

TITLE 4 WATER AND WASTEWATER REGULATIONS

APRIL 23, 2024

CHAPTER 4.04: DEFINITIONS

§ 4.04.010 DEFINITIONS

The following terms have the meanings ascribed to them in this section unless the context requires otherwise:

208 PLAN SERVICE AREA – The area established by the Mohave County 208 Water Quality Management Plan (208 Plan) and includes users within and outside of the City limits.

ACT or THE ACT - means the Federal Water Pollution Control Act Amendments of 1972 (P.L. 92-500; 33 U.S.C. §§ 1251, et seq.) as it is, from time to time, updated by Congress.

ADEQ - Arizona Department of Environmental Quality or its designee or successor.

APPLICANT - The person making application for service or written authorization required by the City.

APPLICATION. The written instrument by which a person applies to the City for a service or written authorization.

APPROVED - Accepted by the City as meeting an applicable specification stated or cited in this Title, or as suitable for the proposed use.

AQUIFER PROTECTION PERMIT - An individual or general permit issued under A.R.S. §§ 49-203, 49-241 through 49-252, and Articles 1, 2 and 3 of Title 18, Chapter 9 of the Arizona Administrative Code.

AUXILIARY WATER SUPPLY - Any water supply on or available to premises other than the potable water supplied by the City. These auxiliary waters may include, but shall not be limited to, water from another purveyor's public potable water supply or any natural sources such as a well, spring, river, stream, harbor or treated effluent, wastewaters or industrial fluids. These waters may be polluted or contaminated or may be objectionable and constitute an unacceptable water source over which the Department does not have sanitary control.

AZPDES - The Arizona Pollutant Discharge Elimination System, ADEQ has authority by the EPA to administer the NPDES for Arizona.

BACKFLOW - The reversal of the normal flow of water caused by either back pressure or back siphonage.

BACK PRESSURE - Any pressure increases in the downstream piping system that is above the pressure of the potable water source which causes a reversal of the normal direction of flow.

BACK SIPHONAGE - A reversal of the normal flow of water caused by a reduction of pressure in the potable water supply systems that cause the flow of water or other liquids, mixtures or substances from a customer's water supply system into the distribution system of the public potable water supply system.

BAN AREAS - The "1-mile on-site wastewater treatment system ban areas" established by the Arizona Department of Environmental Quality and/or the County on which a denitrifying onsite wastewater

treatment system was approved by the County and was installed between July 18, 1996, and January 8, 2001, (the effective dates of the ban). A map is located in the City Clerk's office (Ordinance No. 02-668, Attachment A, as amended).

BIOCHEMICAL OXYGEN DEMAND (BOD) - The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in 5 days at 20° C, expressed in milligrams per liter.

BOILER BLOW OFF - The condensed steam or hot water from a boiler when "blown off" to remove scale and slime or "blown down" from cleaning and repair.

BUILDING - Any structure containing sanitary facilities used for human habitation, a place of business, recreation, or like purpose.

BUILDING DRAIN - That part of the lowest piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer beginning 2 feet outside the building wall.

BUILDING DRAINAGE SYSTEM (DRAINAGE PIPING) - Includes all the piping within a public or private premises which conveys sewage or other liquid wastes to a legal point of disposal but does not include the mains of a public sewer system or a public sewage treatment or disposal plant.

BUILDING SEWER - Part of the horizontal piping of a drainage system which extends from the end of the building drain, and which receives the discharge of the building drain and conveys it to a public sewer, private sewer, individual sewage/disposal system or other point of disposal.

C - Degrees Celsius.

CATEGORICAL PRETREATMENT STANDARDS - National pretreatment standards, as established by the EPA, specifying quantities or concentrations of pollutants or pollutant properties which may be discharged to the POTW by industrial users, specifically industrial subcategories which are determined to interfere with or pass through, or are otherwise incompatible with the treatment works.

CENTRALIZED SEWER COLLECTION - A system of lateral, main and trunk sewers, connected together to convey sewage from individual properties to a central location for treatment and disposal.

CHEMICAL OXYGEN DEMAND (COD) - A measure of the oxygen-consuming capacity of inorganic and organic matter present in water or wastewater under standard laboratory procedures expressed in milligrams per liter.

CITY MANAGER - The City Manager of Lake Havasu City or designee.

COMMERCIAL/INDUSTRIAL USER - Any user or establishment not defined as a domestic user.

CONTAMINATION - An impairment of the quality of the potable water by sewage, industrial fluids or water liquids, compounds or other materials to a degree which creates an actual or potential hazard to the public health by poisoning or the spread of disease.

CONTROL MANHOLE - A structure that is accessible for the purpose of maintaining a building sewer. A control manhole may be used as an inspection chamber.

CONTRACTOR - Any individual, firm, corporation, partnership, or association duly licensed by the State of Arizona to perform the type of work to be done under a permit.

COOLING WATER - The water discharge from any system of condensation, air conditioning, cooling, refrigeration, or other sources. It shall contain no polluting substances which would produce BOD or Suspended Solids each in excess of 10 parts per million by weight, or toxic substances as limited in this Title, or other polluting substances which may be limited in this Title.

COUNTY - Mohave County.

CROSS-CONNECTION - Any physical connection or arrangement of piping or fixtures between 2 (or more) otherwise separate piping systems, 1 of which contains potable water and the other non-potable water or industrial fluids of questionable safety, or any other supply of unknown or questionable quality

through which or because of which, backflow may occur into the potable water system. This would include any temporary connections, such as: swing connections, removable sections, 4-way plug valves, spools, dummy section of pipe, swivel or changeover devices, hydrant connections, or sliding multi-port tube.

CUSTOMER OR CONSUMER - Any individual, corporation, partnership, firm, or association furnished water or sewage disposal service by the City.

DAYS - Days means calendar days unless indicated otherwise.

DEPARTMENT - Lake Havasu City Public Works Department or its authorized agent or representative.

DETACHED SINGLE FAMILY DWELLING UNIT - Any dwelling unit located on its own lot and not sharing a common wall with or not having adjoining walls with another dwelling unit.

DEVELOPER - The individual, firm, corporation, partnership, association, syndication, trust, or other legal entity that is responsible for new physical development within the City and creating a demand for City services.

DEVELOPMENT - Any improvement, which created a demand for City services.

DIRECTOR - The Public Works Department Director or designee.

DISCHARGE - The addition of a pollutant or effluent to water or to the sewer system.

DISCHARGE PERMIT - A written authorization to discharge pollutants into the City's POTW in accordance with the Act, the regulations promulgated hereunder and pursuant to this Title.

DISTRIBUTION SYSTEM - The network of conduits used to deliver potable water from the source facilities to the customer's water supply system.

DOUBLE CHECK VALVE ASSEMBLY - An assembly of two independently operating approved check valves with properly located resilient seated test cocks and resilient seated shut off valves at each end of the assembly.

DOMESTIC SEWAGE - Sewage derived principally from dwellings, business buildings, industries, institutions, and the like originating as wastes from kitchens, water closets, lavatories, bathroom, and showers.

DOMESTIC USER - All detached, single-family dwelling units or multifamily units.

DRAIN - Any pipe which carries waste or water borne wastes in a building drainage system.

EFFLUENT - Sewage, industrial or any other waste, pollutant, or water, whether treated or untreated, which is discharged into, or permitted to enter, the sewer system.

ENTERPRISE - Any corporation, association, labor union, or other legal entity.

EPA - United States Environmental Protection Agency.

Equivalent Residential Unit (ERU) - The average amount of wastewater discharged by a single-family residential dwelling, which has been determined to be approximately 65,000 gallons per year.

F - Degrees Fahrenheit, a temperature scale that registers the freezing point of water as 32° and the boiling point as 212° at one atmosphere of pressure.

FULLY BURDENED HOURLY RATE - The rate charged for personnel services of the City including overhead and fixed asset replacement allocations.

GREASE - Any material which is extractable from an acidified sample of a waste by hexane or other designated solvent.

HAZARD, DEGREE OF - An evaluation of the potential risk to public health and the adverse effect of the hazard upon the public potable water system.

INDUSTRIAL USER - Any user of the POTW identified in the Standard Industrial Classification Manual of the U.S. Office of Management and Budget, as amended and supplemented, including but not limited to the following divisions:

- A. Division A: Agriculture, forestry and fishing;
- B. Division B: Mining;
- C. Division D: Manufacturing;
- D. Division E: Transportation, communications, electric, gas, and sanitary service;
- E. Division I: Services.

A user in the division listed may be excluded if it is determined that it will introduce primarily segregated domestic waste or wastes from sanitary conveniences; a source of industrial waste.

INDUSTRIAL WASTE - Any liquid, solid, or gaseous substance or form of energy, or combination thereof, resulting from any process of industrial, commercial, governmental, and institutional concerns, manufacturing, business, trade, or research, including the development, recovery or processing of natural resources, or from sources identified in the Standard Industrial Classification Manual of the U.S. Office of Management Budget, as amended.

INFLUENT - Sewage, raw or partly treated, flowing into any sewage treatment device, pumping station, or related facilities.

INSPECTION CHAMBER - An accessible structure through which sewage from a building sewer flows and from which samples of said sewage may be collected for the purpose of being tested.

INTERCEPTOR - A device designed and installed to separate and retain deleterious, hazardous, or undesirable matter from normal wastes and permit normal sewage or liquid wastes to discharge into the disposal terminal by gravity.

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

1. Inhibits or disrupts the POTW, 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 the POTW's regulatory permits such as reuse permit, aquifer protection permit or AZPDES permit (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 hereunder (or more stringent state or local regulations): Section 405 of the Clean Water Act, the Solid Waste Disposal Act (SWDA) (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, and the Marine Protection, Research and Sanctuaries Act.

IRRIGATION METER - A service being used for landscaping, or other purposes whose use does not result in a discharge to the sewer system and has been approved for use as an irrigation meter by the City.

LOT - Any piece or parcel of land bounded, defined, or shown upon a plat or deed recorded in the Office of the County Recorder of the County which conforms to the boundaries of such lot as shown upon such recorded map, plat or deed; provided, however, that in the event any building or structure covers more area than a lot as herein defined, the term "lot" shall include all such pieces or parcels of land upon which said building or structure is wholly or partly located, together with the yards, courts, and other unoccupied spaces legally required for the building or structure.

LATERAL SEWER - That part of the horizontal piping within a public street or right-of-way, connecting a building sewer to a main sewer.

MAIN - A water pipeline located in streets, highways, public ways, thoroughfares, easements or private rights-of-way, and which is used to serve the general public.

MAIN SEWER - A public sewer designated to accommodate more than 1 lateral sewer in a dedicated right-of-way or easement in which changes in alignment and grade occur only at manholes or cleanouts, or where angle point or curves between manholes have been approved by the City.

MASTER FEE SCHEDULE - The schedule of fees and service charges established in accordance with Chapter 3.20 of the City Code.

mg/L - Milligrams per liter.

MIXING - The stirring up of organics, inorganics, floatable, and settleable components located in a pretreatment device.

MULTIFAMILY UNIT - All dwelling units other than detached, single-family dwelling units, including apartments, mobile homes, condominiums, townhouses, travel trailer spaces, hotels, motels, rest homes, hospitals, and other places used for dwelling.

NPDES - The National Pollutant Discharge Elimination System.

ONSITE WASTEWATER TREATMENT SYSTEM - A conventional septic system or alternative system installed at a site to treat and dispose of wastewater, predominantly of human origin, generated at that site.

OPERATION AND MAINTENANCE - The process and act of keeping all facilities for collecting, pumping, treating, and disposing of sewage, in normal operation and in a good state of repair including the replacement of said facilities when necessary.

OUTFALL - The point or location where wastewater or effluent discharges from a drain or sewer.

OUTFALL SEWER - A sewer that receives wastewater or effluent from a collecting system or treatment works and carries it to a point of final discharge.

PASS THROUGH - A discharge which exits the POTW into waters of the United States 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 POTW's regulatory permits such as reuse permit, aquifer protection permit or AZPDES permit (including an increase in the magnitude or duration of a violation).

PERMIT - any written authorization required pursuant to this Title or any other regulation of the City.

PERMITTEE - Any person who has received a permit to accomplish work or a purpose as described in this Title.

PERSON - Any individual, partnership, firm, private corporation, trust, estate, commission, board, public or private institution, utility or cooperative; including the state and the United States, to the extent authorized by state and federal law.

pH - An expression of the intensity of the basic or acidic condition of liquid; the logarithm of the reciprocal of the hydrogen ion concentration in grams per liter of solution.

PLUMBING SYSTEM - All plumbing fixtures and traps or soil, waste, special waste and vent pipes, and all sanitary sewer pipes within a building and extending to the building sewer connection two feet outside the building wall.

PLUMBING CODE - The version of the International Plumbing Code currently adopted by the City.

POLLUTANT - Any fluids, contaminants, toxic wastes, toxic pollutants, dredged spoil, solid waste, substances and chemicals, pesticides, herbicides, fertilizers and other agricultural chemicals, incinerator residue, sewage, garbage, sewage sludge, munitions, petroleum products, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt and mining, industrial, municipal and agricultural wastes or any other liquid, solid, gaseous, or hazardous substances.

POLLUTION - The presence of any foreign substance (organic, inorganic, or biological) in water which tends to degrade its quality or impair its usefulness to a degree which does not create an actual hazard to the public health, but which does adversely and unreasonably affect such water for domestic use.

POTABLE WATER - Any water which is safe for human consumption pursuant to the standards set by the Arizona Department of Environmental Quality.

POTW - Publicly owned treatment works.

PREMISES - The integral property or area, hereby considered to be any legally recorded lot or parcel including improvements thereon, to which water service is or will be provided.

PRESSURE VACUUM BREAKER ASSEMBLY - 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. Must be equipped with properly located resilient seated test cocks and resilient seated shut off valves at each end of the assembly.

PRETREATMENT FACILITIES - Structures, devices, or equipment for the purpose of removing deleterious wastes from sewage generated from premises prior to its discharge into a public sewer.

PRIVATE SEWER - Any sewer or system of sewers, inclusive of building sewers, which is not owned by the municipality in which it is located, or any other public authority or private utility.

PUBLIC POTABLE WATER SUPPLY SYSTEM - The source facilities and the distribution system under control of the Department to the point where a customer's water supply system commences. A customer's water supply system commences at the discharge point of the water meter.

PUBLIC SEWER - A sewer main lying within a street or other right-of-way which is controlled by or under the jurisdiction of the City, in which all owners of abutting property have an equal right to use, provided they are properties to which these regulations apply.

PUMPING FREQUENCY - The frequency with which interceptors and/or traps are completely cleaned.

SAMPLING - The periodic collection of sewage for testing.

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

SDS - Safety data sheets.

SERVICE CONNECTION - Each single-family dwelling unit, multi-family dwelling unit, commercial, or industrial establishment to which potable water is supplied from the distribution system.

SEWAGE - Any water borne or liquid wastes, including domestic sewage and industrial waste, from residences, business buildings, public buildings, institutions and industrial establishments, but does not include or mean stormwater, ground water, swamp cooler or A/C drainage, roof or yard drainage. May also be referred to as "wastewater" herein.

SEWER - A pipe or conduit for carrying sewage and/or industrial waste.

SEWER SYSTEM - All facilities for collecting, pumping, treating, and disposing of sewage.

SEWER TREATMENT PLANT - The City treatment works and facilities auxiliary thereto; term is used interchangeably with POTW and wastewater treatment plant.

SINGLE-PASS COOLING WATER - Water used for cooling components of heating or cooling equipment that is directly discharged to the City's treatment works.

S.S. (SUSPENDED SOLIDS) - The insoluble solid matter suspended in water or wastewater which are removable by laboratory filtering.

SOURCE FACILITIES - All components and facilities utilized in the production, treatment, storage, and delivery of potable water in the distribution system.

STANDARD METHODS FOR EXAMINATION OF WATER AND WASTEWATER - A joint publication of the American Public Health Association, the American Water Works Association, and the Water Pollution Control Federation; ASTM, "Annual Book of Standards, Part 23, Water Atmospheric Analysis, 1972" a publication of the American Society for Testing Materials; EPA Methods, "Methods for Chemical Analysis of Water and Wastes," a publication of the Environmental Protection Agency; or in accordance with any other equivalent methods prescribed by the Director.

STATE – The State of Arizona.

STREET - Any public highway, road, street, avenue, boulevard, alleyway, place, easement, or right-of-way.

SURCHARGE - That part of the sewer service charge which shall be applied to extra strength wastes to cover added operation and maintenance costs.

TESTING - The analysis of samples of sewage.

TOXIC EFFLUENT STANDARD, POLLUTANT - Any material appearing on the list developed by the administrator of the U.S. Environmental Protection Agency pursuant to Section 307(a) of the Act.

TOXIC SUBSTANCE - Any substance, whether gaseous, liquid, or solid, which when discharged to the sewer system in sufficient quantities, may tend to interfere with any sewage treatment process, or constitute a hazard to human beings or animals, or inhibit aquatic life or create a hazard to recreation in the receiving waters of the effluent from the sewage treatment plant.

