made available for inspection by the public but shall be made available upon written request to governmental agencies for uses related to this chapter, the National Pollution Discharge Elimination System (NPDES) permit, (or) state disposal system permit and/or the pretreatment programs; provided, however, that the portions of a report shall be available for use by the town, the state or any state agency in judicial review or enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information.~~

**ACCIDENTAL DISCHARGE**

**§ 51.215 PERMITTEE PROVIDES PROTECTION.** Each permittee shall provide protection from the accidental discharge of prohibited materials or other wastes regulated by this chapter.

**§ 51.216 PERMITTEE SHALL NOTIFY TOWN OF ACCIDENTAL DISCHARGE.**

For counter-measures to be taken by the town to minimize damage to the ~~CTR system~~ SANITARY SEWER SYSTEM and/or receiving waters, the permittee shall notify the town immediately upon accidentally discharging wastes in violation of this chapter. This notification shall be followed by a written statement, within 3 days of the date of the discharge or the discovery thereof, describing the nature and

quantity of regulated wastes discharged, causes of the accidental discharge, any action taken to mitigate the discharge and the measures being taken to prevent a future occurrence. The notification will not relieve permittee of liability for any expense, loss or damage to the ~~CTR-system~~ SANITARY SEWER SYSTEM, any clean up, mitigation measures, or for any fines imposed on the town on account thereof and/or for any enforcement action pursuant to this occurrence.

**§ 51.217 PERMITTEE WILL NOTIFY EMPLOYEES.**

In order that officers, agents and employees of permittees will be informed of the town's requirements, permittees shall make available to their employees copies of this chapter together with such other wastewater information and notices which may be furnished by the town from time to time for the purpose of improving and making more effective water pollution control. A notice shall be furnished and permanently posted on the permittee's bulletin board, or other prominent location, advising officers, agents and employees who call in case of an accidental discharge in excess of the limits authorized by the permit.

**§ 51.218 PERMITTEE SHALL LABEL ACCIDENTAL DISCHARGE POINTS.**

Any possible connection or entry point for a hazardous and/or prohibited substance to the permittee's plumbing or drainage system shall be appropriately labeled to warn operating personnel against discharge of the substances in violation of this chapter.

**HAULAGE OF NON-HAZARDOUS LIQUID WASTES**

**§ 51.230 PROHIBITION ON WASTES FROM INDUSTRIAL SITES DISCHARGED TO CTR SYSTEM.**

(A) Haulers of non-hazardous liquid wastes (NHLW) removed from residential and non-industrial discharge commercial customers are subject to the terms and conditions for discharge as-contained in this subchapter.

(B) The following NHLW wastes may be discharged into the ~~CTR-system~~ SANITARY SEWER SYSTEM by waste haulers at the discharge point specified by the PUBLIC WORKS Director:

- (1) Domestic septage from residences;
- (2) Domestic septage from commercial facilities;
- (3) Septage from self-service non-drycleaning laundries;
- (4) Domestic septage from chemical toilets; and
- (5) Wastewater from swimming pools.

(C) The PUBLIC WORKS Director, at his or her discretion, shall have the authority to establish additional categories of NHLW that ~~can~~ ARE PERMITTED TO be discharged to the ~~CTR-system~~ SANITARY SEWER SYSTEM. Any additional category of NHLW shall be placed on file with the Town Clerk and at each authorized discharge point.

(D) Aside from the above, any wastes removed by a hauler from nonresidential, industrial or commercial customers are specifically prohibited from being discharged to the ~~CTR-system~~ SANITARY SEWER SYSTEM. SUCH UNAUTHORIZED Discharge of the wastes into the ~~CTR-system~~ will constitute IS a violation and will SHALL subject the hauler to the penalties provided for in this chapter.

(E) Discharge by the hauler of any permitted NHLW into any manhole or cleanout, other than at the designated discharge point, ~~will constitute~~ IS a violation and will subject the hauler to the penalties provided for in this chapter.

### **§ 51.231 PERMIT REQUIRED.**

Except as provided in § 51.232, any person transporting NHLW to the ~~CTR system~~ SANITARY SEWER SYSTEM shall first obtain from the PUBLIC WORKS Director a NHLW hauler discharge permit prior to any discharge to the facility. The ~~person shall pay an annual permit fee~~ SHALL BE PER VEHICLE, as adopted by THE TOWN COUNCIL BY resolution ~~if only 1 vehicle is used. Each additional vehicle shall be charged an annual permit fee. Fees shall be set by Council resolution and may be amended from time to time.~~ Discharge of NHLW without a permit is prohibited. IN ADDITION TO ANY OTHER REMEDIES AVAILABLE TO THE TOWN, Any person violating this section shall be liable for a permit fee ~~as adopted by resolution~~ for the first occurrence. ~~The permit fee for disposing of any NHLW into the facility without a waste hauler permit a subsequent time shall be as adopted by resolution. This is in addition to all other remedies available to the Director under this chapter.~~

### **§ 51.232 EXEMPTION.**

The PUBLIC WORKS Director has the authority to exempt NHLW haulers from the permitting requirements of this subchapter if the PUBLIC WORKS Director determines that other safeguards are in place to protect the ~~CTR system~~ SANITARY SEWER SYSTEM, worker safety, the public and the environment. Any exemptions made pursuant to this section shall be filed with the Town Clerk.

### **§ 51.233 AUTHORITY OF THE PUBLIC WORKS DIRECTOR; PERMITTEE LIMITATIONS AND REQUIREMENTS.**

(A) The PUBLIC WORKS Director shall develop and administer a non-hazardous liquid waste monitoring program. ~~The scope of the program is to determine the characteristics of the non-hazardous liquid waste, - and to discover illegal loads, and prevent their~~ UNAUTHORIZED discharge OF NON-HAZARDOUS LIQUID WASTES INTO the ~~CTR system~~ SANITARY SEWER SYSTEM.

(B) The PUBLIC WORKS Director shall establish a NHLW policy, ~~-A copy of the NHLW policy~~ WHICH shall be on file with the Town Clerk and at ~~any~~ ALL designated discharge pointS.

(C) The PUBLIC WORKS Director shall issue or amend (as applicable) a permit within 60 days of receiving a COMPLETE permit application. In addition to other conditions and requirements deemed appropriate by the PUBLIC WORKS Director, each permit shall contain the following:

(1) Specify a time period not to exceed ~~5~~ FIVE years.

(2) Require the permittee to complete a waste tracking form (manifest) for each load of NHLW prior to discharge to the ~~CTR system~~ SANITARY SEWER SYSTEM. The manifest ~~forms~~ shall be on forms provided by, or approved by, the PUBLIC WORKS Director. The manifest shall contain information on the permittee and the source(s), quality and quantity of the NHLW, as well as a certification statement, signed by the permittee, to that effect.

(3) Specify the allowable categories of NHLW to be discharged at the designated discharge point.

(4) STATE THAT Prior to discharge of hauled waste, the permittee shall allow a town designated

representative to sample the waste, if so required or deemed necessary, to ensure compliance with discharge limits and requirements. The permittee shall not ~~be allowed to discharge~~ the NHLW until the initial analysis is complete. The PUBLIC WORKS Director reserves the right to refuse permission to discharge any load that may not be treatable at the facility, or will inhibit, interfere or otherwise be incompatible with the operation and function of the CTR system.

(5) Require the permittee to carry liability insurance in such amount and in such form as shall be determined by the PUBLIC WORKS Director. The insurance shall, at a minimum, ~~afford~~ PROVIDE general liability coverage, including contractual liability, in the amount of \$1 million combined single limit. Motor vehicle liability insurance shall be in the minimum amounts as outlined in A.R.S. § 28-4033. Workers compensation insurance, if applicable, shall comply with state requirements. Evidence of the insurance shall be provided to the PUBLIC WORKS Director. The requirement shall not in any manner preclude the permittee from obtaining such additional insurance coverage as may be necessary for his or her ~~own~~ protection.

(6) Require the permittee (as "indemnitor") to indemnify, defend and hold harmless the Town ~~of Chino Valley~~ (as indemnitee) from and against any and all claims, losses, liability, costs or expenses (including reasonable attorney's fees) (herein collectively referred to as "claims") arising out of bodily injury of any person (including death) or property damage to the extent that such claims are caused by the negligence, misconduct or other fault of the indemnitor, its agents, employees or contractors.

(7) Specify the discharge limitations and requirements as deemed appropriate by the PUBLIC WORKS Director.

(D) The permittee is responsible for protecting the CTR system from any contributing discharges which would inhibit, interfere or otherwise be incompatible with the operation or maintenance of the collection system or treatment plant including the use or disposal of municipal sludge or effluent. The permittee shall comply with all requirements and conditions of its permit.

(E) The permit is nontransferable. ~~by the permittee.~~ In the event of any change in control or ownership, the permittee shall notify the PUBLIC WORKS Director. The new owner shall apply for a new permit and shall not be allowed to discharge to the CTR system until a permit is issued and all other requirements of this subchapter have been satisfied, or unless written permission is otherwise provided by the PUBLIC WORKS Director.

(F) The PUBLIC WORKS Director is authorized to take appropriate enforcement action against any person in noncompliance with this subchapter. All penalties assessed to the town ~~of Chino Valley~~ by federal and/or State agencies as a result of a violation shall be recoverable from the violator. In addition to the enforcement available to the PUBLIC WORKS Director that is contained herein, the PUBLIC WORKS Director may:

(1) Suspend for a period of up to THIRTY (30) days the permit of any hauler for the first violation of any provision of the permit or any provision of this subchapter. Following the first period of suspension, the waste hauler permit may be reinstated only after payment of the fee for reinstatement, which shall be as adopted by resolution OF THE COUNCIL.

(2) Suspend for a period of up to ONE HUNDRED EIGHTY (180) days the permit of any hauler committing a subsequent violation of a provision of the permit or a provision of this subchapter. Following the second period of suspension for a subsequent violation, the permit may be reinstated only after payment of the reinstatement fee, which shall be as adopted by resolution OF THE COUNCIL. In addition to any reinstatement fee required to be paid under this section, the hauler shall either pay or make arrangements

acceptable to the PUBLIC WORKS Director to pay any expenses the town incurs by reason of the violation.

(3) A suspension may be appealed by the permit holder to the Town Council by submitting WITHIN FIFTEEN (15) DAYS OF RECEIPT OF THE NOTICE OF SUSPENSION, an appeal in writing, ~~within FIFTEEN (15) days of receiving notice of the suspension,~~ setting forth the specific grounds for the appeal. The APPEAL SHALL BE FILED WITH THE TOWN CLERK. Filing of any ~~such~~ appeal will not ~~serve to stay~~ the suspension or the fees for reinstatement. A lesser fee for reinstatement may be charged by the Town Council if it is found that the permit holder has taken substantial action to prevent further violations.

#### **§ 51.234 MIXING OF NON-HAZARDOUS LIQUID WASTE.**

Septage of different categories shall not be mixed unless the load contains only septic wastes from septic tanks and chemical toilets.

#### **§ 51.235 HAZARDOUS LIQUID WASTE.**

Regardless of origin, hazardous liquid waste (as defined in § 1004 of the Resource Conservation and Recovery Act, ~~being~~ 42 U.S.C. §§ 6901 *et seq.*) shall not be disposed of in any ~~CTR-system~~ SANITARY SEWER SYSTEM component, manhole, or headworks. ~~The d~~Discharge of hazardous wastes to the headworks or NHLW discharge point by truck or other conveyance is prohibited.

#### **§ 51.236 NON-HAZARDOUS LIQUID WASTE FEES.**

(A) Fees ~~shall be~~ charged for the discharge of non-hazardous liquid wastes into the ~~CTR-system~~ SANITARY SEWER SYSTEM for treatment SHALL BE AS ~~The fees shall be set~~ ESTABLISHED by the Town Council by resolution and may have varying rates for classification and point of origin.

(B) The PUBLIC WORKS Director shall review the fees yearly and shall make ~~such~~ recommendations to Council for adjustment as he or she deems necessary. ~~The fees may be adjusted by Council resolution from time to time.~~

#### **§ 51.237 CESSATION OF ACCEPTANCE OF NON-HAZARDOUS LIQUID WASTES.**

(A) The PUBLIC WORKS Director may suspend or reduce the dumping of NHLW into the ~~CTR-system~~ SANITARY SEWER SYSTEM for reasons that include, but are not limited to, temporary repairs or maintenance to the facility, inability of the ~~CTR-system~~ SANITARY SEWER SYSTEM to process either the volume or strength of the NHLW stream, AND hazardous conditions to worker safety, the public and/or the environment due to discharge of a hazardous liquid or malfunctioning of any component of the ~~CTR-system~~ SANITARY SEWER SYSTEM.

(B) In addition to any other remedies in this chapter, the PUBLIC WORKS Director may suspend or terminate the discharge permit for any hauler violating provisions of this subchapter OR THE TERMS OF THE PERMIT, INCLUDING NON-PAYMENT OF REQUIRED FEES.

#### **§ 51.238 VIOLATION.**

The violation or failure to follow any condition or provisions of the waste hauler permit or NHLW dumping policy or PUBLIC WORKS Director's order authorized herein shall be a violation of this chapter.

## UTILITY FEES

### § 51.250 UTILITY SERVICE DEPOSITS.

(AB) UTILITY SERVICE DEPOSITS WILL BE REQUIRED OF ALL PERSONS MAKING APPLICATION FOR UTILITY SERVICE, UNLESS THEY HAVE A MINIMUM 12-MONTH GOOD PAYMENT RECORD AS A UTILITY CUSTOMER OF THE TOWN. APPLICATION SHALL BE MADE IN ACCORDANCE WITH THE PROVISIONS HEREOF.