TRAP - A small pretreatment device designed and installed to separate and retain deleterious hazardous or undesirable matter from normal wastes and permit normal sewage or liquid wastes to discharge into the building sewer or outfall by gravity.

TREATMENT CAPACITY FEE - A fee charged to users of the City's public sewer facilities and is based on the size and number of domestic water meters serving the property as established by the City Council pursuant to this Title and Code.

TREATMENT WORKS -Any devices and systems used in the collection, transmission, storage, treatment, recycling, disposal, and reclamation of municipal sewage or industrial wastes of a liquid nature including intercepting sewers, outfall sewers, sewage collection systems, sewage treatment plants, disposal facilities, pumping, power and other equipment, and their appurtenances; extensions, improvements, remodeling, additions and alterations of any device or system; units essential to provide a reliable recycled supply such as standby treatment units and clear well facilities.

TRUNK SEWER - A public sewer in a dedicated right-of-way or easement, which connects several main sewers and accommodates lateral sewers.

UNDEVELOPED PROPERTIES - Those real properties, which exist in their natural state without grading or other modifications.

USED WATER - Any water supplied by the Department from the public potable water system to a customer's water system, after it has passed through the service connection and is no longer under the quality control of the Department.

USER - A source of any waste that discharges into the sewer system; any person or premises receiving water or wastewater disposal services.

USER CHARGE - Charges assigned to each user that defray a proportionate share of the cost of operation, maintenance, and capital costs of the water and sewer system.

WASTE - Any useless, superfluous, or discarded matter, which is discharged into the sewer system.

WASTEWATER – See definition for Sewage.

WASTEWATER MASTER PLAN COST CRITERIA - The cost estimated per connection based on previous year's average bid tab costs with inflation added. If the cost to connect a single (or more) home exceeds this dollar amount, the connection to the sewer system shall not be required.

CHAPTER 4.08: WATER SYSTEM

§ 4.08.010 GENERAL POLICY

- A. *Shortage of Water Supply and Interruption of Service.* The City shall exercise reasonable diligence and care to furnish and deliver a continuous and sufficient supply of water to the water user, and to avoid any shortage or interruption of delivery. The City will not be liable for interruption or shortage or insufficiency of supply, or any loss or damage occasioned thereby, if caused by accident, act of God, fire, strike, riot, pandemic, war, or any other cause not within its control including, but not limited to; restrictions imposed by City Ordinances or mandates by the Federal or State government such as ones associated with any Colorado River reduction scheme or drought conditions. The City shall not be responsible for any interruption of water service caused by reasons beyond its control.
- B. *Right to Temporarily Suspend Service.* The City, whenever necessary for making repairs or improvements to its system, shall have the right to suspend temporarily the delivery of water. Notice, as circumstances will permit, shall be given to water users, and the making of repairs or improvements shall be concluded as rapidly as practicable, and, if practicable, at such times as will cause the least inconvenience to the water users. At no time can the City guarantee water service.
- C. *Water Pressure Conditions.* The signing of an application for water connection(s) or for water service shall be prima facie acceptance and consent to such conditions of pressure and service as may from time to time exist under the current operating practices prevailing on the water system of the City, at the location of the service connection(s), and the applicant agrees to hold the City harmless from any and all damages caused by or arising out of low, high, or fluctuating pressure or interruption of service. The City assumes no obligation to serve water to elevations higher than its existing facilities serve.
- D. Due to topography and other causes, the pressure is not uniform over the territory the system serves, and the City reserves the right to change to different pressures in various areas served. Water users dependent upon a continuous water supply should maintain adequate storage for emergencies.
- E. Water users having water heaters, boilers, or other devices requiring a continuous water supply should take all necessary action to prevent damage or the causing of injury to such devices due to water supply shut offs.
- F. *Obstructing Meter Boxes.* It is a violation to damage or interfere with, or to place (or to allow) dirt, trash, leaves or lawn cuttings or other obstructions on or over water meters or meter boxes. It is expressly forbidden to place garbage or rubbish boxes, cans, or barrels on them, and to park or cause to have parked any vehicle on or over a meter box. Any damage to the meter caused by such obstruction shall be at the cost of the water user. Any obstruction may be removed with proper written notice given to account holder/ property owner, as to provide City employees with access to the meter box, all cost(s) associated with removal of obstruction will be the responsibility of the account holder/ property owner.
- G. *Appeal.* Decisions of the Director under this Chapter may be appealed to the City Manager. The appeal shall be in writing within 10 business days of the Director's decision and shall specify the specific decision of the Director which is being appealed and the specific relief being requested. The decision of the City Manager shall be final.

§ 4.08.020 CHANGES IN WATER USER'S EQUIPMENT

Water users making any material change in size, character or extent of the equipment or operations utilizing water service, or whose change in operations results in a large increase in the use of water, shall immediately give the City a written notice of the nature of the change.

§ 4.08.030 NOTICES

Notices from the City to a water user will normally be given in writing and either mailed, delivered, or emailed to the user at the last known address. Where conditions warrant and in emergencies, the City

may resort to notification either by telephone or messenger. Notices from the water user to the City may be given orally, in writing, or electronically to the City's Customer Service Division.

§ 4.08.040 CHANGES IN DISTRIBUTION SYSTEM

- A. Any person, with permission from the City, making improvements or changes which will result in cutting, refitting, relocating, raising, or lowering of service connection(s), water main(s), fire hydrant(s), pipe stand(s), meter(s), valve(s), or other parts of the water system, will indemnify the City for all costs incurred by the City in making such changes.
- B. When the location of a meter is changed at the water user's request, the cost of making such changes will be at the expense of the water user.

§ 4.08.050 RESALE OF WATER

Water users, apart from properly licensed bottled water companies, may not resell water received from the City, nor deliver or cause to be delivered, water to premises other than those described in the application for service. If the property described in the application for service is divided into two or more parcels, new applications for service shall be filed. The use of private or deduct water metering to determine tenant costs and allocation of City water costs for a master meter, such as apartments, condominiums, trailer parks, is not considered the resale of water.

§ 4.08.060 UNAUTHORIZED USE OF WATER OR THE WATER SYSTEM

- A. It is a violation to:
 - 1. Tap or make any connection into the City mains or public or private fire protection services without first obtaining the appropriate written permissions and permits from the City, and paying all associated fees and costs;
 - 2. Open the valve or extract water from fire hydrants except for the suppression of fire, or except when written consent is given by the City;
 - 3. Cause or permit the waste of water from the City water system or to maintain or cause or permit to be maintained any leaky outlets, apparatus or plumbing fixtures through which water is permitted to drop or run to waste;
 - 4. Use water for washing sidewalks and driveways in a manner that prevents the usual and customary use of public streets and sidewalks by others;
 - 5. Permit water sprinklers to spray onto sidewalks and streets or to permit water to run from the water user's property onto public sidewalks and streets to cause risk and/or damage to the public or to public or private property.
 - 6. Use an irrigation meter for any purpose other than as defined in this chapter.
 - 7. Take or attempt to take water for any purpose from any location within the City's water system or service area without prior written approval from the City.
 - 8. To supply water to a property not described on the application.
- B. Should a water user turn on the water supply, or suffer or cause it to be turned on, without first having made an application and paid the required fees, the user, as identified by the City on a case by case basis (i.e., but not limited to, property owner, contractor, tenant), will be held liable for all charges for water service rendered and all costs for damage to any City or other public facilities arising out of this action, the amount thereof to be determined at the election of the City, based on historical use. If all charges for water and damages are not paid within 24 hours of written notification of such charges, the City will file a report with the Police Department. The City reserves the right to report any theft of water immediately.
- C. The City assumes no responsibility for the delivery of water through private pipelines or for any damage resulting from the operation of same.

§ 4.08.070 METER TEST/METER CHECK AT WATER USER'S REQUEST

A water user may request the City to do a meter check investigating reasons for high water usage or test the meter serving the premises. If the meter is found to be functioning properly, the water user will be charged a fee in accordance with the current Master Fee Schedule for the test. If the meter is found to be malfunctioning, there will be no charge for the testing of the meter.

§ 4.08.080 MULTIPLE DWELLING UNITS

The minimum meter size for multiple dwelling units is determined based on Fixture Unit Counts (per the International Plumbing Code). The size of the meter will be based upon criteria and selection charts provided by the meter manufacturer. The maximum meter size will be based upon the accuracy of the flow meter at the required Fixture Unit Counts, in accordance with the manufacturer's criteria.

§ 4.08.090 DISCONTINUANCE OF SERVICE

A. *General Policy.* A water user making application for domestic water service for specific premises will be billed for water service to said premises until they order the service discontinued or the City discontinues service. The City shall have the right to discontinue service to a water user for the water user's failure to comply with, or violation of, or any infraction of any of this chapter. A reasonable effort will be made to notify the water user, however, a notice is not necessary when the non-compliance, violation, or infraction of this chapter by the water user results in, or is likely to result in, a dangerous or unsanitary condition on the water user's premises, or in the City's water system or elsewhere, or where discontinuance is necessary to protect the City from fraud, imposition, loss or abuse.

B. *With Notice*

1. *Non-Payment of Bills.* A water user's service may be discontinued as set forth in § 4.16.010(F) herein.
2. *Returned Checks.* In compliance with Arizona Revised Statutes (A.R.S.) § 12-671, the City shall notify the water user that their check has been returned by their bank for the reason specified. The user will be given twelve (12) days to recover the check in cash, cashier's check, or money order. Failure to comply with this notice may result in discontinuance of water service and any further action which may be available to the City. A returned check will be assessed the current returned check fee in effect in accordance with the current Master Fee Schedule.
3. If the returned check was used to make payments to restore service that was discontinued as set forth in § 4.16.010(F) herein, the City will notify the water user that their check has been returned by their bank for the reason specified. The user will be given 48 hours to recover the check in cash, cashier's check, or money order. Failure to comply with this notice will result in discontinuance of water service and any further action which may be available to the City in compliance with ARS § 12-671.
4. Any customer having two (2) or more returned checks in a twelve (12) month period will be notified that payments for the next twelve (12) months must be in the form of cash, cashier's check, or money order.
5. *Unsafe Apparatus or Conditions.* The City may refuse to furnish water and may discontinue service to any premises where apparatus, appliances, or equipment using water is dangerous, unsafe, or not in conformity with any laws or ordinances. The City may refuse to furnish water and may discontinue service to any premises to protect the purity of the water supply or the safety of the water system. The City does not assume liability for inspecting apparatus on the water user's property.
6. *Service Detrimental to Others.* The City may refuse to furnish water and may discontinue service to any premises where the demand is greatly in excess of past average or seasonal use, and where such excessive demand of one water user is or may be detrimental or injurious to the service furnished to other water users. The City may refuse to furnish water and may discontinue service to any premises where excessive demands by one water user will result in inadequate service to others, including construction water demands.

7. *Fraud or Abuse.* The City shall have the right to refuse or discontinue service to any premises to protect itself against fraud or abusive conduct on the part of the water user.
 8. *Non-Compliance with Regulations.* The City may discontinue service to a water user for non-compliance with this chapter.
 9. *Non-Compliance with Notice.* Before discontinuing service for reason of unsafe apparatus, service detrimental to others, wasting of water, or non-compliance with this chapter, the City shall present the water user a notice in writing specifying the reasons why service may be discontinued. If the water user fails or refuses to comply with said notice and remedy any condition described therein or comply with this chapter for a period of 5 business days after the presentation of the notice, then the City may discontinue water service to the water user.
- C. *Immediate.* If immediate discontinuance of service is necessary to protect the purity of the water supply or the safety of the water system, or if a violation of this chapter has occurred or is occurring which results in the unauthorized use of water from the City's system, the City Manager may order immediate discontinuance of service to any water user.
- D. *At Water User's Request.* A water user may have service discontinued by notifying the City at least two (2) business days in advance of the desired date of discontinuance. Water user will be required to pay all water charges until the date of discontinuance. If notice is not given, the City may require the water user to pay for water service prior to severance of service. No charge will be made for a service discontinued at the water user's request.
- E. A water user who requests to temporarily discontinue service will be charged base fee(s) in accordance with the current Master Fee Schedule.

§ 4.08.100 RESTORATION OF SERVICE

- A. *Charges.* During normal scheduled hours and with at least two (2) business days' notice in accordance with the current Master Fee Schedule:
1. The City will charge to restore service which had been discontinued at the water user's request as set forth in § 4.08.090(D) herein.
 2. The City will charge to restore service which had been discontinued by reason of acts or conduct of the water user as set forth in § 4.08.090(B) herein.
- B. *Restoration without Authority.* All persons are forbidden to turn on water at the meter once it has been shut off by the City, or to interfere with or remove a water meter from any service where it has been attached without first having received written permission from the City.
- C. Should the owner or occupant of the premises turn on the meter stop or permit or cause it to be turned on after it has been turned off by the City for reasons of delinquent account or for other causes, or because ordered off by owner or former occupant, the City will again turn off the service and/or remove the meter or seal and the user will be charged a fee in accordance with the current Master Fee Schedule. In cases where the service has been repetitively turned on illegally the service may be turned off/disconnected at the main with the owner or occupant paying all costs.
- D. In addition, if there has been damage to City equipment, the water user's account will be charged in accordance with the current Master Fee Schedule for the estimated cost to repair (i.e., but not limited to, cut lock, service stop damage).

§ 4.08.110 RESPONSIBILITY FOR EQUIPMENT

From the water user's side of the meter, the water user shall furnish, install, and keep in good and safe condition, at the user's own risk and expense, all the equipment that may be required for receiving, controlling, applying, and utilizing water, and the City shall not be responsible for any loss or damage caused by the improper installation of such water equipment, or the negligence, want of proper care or wrongful act of the water user or any tenants, agents, employees, contractors, licensees, or permittees of the user in installing or maintaining, using, operating or interfering with such equipment. The City shall not be responsible for damage to property caused by spigots, faucets, valves, and other equipment that

are open when water is turned on at the meter, either when the water is turned on originally or when turned on after a temporary turn-off.

§ 4.08.120 SPECIAL WATER SERVICES FOR EFFLUENT USES

Delivery of effluent water is not the responsibility of the Water Division. Agreements must be negotiated and approved by the City.

§ 4.08.130 PRIVATE FIRE PROTECTION SERVICES

For private fire protection services, rates will be determined based on size of service lateral in accordance with the current Master Fee Schedule.

§ 4.08.140 ENFORCEMENT

Enforcement of this chapter is pursuant to the uniform code compliance process contained in Chapter 1.12 of the City Code unless stated otherwise.

CHAPTER 4.12: WASTEWATER SYSTEM

§ 4.12.010 GENERAL POLICY.

- A. These regulations apply to all properties located within the corporate boundaries of Lake Havasu City and those areas outside the City limits but falling within the boundaries of the Expanded Water Service Area as described in the City's contract with the United States Department of the Interior Bureau of Reclamation for the Delivery of Colorado River Water to which the City Council has approved an agreement providing sewer service to said area as described in the current applicable map on file in the City Engineer's office and incorporated by reference herein. Properties outside or inside the City limits and the Expanded Water Service Area may request sewer service from the City, and if the City at its sole discretion elects to provide such sewer service, all regulations contained herein shall apply.
- B. Decisions of the Director under this Chapter may be appealed to the City Manager. The appeal shall be in writing within 10 business days of the Director's decision and shall specify the specific decision of the Director which is being appealed and the specific relief being requested. The decision of the City Manager shall be final.

§ 4.12.020 SEWER SERVICE.

- A. General rules and provisions.
 1. *Inspecting premises/access to property.* Employees and agents of the City bearing proper credentials and identification, shall be permitted to enter upon all properties for the purpose of inspection, observation, measurement, sampling and testing in accordance with the provisions of these regulations. However, entering into a private residence or building shall be made only pursuant to a valid search warrant or with the permission of the occupant, which shall not be withheld unreasonably by the occupant. When permission is refused, if health or safety issues require entrance into the residence or building, service will be disconnected pursuant to procedures set forth in this code until the health or safety issues are resolved.
 2. *Damage.* No person shall maliciously, willfully, intentionally, knowingly, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment, which is a part of the City's sewer system.
 3. *Maintenance of sewers and connections.* All building sewers, personal pump stations (except those personal pump stations installed before January 1, 2005, as provided for by the City Council on April 26, 2005) and connection piping to the public sewer main, onsite wastewater treatment systems, lateral sewers, industrial sewers, and appurtenances thereto now existing or hereafter constructed shall be maintained by the owner of the property served in a safe and sanitary condition, and all devices, or safeguards which are required herein for the operation thereof shall

be maintained in a satisfactory working order. The property owner shall be responsible to maintain said building sewers, individual onsite personal pump stations, and connection piping to the public sewer main, lateral sewers, industrial sewers, and appurtenances from the point of connection to the public sewer main to the building being served.

B. *Drainage into sewers.*

1. No person shall discharge, or cause to be discharged, any rainwater, stormwater, groundwater, street drainage, subsurface drainage, yard drainage, water from yard fountains, ponds, swimming pools, evaporative cooler drains, air conditioner drains, or lawn sprays or any other uncontaminated water into any sewerage facility which directly or indirectly discharges to sewerage facilities owned by the City unless authorized by the Director at least 24 hours in advance of the discharge.
2. Uncovered wash pads draining to the sewerage facilities shall be limited to 300 square feet area. Curbs shall be constructed around the perimeter of the pad to prevent surface drainage from other areas entering the sewage facilities.
3. No person shall discharge or cause to be discharged to a trunk sewer, either directly or indirectly, any waste that creates a stoppage, plugging, breakage, any reduction in sewer capacity or any other damage to sewers or sewerage facilities of the City. Any excessive sewer or sewerage maintenance expenses or any other expenses attributable thereto will be charged to the offending discharger by the City.
4. Any refusal to pay excessive maintenance expenses duly authorized by the City shall constitute a violation of this chapter.
5. Other prohibited discharges as defined in this chapter.

C. *Sewer system requirements; minimum design standards.*

1. All new sewer collection and treatment systems shall be designed and constructed in accordance with the current version of the City sewer system design standards as adopted by the City Council, as well as all regulations of the state, County, and the United States.
2. All properties approved for the installation of a temporary onsite wastewater treatment facility shall, if so required by the Director, install a dry lateral from a point near their building sewer outfall to the property line of the street abutting the property on which the building sits. All dry sewer lateral construction to be in accordance with City standard details and the International Plumbing Code or Uniform Plumbing Code. The dry sewer lateral shall be installed prior to issuance of a certificate of occupancy for the property.
3. All building laterals shall be a minimum of 4 inches in diameter. Cleanouts are required at all changes in direction (both horizontal and vertical) of the lateral.
4. All sewer flow meters when approved by the City shall be designed and constructed in accordance with the current version of the City sewer system design standards as adopted by the City Council, as well as all regulations of the state, County, and the United States.

D. *Construction of sewer facilities.*

1. No person, other than employees of the City or persons contracting to do work for the City, shall construct or cause to be constructed, or alter or cause to be altered, any public sewer, lateral sewer, house connection, or industrial connection sewer over 6 inches in diameter, sewage pumping plant, sewage treatment plant, industrial pretreatment facility, or other sewerage facility within the City where existing or proposed wastewater flows will discharge directly or indirectly to facilities of the City, without first obtaining approval of sewerage construction plans from the Department. Approval by the City does not preclude the applicant from responsibility for meeting the pretreatment requirements of the permit or other permit requirement or other regulatory requirements.
2. The applicant and/or developer shall submit to the Department for approval construction plans and such specifications, design reports, and other details as required to describe fully the proposed sewerage facility. The Department shall require that the plans shall have been prepared under the supervision of, and shall be sealed by, an engineer of suitable training registered in the state. The applicant shall also submit to and obtain approval from ADEQ and the county for all proposed work.

3. Plans for sewerage construction shall not be approved by the Department for any facility, which will convey industrial wastewater unless the discharger has first obtained a permit for industrial wastewater discharge.
 4. All new sewer collection and treatment systems shall be designed and constructed in accordance with the current version of the City sewer design standards and specifications as adopted by the City Council, as well as all regulations of the state, County, and the United States.
 5. Inspection of all sewerage construction under this chapter shall be made by personnel of the Department, provided, however, that any construction performed under a permit from the Department shall be inspected and certified by an engineer of suitable training, registered in Arizona and retained by the developer.
 6. Approval of plans for sewerage construction shall expire 1 year after the date of approval unless construction has been initiated.
 7. All onsite piping and appurtenances shall be installed and tested in accordance with the current version of the International Plumbing Code adopted by the City applicable at the time the permit is issued unless the installation and approval is delayed more than 12 months from the date of issuance.
 8. Installations occurring more than 12 months from the date of issuance should be reviewed for compliance with the codes in effect at the time construction is being proposed before being performed.
- E. *Extension of Service.*
1. No person, other than City employees, shall extend the sewer collection system unless an extension agreement has been first obtained from the City.
 2. *Location.* Sewer use is only permitted within the designated 208 Plan Service Area.
 3. *Design.* Sewer system minimum design standards are pursuant to subsection (C) of this Section.
 4. *Construction.* All construction of sewer facilities is pursuant to subsection (D) of this Section.
 - a. Construction shall be subject to right-of-way permit regulations and inspection by the City during construction. Both the developer and contractor shall be responsible for notifying the City at least 2 business days prior to beginning construction.
- F. *Effluent Service.* A customer may purchase effluent from the City after executing an agreement negotiated and approved by the City.

§ 4.12.030 REQUIRED CONNECTION.

- A. *Availability.* Public sewer is deemed to be available to a property when the property at any point adjoins a public utility easement, right-of-way, or other public property within which an existing public sewer main is located. Sewer may also be available at the review of the Director.
- B. *Connection to public sewer required.*
1. All buildings located within the areas to which public sewer is or becomes available are required to connect to public sewer as provided herein. Failure to connect to the public sewer when applicable is considered a violation of these regulations. All existing buildings granted a permit to install a temporary onsite wastewater treatment system shall connect to public sewer when the public sewer becomes available to the property.
 2. *Existing buildings utilizing onsite wastewater treatment systems.* All existing buildings utilizing onsite wastewater treatment systems constructed shall connect to public sewer when the public sewer becomes available to the property, unless determined by the Director that it exceeds the adopted wastewater master plan cost criteria or for other reasons deemed appropriate or necessary by the City.
 3. *New buildings constructed where public sewer is available.* All new buildings constructed on property where public sewer is available, as defined herein, shall connect to the public sewer as

provided herein prior to issuance of a certificate of occupancy for the building, and before occupancy or beneficial use of the property occurs.

4. *Existing single-family residences with qualifying denitrifying onsite wastewater treatment systems.* All existing buildings constructed on property located within the Ban Areas shall not be required to connect to the public sewer system until it is available and the previously approved denitrifying onsite wastewater treatment system has failed, as determined by the County.
- C. *Responsibility for connection to public sewer.* For all properties, to which public sewer is or becomes available, responsibility for connection to public sewer shall be as set forth below:
1. *Existing single-family and 2-family residences utilizing onsite wastewater treatment systems, except as provided for in subsection C.4.*
 - a. The City shall be responsible to make the connection of any existing single-family or 2-family residence to the public sewer as a part of the City's Wastewater System Expansion Program for the area where the residence in question exists, including:
 - i. Abandonment of the existing onsite wastewater treatment system.
 - ii. Restoration of the property disturbed by the sewer connection to a condition equal to or better than that which existed prior to the time of connection, provided that the property owner executes a non-exclusive license agreement and an affidavit; treatment capacity fee for the property prior to the time that public sewer becomes available to the property.
 - b. If a property owner fails to provide a fully executed license agreement and affidavit prior to the public sewer becoming available, then the property owner shall be responsible for the abandonment of the onsite wastewater treatment system and connection of the building to the public sewer within 14 days of notice from the City that public sewer is available.
 - c. For any property in which a structure was built over an existing septic system without a County septic system permit or a City building permit, the property owner shall be responsible for the abandonment of the onsite wastewater treatment system and connection of the building to the public sewer within 14 days of notice from the City that public sewer is available, and all costs associated therein. City shall only be responsible for providing 1 sewer lateral to a location determined by the City within the public right-of-way.
 - d. For any existing multi-family (greater than 2-family), including RV Park or non-residential property, the property owner shall be responsible to make the connection to the City sewer including abandonment of the existing onsite wastewater treatment system and restoration of the property disturbed by the sewer connection at the time public sewer becomes available to the property.
 2. *New single-family residences constructed where public sewer is available.*
 - a. City shall be responsible for installing 1 sewer lateral to the property line of the property, and the property owner shall be responsible for connecting the building to the lateral.
 - b. The property owner shall obtain a plumbing permit from the City, pay the treatment capacity fee prior to, or in conjunction with, issuance of a building permit for the property, and the connection to the City-provided sewer lateral must be made and approved prior to final inspection of the building, and before occupancy or beneficial use of the property occurs.
 3. *New single-family and 2-family residences constructed with temporary onsite wastewater treatment system.*
 - a. Property owner shall be responsible to install a temporary onsite wastewater treatment system in accordance with the applicable ADEQ and/or County regulations.
 - b. The property owner shall be responsible for installing a dry sewer lateral if so required by the Director in accordance with the City standard details at the time the temporary onsite system is installed.
 - c. When public sewer becomes available to the property, the City shall be responsible to make the connection of the building to the public sewer in accordance with subsection C.1.

- d. The City shall be responsible for the abandonment of the onsite system. The City shall also notify property owners of non single-family residences, and shall be responsible for the connection of their property to the lateral at the property line.
4. *Existing buildings with qualifying denitrifying onsite wastewater treatment systems.* Upon failure of a denitrifying onsite wastewater treatment system installed in accordance with the provisions herein, as determined by the County, and provided that a public sewer is available.
- a. The City shall be responsible for installing 1 sewer lateral to the property line; the property owner shall be responsible for connecting the building to the lateral within 14 days of notice from the County of the failed system.
 - b. The property owner is also responsible for the abandonment of the denitrifying onsite wastewater treatment system in accordance with the applicable ADEQ and/or the County regulations.
 - c. Property owner shall be responsible to obtain a plumbing permit from the City, including all applicable fees, prior to connecting to the City-provided sewer lateral including the treatment capacity fee, and shall be responsible to obtain all applicable approvals for abandonment of the denitrifying system from ADEQ and/or the County.

D. *Notice to connect to public sewer.*

1. Notice to residents is a defined process and a combination of various notifications as shown in the following table:

| Date | Notification |
|--|------------------------------------|
| 60 days prior to 60% Design Completion | Initial Postcard |
| 30 days prior to 60% Design Completion | Initial Mailing |
| | -Newsletter |
| | -Instruction Checklist |
| | -Paperwork for Signature |
| 60% Design Completion | Open House |
| 60 days after open house | Reminder Postcard |
| 30 days prior to notice to proceed | Additional Cost Letter |
| Start of Construction in a Sewer Project Area | Start of Construction Notification |
| Approval of Partial Engineering Certificate of Engineering (PECOC) | 14 Day Notification |

2. The City shall issue written notice to property owners of existing buildings utilizing onsite wastewater treatment systems when public sewer is available to their property and said notice shall be delivered by certified mail to each real property owner, as shown on the last assessment of the property or any other means available to the City.
- a. The notice shall include the right to appeal the determination of "availability" to the Director within 7 days of the date the notice to connect was mailed.
 - b. Notwithstanding the notice requirements set forth in subsection a, the failure of any person or entity to receive notice shall not constitute grounds for any court to invalidate the actions of the City.
3. Property owner shall have 14 days after property owner receives notice to connect to the public sewer, in accordance with the regulations herein. Failure to connect to the public sewer within this mandatory 14-day period after the date of the notice shall cause the property owner to be in violation of these regulations and subject to the penalties contained herein.
4. Property owner maintains ownership of the sewer service line from the house to the sewer main and must keep it clean and open.

- E. *Consequences for failure to connect to public sewer.*
 - 1. Treatment capacity fee will be billed after the 14-day mandatory connection date has passed.
 - 2. Continued failure to connect may result in prosecution or other penalties listed in this Chapter.
 - 3. Disconnection of water service.

- F. *Abandonment of onsite wastewater treatment systems; prohibition on reconnection.* Abandonment of existing and future onsite wastewater treatment systems shall be in accordance with the applicable laws and regulations of the state and the requirements of the County. Abandonment of on-site wastewater treatment systems shall be approved by the County or its legal designee before being considered formally abandoned. Reconnection to an abandoned or new on-site system, when public sewer is available to the property, is prohibited unless the property meets the adopted wastewater master plan cost criteria.

- G. *Prohibited onsite wastewater treatment systems and connections.*
 - 1. No new building constructed on a property shall herein be connected to an onsite wastewater treatment system, either existing or new, if a public sewer is available.
 - 2. No existing building shall be allowed to remain connected to an onsite wastewater treatment system 14 days after notice has been sent that a public sewer is available as described above. Exceptions to this are those existing single-family residences located within the Ban Areas. Properties with a previously approved denitrifying system meeting these exceptions shall not be required to connect to the public sewer system until it is available and the previously approved denitrifying onsite wastewater treatment system has failed, as determined by the County.
 - 3. No new subdivision or property that creates more than 2 buildable residential, commercial, or industrial lots shall herein be allowed to utilize onsite wastewater treatment systems. Said new subdivisions shall be required to provide centralized sewer collection and wastewater treatment meeting all requirements of ADEQ to each and every lot. The centralized collection and treatment system shall be owned and operated by the subdivider, unless the system is dedicated to and accepted by the City as provided herein. When public sewer service is extended to the subdivision, and notice of availability is given to the subdivider as provided herein, the wastewater treatment facility shall be decommissioned and the centralized sewer collection system serving the subdivision shall be connected to the public sewer.
 - 4. *Interim provisions.* Within the existing platted areas of the City, single-family dwellings located on existing single-family residential property that do not have public sewer available at the time the building permit is issued shall be allowed to install temporary onsite wastewater treatment systems in accordance with ADEQ and County regulations, provided that the appropriate permits are obtained to do so. In conjunction with the installation of the temporary onsite system, the property owner shall install a dry sewer lateral if so required by the Director for future connection to the public sewer when it becomes available. Dry sewer laterals shall be installed for such work in accordance with the City sewer design standards and specifications on file in the City Engineer's office at the time either the building permit or plumbing permit is issued, whichever occurs first. All such properties granted a temporary onsite wastewater treatment system permit shall connect to the public sewer at such time as it becomes available, and within 14 days of receipt of written notice from the City to do so.
 - 5. No cesspool, septic tank, seepage pit, drain field, onsite wastewater treatment system, or onsite denitrifying system shall be connected to any public sewer or to any building sewer leading to such a public sewer.

§ 4.12.040 COMMERCIAL AND INDUSTRIAL SEWER USES.

- A. In addition to all of the preceding sections, commercial and industrial users shall meet all of the remaining requirements listed in the following sections as applicable to their individual operations.

- B. *Interceptor maintenance.*
 - 1. Where installed, all grease, oil, and sand interceptors shall be maintained by the owner, at the owner's expense, in keeping a continuous efficient operation at all times. 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 on the premises for a minimum of 3 years and made available to the City upon request.

2. Cleaning shall include scraping of walls and baffle, clearing baffle passageways between chambers. The complete removal of all contents, including floating materials, wastewater and bottom sludge and solids.
3. When necessary replace or repair baffles, inlet and outlet downturns or tees, and any other replaceable or repairable parts so that the interceptor operates as designed by the manufacturer.
4. Mixing of an interceptor is strictly prohibited.
5. Decanting, back flushing, or discharging of removed wastes back into the oil and grease interceptor or oil/water separator from which the waste was removed or any other oil and grease interceptor or oil/water separator, for the purpose of reducing the volume to be hauled and disposed is prohibited.
6. Pumping frequency shall be determined by the Department based on flow, volume of business, hours of operation, seasonal variations and the quantity of substances in the final compartment as required by the "25% rule" as defined in subsection 7 of this section. In no case shall the pumping frequency exceed 180 days unless approved by the City.
7. The "25% Rule" requires that the combined depth in the final chamber of objectionable substance (floating and settled) in an interceptor or trap shall not be equal to or greater than 25% of the total operating depth of the interceptor or trap. The operating depth of an interceptor or trap is determined by measuring the internal depth from the outlet water elevation to the bottom in the last chamber.
8. Additives placed into the oil and grease interceptor, oil/water separator or building discharge line system on a constant, regular or scheduled basis shall be reported to the Department in writing at least 10 business days prior to use along with the Safety Data Sheets. Such additives shall include, but not be limited to, emulsifiers, enzymes, commercially available bacteria, or other additives designed to absorb, purge, consume, treat, or otherwise eliminate grease and oils. Any use of additives shall be approved by the Department prior to introduction into the waste stream, interceptor, or separator. The use of additives in no way shall be considered as a substitution to the maintenance procedures required herein.

C. *Trap maintenance.*

1. Where installed, all under-the-sink oil and grease traps shall be maintained by the owner, at the owner's expense, in keeping a continuous efficient operation at all times. 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 years and made available to the City upon request.
2. Cleaning and maintenance shall include removal of materials from the tank walls, baffles, cross pipes, inlets, and outlets.
3. Mixing of an under-the-sink trap is strictly prohibited.
4. Under-the-sink oil and grease traps shall be cleaned at a minimum frequency of once a month, or more often as necessary to prevent pass through of grease and other food solids to the collection system.
5. When necessary replace or repair baffles, lid gaskets, inlet and outlet downturns, and any other replaceable or repairable parts so that the trap operates as designed by the manufacturer.
6. Additives placed into the trap on a constant, regular, or scheduled basis shall be reported to the Department in writing at least 10 business days prior to use along with the SDS. Such additives shall include, but not be limited to, emulsifiers, enzymes, commercially available bacteria, or other additives designed to absorb, purge, consume, treat, or otherwise eliminate grease and oils. Any use of additives shall be approved by the Department prior to introduction into the waste stream, interceptor, or separator. The use of additives in no way shall be considered as a substitution to the maintenance procedures required herein.