~~(B) Utility service deposits will be required of all persons making application for utility service, except as provided in division (B)(1) and (B)(2):~~

~~— (1) Persons applying for utility service will be required to pay a deposit for utility service, unless they have a good payment record as a utility customer of the town, or can demonstrate a good payment record as a utility customer of another utility (i.e., another municipality, state public service, private water company, and the like) that is deemed by the Utilities Division to be an acceptable utility provider for credit purposes.~~

~~— (2) To demonstrate such good payment record, the applicant shall provide a letter of credit from the prior utility provider, on the utility company's letterhead, indicating a good payment record within the 24 months prior to application with the town.~~

~~— (3) The non-refundable service fee of \$25 is not considered part of the deposit and will not be waived.~~

~~— (4) The town shall retain all utility service deposits until a 12-month good payment history is achieved. No interest shall be paid on deposited amounts. The deposit shall in no way affect the town's right to discontinue service arising from nonpayment of bills as provided for in this chapter.~~

~~— (5) The Utilities Division, under the general concurrence of the Finance Director, is hereby given the power of discretion for considering special cases involving the requirement of utility deposits.~~

(AB) For the purpose of this chapter, a town utility customer with a good payment record will be defined as a customer who has not received more than ~~ONE~~ delinquency letters in the last 12 months and has not had water service discontinued for nonpayment during the previous 24 month period.

(C) The town will refund utility service deposits or portions thereof if one of the following occurs:

(1) The town utility customer who paid a utility deposit has been a town utility customer for at least one ~~(+)~~ year following payment of the deposit and has a good payment record. If after ~~ONE~~ year the town utility customer has not maintained a good payment record, the deposit will not be refunded until the town utility customer has achieved a good payment record for at least one ~~(+)~~ year.

(2) The town utility customer has provided written notice to the town to discontinue service and the town has received payment in full for utilities rendered, any water meter damage, or other damage to the town system for which the utility customer may be liable under this chapter. The town, at its option may apply the applicable deposit(s) to the utility customer's final bill or send the customer a check for the difference.

(D) The town utility customer shall notify the town prior to or at the time the property to which service is provided becomes vacant. The town utility customer shall be responsible for all utility usage or damage to the town's property until the town receives a vacancy notice. Thereafter, the town utility customer shall no longer be responsible for payment of metered water services ~~but, because sewer service is~~



~~a non-metered service, the town utility customer shall be responsible for payment of sewer fees at the applicable base rate until such time as the town receives notice that the property is occupied by a new town utility customer, at which time the new occupant shall be responsible for payment of the utility fees and charges. DISCONNECTED SEWER SERVICE LINES MAY BE PLUGGED BY THE TOWN AT ITS OPTION.~~

### § 51.251 WATER SYSTEM ~~NEW SERVICE BUY-IN FEE.~~

(A) There shall be a mandatory water system ~~new service buy-in fee~~ for connections being served by any of the town's water production and distribution systems that are owned, operated, and maintained by the town.

(B) This ~~charge~~ FEE shall be the customer's equivalent share of the town's costs for necessary water system improvements, to be computed as follows:

(1) *Residential.* The water system ~~new service buy-in fee~~ shall be set by Council resolution per dwelling unit for a residential connection to the water system. Single-family residences, including manufactured ~~and~~ OR mobile homes AND privately owned condominiums, shall be classified as residential connections.

(2) *Commercial/industrial*~~(a)~~ The water system ~~new service buy-in fee~~ for commercial/industrial connections shall be based on water meter size AND ESTABLISHED by Council resolution. A commercial/industrial connection is hereby defined as any connection other than residential including apartments, hotel/motels, RV parks, senior mobile home parks, schools, churches and the like.

~~(b) Commercial/Industrial w~~Water system ~~new service buy-in fees~~ are calculated as follows: On July 1 of each year, commencing in 2003, the amount of the buy-in fee to be paid to the town pursuant to this section shall be increased by the percentage change in the annual average of the Engineering News Record (ENR) Index between the prior (2) calendar years. The Finance Director shall make the required calculation by April 1 of each year, and the amount of the hookup fees for the next 12 month period beginning July 1 of that year, as calculated by the Finance Director and reviewed by the Town Manager, shall then be fixed by the Finance Director based upon such calculation, without the necessity of further action by the Town Council. In no event shall the amount of the buy-in fees be reduced based upon a change in the ENR Index. No later than 30 days after the buy-in fees are adjusted each year as provided in this section, the Town Clerk shall cause to be published a public notice setting forth the amount of the adjusted buy-in fees. The notice shall be published one time in a newspaper of general circulation in the town, provided, however, that the failure of the Town Clerk to cause the notice to be published shall not affect the validity of the adjustment to the buy-in fees as made by the Finance Director pursuant to this section. In the event the ENR Index information for the prior calendar years is unavailable by April 1, the buy-in fees as previously fixed for the prior fiscal year (July 1 to June 30) shall continue in effect until such time as the ENR Index for the prior years is available and the Finance Director makes the required calculation. Charges and/or fees imposed under this section shall be due and payable in full when construction permits for units are issued.

(3) *No transferability of fees.* All fees paid pursuant to this section shall apply to the real property upon which the fee is initially calculated. Connection fees are not transferable between properties. Structures moved from ~~ONE~~ location to another location ~~must~~ SHALL pay new connection fees for the new location, with a credit to be given for any connection fees previously paid for that location.

(4) *Waiver of fees.* The Public Works Director, with the approval of Town Manager, is hereby authorized to waive the provisions of division (B)(3) above regarding transfer of connection fees between properties in the event that the Public Works Director determines that compliance with the division would result in a gross inequity in a particular situation.

~~(5) *Service connections.* Service connection to the town water system shall only be provided pursuant to an application or agreement with the property owner or applicant and the town. No such application or agreement will be finalized unless the town finds that: (a) The project or development is consistent with, conforms to, furthers the implementation of, and is not contrary to the adopted water use policy.~~

~~(b) The project or development is consistent with, conforms to, furthers the implementation of, and is not contrary to the adopted general plan.~~

~~(c) The project or development is consistent with, conforms to, furthers the implementation of, and is not contrary to any applicable adopted plan, including, but not limited to, specific area plans, circulation plans, capital improvement plans, or other growth planning or growth management plans.~~

~~(d) The application is in accord with the duly adopted town water budget.~~

~~(e) In determining compliance with the foregoing, the Town Council shall consider the overall intent and goals of the applicable plan or policy.~~

~~(f) That notwithstanding the foregoing, a variance or exception may be granted by the Town Council, where failure to do so would result in a gross inequity, as solely determined by the Town Council.~~

~~(6) *Water service lines.* Water service lines shall be installed by the consumers at their own expense. Temporary lines must be buried 2 feet and backfilled 10 feet from the meter. All service lines shall be installed at least 2 feet deep and not less than 2 feet from an open area or vault.~~

**§ 51.252 WATER SERVICE CONNECTION AND METER INSTALLATION CHARGES.**

The consumer CUSTOMER or property owner at the time of making application shall pay to the town water meter installation charges as set by Council resolution.