D. *Grease interceptors required.*

1. All businesses dealing in food preparation of any kind, such as, but not limited to, restaurants, commissaries, kitchens, and caterers shall install a minimum 800-gallon approved oil and grease interceptor in accordance with the International Plumbing Code or Uniform Plumbing Code whichever is more restrictive.
2. If multifamily dwellings, such as townhouses, condominiums, apartment buildings, apartment complexes or areas of intensified dwelling, are found by the Department to be contributing oil and grease in quantities sufficient to cause main line stoppages, lift station malfunctions, or necessitate increased maintenance on the collection system, said user(s) shall be directed to cease discharging oil and grease to the wastewater system and/or shall be required to install a grease and oil interceptor. A control manhole or inspection box for monitoring purposes shall be required and installed at the owner/operator's sole expense, in accordance with the International Plumbing Code or Uniform Plumbing Code whichever is more restrictive, and 800 gallons is the absolute minimum size.
3. Under-the-sink oil and grease traps are prohibited on new construction unless approved by the Department.

E. *Sand and oil interceptors required.*

1. Automotive related enterprises, commercial laundries and laundromats, and other users, which contribute wastes containing petroleum (hydrocarbon), based oils, greases, sand, sludge, lint and other materials shall install an approved oil/water separator, lint removal system or both in accordance with the International Plumbing Code.
2. The minimum interceptor size for car washes shall be 1,500 gallons. An approved control manhole or inspection box for monitoring purposes shall be required and installed at the owner/operator's sole expense.

F. *Existing facilities.*

1. Existing food service or automotive related facilities that discharge into the City sewer system, shall be required to install an approved, properly operated and maintained oil and grease interceptor, grease trap or oil/water separator approved by the Department when the following exist:
 - a. If there is no interceptor or trap at this facility which operates as, or has discharges of liquids or wastes typical of, the facilities identified in this code for interceptor installation.
 - b. Remodeling of a structure that will be discharging certain liquids or wastes to the POTW may be prohibited or limited by the provisions of this Chapter.
 - c. The existing pretreatment device is in a state of disrepair such that it cannot be repaired to achieve continuously efficient operation.
 - d. The existing pretreatment device is hydraulically undersized to receive discharges from the fixtures or equipment requiring pretreatment.
 - e. The City shall, from time to time, establish the maximum quantities of certain substances, which may be discharged into the sewer system or treatment works operated by the City. Discharge into the sewer system or treatment works of any such substance in a quantity or concentration in excess of that set forth in this chapter shall constitute a violation of this section.
2. Every building must be separately connected with a public sewer, however, 1 or more buildings located on lots or parcels of land belonging to the same owner may be served with the same building sewer during the period of said ownership. If the property is subdivided and different ownerships are created, sewer service can be provided by separate connection of each building to the public sewer, or by an onsite collection system, which collects sewerage from 2 or more buildings and conveys it to the public sewer.
 - a. Ownership and maintenance of the onsite collection system shall remain with the property owner(s), under the authority of a duly created property owners association, unless prior to approval/construction of the onsite collection system, formal written request is made to the City Council to accept the system for ownership and maintenance, the onsite collection

system is designed and constructed in accordance with these documents and all State and Federal regulations, and the City Council accepts the system for ownership and maintenance.

- b. The property owner shall also grant perpetual unencumbered access to all facilities located on said property through the granting of perpetual easements and/or rights of way of sufficient width, as determined by the City, to allow full operation, maintenance and repair of said facilities in the future. All such easements and/or rights of way shall be recorded with the County before being considered valid.
- c. Ownership and maintenance of the onsite collection system by the City will not become effective until all construction has been completed, the property owner's professional engineer has submitted all required drawings, electronic files, test results, certification of completion and other documents determined by the Department, the property owner has submitted adequate proof of the required access easements and/or rights of way necessary for perpetual access to the facilities and the City has issued a letter indicating that the work has been done in accordance with these regulations.

§ 4.12.050 PROHIBITED DISCHARGES AND DISCHARGE LIMITS.

- A. *General Prohibitions.* No Person shall discharge or cause to be discharged to any sewer which is connected, directly or indirectly, to the POTW any water or wastes containing a substance in sufficient quantity to constitute a hazard to humans or animals. No discharge will be allowed into the POTW in quantities exceeding the maximum limits provided in this Section.
- B. No discharge will be allowed into the sewer system or POTW with quantities in excess of the maximum limits shown in the following table:

| Constituent or Pollutant | Maximum Allowable Limit |
|------------------------------|-------------------------|
| Cadmium | 0.08 mg/l |
| Chromium | 0.90 mg/l |
| Copper | 2.00 mg/l |
| Lead | 0.50 mg/l |
| Nickel | 1.20 mg/l |
| Zinc | 2.15 mg/l |
| Arsenic | 0.80 mg/l |
| Cyanide | 0.01 mg/l |
| Silver | 1.25 mg/l |
| Mercury | 0.05 mg/l |
| Selenium | 0.08 mg/l |
| Barium | 1.00 mg/l |
| Manganese | 10.00 mg/l |
| Boron | 5.00 mg/l |
| Phenol | 0.05 mg/l |
| Total Grease | 100.00 mg/l |
| Dissolved Sulfides | 0.05 mg/l |
| Total Petroleum Hydrocarbons | 5.0 mg/l (daily max) |
| Benzene | 5.0 mg/l (daily max) |

- C. No discharge will be allowed into the sewer system or POTW, which contains:
1. Any radiological, chemical or biological warfare agent;
 2. Any gasoline, benzene, naphtha, solvent, fuel oil, or any liquid, solid, or gas that will cause flammable or explosive conditions to result in the sewerage system, or a pollutant with closed cup flashpoint of less than 140° F;
 3. Waste which will cause corrosive structural damage to treatment works or result in a hazard to structures, equipment or personnel, but in no case with a pH lower than 5.5 standard units nor higher than 9.0 standard units. Where a permittee is required by its permit to continuously monitor its pH discharge over a 30-day period the permittee shall maintain the pH of such wastewater within the range set forth in its permit, except that excursions from the range are permitted subject to the following limitations:
 - i. The total time during which the pH values are outside the required range of pH values shall not exceed 7 hours and 26 minutes in any calendar month;
 - ii. No individual excursion from the range of pH values shall exceed 60 minutes;
 - iii. For purposes of this section, an "excursion" is an unintentional and temporary incident in which the pH value of discharged wastewater exceeds the range set forth in the permit.
 4. Solids or viscous substances of such size or in such quantity, which will cause obstruction of flow in the sewer or cause interference with the collection system or wastewater treatment plant operations. These objectionable substances include, but are not limited to, asphalt, dead animals, offal, ashes, sand, mud, straw, industrial process shavings, metal, glass, rags, milk, feathers, tar, plastics, wood, whole blood, paunch manure, bones, hair and fleshings, entrails, paper dishes, paper cups, milk containers or other similar paper products, either whole or ground;
 5. Wastes which exceed the discharge limitations as listed in this code;
 6. Any water added for the purpose of diluting wastes which would otherwise exceed applicable maximum concentration limitations;
 7. Any single-pass cooling waters in excess of 1 gpm;
 8. Any boiler blow off exceeding one-third of the make-up water;
 9. Deionized water, steam condensate or distilled water in excess of 1 gpm;
 10. Any substance that results in toxic gases, vapors, and fumes that may cause acute worker health and safety problems;
 11. Any quantity of wastes that causes interference with the disinfection operation of the POTW;
 12. Any waste producing excessive discoloration of wastewater or treatment plant effluent;
 13. Any recognizable portions of the human anatomy;
 14. Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants, to injure or interfere with any wastewater treatment process, constitutes a hazard to humans or animals, creates a toxic effect in the receiving waters of the POTW, or to exceed the limitation of similar paper products, either whole or ground, or to exceed the limitation set forth in the categorical pretreatment standard. A toxic pollutant shall include, but not be limited to, any pollutant identified pursuant to Section 307(a) of the Act;
 15. Any discharge which will cause interference with POTW operations, reuse, AZPDES permit, Aquifer Protection permit or the water quality standards for receiving water;
 16. Any waste having a temperature of 120° F or higher at the discharge point, or which causes the treatment works influent to exceed 104° F;
 17. Petroleum oil, nonbiodegradable cutting oil, or products of mineral origin in amounts that cause pass through or interference; or
 18. Any discharge which the Director determines is inconsistent with the rules, regulations and ordinances promulgated by the City.
- D. Hospitals, clinics, offices of medical doctors, and convalescent homes, shall not discharge to the sewer by any means:

1. Disposable hypodermic needles, syringes and associated articles.
 2. Infectious wastes defined as:
 - a. Laboratory and surgical room wastes.
 - b. Wastes from outpatient areas and emergency rooms similar to those included above.
 - c. Equipment, instruments, utensils, and other materials of a disposable nature that may harbor or transmit pathogenic organisms and that are used in the rooms of patients having a suspected or diagnosed communicable disease which by the nature of the disease is required to be isolated by public health agencies.
 3. Solid wastes generated in the rooms of patients who are isolated because of a suspected or diagnosed communicable disease.
 4. All solid wastes not included in subsection A above.
- E. Nothing in this section shall be construed to limit the authority of the Health Officer of the County to define wastes as being infectious and, with the concurrence of the Director, to prohibit their discharge to the sewer.
- F. The Department reserves the right to inspect any existing lateral or collecting sewers that discharge wastewater directly or indirectly to trunk sewers.
1. If it is found that such lateral or collecting sewers are improperly used or improperly maintained, thereby causing discharge of wastewater, excessive groundwater, debris or any other objectionable substance to the City sewers, the Department will give notice of the unsatisfactory condition to the offending discharger and shall direct the condition be corrected.
 2. In cases of continued noncompliance with the Department directive, the Department may disconnect the offending user from City sewer system and/or water supply.

§ 4.12.060 PRETREATMENT OF WASTEWATER

- A. *Pretreatment Facilities.* Users shall achieve compliance with all Categorical Pretreatment Standards, specified by the EPA, the State, or the Director, whichever is more stringent. Users shall provide detailed plans describing wastewater treatment facilities, equipment, and operating procedures for the Director for review.
- B. *Additional Pretreatment Measures.* The Director may require users to restrict their discharge, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage and industrial waste streams, and other requirements as may be determined necessary by the Director.
- C. *Commercial and Industrial Sewer Users.* Commercial and Industrial users shall meet all requirements for interceptor maintenance, trap maintenance, requirements of grease interceptors, requirements of sand and oil interceptors, and requirements for existing facilities pursuant to City Code § 4.12.040.
- D. *Accidental discharge/slug discharge control plans.* The Director shall evaluate whether each industrial user needs an accidental discharge and/or slug discharge control plan or other action to control Slug Discharges. The Director may require any user to develop, submit for approval, and implement such a plan or take such other action that may be necessary to control Slug Discharges. Alternatively, the Director may develop such a plan for any user. An accidental discharge/slug discharge control plan shall address, at a minimum, the following:
1. Description of discharge practices, including nonroutine batch discharges;
 2. Description of stored chemicals;
 3. Procedures for immediately notifying the Director of any accidental or slug discharge, as required by this Chapter; and
 4. Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to, 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.

- E. *Hauled Wastewater.* Septic tank waste may be introduced into the POTW only at locations designated by the Director, and at such times as are established by the Director. The Director maintains a preference for hauled wastewater to be discharged into the North Regional Wastewater Plant. With advice from the Director, haulers may obtain permissions to discharge into other points in the system. The City reserves the right to reject hauled wastewater based on capacity, risk to effluent quality, or other factors.

§ 4.12.070 DISCHARGE PERMITS

- A. *General.* This section prescribes procedural and substantive rules governing the City's industrial waste program promulgated to protect the City's collection and treatment works, and to provide a method of controlling industrial discharges to the system.
- B. *Prohibition of discharges.* Except as authorized by a permit issued by the Department in compliance with the provisions of this section, it is unlawful for any person to discharge any industrial waste into any portion of the City's sewage collection system.
- C. *Application and procedure.*
 - 1. Any person discharging industrial wastewater shall file a complete application not later than 60 days following receipt of notice from the Director to submit such application.
 - 2. Any person wishing to commence future discharges of industrial wastes must file a complete application either:
 - a. Not less than 90 days in advance of the date on which it is desired to commence the discharge; or
 - b. In sufficient time prior to the commencement of the discharge to ensure compliance with this section.
 - 3. The Director may require the submission of additional information after a permit application has been filed.
 - 4. All potential Industrial Users are required to submit the Industrial Waste Questionnaire to the Director prior to obtaining a discharge permit.
 - 5. Information and data on a user obtained from reports, questionnaires, permit applications, permits and monitoring programs and from inspections shall be available to the public or other governmental agency without restriction unless the user specifically requests and is able to demonstrate to the satisfaction of the city that the release of such information would divulge information, processes or methods of production entitled to protection as trade secret of the user.
 - a. To claim trade secret protection, the user must specify at the time of submitting his reports or information, that part the owner desires to protect.
 - b. When requested by the person furnishing a report, the portions of a 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 section, the Arizona Pollutant Discharge Elimination System (AZPDES) permit, state disposal system permit and/or the pretreatment programs; provided, however, that such portions of a report shall be available for use by the City, 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.
- D. *Signature requirements.*
 - 1. Application and reporting forms submitted to the Department shall be signed as follows:

- a. *Corporations*: By a principal executive officer (of at least the level of vice president) or duly authorized representative who is responsible for the overall operation of the facility from which the discharge described in the application or reporting form originates;
 - b. *Partnership*. By a general partner;
 - c. *Sole proprietorship*. By the proprietor;
 - d. *State or other public facility*. By either a principal executive officer, ranking elected official or other duly authorized employee.
2. Each application must contain a certification by the person signing the application that he/she is familiar with the information provided, that to the best of their knowledge and belief such information is complete and accurate, and that they have the authority to sign and execute the application.
- E. *Other terms and conditions of issued permits.*
1. In addition, the terms and conditions of each issued permit shall provide for and insure the following:
 - a. That all discharges authorized by the permit shall be consistent with the terms and conditions of the permit; that facility expansions, change of ownership or location, production increases, or process modifications which result in new or increased discharges of pollutants must be reported by submitting a new permit application at least 90 days before such changes occur or, if such discharge does not violate discharge limitations specified in the permit, by submission to the Director of a notice of such new or increased discharge or pollutants at least 90 days before such changes occur; that the discharge of any pollutant not identified and authorized by the permit or the discharge of any pollutant more frequently than or at a level in excess of that identified and authorized by the permit shall constitute a violation of the terms and conditions of the permit;
 - b. That the permit may be modified, suspended, or revoked, in whole or in part, during its term for cause including, but not limited to, the following:
 - i. Violation of any terms or conditions of the permit;
 - ii. Obtaining a permit by misrepresentation or failure to disclose fully all relevant facts, or
 - iii. A change in conditions, or the existence of a condition, which requires either a temporary or permanent reduction or elimination of the permitted activity;
 - c. That the permittee shall permit the Director, upon the presentation of credentials:
 - i. To enter upon the permittee's premises during normal working hours in which an effluent source is located or in which any records are required to be kept under terms and conditions of the permit,
 - ii. To have access to and copy any records required to be kept under terms and conditions of the permit,
 - iii. To inspect any monitoring equipment or method required in the permit, or
 - iv. To sample and test any discharge;
 - d. That the permittee at all times shall maintain in good working order and operate as efficiently as possible any facilities or systems of control installed by the permittee to achieve compliance with the terms and conditions of the permit;
 - e. Upon the effective date of any federal categorical pretreatment standards for a particular industrial subcategory, the federal standard, if more stringent than limitations imposed under this chapter shall immediately supersede these limitations.
 2. *Notification requirements.*
 - a. *Notification of accidental discharge, slug loading, bypass, other noncompliance.*
Immediate. In the event of bypass, upset, accidental discharge, spill, or slug load, which may endanger health, the environment, or the treatment works, the permittee shall notify the Director by telephone immediately upon discovery of the occurrence.

Twenty-four hour reporting. The permittee shall report within 24 hours from the time the permittee becomes aware of the circumstances, any upset which exceeds any effluent limitation in the permit, or exceedance of a maximum discharge limitation for any of the pollutants listed in the permit.

Contact. Permittee shall contact the Director during working hours or police department at other times. The notification shall include location of discharge, type of waste, concentration and volume, and corrective actions.

Follow-up. Within 5 days following notification, the permittee shall submit to the Director a detailed written report containing such information and describing the cause of the discharge and measures to be taken by the permittee to prevent similar future occurrences. Such notification shall not relieve the permittee of any expense, loss, damage, fines, civil penalties, or other liability which may be incurred as a result of damage to the treatment works or any other person or property; nor shall such notification relieve the permittee of any fines, civil penalties or other liability which may be imposed by this chapter or other applicable law.

- b. The permittee shall report all instances of noncompliance at the time monitoring reports are submitted. The reports shall contain the information listed in this section.
- c. Where the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to the Director, it shall promptly submit such facts or information.

3. *Bypass.*

The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of this section.

If the permittee knows in advance of the need for a bypass, it shall submit prior notice, at least 10 business days before the date of the bypass.

The permittee shall submit notice of an unanticipated bypass as required in this section.

- 4. Bypass is prohibited, and the Director may take enforcement action against a permittee for bypass, unless:
 - a. Bypass was unavoidable to prevent loss of life or personal injury, or to prevent severe substantial physical property damage, causing them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe substantial property damage does not mean economic loss by delays in production;
 - b. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
 - c. The permittee submitted notices as required under this section.
 - 5. The Director may approve an anticipated bypass, after considering its adverse effects, if the Director determines that it will meet the 3 conditions listed in this section.
 - 6. Suspension or revocation of a permit or any portion thereof pursuant to this section shall not be a bar to criminal prosecution where deemed appropriate by the City Attorney.
- F. *Duration, reissuance and assignment.* The duration of the permits shall be fixed and shall not exceed 5 years. The expiration date shall be recorded on each permit issued. A new application must be filed with the Department to obtain renewal or modification of a permit. Applications for renewal shall be filed at least 90 days prior to expiration of the permit. No permit shall be assigned or transferred without first obtaining the written permission of the Director. Fees shall be assessed pursuant to the current Master Fee Schedule.

G. *Monitoring, recording and reporting of discharges.*

1. The Department may, by order or permit, require the owner or operator of any source of a discharge to:
 - a. Establish and maintain such records;
 - b. Make such reports;
 - c. Install, calibrate, use and maintain such monitoring equipment or methods, including, where appropriate, biological monitoring methods;
 - d. Provide such other information relating to discharges as the Director prescribes or as is necessary to determine the existence, nature and frequency of any discharges.
2. The cost of all testing and sampling as may be required by the Department shall be provided and paid for by the discharger.

H. *Issuance, reapplication, modification, suspension and revocation.*

1. The Director may, after notice and opportunity for a hearing, modify, suspend or revoke any permit, in whole or in part, during its term for cause or for failure or refusal of the permittee to carry out the requirements of this chapter.
2. The Director may, upon request of the permittee, revise or modify a schedule of compliance in an issued permit if he determines good and valid cause (such as an act of God, strike, flood, materials shortage or other event over which the permittee has little or no control) exists for such revision.
3. Permittee must apply for and obtain a new permit prior to the expiration date of current permit. The application must be submitted to the Department at least 90 days before the expiration date of the current permit, unless written permission for an extension of the time is requested prior to the expiration of the current permit and the Department grants the extension.
4. Subject to the Director's right to modify, revoke or terminate the current permit, it shall continue to remain in full force and effect after the date of expiration if the permittee has applied for a new permit in accordance with the time frame required by this section, and a new permit has not been issued prior to the expiration date of the current permit.

- I. *Variances.* Any event in which average waste characteristics and corresponding surcharge rate is disputed by a User granted a permit, the User may be granted a variance by the Director under certain conditions. The conditions are pursuant to City Code § 4.12.120.

§ 4.12.080 INDUSTRIAL WASTEWATER SAMPLING, ANALYSIS AND FLOW MEASUREMENTS.

- A. All wastewater analysis shall be conducted in accordance with the methods promulgated under Section 304(g) of the Act or 40 CFR 136. If no appropriate procedure is contained therein, the standard procedure of the industry or a procedure judged satisfactory by the Department shall be used to measure wastewater constituents. Any independent laboratory or discharger performing tests shall furnish any required test data or information on the test methods or equipment used if requested to do so by the Department.
- B. All dischargers making periodic measurements shall furnish and install in a monitoring and sampling vault or other approved location a calibrated flume, weir, flow meter or similar device approved by the Department and suitable to measure the industrial wastewater and total volume. A flow indicating, recording and totalizing register shall be required by the Department. The discharger shall install and maintain facilities to allow inspection and monitoring of the wastewater. The flow measuring facility shall meet the requirements of City sewer system design.
- C. The sampling, analysis and flow measurement procedures, equipment and results shall be subject at any time to inspection by the Department. Sampling and flow measurement facilities shall be such as to provide safe access to authorized personnel.

- D. When required by the 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. Such manhole, when required, shall be accessible and safely located and shall be constructed in accordance with plans approved by the Director. The manhole shall be installed by the owner at the owner's expense and shall be maintained by the owner so as to be safe and accessible at all times.

§ 4.12.090 DISCHARGES.

- A. The City shall, from time to time, establish the maximum quantities of certain substances which may be discharged into the sewer system or treatment works operated by the Department.
- B. Discharge into the sewer system or treatment works of any such substance in a quantity or concentration in excess of the established maximum quantity shall constitute a violation of this chapter.
- C. An industrial wastewater treatment surcharge shall be paid to the City on a monthly basis by those industrial wastewater dischargers whose contribution of biochemical oxygen demand (BOD) and suspended solids (SS) create costs in excess of the value of their sewer service charges. The individual waste discharge shall be considered as creating cost in excess of the value of their sewer service charges when the concentration of BOD and SS exceed the following:
 - 1. BOD -- 275 mg/L
 - 2. SS -- 200 mg/L
- D. The treatment surcharge shall be based on the appropriate City sewerage system's total maintenance, operation, and capital expenditures for providing industrial wastewater collection, treatment, and disposal services as described in § 4.12.130. The annual industrial wastewater treatment surcharge shall be computed by the following formula:

$$\text{Rate per 1000 gallons of water consumption} = \frac{\{R\text{FLOW} + [(R\text{BOD})(C\text{BOD})(8.34)]/1000 + [(R\text{SS})(C\text{SS})(8.34)]/1000\}}{1000(Z)}$$

Where:

RFLOW = Unit costs associated with wastewater flow per million gallons per year.

RBOD = Unit costs associated with BOD per 1000 pounds per year.

RSS = Unit costs associated with SS per 1000 pounds per year.

CBOD = BOD concentration in mg/l over 275 mg/L.

CSS = SS concentration in mg/l over 200 mg/L.

Z = The estimated ratio between wastewater flow and water consumption.

- E. The quantity for total flow shall be the quantity of water measured at the water meter. Where no meter exists, the surcharge will be calculated based on 950 gallons per month per fixture unit.
- F. The quantities for BOD and suspended solids for certain classes of users shall be based on typical strengths as listed herein:

| BOD (ppm) | Suspended Solids (ppm) | |
|----------------------|------------------------|------------------------|
| | BOD (ppm) | Suspended Solids (ppm) |
| Residential | 175 | 175 |
| Residential - actual | 175 | 175 |
| Condo | 175 | 175 |

| BOD (ppm) | Suspended Solids (ppm) | |
|--|------------------------|------------------------|
| | BOD (ppm) | Suspended Solids (ppm) |
| Condo - actual/sewer flow meters | 175 | 175 |
| Apartment/Multi-Family | 175 | 175 |
| Apt./Multi-Family - actual/sewer flow meters | 175 | 175 |
| Included in section entitled III Commercial and Industrial Sewer Uses. | | |
| Auto Steam Cleaning | 1,150 | 1,250 |
| Theaters, Libraries, Churches, Parks | 150 | 150 |
| Theaters, Libraries, Churches, Parks - actual | 150 | 150 |
| Bar w/o Dining Facility | 200 | 200 |
| Bar w/o Dining Facility - actual | 200 | 200 |
| Car Wash | | |
| w/o recycling | 20 | 150 |
| w/o recycling - actual | 20 | 150 |
| w/recycling - actual | 80 | 600 |
| Dept/Retail/Convenience Stores | 150 | 150 |
| Dept/Retail/Conv. - actual/sewer flow meters | 150 | 150 |
| Hospital/Convalescent | 250 | 100 |
| Hospital/Convalescent - actual | 250 | 100 |
| Hotel/Motel | 310 | 120 |
| Hotel/Motel - actual | 310 | 120 |
| Hotel/Motel w/Restaurant | 700 | 360 |
| Hotel/Motel w/Restaurant - actual | 700 | 360 |
| Fitness Centers/Beauty Salons | 130 | 80 |
| Fitness Centers/Beauty Salons - actual | 130 | 80 |
| Laundromat | 150 | 110 |
| Laundromat - actual | 150 | 110 |
| Commercial Laundry/Dry Cleaning | 450 | 240 |
| Grocery Store | 800 | 800 |
| Grocery Store - actual | 800 | 800 |
| Mortuaries - actual | 800 | 800 |
| Prof. Offices/Medical | 130 | 80 |
| Prof. Offices/Medical - actual | 130 | 80 |
| Repair Shops/Service Stations | 180 | 280 |
| Repair Shops/Service Stations - actual | 180 | 280 |

| BOD (ppm) | Suspended Solids (ppm) | |
|---|------------------------|------------------------|
| | BOD (ppm) | Suspended Solids (ppm) |
| Restaurants, Food Preparation | 1100 | 600 |
| Restaurants, Food Preparation - actual | 1100 | 600 |
| Delicatessen | 250 | 215 |
| Delicatessen - actual | 250 | 215 |
| Schools and Colleges | | |
| w/Gym, Shower | 250 | 350 |
| w/Gym, Shower - actual | 250 | 350 |
| w/o Facilities - actual | 130 | 100 |
| w/Cafeteria | 1000 | 500 |
| w/o Facilities | 130 | 100 |
| Ice Mfr., Bottled Water, Nurseries | 150 | 150 |
| Ice Mfr., Bottled Water, Nurseries - actual | 150 | 150 |
| Septage Haulers | 5,400 | 12,000 |
| Industrial | 275 | 200 |
| Industrial - actual | 275 | 200 |
| a. RV Park - actual/sewer flow meters | 175 | 175 |
| b. RV/Houseboat Wastes | 4000 | 10000 |
| Industrial-Pretreated | 63 | 134 |

The quantities of BOD and suspended solids for other industrial dischargers shall be established by sampling and analysis as specified by the Director in the permit issued pursuant to § 4.12.070.

§ 4.12.100 COMPLIANCE MONITORING

A. Right of Entry: Inspection and Sampling

1. The Director, upon presentation of credentials, shall have the right of entry to, upon, or through the facilities of any user to determine whether the user is complying with all requirements of this chapter and any individual wastewater discharge permits, other permit, or order. Users shall allow the Director ready access to all parts of the facilities for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties.
2. Where a user has security measures in force which require proper identification and clearance before entry into its facilities, the user shall make necessary arrangements with its staff so that, upon presentation of credentials, the Director shall be permitted to enter for the purposes for exercising all inspection and review authorities under this chapter.
3. The Director shall have the right to set up on the user's property, and/or require the user to permit installation of the City equipment at the user's expense, of such devices as determined necessary by the Director to conduct sampling and/or metering of the user's operations.
4. The Director may require the user to install monitoring equipment on the user's property as determined necessary by the Director, at the User's expense. The facility's sampling and monitoring equipment shall always be maintained in a safe and proper operating condition as specified by the manufacturer. All devices used to measure wastewater flow and quality shall be

calibrated per manufacturer specifications to ensure their accuracy. Proof of the current calibrations shall be maintained by the user and provided to the City when requested.

5. User shall maintain their facilities to ensure the City staff have safe and easy access and ample room in or near the monitoring facility to perform independent monitoring activities and allow for accurate sampling and preparation of samples and inspection. Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the user at the written or verbal request of the Director and shall not be replaced. The costs of clearing such access shall be borne by the user.
6. Unreasonable delays in allowing the Director access to the user's premises shall be a violation of this chapter.

§ 4.12.110 ESTABLISHMENT OF UNIT CHARGE RATES FOR INDUSTRIAL WASTEWATER TREATMENT SURCHARGE.

- A. Unit charge rates "RFLOW," "RBOD," and "RSS" in the industrial wastewater surcharge shall remain unchanged if no significant changes occur for the sewerage system by the procedure described herein.
- B. For the sewerage system, appropriate unit charge rate parameters for flow, biochemical oxygen demand and suspended solids, respectively designated "RFLOW" (in dollars per million gallons per year), "RBOD" (in dollars per 1,000 pounds per year), and "RSS," (in dollars per 1,000 pounds of suspended solids per year), shall be determined by the following method:
 1. The total capital outlay for construction of sewerage facilities, including debt principal and interest, shall be estimated and distributed among the 3 parameters in accordance with the City's determination of the percentage of the total existing capital facilities of the sewerage system predominately related to each parameter.
 2. The total operation and maintenance costs of the system shall be distributed among the 3 parameters in accordance with the City's determination as to which charges are predominately related to each parameter.
 3. The sum of the capital costs and operation and maintenance costs determined for each parameter in subsections B.1. and B.2. above, shall be divided by the total volume of wastewater and weight of BOD and suspended solids to be treated by the sewerage system in order to obtain the unit charge rates "RFLOW," "RBOD," and "RSS," for the system.
- C. The City may require industrial users to pay an additional fee, in accordance with the current Master Fee Schedule, to recover the costs of administering the industrial pretreatment program.

§ 4.12.120 VARIANCES.

- A. In the event that the average waste characteristics and corresponding surcharge rate is disputed by a permittee, the permittee may be granted a variance by the Director under certain conditions. A variance will be granted if all the following conditions are met:
 1. The permittee shall apply to the City industrial waste inspector for a variance. The permittee shall state why a variance is being requested.
 2. The permittee, at permittee's expense, shall provide supporting data as outlined herein or as may be requested by the industrial waste inspector to show cause why a variance should be granted.
 3. The permittee shall sample the wastewater to determine representative 5-day biochemical oxygen demand and suspended solids concentrations.
 4. Wastewater sampling shall be for at least 3, 24-hour periods. The periods shall be representative of the nature of the business and shall be approved in advance by the industrial waste inspector. Samples shall be made up of a 24-hour sampling period. The sampler shall have the capability to clear the tubing prior to drawing a sample into the sampling container, either manually or by automatic sampling equipment, with at least 1 sample collected hourly or by automatic integrated sampling equipment approved by the industrial waste inspector.

5. The sampling point shall be approved by the industrial waste inspector. If no sampling point exists, the permittee shall construct such at permittee's expense.
 6. The analysis shall be performed by a laboratory approved by the state.
 7. The handling, storage and analysis of all samples shall be in accordance with the latest edition of "Standard Methods for Examination of Water and Wastewater," as published by the American Public Health Association, American Water Works Association, and Water Environment Federation and 40 CFR 136, as applicable.
 8. Based on the analysis, a variance will be permitted if the resulting surcharge rate calculated by the industrial waste inspector would result in charges fifteen percent less than those using rates adopted by the City.
- B. The permittee shall continue to demonstrate that a variance is justified by performing the above analysis once every 3 years or when any modifications are done to the structure requiring a building permit.

§ 4.12.130 RATES AND FEES.

- A. *User charges and fees.* All properties receiving sewer service, whether in or outside the City limits, shall be required to pay all sewer rates, user charges, fees, and capacity or development fees as adopted from time to time by the City. Properties outside the City limits shall also be required to pay any additional fees as set forth in their Wastewater Service Agreement; in no event shall sewer service be provided to properties outside the City limits at rates and fees less than those inside the City. The City Council, pursuant to Chapter 3.20, is hereby authorized to impose a user charge system for the calculation of sewer user charges. These charges shall be revised on a regular basis consistent with the adopted sewer user charge system per Chapter 3.20. Sewer user charges shall apply to all property/facilities connected to the sewer. For those properties located within the Ban Areas sewer user charges shall be due upon connection to sewer.
- B. *Minimum monthly charges.* In order to protect the investment made by the City to serve all customers, regardless of water use/sewer flows, a minimum monthly sewer charge is charged to all sewer system customers as long as there is active water service to the premises. Sewer system customers for this purpose are defined as all customers physically connected to the system. The minimum charge shall be based on the formula adopted pursuant to the provisions of Chapter 3.20 and shall be revised on a regular basis.
- C. *Treatment capacity fees.*
1. *Imposition of a treatment capacity fee.* A treatment capacity fee is hereby imposed upon all facilities making use of the City sewer system. This fee is based upon the projected cost of wastewater treatment facilities, capacity associated with those facilities and the number of equivalent residential units to be served by these facilities.
 - a. This fee shall be reviewed on a regular basis and be adopted pursuant to the provision of Chapter 3.20.
 - b. For the purposes of determining the treatment capacity fee all R1 Single Family Residential properties shall be treated as 1 ERU, regardless of the water meter size.
 2. *Extended payment provisions.* Certain customers will be permitted the option of paying the treatment capacity fee over a time period as approved in writing by the City Manager and the Director.
 3. *Payment.* Payment of all fees shall be made for:
 - a. Existing developed properties within the City:
Upon connection to the system, or
Within the 14-day notice period set forth in § 4.12.030.
 - b. Undeveloped properties within the City limits: no later than the time of building permit issuance.

- c. All properties outside the City limits: as set forth in a wastewater service agreement approved by the City Council but in any event, prior to the acquisition of a building permit.
- 4. *Exception.* For those properties located within the Ban Areas the connection capacity fee shall be due in full at the time of application for a permit for connection to the sewer system. The property owner shall also be responsible for all permits, fees, and construction costs (except for cost of sewer lateral from sewer main to property line arising from connection to the sewer and abandonment of the denitrifying system).
- D. *Effluent charges.* All properties receiving effluent shall be required to pay for fees as adopted from time to time by the City Council, pursuant to Chapter 3.20, or pursuant to a Reclaimed Water Agreement.