~~(A) All service connections installed by contractors shall be according to town standards and specifications. The contractor shall install meter boxes and meter sets specified by the town. Any required pressure-regulating valve shall be installed and tested by the contractor. The pressure regulating valve shall be maintained by the customer.~~

~~(B) In the event a service connection must cross an Arizona Department of Transportation highway right-of-way, the consumer or property owner shall obtain the necessary permits directly from the Arizona Department of Transportation to make the service connection, and the consumer or the property owner shall obtain their own contractor to make the service connection. The service connection shall include the meter set and box and the service line from the meter box to the water main. The contractor will install the water main tap and expose the water main. The meter shall be installed in the box by the town.~~

**§ 51.253 SEWER SYSTEM NEW SERVICE BUY-IN FEES**

(A) There shall be a mandatory sewer system new-service buy-in fee charged for new residential units or commercial/industrial connections to being served by any of the town's wastewater collection, treatment and recharge systems that are owned, operated and maintained by the town.

(B) This fee shall be the equivalent of the customer's share of the costs to the town for the construction of the wastewater treatment facilities, the recharge facility, lift stations, and sewer mains and interceptor lines.

This fee shall be payable by the residential or commercial/industrial customer or property owner prior to the issuance of a new building permit or connection to the system for existing structures.

(1) *Residential.* The sewer system new service buy-in fee shall be set by Council resolution per residential dwelling unit for a residential connection to the sewer system, subject to annual review and revision by the Council. Single-family residences, including manufactured and mobile homes, private condominiums, shall be classified as residential. A SINGLE FAMILY HOME SHALL BE CONSIDERED TO HAVE 20 FIXTURE UNITS AND BE PRIVATELY OWNED.

(2) *Commercial/industrial.* (a) The sewer system new service buy-in fee for commercial/industrial connections shall be based on an equivalent dwelling unit (EDU). THE EDU FOR COMMERCIAL/ INDUSTRIAL USERS SHALL BE DETERMINED BY CALCULATING THE FIXTURE UNITS (AS DEFINED IN THE IPC) DIVIDED BY THE 20 FIXTURE UNITS OF A SINGLE FAMILY HOME. ~~that utilizes a calculation comparing the facility total flow, BOD and suspended solids, among other factors, to a standard single family residential unit. A commercial/industrial connection is hereby defined as any connection other than residential, including apartments, hotel/motels, RV parks, senior mobile home parks, schools, churches and the like.~~

(b) Commercial/industrial sewer system new service buy-in fees are calculated as follows:-

<b><i>Schedule of Equivalent Dwelling Units (EDU)</i></b>		
<b>Class</b>	<b>User Category</b>	<b>EDU Rate Basis</b>
<del>1-</del>	<del>Single family dwelling</del>	<del>Per residential unit</del>
<del>1-</del>	<del>Commercial property</del>	<del>The greater of: Per 3,000SF or 250-GPD or fraction thereof not specifically covered elsewhere herein</del>
<del>1-</del>	<del>Apartments</del>	<del>Per residential unit</del>
<del>2-</del>	<del>Bakeries, retail</del>	<del>Per location</del>
<del>1-</del>	<del>Churches/religious</del>	<del>Per church/house of worship</del>
<del>1-</del>	<del>Institution</del>	<del>Plus units for the following: School and/or daycare facilities therein</del>
<del>1-</del>	<del>-</del>	<del>For every 30 persons or fraction thereof</del>
	<del>Combination use</del>	<del>As provided in each category</del>
<del>0.5-</del>	<del>Correctional and 24-hour health care facilities</del>	<del>For every bed</del>
<del>1-</del>	<del>Clubs, societies, service organization, recreation centers, in</del>	<del>For every 4 employees, or fraction thereof,</del>

	door tennis, racquet ball clubs and the like	plus units for the following:-
†	-	For each swimming pool facility
†	For each restaurant, diner, fountain or bar for every 25 seats or fraction thereof, for each banquet or eating facility for every 100 seats or fraction thereof	-
†	Diners, taverns and restaurants, banquet/eating facilities	For each restaurant, diner, fountain, or bar for every 25 seats or fraction thereof, and/or for each banquet or eating facility for every 100 seats or fraction thereof
†	Hospitals	For every 2 beds or fraction thereof
0.33	Hotels and motels	Per room, plus units for the following
†	-	For each swimming pool
†	-	For each restaurant, diner, fountain or bar for every 25 seats or fraction thereof
†	-	For each banquet or eating facility, for every 100 seats or fraction thereof
0.5	-	For each washing machine regardless of capacity
†	Industrial plants, warehouses	The greater of per 12 employees or

		fraction thereof, or per 250-gpd of wastewater discharged or fraction thereof, in addition to BOD or SS in excess of 200 mg/l
<del>0.5</del>	<del>Laundromats or self-service laundry</del>	<del>For each washing machine, regardless of capacity</del>
<del>1</del>	<del>Public buildings</del>	<del>Per 30 employees or fraction thereof</del>
<del>0.25</del>	<del>Rented rooms</del>	<del>Per room for rent</del>
<del>1</del>	<del>Schools (public or private) and day care facilities</del>	<del>Per 30 students, faculty, staff, employees or fraction thereof</del>
<del>2</del>	<del>Service station, without earwash facility</del>	<del>Per location</del>
<del>3</del>	<del>Service station, with ear wash; garages and ear wash with or without service stations, including self service</del>	<del>Per location</del>
<del>1</del>	<del>Single family dwelling with place of business</del>	<del>For the residential unit plus as business use category</del>
<del>1</del>	<del>Supermarkets</del>	<del>Per 5 employees or fraction thereof</del>
<del>1</del>	<del>Theaters/movie house</del>	<del>Per 100 seating capacity, car stalls or fraction thereof</del>

~~(3) Annual adjustment. An automatic annual adjustment shall be made for sewer buy-in fees in accordance with the provisions and methods detailed in § 51.251.~~

~~(4) No transferability of fees. All fees paid pursuant to this section shall apply to the real property upon which the initial fee was calculated. Connection fees are not transferable between properties. Structures moved from ONE location to another location must pay new connection fees for the new location, with a credit to be given for any connection fees previously paid for that location.~~

~~(5) Waiver of fees. The Public Works Director, with the approval of Town Manager, is hereby authorized to waive the provisions of division (C) of this section regarding transfer of connection fees between properties~~

~~in the event that the Public Works Director determines that compliance with said subsection would result in a gross inequity in a particular situation.~~