§ 4.12.140 SEWER SERVICE OUTSIDE THE CITY LIMITS; OBLIGATIONS OF WATER UTILITY PROVIDERS AND COOPERATIVE AGREEMENTS.

- A. A water utility company operating within the City limits shall provide to the City reports stating the volume of water delivered on a monthly basis to each of company's water customers served by the City's sewer system and previously identified to the company by City in writing as being served by same. A report shall be provided to City within the time frame negotiated between company and the City's Administrative Services Director. Amounts of water delivered shall be determined and reported from company's billing and meter records and may on occasion be estimated as a result of customers not permitting access to meters.
 - 1. The City is authorized to enter into written agreements with water utility companies providing service to sewer customers of the City located outside the City limits to establish the procedures for:
 - a. Notification of customer water usage;
 - b. Notification to customers of the water utility company of the requirements of this chapter and the company's intention to terminate the provisions of water service;
 - c. Termination of water service to delinquent sewer customers of City;
 - d. Re-establishment of water service to City sewer customers following payment of monies owed to the City on a customer's delinquent sewer utility account;
 - e. The agreement between the City and a water utility company may additionally provide for the payment of a mutually agreed upon amount between the City and a water utility company for the purpose of compensating the company for lost revenues, as well as the direct cost incurred by the utility in terminating water service to a delinquent sewer utility customer of the City. City shall not be responsible for collecting delinquent water accounts for water utility companies described in this section.

§ 4.12.150 INFORMATION SECURITY

- A. *Confidentiality of Information.* Information and data regarding a user obtained from reports, surveys, wastewater discharge permit applications, wastewater discharge permits, and monitoring programs, and from the City's inspection and sampling activities, shall be available to the public without restriction and are subject to release pursuant to public records requests. When obtaining a permit, it is the responsibility of the user to clearly identify in writing to the Director those items the user believes would qualify as a trade secret or propriety information. The City will use reasonable efforts to inform the user of public records requests, for information the user has previously identified in writing to the Director as data involving trade secrets or propriety information, prior to the City releasing that information. It will then be the responsibility of the user to seek a court order to preclude disclosure. The City will not be legally responsible for the disclosure of information pursuant to federal or state law.

§ 4.12.160 EMERGENCY POWERS.

- A. The Director may take any appropriate action against a discharger or any combination of dischargers which the Director has evidence is presenting an imminent and substantial endangerment to the health or welfare of persons or treatment works.
- B. Whenever the Director finds that any person is engaged, or is about to engage, in any act or practice which violates any provision of this chapter, the Director may:
 - 1. Issue an order to the party:
 - a. Specifying the provision or provisions of the code, permit, or order alleged to be violated or about to be violated;
 - b. Indicating the facts alleged which constitute a violation thereof; and
 - c. Prescribing the necessary corrective action to be taken and a reasonable time for completing that corrective action.
 - 2. Commence a civil action pursuant to this chapter.
 - 3. Request the City Attorney to institute a criminal prosecution pursuant to this chapter. Such remedies and sanctions for the violation of the code, permit, or order issued hereunder, are cumulative, and the institution of any proceeding or action seeking remedies or sanctions does not bar any simultaneous or subsequent action or proceeding seeking any other of such remedies or sanctions.

§ 4.12.170 ENFORCEMENT

The Director may seek injunctive relief in the appropriate court to prevent the continuance or occurrence of any act or practice which violates this chapter pursuant to City Code § 4.12.190 and § 4.12.200. Any other enforcement of this code is pursuant to the uniform code compliance process provided Chapter 1.12 of the City Code.

§ 4.12.180 TERMINATION AND DISCONNECTION FROM SEWER SERVICE.

- A. Sewer service may be terminated by termination of water service or by disconnection from the public sewer main or both.
- B. No owner, operator, lessee or occupant of property shall connect or reconnect to the public sewer before obtaining a permit to connect from the Department. A violation of this section shall be unlawful and shall be a Class 1 misdemeanor punishable pursuant to this chapter.
 - 1. Should such illegal connection be discovered, the City shall assess against the property the amount of the treatment capacity fee, any permit fees, prosecution costs and monthly sewer service charges.
 - 2. For the purpose of determining the fees listed above, the City shall assume that sewer service to the facility has existed since the facility was first constructed.
 - 3. The amount of fees assessed hereunder may be filed as a lien against the property pursuant to A.R.S. § 9-511.02.
- C. Notwithstanding any other remedy, if a customer of the City or any other water utility company fails to timely pay the monthly sewer utility charges, fees, or treatment capacity fee (lump sum or monthly installment) of the City, then the water utility company is required, upon written request of the City's Administrative Services Director or designee, to terminate water service to the customer pursuant to the following:
 - 1. Notice of the City's intention to disconnect service for failure to pay shall be given a minimum of 48 hours prior to disconnection.
 - 2. The notice shall advise the customer of the customer's right to a hearing by the City Manager.

- D. City shall have the power to disconnect a user who is operating a sewer in violation of City codes or regulations or who fails to connect to sewer when required by this chapter.
 - 1. Customers subject to disconnection shall be given a minimum of 7 days' notice of the City's intention to terminate sewer services for violations of City codes or regulations. The notice shall advise the customer of the right to appeal as set forth in this chapter.
 - 2. Upon disconnection, City shall estimate the cost of disconnection and reconnection to the systems, and user shall correct the violation and deposit an amount, equal to the estimated cost of disconnection and reconnection, with City, prior to actual reconnection. City shall refund any amount of the deposit found to be in excess of the actual costs. If actual costs incurred by the City are greater than the deposit posted by the user, the difference between the actual costs and the deposited amount shall be paid by the user to the City within 30 days receipt of notice from the City of the funds owed. Failure to pay the full amount owed in the time allotted may result in termination of sewer service and/or other actions as determined by the City.
- E. Actions taken under this section for termination of and disconnection from sewer service may be in addition to any other remedies, including any injunctive, civil, criminal, or abatement actions.

§ 4.12.190 VIOLATIONS--INJUNCTIVE RELIEF AND CIVIL PENALTIES.

- A. The Director may seek injunctive relief in the appropriate court to prevent the continuance or occurrence of any act or practice which violates this chapter, or any permit or order issued hereunder.
- B. Any person who violates or aids or abets in the violation of any provision of this chapter, or of any permit or order issued hereunder, shall pay a civil penalty of not more than \$1,000 per violation. Each day such violation exists or continues may be cited as a separate violation.
- C. In addition to the penalty provided in subsection B of this section, the Department may recover from such person actual damages to the City resulting from the violation of this chapter, or any permit or final order.
- D. To comply with the public participation requirements of 40 CFR Part 25 in the enforcement of the national pretreatment standards, these procedures shall include provision for at least annually providing public notification, in the largest daily newspaper published in the municipality in which the treatment works is located, of permittees which significantly violated categorical pretreatment standards during the previous 12 months, as required under 40 CFR 403.8(f)(2)(vii).

§ 4.12.200 VIOLATIONS--CRIMINAL PENALTIES.

- A. Maximum criminal penalty for violations of this chapter shall be as set forth for Class 1 misdemeanors in Title 13, Arizona Revised Statutes, as they may from time to time be amended plus all applicable surcharges as required by law.
- B. Any person who knowingly makes any false statement, representation, or certification in any application, record report, plan or other document filed or required to be filed by this chapter, or by permit or order, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this chapter, or by permit or order issued hereunder, or who receives the benefit of sewer service to their property without payment for same, is guilty of a misdemeanor punishable by a fine of not less than \$1,000 for each violation, or by imprisonment for not more than 6 months, or by both fine and imprisonment.
- C. Except as provided in subsection B of this section, any person or enterprise who intentionally or with criminal negligence violates this chapter, or permit or order issued hereunder, is guilty of a misdemeanor and shall be punished by a fine of not less than \$1,000 for each violation, or by imprisonment for not more than 6 months, or by both fine and imprisonment.
- D. An enterprise which is found guilty of committing an offense under this chapter shall be punished by a fine not less than \$5,000. A judgment that the enterprise shall pay a fine shall constitute a lien in like manner, as a judgment for money rendered in a civil action.

§ 4.12.210 PUBLIC NUISANCE.

- A. Continued habitation of any building or continued operation of any industrial facility in violation of the provisions of this chapter is hereby declared to be a public nuisance.
- B. City may cause proceedings to be brought for the abatement of such nuisance, during the period of such violation, pursuant to City code and state statutes for abatement of a public nuisance.
- C. City may seek to collect reasonable attorney's fees connected with any legal action for abatement.

§ 4.12.220 SEVERABILITY.

It is declared to be the intention of the City Council that the sections, paragraphs, clauses and phrases of this title shall be severable, and if any provision of this title is held unconstitutional for any reason by a court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining provisions of the title.

CHAPTER 4.16: SERVICE AND BILLING

§ 4.16.010 METER READING AND BILLING

- A. *Rendering of Bills.* Bills for water service shall be based upon meter readings at intervals designated by the City. The present interval is monthly meter readings and monthly billings. Billings are mailed to the mailing address as provided by the user.
- B. *Notification of Mailing Address.* It shall be the user's responsibility to promptly notify the City of any change in mailing address. Failure to provide a valid mailing address which causes billings to be returned by the postal service may result in discontinuance of service.
- C. *Minimum Charges.* First and final billed minimum (base) charges are pro-rated based on actual services start and end dates.
- D. *Payment of Bills.* During each month the City shall mail a statement covering charges for all water received by the water user during the preceding month, which charges are due and payable immediately. If charges are not paid by the 20th day after the date of the billing, they shall become delinquent and a penalty of 10 percent of the amount of the bill shall be added. For each successive 20-day period that the bill remains unpaid, an additional 10 percent penalty of the amount of the unpaid balance shall be added.
- E. *Payment Under Protest.* A user may present a claim to the City if the user believes they may have received an incorrect water bill. Such claim shall be presented in person or in writing at the Customer Service Office before such bill becomes delinquent. Such claim shall not exempt the user from delinquent penalties if the bill is not paid on time. The user may make a claim following payment of the bill and payment shall not prejudice the claim.
- F. *Discontinuance of Service.*
 - 1. When a bill becomes delinquent by 5 days, which shall be 25 days after billing, the City will notify the user of the delinquency which will result in discontinuance of service if not paid within 10 days. Users will have the opportunity for a hearing before the discontinuance of service by contacting the Customer Service Office. The City may, without any further notice, discontinue service until all outstanding charges are paid in full, including a charge for Restoration of Service in accordance with the current Master Fee Schedule.
 - 2. A water user having a delinquent account on one premise may not receive domestic water on a new or some other account on another premise until the delinquent account has been paid, including penalties, if any.
 - 3. Any person whose application for water is accepted becomes liable for payment under appropriate rate schedule for all water and services furnished by the City subsequent to the date

stipulated on the application and until such time as the user makes proper request to the City to discontinue the water service. It is understood that the City delivers water through its works and meters and charges for all water delivered through each meter.

4. Should the water service be interrupted or discontinued by the City because of the failure of the user to pay the charges therefor, user shall not have service restored to the premises involved unless and until all charges which are delinquent, including penalties if any, have been paid in full. In addition, user will be required to pay a deposit fee as set forth with the deposit requirements in § 4.20.020 herein. Further, the City Administrative Services Director shall have the authority to increase the amount of any deposit required based on a review of delinquencies and non-payments relative to such user.

- G. *Meter Re-Reads.* If the user feels there has been an error, the user may request that the meter be re-read. If the reading is found to be correct, the customer may be charged a fee for the re-read services in accordance with the current Master Fee Schedule.

§ 4.16.020 ADJUSTMENT OF BILLS

- A. An allowance for adjustments may be made on a leak, either for an underground leak or where there is no discoverable cause for the excess water usage. The adjustment will be calculated based on the excess usage caused by the leak at the lowest rate step currently in effect. No more than two such adjustments will be made to a user's account during a twelve (12) month period. To be eligible for this adjustment, the user must have requested the City investigate the source of water leak within thirty (30) days of the receipt that includes the excessive billing due to a discovered leak.
- B. *For Meter Error.* When a water meter is found to be out of order, the charge for water will be based, at the option of the City, on one of the following:
 1. The average monthly consumption for the last three preceding months, during which the meter is known to have registered correctly; or
 2. An estimate of consumption based either upon the water user's prior use during the same season of the year or upon a reasonable comparison with the use of other water users receiving the same class of service during the same period and under similar circumstances and conditions; or
 3. On the consumption as registered by a substitute meter; or
 4. When a meter is covered or otherwise inaccessible so that it cannot be read, an average bill will be rendered and accumulated errors, if any, will be adjusted when the meter is first thereafter read as set forth herein.
- C. *Upon Meter Test*
 1. When a meter is tested, as set forth in § 4.16.010 herein, and found to be registering more than five (5) percent fast, another meter will be installed and the City will refund to the water user the overcharge based on corrected meter readings of the period the meter was in use, but not to exceed a period of three months immediately preceding the request for the meter test.
 2. When a meter is tested, as set forth in § 4.16.010 herein, and found to be registering more than twenty-five (25) percent slow, the City may bill the water user for the amount of the undercharge based upon corrected meter readings for the period the meter was in service but not to exceed a period of three months immediately preceding the request for the meter test.

§ 4.16.030 METERED SERVICE

For all metered services, the charge for service shall consist of a monthly base charge depending on the size of the meter and a monthly charge for the volume of water used in accordance with the current Master Fee Schedule.

§ 4.16.040 CLOSING BILL

Should the amount due in respect to any closing bill be less than \$1.00, such closing bill shall in that event be considered zero. No refunds for overpayment shall be issued for amounts of less than \$5.00.

§ 4.16.050 WATER SYSTEM BUY-IN FEES

- A. The City may from time to time conduct a rate study to establish a buy-in fee or capacity charge for connecting to the water system.
- B. Any applicant applying for service to be provided outside the City boundaries will be required to conduct an engineering study at their own cost to determine their impact on City operations and the proportionate share of operations and maintenance, transmission, and acquisition costs to be borne by applicant. Additional buy-in fees or connection charges will be determined based on the engineering study and approved by the City Manager.

§ 4.16.060 ERRORS IN BILLING

The City retains the right, under A.R.S. § 12-543, to seek recovery for errors in billing for a period of up to three (3) years from the date of discovery of the error.

§ 4.16.070 WASTEWATER SERVICE AND BILLING

Additional rates and fees associated with wastewater service and billing are located in City Code §§ 4.12.110, 4.12.130, and 4.12.140.

CHAPTER 4.20: SERVICE CONNECTIONS

§ 4.20.010 GENERAL POLICY

- A. Service connections and meters shall not be installed until all applications and payments for all City utilities are received and a Grading or Building Permit is issued.
- B. Decisions of the Director under this chapter may be appealed to the City Manager. The appeal shall be in writing within 10 business days of the Director's decision and shall specify the specific decision of the Director which is being appealed and the specific relief being requested. The decision of the City Manager shall be final.

§ 4.20.020 APPLICATION FOR WATER

- A. An application for water service must be signed by each applicant for water service, on a form supplied by the City, along with a state issued identification for verification. A lease agreement will be required if renting. Charges for establishment of services are required in accordance with the current Master Fee Schedule.
- B. Deposit Requirement
 1. *New Customers.* All new applicants for residential, residential on sewer, apartments, hotels, motels, and condos water services will be required to pay a deposit fee in accordance with the current Master Fee Schedule.
 2. All other user deposit fees are based upon average monthly bills as estimated by the Administrative Services Department (minimum deposit fee in accordance with the current Master Fee Schedule).
 3. *Current Customers.* The Administrative Services Department is authorized to require additional deposit(s) of any current customer based on a review of delinquent payments. This deposit will be calculated to equal three (3) months of average billings. Refusal to pay additional deposits when required will result in termination of water service.
 4. The deposit fee will be held on deposit for one (1) year. Refunds are made subsequent to one (1) year of satisfactory payment record.
 5. A satisfactory payment record is a 12-month service period with no more than two (2) delinquent payments or returned payments.

6. If the held deposit has not been refunded prior to account closure, the refund will be processed as a credit towards utility account balance and, if applicable, a refund check will be mailed to the mailing address on file or sent via electronic funds transfer.
- C. *Letter of Credit.* A letter of credit or statement of good payment history from the user's previous utility company will be accepted in lieu of the deposit requirement for new customers with the following conditions:
1. Letter must be from previous utility company and dated within 6 months of application for service.
 2. Letter must cover a minimum of twelve (12) months service with no more than two (2) delinquent payments.
 3. Letter must be submitted with application for water prior to the start of service.
- D. *Notification of Change of Ownership or Occupancy.* It shall be the duty of every person signing an application for water delivery and of every owner of premises to which water is delivered to notify the City of any change in the ownership or occupancy of the premises at least two (2) days prior to such change. Every applicant shall be liable for the water furnished until the City receives written notice to cancel and shut off the water when said applicant's liability shall cease except as to water furnished previous to said notice.

§ 4.20.030 DESCRIPTION FOR PREMISES

The applicant shall describe the premises or property to be served and only the premises so specified shall receive water through such service connection.

§ 4.20.040 PREMISES TO BE SERVED

- A. *Separate Premises.* Separate premises under single control and management will be supplied through individual service connections unless the City elects otherwise. If the applicant wishes to utilize single service to the various premises, a legal lot combination must be applied for and approved prior to servicing the other premises.
- B. *Multiple Units.* Separate houses, building, living or business quarters, or other uses on the same premises under single control or management, may be served by either of the following methods:
1. Through separate service connections to each or any unit provided that the pipeline system from each service is independent of the other and is not cross- connected, or
 2. Through a single service connection to the entire premises.

§ 4.20.050 DIVISION OF PROPERTY

Whenever property having a service connection is divided into two or more parcels, an existing service connection should be considered as belonging to the parcel which it directly enters, and new service connections shall be secured for the remaining parcels. All costs shall be at the expense of the property owner(s).

§ 4.20.060 INSTALLATION

Only duly authorized employees or agents of the City shall install a service connection from the City's main to the water user's premises, unless prior written authorization is obtained from the City. No water service or meter will be installed until the appropriate Grading Permit, Building Permit, or Right-of-Way Permit, and Utility Services applications have been submitted and approved and all fees paid. For any existing premises, no water service or meter will be installed until the appropriate applications (Utility Services, Zoning Use Permits, etc.) have been submitted and approved and all fees paid. Tampering of the existing service connection, including assets associated with the sewer system is unlawful and any resulting damage to the service connection will be rectified at the cost to the user.

§ 4.20.070 SERVICE SIZE AT LOCATION

- A. The City reserves the right to determine the size of the service connection and its location in relation to boundaries of the premises to be served. Customarily, a service connection will terminate at a point within the City's right-of-way. The applicant is responsible to ensure that the correct size meter is requested. The applicant must bear all costs associated with a change in meter size after installation. The charge for an increase in meter size shall be at actual cost using the fully burdened hourly rates for labor and equipment, and the cost of materials. The charge for additional meters will be assessed in accordance with the current Master Fee Schedule.
- B. In locations where the applicant's premises do not directly abut on a public thoroughfare, the City at its option may provide a service connection of conventional length terminating at some practicable location on public property, and the applicant has the responsibility of providing a connection thereto. The applicant's pipe to connect to the City's service connection should not be laid until the service connection is installed. In the event the applicant's pipe is laid prior to the time the service connection is installed, and its location does not correspond with that of the service connection, then the applicant must bear the additional cost of connecting the service connection pipe with the applicant's pipe.

§ 4.20.080 APPURTENANCES

- A. *Stops and Valves.* Each service connection shall have a meter stop, on the inlet side of the meter, for exclusive use by City in controlling the use of the water through the service connection and meter and a check valve on the outlet side of the meter, all within the meter box. If either, or both, of these valves are damaged by the water user, the City shall have the right to charge the water user for the replacement of the valves.
- B. *Meters.* All regular and temporary (construction, etc.) service connections shall be metered at all times. Customarily, meters will be installed in public property adjacent to the curb or property line, but at the option of the City, they may be installed on the water user's property in an appropriate housing. No rent or other charge will be paid by the City for a meter located on the water user's property, and the City shall have unimpeded access across the premises to the meters at all times. Meters will be sealed by the City at the time of installation and no seal shall be altered or broken except by one of the authorized employees or agents of the City. If a meter is damaged by a water user, the City shall have the right to charge the water user for the replacement of the meter. Service connections are not to bypass the meter.

§ 4.20.090 RESPONSIBILITY

- A. The City's responsibility ends at the water user's side of the meter or, in the case of an unmetered or other special installation, at the point where the City's facilities end. The City shall not be responsible for any installation, maintenance, inspection, or defect rectification of the user's private connection. The City is not responsible for any outside factors that cause damage or disruption of service to the user's premises.
- B. The user is responsible for all installation, maintenance, and inspections required to ensure the private pipeline meets all Federal, State, and local law, rules and regulations and building standards. Any deviation to codes, laws, regulations, and standards associated with the private pipeline relieves the City from exposure to liability from injury or damage. The user will be responsible for the necessary repairs or liability associated with any accident, injury or damage caused.
- C. The user is responsible for obtaining written Consent from the Director if there is a request to modify, extend or add to the private connection.
- D. If the City requests access to the user's property, for new installation to the service connection or other works deemed critical to the City, the user is responsible to provide access. This can be in form of easement, right-of-way, or license for such installation.
- E. When the City performs repairs on the water system in the public right-of-way, it shall not be held responsible for damage caused to the premises owners' landscaping/pavers located in the right-of-way.

§ 4.20.100 OWNERSHIP, MAINTENANCE AND REMOVAL

All services, valves, and water meters installed by the City remain the property of the City and shall be maintained, repaired, and renewed by the City when rendered unserviceable through fair wear and tear; provided that where replacements, repairs or adjustments of any meter are rendered necessary by the act, negligence, or carelessness of the water user, family, authorized agents, representatives or their employees, any expense caused to the City thereby shall be charged against and collected from the wateruser.

§ 4.20.110 GROUND WIRE ATTACHMENTS

The City will hold the water user or any individual or organization liable for any damage, including but not limited to injury that occurs to any person(s) attaching said wire or any other modifications not stated herein to its property which may be occasioned by the attachment of any ground wire or wires to any plumbing which is or may be connected to a service connection or main belonging to the City.

§ 4.20.120 ACCESS TO PREMISES

The City, or its duly authorized agents, shall at all reasonable times have the right to enter or leave the water user's premises for any purpose properly connected with its operations.

§ 4.20.130 UNUSED SERVICE CONNECTION

An activated connection which has not been used for a period of five (5) years shall be assessed for damage due to lack of use by the City. Damages identified by the City including, but not limited to, rust, will require a new service connection and charge as determined by the City.

§ 4.20.140 PRESSURES

All applicants for service connections or water service must accept and consent to such conditions of pressure and service as may exist from time to time, in accordance with the current operating practice prevailing on the distribution system of the City, at the location of the service connection and to hold the City harmless from any damages caused by a low or high pressure, fluctuation of pressure or interruption of service.

§ 4.20.150 QUICK CLOSING VALVES

No person or water user shall install or use a quick closing valve or other device when such valve or device during its operation causes a water hammer or an abrupt change of pressure in any City service lines or pipes. Reestablishment of service will be required after correction to the system has been verified by the City. A reconnect fee will be assessed in accordance with the current Master Fee Schedule.

§ 4.20.160 BACKFLOW PREVENTION DEVICES

An approved backflow prevention device shall be installed on the property side of all service connections to City water mains except those excluded by the City's Backflow Prevention and Cross Contamination Control, see Chapter 4.36. Backflow prevention devices must be installed by and maintained at the expense of the water user.

§ 4.20.170 ONSITE WATER METERS

- A. Any installation of a water meter on the water users' premises is subject to § 4.20.080(B) herein and the following terms and conditions:
- B. Multiple meters may only be permitted on private property for the following:
 1. Multiple-unit (i.e., 3 or more) developments located on the same lot of record.
 2. Other developments with separate lots of record with private internal streets and/or common areas where this City may or may not own the water main.

3. For non-living accessory structures as described in City Code § 14.03.03(E7) and accessory living quarters as described in City Code § 14.03.03(E1). The second meter must remain in the name of the principal dwelling account holder. The second meter must be tagged to identify the total number of service meters per property.
 4. Irrigation/deduct meters.
- C. Developer/property owner shall file an application requesting that multiple meters be installed on private property and certifying they have read and will comply with all sections of Title 4 at the time of their first submittal for their project. Approval of the application shall be at the option of the City pursuant to § 4.20.080(B) herein.
 - D. All individual property owners shall be required to file for an application for water pursuant to § 4.20.020 herein, prior to water service being extended to the individual property.
 - E. The developer/property owner shall, prior to installation of the meter, grant the City a perpetual easement recorded with the County Recorder to run with the land granting unlimited access to the meters at all times. Developer/property owner shall be responsible for completion of the easement form and recording with the County including all costs associated therein.
 - F. The onsite meters shall be placed below grade in the common areas of the development, and within 1'-2' of back of sidewalk along the roadway, or if no sidewalk, then the same distance from back of curb or edge of pavement. easement or right of way and adjacent to the property line when no sidewalk is present. No aboveground installations will be allowed, nor will any installations inside buildings be allowed.
 - G. A main shut-off valve will be required in the City right-of-way, at the property line, on the main service line feeding the property. If a combination main service/fire line is installed, the main shut off valve may be located on the property, in a location approved by the Fire Marshal, and the developer/property owner shall be responsible for installation, maintenance and operation of the entire water service and all appurtenances from the water main in the public street up to and onto the property with the exception of the water meter itself. The City shall have the right to operate the main shutoff valve at the property line at all times or in the case of a fire line, the main shutoff valve on the property. If a separate main service line is installed, the City will maintain and operate the service line from the water main to and including the main shutoff valve at the property line.
 - H. The developer/property owner shall install and maintain an approved backflow prevention device, in accordance with Chapter 4.36, on each metered service line feeding each unit, unless an approved backflow prevention device is installed near the property line onsite on the main water service line. The backflow prevention device shall be located on the private property after the meter but as close to the meter as possible. This backflow prevention device shall be in addition to any cross-connection control devices required by the International Plumbing Code.
 - I. The City shall only be responsible for the installation, maintenance, and operation of the meter itself, including the isolation valve or valves located on supply side of the meter. The developer/property owner shall be responsible for the installation, maintenance, and operation of all other water facilities onsite, including any improvements constructed above or around the water facilities and the meter. The City shall retain ownership of the meter, isolation valves and meter box. The installation of the appurtenances for the water service (i.e., meter, isolation valves, shutoff valve, backflow prevention devices, meter boxes, etc.) and for the water service itself shall be in accordance with City standards. If a combination main service/fire line is installed for the potable water services, all materials for the line and appurtenances shall meet City standards for potable water service and fire lines. The developer/property owner shall further be responsible for the protection of the meters and the enclosures in which they are located. The metered services may be tapped off the onsite fire line or a separate main service line. If a separate main service line is installed, the City will be responsible for the maintenance and operation of this line from the water main to and including the shutoff valve at the property line.
 1. At the developer/property owner's option, the City will install the main service line (if it is a separate service line) in the public right-of-way from the water main to and including the main shutoff valve at the property line. The property owner/developer will be responsible to pay for all

costs associated with the installation, on an actual cost basis using fully burdened hourly rates and material costs delivered to the job site.

- J. The City may at any time in the future install at the developer/property owner's sole expense, a master meter on the main line and remove the individual meters if illegal connections or other violations of these regulations occur or, in the alternative, shut off water service at the right-of-way line if these violations occur. The City shall give developer/property owner ten (10) business days' notice of intent to exercise its rights under this paragraph. Additionally, the City may shut off any individual water meters as set forth herein.
- K. *Fees.* Any installations pursuant to this section shall be subject to all applicable fees, charges, rates, and development fees. Standard meter installation fees will be charged for each meter placed onsite or in the public right-of-way, as set forth in Chapter 4.24 herein.

CHAPTER 4.24: INSTALLATION CHARGES – REGULAR SERVICE CONNECTIONS

§ 4.24.010 NEW SERVICES

- A. The following procedures must be adhered to when application is made for any new water service:
 - 1. *Single Family and Duplex Residential.* No application for water service to undeveloped premises will be accepted unless accompanied by an application for a Grading or Building Permit on that premises. No water services will be installed on premises that do not have an active Grading or Building Permit in effect. Upon review of the Utility Services application, payment of appropriate fees, and issuance of a Grading or Building Permit, the water service will be installed.
 - 2. *Multi-Family, Commercial, and Industrial.* The procedures outlined in the current version of the "Public Works Department Development Review Procedures" document, available through the Department, must be adhered to when applying for water service to any new construction on a premises.
 - 3. Upon determination of the service and meter sizes and approval of the Utility Services application, the appropriate fees must be paid prior to scheduling the installation of the service. No water services will be installed on premises that do not have an active Grading or Building Permit. Charges per connection will be in accordance with the current Master Fee Schedule.
 - 4. Charges per connection for service of meters two (2) inches or less shall be in accordance with the current Master Fee Schedule.
 - 5. Charges per connection for service meters larger than two (2) inches shall be at actual cost using fully burdened rates. A deposit will be required, as set forth in § 4.20.020 herein, for installation of meters larger in size than two (2) inches in accordance with the current Master Fee Schedule. After meter installation the City will refund any unused deposit within twenty (20) days. If actual cost exceeds the deposit, the applicant will be billed the extra amount which shall become immediately due and payable within twenty (20) days. Should payment not be made within twenty (20) days, water service shall be discontinued until the bill, together with an additional charge for restoration of service, is paid.
 - 6. Should it become necessary for pavement to be removed for installation of City connections, there will be an additional fee for the replacement of such pavement. These charges will be billed at actual cost using fully burdened hourly rates.

§ 4.24.020 RELOCATION

The charge for the relocation of service connections shall be at actual cost using the fully burdened hourly rates for labor and equipment, and the cost of materials. Payment shall be made as set forth herein.

CHAPTER 4.28: HYDRANT METERS

§ 4.28.010 APPLICABILITY

A fire hydrant meter/reduced pressure principal assembly (RP) may only be used inside the City's service area and County area of Horizon Six. No use will be allowed outside of these areas, including but not limited to Desert Hills, Crystal Beach, and Havasu Heights. Water cannot be resold.

§ 4.28.020 APPLICATION

- A. The applicant shall have a current City business license prior to applying for a hydrant meter/RP.
- B. To request a hydrant meter/RP, the applicant shall submit the following:
 - 1. A completed application for each hydrant meter/RP needed.
 - 2. A hydrant meter/RP deposit in accordance with the current Master Fee Schedule.
 - 3. The hydrant meter/RP connection fee. Fee amount is determined by the size and type of hydrant meter needed in accordance with the current Master Fee Schedule.
 - 4. A map indicating the requested hydrant for the hydrant meter to be connected.
 - 5. Alternate methods for dust abatement shall be submitted at the time of application, as use of potable water may not allow for dust control during periods of peak water demand. The City will notify the applicant if water use becomes restricted.
- C. The City will install hydrant meters within five (5) business days of receipt of required documents and fee.
- D. The City Water Division will make every effort to attach the hydrant meter to the hydrant location requested by the applicant, but the location of the hydrant meter will be at the discretion of the Water Division based on system capabilities. Capabilities include system pressure, adverse effects on existing water customers or the water system within the requested zone. If for any reason the requested hydrant to be used is not available for a hydrant meter, the Water Division will notify the applicant and provide an alternate location for the meter.

§ 4.28.030 LIMITATIONS AND USE

- A. Hydrant meters may only be used for what the application on file states. If the hydrant meter has no usage for six (6) consecutive months, the Water Division will remove the hydrant meter.
- B. The hydrant meter and its original fittings shall not be modified in any way except for adapters to the end of the RP assembly for two (2) inches or larger hose connections. An adapter to reduce the flow to garden hose type use is not permitted. Support must be provided to the hydrant meter when necessitating the addition of connections/weight. Additional connections made to the meter by the customer must be taken off prior to relocation or removal by the City. Failure to do so will result in these parts being confiscated by the City.
- C. Any action that results in the inaccurate reading of water usage through a hydrant meter shall result in an automatic charge of 50,000 gallons of water to the account, per occurrence.

- D. Using flow reducing devices, hose bibs, or changing the water flow of the hydrant is not allowed. If construction projects require a low flow application contact the Water Division for options.
- E. The hydrant meter/RP assembly is the responsibility of the applicant to protect. If the hydrant meter/RP assembly is damaged and the Water Division determines the applicant is at fault the applicant will be required to pay for the damages. The replacement of damaged meters will be contingent upon availability.
- F. The City makes no warranties, either expressed or implied, arising by law or otherwise, for the quality of water once delivered from the hydrant. In no event shall City have any obligation or liability arising from water quality after leaving the hydrant.

§ 4.28.040 REDUCED PRESSURE BACKFLOW ASSEMBLY

A Reduced Pressure (RP) Backflow Assembly may be provided with the meter. The RP Backflow Assembly must always remain connected to the hydrant meter. The City will test backflow devices at the time of installation.

§ 4.28.050 USAGE AND FINANCIAL RESPONSIBILITY

- A. City personnel will inspect and read the hydrant meters once a month. The applicant is solely and financially responsible for all water passing through the hydrant meter.
- B. The customer must make every reasonable attempt to ensure that the meter is functioning correctly. Knowingly using a faulty meter or tampering with the register constitutes water theft which may be subject to criminal charges.
- C. It is the customer's responsibility to notify the City when the meter should be removed. As long as the meter is set the account will continue to be billed minimum charges and the customer remains responsible for water usage.
- D. Hydrant meter billing will be subject to the water billing regulations outlined in Section 4.16 of this Title.
- E. The applicant shall be solely and financially responsible for damaged, lost, or stolen appurtenances to the hydrant meter/RP assembly. Damage to the assigned fire hydrant or connecting equipment is also the responsibility of the applicant until a request for termination of service is received by the Water Division.
- F. Hydrant meter relocation requests should be made through the applications process. The Water Division will relocate hydrant meters in 5 business days once documents and fees are received.
- G. Under no circumstances should any unauthorized person relocate or disconnect a hydrant meter.
- H. Any unauthorized connection to the City's distribution system will result in additional fees and or prosecution per City Code.