~~(C) (1) Owners of residential dwelling units or businesses in existence as of the effective date of this chapter, or for which new building permits have been issued prior to the effective date of this chapter, shall be exempt for the properties from the sewer system new service hookup fees as per § 51.253. Also, owners who obtain a new building permit for a parcel not scheduled per the town's sewer master development plan for sewer service within 120 days of issuance of the building permit shall be exempt for the property from the sewer system new service hookup fees as per § 51.253. All such owners shall, however, pay a 1-time sewer system existing service hookup fee as set by Council resolution per residential dwelling unit or per commercial/ industrial location. All other property owners shall pay sewer system new service hookup fees as per § 51.253.~~

~~—(2) An automatic annual adjustment for this hookup fee shall be made in accordance with the requirements of § 51.251.~~

~~—(D) (1) The sewer system existing service hookup fee shall be paid in lump sum, within 90 days of the date the owner is notified, in writing, by the town that sewer service is available to the property, and that such property is scheduled for sewer hookup service. The owner may elect to make the payment pursuant to a time payment agreement consummated with the town's Finance Director. Time payments shall bear interest at a minimum rate of 5% per annum, with final payment due within 120 months. If the sewer system existing service connection fee or related time payments are unpaid for more than 90 days, the property shall become subject to lien until fully paid. Final payments shall become due and payable by the close of escrow for any property sold prior to receipt of the final payment by the town.~~

~~(2) Owners of residential dwelling units within the Chino Meadows subdivision for which a building permit has been issued prior to December 13, 2007, the effective date of Ordinance No. 07-697, and after August 21, 2004, shall pay the sewer system new service hookup fees as per this section. All such owners may elect to make the payment pursuant to a time payment agreement consummated with the town's Finance Director. Time payments shall bear interest at a minimum rate of 5% per annum, with final payment due within 120 months. If the sewer system new service connection fee or related time payments are unpaid for more than 90 days, the property shall become subject to lien until fully paid. Final payments shall become due and payable by the close of escrow for any property sold prior to receipt of the final payment by the town.~~

#### **§ 51.254 FEE ADJUSTMENT FOR COMMERCIAL/ INDUSTRIAL USERS BASED ON DETERMINATION OF WASTEWATER QUALITY.**

(A) The PUBLIC WORKS Director or his or her designee shall have the authority to make whatever tests are necessary to carry out a planned sampling program and to make whatever analyses are needed for all commercial and industrial users. The BOD test shall be considered the standard test; however, COD or TOC tests may be substituted in cases where it has been determined by the PUBLIC WORKS Director that the BOD test is not representative of actual wastewater loading. Wastewater characteristics shall be determined by the Department on the basis of monitored wastewater discharged, a certified statement from the user, or on the best available data as to the characteristics of the discharges.

(B) Any change in the ongoing process(es) employed by a user contributing commercial or industrial waste which results in a variation of more than 25% in ONE (+) or more of the effluent loading concentrations shall be reported to the Department within 30 days of the change.

(C) If it is determined through testing that a significant variation exists between the user's certified data and the discharge characteristics monitored by the Department, the ~~City~~TOWN may adjust the sewer use charge based on the monitored data from the original date of certification, unless written communication has occurred notifying the Department of changes in loading and giving specific dates of changes.

(D) Where sampling and gauging of specific users is not practical for physical, economic, safety, or other reasons, the PUBLIC WORKS Director may designate values for concentrations of the wastes discharged into the sewerage system for all users in the same Standard Industrial Classification or subclassification.

### § 51.255 OTHER USER CHARGE PROVISIONS.

(A) *Biennial review.* The FINANCE Director will review, ~~not less often than every (2) years,~~ the wastewater contribution of users and user classes, the total costs of operation and maintenance of the treatment works, and its approved user charge system. The FINANCE Director shall at such time recommend a revision in the sewer service charge and user classes to accomplish the following:

(1) Maintain a reasonable proportionate distribution of operation and maintenance costs among users and user classes;

(2) Generate sufficient revenue to pay the total operation and maintenance costs necessary to the proper operation and maintenance (including replacement) of the treatment works; and

(3) GENERATE SUFFICIENT FUNDS TO SUPPORT A CAPITAL IMPROVEMENT PLAN (CIP) AS APPROVED BY COUNCIL.

(34) Apply excess revenues collected from a class of users to the costs of operation and maintenance attributable to that class for the next year and adjust the rate accordingly.

~~(B) Notification of users.~~ Each user will be notified, at least annually, in conjunction with a regular bill, of the user charge rate and that portion of the total charges which are attributable to user charges.

~~(C) Inconsistent agreements.~~ The user charge system set forth in this chapter is applicable to all agreements or contracts between the town and users including industrial users, other municipalities or federal agencies or installations, and the terms of this chapter shall take precedence over any such agreements or contracts which are inconsistent with the requirements of this chapter.

~~(D) Wastewater treatment byproducts.~~ All revenue from the sale of treatment-related byproducts, except recharged effluent, shall be used BY THE TOWN to offset the cost of operation and maintenance AND CIP. User charges shall be proportionally reduced for all users. Total annual revenues received from the sale of a byproduct shall be credited to the treatment works O&M cost no later than the fiscal year immediately following their receipt.

### § 51.256 OTHER SEWER SERVICE CHARGES.

In addition to the user charges described herein, the rate schedules shall be sufficient to cover the following costs:

~~(A) A portion of~~ The annual debt service costs for retirement of sanitary sewer bonds AND/OR LOANS will be charged to all customers served directly by the town's wastewater collection system. The ~~Public Works Director, in conjunction with the~~ Finance Director, shall make recommendations to the Town Council at least once every (2) years as to how these costs shall be proportioned among the users. Charges



to recover these costs will be called "other charges."

(B) Adequate reserve funds to allow for reasonably expected increases in the cost of providing services will be charged to all customers served directly by the town's wastewater collection system. The FINANCE Director shall make recommendations to the Town Council as to the amount of reserve funds necessary and as to how these funds shall be proportioned among the users.

(C) The costs of billing and collection and performing industrial waste services shall be charged to customers on an equitable basis. The FINANCE Director shall make recommendations to the Town Council as to how these costs shall be proportioned among the users. Charges to recover these costs will be called "billing and collection charges" and "industrial waste charges" respectively.

(D) CIP (CAPITAL IMPROVEMENT PLAN)

### § 51.257 LOW INCOME CITIZEN'S RATE [RESERVED].

~~The town may set a separate rate, by resolution, for sewer fees for citizens with limited incomes based on the following procedures:~~

~~(A) *Qualifications.* Any single family unit occupied by a person or persons presenting satisfactory evidence of the head of the household having an annual income not exceeding those income limits set by Town Council resolution, shall be charged an amount set by Council resolution per month for sewer use, based on the costs of serving this class. Applications shall be obtained from the Finance Department and must be submitted annually.~~

~~(B) *Applications:*~~

~~——— (1) Applications for reduced sewer user service charges shall be on forms supplied by the Finance Department, filed with or mailed to the Department. All information required to be given on the form shall be supplied and verified by the applicant. Reduced sewer user service charges shall be granted to qualifying applicants who file their applications prior to the certification of user charges to the property tax accounts. All qualifying citizens must submit new applications annually during the months of May and June in order for eligibility to be continued through the next fiscal year from July 1 through the following June 30. A change of address of a qualifying citizen terminates the special rate, but a new application by the qualifying citizen at his or her new address may be made and, when approved, the reduced rate shall be allowed.~~

~~——— (2) Any unit of government or administrative agency thereof maintaining on a regular basis data covering the qualifications required by the town for reduced sewer user service charge for citizens pertaining to tenants of its property, is permitted to apply for reduced sewer user service charges on behalf of its tenants meeting the requirements, and to set forth the qualifications of those tenants without separate verifications.~~

### § 51.258 RESIDENTIAL WATER RATES.

(A) Effective July 15, 2003, a monthly water charge shall be assessed against all residential consumers having a service connection with the town water mains ADOPTED BY THE TOWN COUNCIL BY RESOLUTION. ~~The~~ Water consumption shall be measured by meter.

(B) In addition to a monthly minimum fixed charge, RESIDENTIAL CUSTOMERS RECEIVING TOWN WATER SERVICE AT A LOCATION NOT LOCATED WITHIN THE TOWN BOUNDARIES



(WHETHER OR NOT THE LOCATION IS WITHIN A DIFFERENT MUNICIPALITY OR UNINCORPORATED YAVAPAI COUNTY), SHALL BE CHARGED AT THE SAME RATE FOR WATER CONSUMPTION AS RESIDENTIAL CUSTOMERS LOCATED WITHIN THE TOWN BOUNDARIES. ~~a rate will be applied to the actual consumption as measured:~~

~~(1) Water furnished to residential consumers in incorporated municipalities other than the Town of Chino Valley shall be charged at the same rate as water furnished residential consumers with the Town of Chino Valley (inside Town of Chino Valley limits rates) plus a surcharge equal to 30% of the inside Town of Chino Valley limits rates. The surcharge shall also apply to the monthly minimum fixed charge.~~

~~————(2) Water furnished to residential consumers in all areas other than incorporated municipalities shall be charged at the same rate as water furnished residential consumers within the Town of Chino Valley (inside Town of Chino Valley limits rates) plus a surcharge equal to 30% of the inside town of Chino Valley limits rates. The surcharge shall also apply to the monthly minimum fixed charge.~~

### **§ 51.259 COMMERCIAL AND INDUSTRIAL WATER RATES.**

(A) Effective July 15, 2003, a monthly water charge shall be assessed against all commercial and industrial consumers having a service connection with the town water mains AS ADOPTED BY THE TOWN COUNCIL BY RESOLUTION. ~~The Water consumption shall be measured by meter.~~

(B) In addition to a monthly minimum fixed charge, COMMERCIAL AND INDUSTRIAL CUSTOMERS RECEIVING TOWN WATER SERVICE AT A LOCATION NOT LOCATED WITHIN THE TOWN BOUNDARIES (WHETHER OR NOT THE LOCATION IS WITHIN A DIFFERENT MUNICIPALITY OR UNINCORPORATED YAVAPAI COUNTY), SHALL BE CHARGED AT THE SAME RATE FOR WATER CONSUMPTION AS COMMERCIAL AND INDUSTRIAL CUSTOMERS LOCATED WITHIN THE TOWN BOUNDARIES. ~~a rate will be applied to the actual consumption as measured:~~

~~————(1) Water furnished to commercial and industrial consumers in incorporated municipalities other than the Town of Chino Valley shall be charged at the same rate as water furnished commercial and industrial consumers within the town limits plus a surcharge equal to 30% of the inside town limits rates. The surcharge shall also apply to the monthly minimum fixed charge.~~

~~————(2) Water furnished to commercial and industrial consumers in all areas other than incorporated municipalities shall be charged at the same rate as water furnished commercial and industrial consumers within the Town of Chino Valley (inside Town of Chino Valley limits rates) plus a surcharge equal to 30% of the inside Town of Chino Valley limits rates. The surcharge shall also apply to the monthly minimum fixed charge.~~

### **§ 51.260 RATES FOR PRIVATE FIRE CONNECTIONS; USE OF UNMETERED WATER.**

(A) When fire service connections are INSTALLED ~~required by applicable town code or state law provisions~~ they shall include a detector check of a type ~~to be approved by the town~~ IN CONFORMANCE WITH ITS ADOPTED BUILDING AND FIRE CODES. The indicating meter to be used with the check shall be furnished by the town.

(B) If unmetered water ~~available in this division~~ is used for other than fire protection purposes, the quantity ~~so used~~ shall be estimated and ~~the same shall be charged~~ according to applicable rates. If such use ~~is~~ continue~~d~~ for more than TWENTY (20) days, a recording meter ~~will~~SHALL be installed at the ~~consumer~~CUSTOMER's expense and water furnished thereafter will be charged for in accordance with applicable rates.

### § 51.261 FEES AND ASSESSMENTS DUE.

(A) All fees and assessments are due and payable on the date billed. Water service may be discontinued for the nonpayment of any of the fees, penalties or assessments set forth in this chapter. Late charges shall be imposed, as set by the Finance Director with the approval of the Town Manager of 1.5% per month of the unpaid balance due will be imposed on bills not paid within 22-15 days after the billing date.

~~(B) Because sewer service is an un-metered service, all monthly fees shall apply and accrue whether or not service is utilized.~~

~~(C) The public works director, with approval of the town manager, shall be authorized to waive all, or any portion of the deposit fees, water and sewer monthly fees, late fees and any other miscellaneous fees. The waiver of any fees must be consistent with federal and state law. In the event that an outstanding balance is owed from a previous account holder, the waiver of any fees shall apply only to a new account holder.~~

## ENFORCEMENT

### § 51.275 INTERFERENCE WITH OR OBSTRUCTING FACILITIES.

Any person who in any manner willfully defaces, illegally uses, obstructs or interferes with the operation of any well, pump, storage tank, hydrant, valve, pipe, construction trench, or any other water works facility, or any cleanout, manhole, pipe, pump station, treatment plant, recharge facility, construction trench or any other wastewater works facility, or anyone who shall polluteS the potable water supply or recharge water supply of the town, or violateS any provision of this chapter shall be guilty of a misdemeanor, or a felony if the total value of the damage and expense is sufficient to reach such threshold. Any expense caused to the town for the repair, replacement or cleanup of damaged, stolen or misused water and wastewater works facilities shall be charged against and collected from the person or persons who caused the expense. The violation of any provision of this chapter, or failure to pay for damages to town facilities, shall be sufficient cause for the PUBLIC WORKS Director to discontinue town water and/or wastewater service to any property owned or used by the person or persons.