CHAPTER 4.32: PRIVATE FIRE PROTECTION SERVICES

§ 4.32.010 GENERAL POLICY

- A. When an automatic fire sprinkler service connection is installed, the control valve thereon will be left closed and sealed until a written request to turn on the water is received from the water user and approved by the Fire Marshal's office. The City shall not be liable for damage of any kind or any reason that may occur on or to the premises served.
- B. A Backflow Prevention Device pursuant to Chapter 4.36 must be installed on all automatic fire sprinkler service connections and equipped with a bypass, except as provided for by Arizona Revised Statutes. The City's responsibility ends at the discharge side of the valve or corporation stop used to tap into the water main.

§ 4.32.020 INSTALLATION CHARGE

The charge for a hot tap for a private fire protection service installation is in accordance with the current Master Fee Schedule. Payment and refund shall be made as set forth herein.

§ 4.32.030 CONDITIONS OF SERVICE

- A. The applicant agrees that City employees, upon proper identification, may enter the premises to make inspections and tests of said fire protection system on demand and that they shall be accompanied by the owner, or occupant, of the premises of such inspection.
- B. Private fire protection services shall be used for no other purposes than the discharge and use of the water through automatic or manual means for the extinguishing of fires; and it shall be unlawful to install on said systems any taps, hose bibs, or outlets from which water may be drawn for other uses.

§ 4.32.040 PENALTIES FOR MISUSE

- A. Whenever the City ascertains that water from a private fire protection service is being used for purposes other than for fire extinguishing purposes or the testing of the fire line, the City Manager may make a determination of the quantity of water used and the quantitative rates applicable and such determination shall be conclusive.
- B. If water is used for purposes other than permitted herein, the City may discontinue the private fire protection service or may install a domestic or fire flow meter, at the water user's expense, and thereafter the service shall be classified as a regular service and be billed at the appropriate rate applicable and the City shall be held free from liability for damage which may result from discontinuance of service.

CHAPTER 4.36: BACKFLOW PREVENTION

§ 4.36.010 GENERAL POLICY

- A. There shall be no connections installed, located, maintained, or operated between the water supply system of the City, including its appurtenant mains, pipes, fixtures and equipment, and any other water supply system which might cause contamination or pollution of the water and physical parts of the City's water supply system. The City shall have the right to discontinue the supply of water to the premises where this condition exists.
- B. Decisions of the Director under this chapter may be appealed to the City Manager unless stated otherwise. The appeal shall be in writing within 10 business days of the Director's decision and shall specify the specific decision of the Director which is being appealed and the specific relief being requested. The decision of the City Manager shall be final.

§ 4.36.020 PURPOSE

- A. To protect the potable water supply of the City from the possibility of contamination or pollution by isolating within the customer's internal distribution system(s) or the consumer's private water system(s) such contaminants or pollutants which could backflow into the public water systems. To promote the elimination or control of existing cross connections, actual or potential, between the consumers' in plant potable water system(s) and non-potable water system(s), plumbing fixtures and industrial piping systems. To provide for the maintenance of a continuing Program of Cross Connection Control which will systematically and effectively prevent the contamination or pollution of all potable water systems.
- B. The Director shall be responsible for the protection of the public potable water distribution system from contamination or pollution due to the backflow of contaminants or pollutants through the water service connection. If, in the judgment of the Director an approved backflow prevention assembly is required (at the customers water service connection) for the safety of the water system, the Director shall give notice in writing to said customer to install such an approved backflow prevention assembly(s) in a specific location(s) on the premises. The customer shall within 24 hours install such approved assembly(s) at the customer's own expense; and failure, refusal or inability on the part of the customer to install, have tested and maintain the assembly(s) shall constitute a ground for discontinuing water service to the premises until such requirements have been satisfactorily met.

§ 4.36.030 BACKFLOW PREVENTION REQUIRED

- A. An approved backflow prevention method shall be utilized or installed at every service connection to a customer's water supply system when the Department determines, according to the criteria included herein, that the potable water supplied by the public potable water system may be subject to contamination, pollution, or other deterioration in sanitary quality by conditions within the customer's water system.
- B. Backflow preventive devices approved by the Director shall be installed and maintained by and at the expense of the water user.
- C. The backflow method to be utilized or installed shall be determined by the Director, according to the criteria included herein. The method required by the Director shall be sufficient to protect against the potential degree of hazard, as determined by the Director, to the public potable water supply from the customer's water system.
- D. The degree of hazard potential to the public potable water supply and system from a customer's water supply system shall be determined using the following hazard factors:
 - 1. *Health.* Any condition, device, or practice which, in the judgment of the Department, may create a danger to the health and well-being of the potable water customers.
 - 2. *Plumbing.* A plumbing type cross-connection that is not properly protected by an approved backflow prevention method.
 - 3. *Pollution.* An actual or potential threat to the physical facilities of the public potable water supply system or to the public potable water supply which, although not dangerous to health, would constitute a nuisance or be aesthetically objectionable, or could cause damage to the system or its appurtenances.
 - 4. *System.* An actual or potential threat which may cause severe damage to the physical facilities or the public potable water supply system or which may have a protracted effect on the quality of the potable water in the system.
- E. A backflow prevention method shall be an assembly or other means designed to prevent backflow. The following are the recognized backflow prevention methods which the Department may require:
 - 1. *Air Gap.* The unobstructed vertical distance through the free atmosphere between the lowest opening from any pipe or faucet supplying water to a tank, plumbing fixture or other device and

the flood level rim of the vessel. An approved air gap shall be at least double the diameter of the supply pipe, measured vertically, above the overflow rim of the vessel; and in no case less than 1 inch (Most restrictive);

2. *Reduced Pressure Principle Assembly.* An assembly of 2 independently acting approved check valves together with a hydraulically operating, mechanically independent differential pressure relief valve located between the check valves and at the same time below the first check valve. The unit shall include properly located resilient seated test cocks and resilient seated shut off valves at each end of the assembly (RPA);
 3. *Double Check Valve Assembly.* An assembly of 2 independently operating approved check valves with properly located resilient seated test cocks and resilient seated shut off valves at each end of the assembly (DCVA);
 4. *Pressure Vacuum Breaker Assembly.* 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. Must be equipped with properly located resilient seated test cocks and resilient seated shut off valves at each end of the assembly (PVB) (Least restrictive); or
 5. A backflow prevention method may be approved by the Department if it has received the approval of the Foundation for Cross Connection Control and Hydraulic Research of the University of Southern California (FCCCCHR-USC) and manufactured according to the standards established by the American Water Works Association (AWWA).
- F. The Department shall maintain a list of approved backflow prevention assemblies, by type and manufacturer. The list shall be furnished to any customer required to install a backflow prevention assembly.
- G. Backflow Prevention Methods Requirements.
1. When any of the following activities are conducted on premises served by the public potable water system, a potential hazard to the public potable water supply shall be presumed and a backflow prevention method of the type specified for that activity herein, must be utilized or installed at the service connection for that premise.
 - a. Cooling tower, boiler, condenser, chiller, and other cooling systems utilizing potable water: RPA.
 - b. Tank, vessel, receptacle, and all other water connections including mobile units without approved air gap (except emergency vehicles and private swimming pools): RPA.
 - c. Ice maker (other than a residential service): RPA.
 - d. Water cooled equipment, boosters, pumps, or autoclaves: RPA.
 - e. Water treatment facilities and all water processing equipment (other than residential water softeners): RPA.
 - f. Bottle washer, bedpan washer, garbage can washer: RPA.
 - g. Pesticide, herbicide, fertilizer, and chemical applicators (other than typical in-home use): RPA.
 - h. Aspirator: RPA.
 - i. Commercial dishwashers, food processing and/or preparation equipment, carbonation equipment or other food processes utilizing potable water: RPA.
 - j. Decorative fountain, baptismal, or any location water is exposed to atmosphere: RPA.
 - k. X-ray equipment, plating equipment, or any other photographic processing equipment utilizing potable water: RPA.

- l. Auxiliary-water supply and/or connections to unapproved water supply systems: RPA.
 - m. Reclaimed water customers: RPA.
 - n. Recreation vehicle dump stations (sewer) or any other location where potable water may be exposed to bacteria, virus or gas: RPA.
 - o. Any premises on which chemicals, oil, solvents, pesticides, disinfectants, cleaning agents, acids, or other pollutant and/or contaminants are handled in a manner by which they come in direct contact with potable water, or there is evidence of the potential to contact potable water: RPA.
 - p. Materials and piping systems unapproved by the Uniform Plumbing Code (UPC) or Environmental Protection Agency (EPA) for potable water usage: Contaminant: RPA, Pollutant: DCVA.
 - q. Separately metered irrigation systems and construction water services: RPA.
 - r. Any premises where a cross-connection is maintained or where internal backflow protection is required pursuant to the Uniform Plumbing Code: RPA.
 - s. Multi-metered properties with more than 1 meter connected to another or any building 3 stories or greater than 34 feet in height from service level: DCVA.
 - t. Fire systems - American Water Works Association (AWWA) classes 3,4,5, and 6: RPA or RPA with Detector.
 - u. Fire systems which require backflow prevention and where backflow protection is required on the industrial/domestic service connection that is located on same premises, both service connections will have adequate backflow protection for the highest degree of hazard affecting either system: RPA.
 - v. Other conditions that the Director has determined may pose a potential hazard to the potable water system.
2. When 2 or more of the activities listed above are conducted on the same premises and served by the same service connection or multiple service connections, the most restrictive backflow prevention method required for any of the activities conducted on the premises shall be required to be utilized or installed at each service connection. The order of most restrictive to least restrictive backflow methods shall be as follow:
- a. Air Gap (Most Restrictive);
 - b. Reduced Pressure Principle Assembly (RPA);
 - c. Double Check Valve Assembly (DCVA); and
 - d. Pressure Vacuum Breaker Assembly (PVB) (Least Restrictive).

§ 4.36.040 BACKFLOW ASSEMBLY INSTALLATION REQUIREMENTS

- A. Backflow prevention assemblies shall be installed by the customer, at the customer's expense and in compliance with the standards and specifications set forth in Chapter 4.36 at each service connection. The assembly shall have a diameter at least equal to the diameter of the service connection.
- B. The assembly shall be in an accessible location approved by the City. The reduced pressure principle assembly, pressure vacuum breaker assembly, and the double check valve assembly shall be installed above ground.
- C. When a customer desires a continuous water supply, 2 backflow prevention assemblies shall be installed parallel to one another at the service connection to allow a continuous water supply during the testing of the backflow prevention assemblies. When backflow prevention assemblies are

installed parallel to one another, the sum of the cross-sectional areas of the assemblies shall be at least equal to the cross-sectional area of the service connection.

- D. No person shall alter, modify, bypass, or remove a backflow prevention method without the approval of the Director.

§ 4.36.050 INSTALLATION OF BACKFLOW PREVENTION ASSEMBLIES FOR FIRE SYSTEMS

- A. When a backflow prevention assembly is required for a water service connection supplying water only to a fire sprinkler system, the assembly shall be installed at the service connection in compliance with the standards and specifications adopted by the Department.
- B. If the Fire Chief or designee determines that a fire sprinkler system shall have a continuous water supply which may not be interrupted during testing of the backflow prevention assembly, the customer shall install, at customer's expense, 2 backflow prevention assemblies parallel to one another at the service connection. The diameter of each assembly shall be at least equal to the diameter of the service connection.
- D. As an alternative, a backflow device may be installed on the fire sprinkler riser upon approval by the Fire Department after submission of all required and requested permit and plan documents.
- C. An existing service connection supplying water solely to a fire sprinkler system shall be exempt from the provisions of § 4.12.100 unless 1 of the following conditions should occur.
 - 1. The existing device is moved from its present location;
 - 2. The existing device requires repairs which exceed 50% of the replacement value of the device;
 - 3. The existing device is unable to be repaired for any reason, including obsolescence;
 - 4. The existing device cannot be tested in accordance with the standards set forth by the FCCCHR-USC; or
 - 5. The existing device or condition constitutes a hazard to the public health, safety, and welfare.

§ 4.36.060 INSPECTIONS

A customer's water system shall be open at all times during business operations on the premises for inspection by authorized personnel of the Department. Inspections may be conducted to determine whether any cross connections or other hazard potentials exist and to determine compliance with this chapter.

§ 4.36.070 TEST—MAINTENANCE—RECORDS

- A. The customer shall test and service backflow prevention assemblies at least every 12 months. If the testing reveals the assembly to be defective or in unsatisfactory operating condition, the customer shall perform any necessary repairs, including replacement or overhaul of the assembly, if necessary, which will return the assembly to satisfactory operation condition.
- B. If the Director or customer learns or discovers during interim period between tests that an assembly is defective or in unsatisfactory operating condition, the customer shall perform any necessary repairs, including replacement or overhaul of the assembly, if necessary, which will return the assembly to satisfactory operating condition. The assembly shall be tested by an individual certified and approved to perform such testing prior to placing the assembly back into service.
- C. The annual testing shall be performed by an individual certified and approved to conduct the testing by the PCCCHR USC, California-Nevada AWWA Section, or ASETT Center, and recognized by the Director. A list of certified, approved and recognized individuals will be maintained by the Director and will be available upon request to all persons required to install or maintain a backflow prevention assembly.

- D. The customer shall maintain records, on forms approved by the Director, of the results of all tests and all servicing, repairs, overhauls or replacement of the backflow prevention assembly. A copy of the records shall be promptly submitted to the Director after completion of the activity for which the record is made.
- E. The annual inspection of a backflow device installed on a fire sprinkler riser may only be tested by a licensed contractor.

§ 4.36.080 MODIFICATION OF BACKFLOW PREVENTION REQUIREMENTS

- A. If the Director determines, after inspection of the customer's system, that a backflow prevention method less restrictive than that required in Chapter 4.36 will provide adequate protection of the public potable water supply from the degree of hazard potential by the customer's water system, the Department may, in its sole discretion, modify the requirements of Chapter 4.36 accordingly.
- B. Class 1 and 2 fire sprinkler systems of non-potable material installed prior to August 8, 1991, may be given the option to retrofit with an appropriate backflow prevention assembly immediately or perform a Quarterly Flow and Valve Confidence Test. Tests are to be performed by an appropriately licensed contractor and results submitted to the Director within 30 days following the inspection. Failure of 2 consecutive tests may result in the immediate retrofit of the fire sprinkler system with an appropriate backflow prevention assembly.

§ 4.36.090 DISCONTINUANCE OF WATER SERVICE—NOTICE

- A. If the Director discovers that a customer has not installed a required backflow, prevention method, or that a backflow prevention method has been improperly tested or maintained, bypassed or removed, or that an unprotected cross-connection exists in the customer's water system, the water service to that service connection may be disconnected if the situation is not remedied within the time specified in the notice sent to the customer as required by this section. The service shall not be restored until the condition is remedied.
- B. Water service to a fire sprinkler system shall not be subject to disconnection under this section. If a situation which would otherwise result in discontinuance of water service in subsection A above is not remedied within the time provided in the notice sent to the customer, the customer may be issued a citation for a misdemeanor offense. Each day the situation is allowed to continue thereafter shall constitute a separate violation of this section.
- C. Prior to disconnecting any water service because a condition set forth in subsection A above exists, the Department shall send a notice to the customer describing the condition and notifying the customer the condition must be remedied within 45 days after mailing of the notice by the Department. If such condition is not remedied within the 45-day period, the Department shall send a second notice, by certified mail, to the customer notifying the customer that water service will be disconnected in 15 days if the condition is not remedied within such time period.
- D. The Department may disconnect, without notice, water service to any customer when the Department discovers that the customer's water system is contaminating the public potable water supply or in the judgment of the Department, such action is necessary to protect the purity of the water supply or the safety of the water system. The Department's determination shall be final and conclusive.

§ 4.36.100 RETROACTIVE APPLICATION

- A. The provisions of this chapter shall apply to all new water customers and all water customers existing prior to the enactment date of this code.
- B. Backflow prevention assemblies installed prior to enactment of this code, and which do not comply with the requirements set forth in this division, shall be replaced with assemblies which comply with the standards set forth herein.

§ 4.36.110 BACKFLOW PREVENTION ASSEMBLY INSTALLATION FEES

Permit fees shall be established pursuant to the provisions of Chapter 3.20.

§ 4.36.120 PLAN REVIEW

All backflow prevention assemblies which will be installed shall be shown and specified on all required building and engineering plans. City approval of the intended assembly installation is required prior to issuance of any building or engineering permit.