### § 51.276 AUTHORITY OF UTILITY DEPARTMENT TO TURN OFF WATER AND/OR SEWER SERVICE.

For any violation of this chapter, or for any nonpayment of water and/or sewer charges for either domestic, commercial, sprinkling or other purposes, the Utility Department has the right to turn off such service AFTER PROVIDING NOTICE TO THE CUSTOMER THAT THE SERVICE WILL BE TURNED OFF ON A SPECIFIC DATE AND THE NAME OF THE PERSON AT THE TOWN WITH WHOM THE CUSTOMER MAY DISCUSS THE VIOLATION AND PRESENT GROUNDS FOR WHY THE SERVICE SHOULD NOT BE TERMINATED without further notice. After it has been turned off from any service pipe on account of nonpayment or violation of the chapter, the service shall not be turned on until all back charges are paid, together with the payment of all fees, EXPENSES and the applicable deposit paid, if required.

### § 51.277 RULES AND REGULATIONS TO BE ENFORCED, EXCEPTION.

The rules and regulations of this chapter are made for the benefit of TOWN the consumers of water and wastewater dischargers in the town CUSTOMERS and for the protection of the water supply system,

wastewater system, recharge system, or the town, and the environment. ~~Their~~ Enforcement shall in no case be willfully ignored by any town official, employee or agent. When a strict enforcement of any rule could ~~work~~ RESULT IN a gross injustice on a consumer of water or discharger of wastewater, the Public Works-Director may, in his or her discretion and with the agreement of the Town Manager, order a suspension of the rule as to that particular case.

#### **§ 51.278 CRIMINAL PENALTY.**

Any person who violates any provision of this chapter, OTHER THAN THE SECTIONS DESIGNATED AS CIVIL VIOLATIONS IN § 51.279, shall be guilty of a misdemeanor, except for such violations as may exceed felony damage thresholds. ~~and any such~~ EACH DAY A violation CONTINUES shall constitute a separate ~~offense on each successive day~~ the violation continues.

#### **§ 51.279 CIVIL PENALTY.**

(A) Any person who violates any provision §§ ~~51.175~~ 51.176 *et seq.*, 51.215 *et seq.* and/or 51.230 *et seq.* shall be civilly liable to the town for a sum as adopted by resolution per day for each violation. ~~For continuing violations,~~ Each day A VIOLATION CONTINUES may constitute a separate offense. In seeking the assessment of a civil penalty, the following criteria contained in A.R.S. § 49-391(C) shall be considered:

- (1) The seriousness of the violation;
- (2) The economic benefit, if any, resulting from the violation;
- (3) Any history of such, or other, violations;
- (4) Any good faith efforts to comply with the applicable requirements;
- (5) The economic impact of the penalty on the violator; and/or
- (6) Such other factors as justice may require.

(B) In addition to the civil penalty imposed herein, the person shall be liable for any civil penalty imposed on the town by other regulatory agencies as a result of the violation.

#### **§ 51.280 REMEDIES.**

(A) In addition to any civil and/or criminal penalty which may be imposed for violations of this chapter, a user shall be liable for all actual costs which may be assessed by the FINANCE Director on a user of the town's ~~sewage works~~ SANITARY SEWER SYSTEM who discharges wastes containing non-permissible quantities of prohibited substances into the ~~public sewer system~~ SANITARY SEWER SYSTEM or contaminates the town's potable water supply, storage and discharge system. The FINANCE Director is authorized to assess charges based on the extra costs incurred by the town in surveillance, sampling and testing, for additional operating and maintenance expenses, including overhead charges, and for any other action required to identify, handle, process or supplement normal activities due to the unauthorized discharge of wastes or system contamination.

(B) The FINANCE Director shall have the authority to discontinue water and/or sewer service to a user for any of the following reasons:

(1) Failure to pay a charge assessed by the FINANCE Director for unauthorized discharges or water system contamination;

(2) Failure to correct an unauthorized discharge as required by the PUBLIC WORKS Director;

(3) Discharging any unauthorized substances, materials, water or waste as prohibited by this chapter or the FINANCE Director;

(4) Failure to correct any cross connection, source of contamination or potential source of contamination with the potable water supply; and

(5) For violation of any provision of this chapter.

(C) Before discontinuing water or sewer service as provided herein, the FINANCE Director shall give written notice to the user of the discontinuance and an opportunity to appear before the FINANCE Director on any disputed matter relative to the discontinuance of water and/or sewer service, except that if a discharge or source of contamination is a threat to the public health, safety, and welfare, the discontinuance of water and/or sewer service shall be accomplished by physically cutting and blocking the sewer connection and/or removing or locking the water meter in the off position. The actual cost for disconnecting and/or reconnecting the affected utility service shall be paid by the affected user to Utility Department.

(D) Upon notice of the final determination by the FINANCE Director of an assessment owed, the user shall tender the fee and/or charges within 10 days ordered by the FINANCE Director.

(E) Any unauthorized discharge or other threat to the public water supply not corrected, or assessment not tendered, is hereby declared to be, and is, a public nuisance which may be abated by order of a court of competent jurisdiction and its continued operation is unlawful. The remedy provided herein shall be in addition to any other remedy authorized by this chapter.

(F) THE FINANCE DIRECTOR MAY REFER TO A COLLECTION AGENCY ANY UTILITY ACCOUNT THAT IS MORE THAN 60 DAYS PAST DUE WHICH SHALL BE CALCULATED FROM THE ORIGINAL BILLING DATE

(G) THE FINANCE DIRECTOR MAY CAUSE ANY DELINQUENT SEWER ACCOUNT PAST 90 DAYS FROM THE ORIGINAL BILLING DATE TO BE SUBJECT TO A LIEN ON THE PROPERTY FOR THE FULL DELINQUENT AMOUNT PLUS ANY OTHER INCURRED COSTS.

**~~§ 51.281 EFFECTIVE DATE.~~**

~~The effective date of this chapter shall be from and after August 7, 2004.~~

***Lien Enforcement***

**§ 51.290 lien enforcement for unpaid utility user fees**

(A) The town clerk or FINANCE ~~public works~~ director may assess and file a lien on real property for the nonpayment of utility user fees for services provided to the property if the payment of the fees is delinquent for more than ninety (90) days.

(B) Before filing the lien, the town clerk or FINANCE ~~public works~~ director shall provide written notice to the owner of the property. The notice shall be given at least THIRTY (30) days before

filing the lien and shall include an opportunity for a hearing before an official, to be designated by the town council for such purposes. Subject to SUBSECTION ~~division~~(C), below, the notice shall be either served personally on or mailed to the property owner, at the last known address by certified mail, return receipt requested, or to the address to which the tax bill for the property was last mailed as shown in the county records.

(C) If the owner does not reside on the property, the notice shall be sent to the ~~address to which the tax bill for the property was last mailed as shown in the county records~~ THE LAST KNOWN ADDRESS.

(D) If served by mail, notice shall be deemed to be complete on the date on which the notice is deposited in the United States mail.

(E) The notice shall inform the property owner that:

(1) He or she has the opportunity for a hearing regarding the delinquency before a designated town official;

(2) If a timely objection is not filed, the unpaid delinquency shall be deemed due and owing and failure to pay shall result in the town pursuing all available means of collection as authorized by the town code;

(3) If a hearing is requested and it is determined as a result of the hearing that the unpaid delinquency is due and owing, failure to pay shall result in the town pursuing all available means of collection as authorized by the town code.

(F) In the event the property owner requests a hearing, such request must be received not later than FIFTEEN (15) days from the date of the notice. The request for hearing must include copies of all documents that support the owner's position, including any documents that there is no delinquency or that the amount claimed delinquent by the town is in error. A hearing shall be scheduled and held not later than THIRTY (30) days following a request for a hearing by a property owner. The property owner shall be notified in writing of the time and date of the hearing.

(G) The hearing shall be held by a hearing officer who shall be a non-town employee retained by the town, or a town employee who has no involvement with the Utilities Division or the Finance Department. The hearing officer shall have the authority prescribed to public officers pursuant to A.R.S. § 12-2212, as may be amended from time to time.

(H) The hearing may be continued ONE time by the hearing officer upon the written request of either party for good cause.

(I) The hearing shall be held during regular town business hours.

(J) The hearing shall be recorded by an electronic recording device.

(K) The property owner and the town shall each be given an opportunity to present their respective cases. The town shall present its case first. Presentation by either party may include:

(1) Sworn testimony;

(2) Submission of evidence;

- (3) Presentation of witnesses; and
- (4) Cross examination.

The Arizona Rules of Evidence shall not apply, and the hearing officer may permit THE ADMISSION OF any evidence deemed relevant to the issues at hand ~~to be admitted~~.

(L) The hearing officer shall render a decision within FIFTEEN (15) days of the close of the hearing, ~~which decision shall be binding and final on all parties~~. The record of the hearing and the decision by the hearing officer shall be filed with the town clerk. The hearing officer's order shall be mailed to the property owner by certified mail, return receipt requested, and notice of the order shall be deemed to be complete upon the date on which the notice is deposited in the United States mail.

(M) The hearing officer may find the following:

- (1) The property owner does not owe the delinquent amount and the notice of delinquency shall be canceled;
- (2) The property owner does owe the delinquent amount as noticed by the town and order that the amount be paid within TWENTY (20) days of the date the decision is rendered; or
- (3) A different (lesser) amount than that which was noticed by the town is owed and delinquent and order that amount be paid within TWENTY (20) days of the date the decision is rendered.

(N) THE HEARING OFFICER'S DECISION MAY BE APPEALED BY EITHER PARTY BY FILING AN ACTION IN THE YAVAPAI COUNTY SUPERIOR COURT.

~~(NO)~~ In the event no hearing is requested by the property owner, or in the event payment is not made on a delinquent amount as determined by a hearing officer after a hearing, the town shall place a lien on the property in accordance with this section.

~~(OP)~~ The unpaid utility user fees are a lien on the property from the date of the recording of the lien in the office of the county recorder until all fees are paid in full. The lien is subject and inferior to the lien for general taxes and to all prior recorded mortgages and encumbrances of record. A sale of the property to satisfy a lien obtained under this section ~~§ 51.290~~ shall be made following a judgment of foreclosure and order of sale. The town may bring an action to enforce the lien in the Yavapai County Superior Court at any time after the recording of the lien, but failure to enforce the lien by a foreclosure lawsuit shall not affect the validity of the lien. The recorded unpaid utility user fees lien shall be prima facie evidence of the truth of all matters recited in the recording and of the regularity of all proceedings before the recording.

~~(PQ)~~ Notwithstanding any of the provisions of this section ~~§ 51.290~~, any lien placed on a property pursuant to this section shall be enforceable pursuant to and in accordance with A.R.S. § 9-511.02.

## CHAPTERS 50 AND 51: Table of Major Changes

	SUBJECT	BRIEF DESCRIPTION	PRIMARY LOCATION
<b>Administrative</b>	Authority of Director	Powers related to finances (ex: collecting fees and charges, approving payment plans or exemptions) delegated to Finance Director from Public Works	Section 51.15
	Billing Practices	Removed detail, change to “as set by the Finance Director and approved by the Town Manager.”	Section 51.261
	Application for service	Contents of applications removed from statute and left to discretion of Finance Director	Section 50.50
	Water Quality Standards	Reference to EPA, DEQ, and DWR	Section 50.57
	Update or eliminate outdated technical standards	Old standards (ex: 1988 USC Cross Connection manual) removed or updated	Section 51.117 Section 51.118
	Pretreatment	Required for all raw sewage that exceeds local limits	Section 51.177
	Appeals Process	Revert to general code/IPC process	Sections 51.199, 51.118
	Buy-in & connection fees	Defer to Council Resolution	Sections 51.251-253
	Water rates	Remove unused “low income rate;” defer rates to Council Resolution	Sections 51.257-51.259
	Sewer Disconnection	Gives Town option to plug inactive sewer	Section 51.250
	Definitions Added	Line Charge, Repayable Costs, Repayment Agreement, Repayment Amount	50.01
	Sanitary Sewer System	Single term replacing CTR, Sewage works and other variations	Throughout
	Connection/Tap installation process	Town makes the connection for single family residential $\leq 2$ ” water, $\leq 6$ ” Sewer; Developer installs and Town inspects all others	Section 50.16
<b>Policy / Development Impactful</b>	Upsizing	Preserve Town right to upsize; remove potential subsidy for large developments; limit Town contribution to cost of materials	Section 50.059
	Repayment Agreements	Clarify procedure; extend term from 10 to 20 years; add notice/recording requirement	Section 50.059
	Procurement standards; main extensions	Remove Town Procurement Code requirement for private infrastructure; apply Title 34 when Town money contributed	Section 50.059
	Connection Requirements (Water)	New single lot residential: at property line; New subdivision. $\geq 1$ acre lots: connect w/in 300* ft. New subdivision. $< 1$ acre lots: connect	Section 51.075
	Connection Requirements (Sewer)	Existing Nonresidential or Multi-family: 300 feet New 1-lot Residential $\geq 1$ acre: property line New subdivision $< 1$ acre lots: sewer / private plant New subdivision $\geq 1$ acre lots: connect w/in 300* ft. Lot split creating lot. $< 1$ acre: connect	Section 51.155
	Connection Requirements (Lot Splits)	Connect to Sewer when creating lots $< 1$ acre	Section 51.155
	*Connection Requirements	Change relevant distance from 400 to 300 feet, generally	Throughout