

ORDINANCE NO. 3003 NEW SERIES

AN ORDINANCE OF THE COUNCIL OF THE CITY OF GLENDALE, MARICOPA COUNTY, ARIZONA, AMENDING CITY CODE CHAPTER 33 – WATER, SEWERS AND SEWAGE DISPOSAL; AND SETTING FORTH AN EFFECTIVE DATE.

WHEREAS, it is necessary to make certain changes to the Glendale City Code Chapter 33 – Water, Sewers and Sewerage Disposal to make the City’s provisions consistent with federal and state law and the City’s current business practices; and

WHEREAS, pursuant to Article VII, Section 14 of the City Charter, the City is adopting changes to these provisions of Chapter 33 of the City Code by reference to the attached Exhibit A; and

WHEREAS, the City shall publish this adopting ordinance in full and file and maintain at least three (3) copies of this portion of the Code in the City Clerk’s office for public use and inspection.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF GLENDALE as follows:

SECTION 1. That Chapter 33 – Water, Sewers and Sewage Disposal – of the City Code is amended as provided in Exhibit A.

SECTION 2. That the provisions of this ordinance shall become effective thirty (30) days after passage of this ordinance by the Glendale City Council.

[Signatures on the following page.]

PASSED, ADOPTED AND APPROVED by the Mayor and Council of the City of Glendale, Maricopa County, Arizona, this 27th day of September, 2016.

\_\_\_\_\_  
M A Y O R

ATTEST:

\_\_\_\_\_  
City Clerk (SEAL)

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney

REVIEWED BY:

\_\_\_\_\_  
City Manager

# **EXHIBIT A**

## Chapter 33 - WATER, SEWERS AND SEWAGE DISPOSAL<sup>HH</sup>-(1)

Footnotes:

—(1)—

~~Cross reference~~—Plumbing code, § 9-16; utilities in floodplain areas, § 17-45; garbage and trash, Ch. 18; grading and drainage regulations, Ch. 18.5; nuisances, Ch. 25; swimming pools, Ch. 32.

### ARTICLE I. —IN GENERAL

Secs. 33-1—33-15. Reserved.

The provisions in this Article shall apply to all Users of City water, sewer and sanitation services unless otherwise specifically provided in other provisions of the Code.

### ARTICLE II. —WATER

#### DIVISION 1. —GENERALLY

##### Sec. 33-16. —1. Definitions.

~~The~~When used in this Article, the following words, terms and phrases, when used in this article shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning: as provided in this Section:

*Administrator:* ~~The public works administrator or his designee.~~

*Approved:* Accepted by the department as either meeting an applicable specification stated or cited in this chapter, or accepted as suitable for the proposed use.

*City:* Refers to the City of Glendale, its employees or other authorized representatives performing certain governmental functions and duties.

*Contractor:* A person licensed to do work in the State for or on behalf of another party to construct, alter, repair, add to, subtract from, improve, move, wreck or demolish any building, structure, project, development or improvement. The term “contractor” includes subcontractors, specialty contractors, developers, and speculative builders.

*Contamination:* An impairment in the quality of water by sewage, industrial fluids, waste liquids, compounds or other material or fluids, to a degree which creates an actual or potential hazard to the public health, welfare or the environment.

*Customer:* The person who has requested and been granted water and/or sewer or service by the City. A Customer may be the owner, operator, tenant, trustee, receiver, manager or occupant of the property connected to the City’s water and/or sewer system. Customers

shall be financially responsible for payment of water and/or sewer services provided to the premise.

Customer Account: The account set-up by the City in its billing system, that contains a Customer's billing and payment history, name(s), mailing address and other identifying information collected by the City at the time water service is requested or initiated.

Customer water supply system: The water distribution facilities within a Customer's premises commencing at the discharge point of the service connection.

Deposit: Funds held by the City as security against potential non-payment by Customers for water and/or sewer services. Deposits shall not earn interest while held by the City and shall be refunded as provided in the administrative procedures adopted by the City consistent with this Article.

Developer: The person who is responsible for the development of real property that creates a demand for water and/or sewer service.

Development: Any improvement of real property which creates demand for domestic water.

Notice: A written instrument served by the City. Service of a Notice shall be accomplished by:

(1) U.S. regular mail to the last known address of the person to whom it is required to be given; or

(2) Personal service upon the person or his/her lawful representative at his residence or place of business; or

(3) Filing or recording with a clerk of the superior court or county recorder as provided by applicable law; or

(4) Electronic mail to the last known email address provided by the Customer, if the Customer requested electronic notification as the preferred method when establishing his Customer Account.

Owner-builder: A person who constructs improvements on the real property he/she owns within the City.

Person: Any individual, corporation, company, partnership, association or other business or governmental entity, including the State, or any political subdivision of the State such as a municipality, or a tribal government or subdivision thereof.

Premises: Any building, lot, parcel, real estate, or land or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.

Property owner: The person who, according to the title recorded with the Maricopa County Recorder's Officer, owns the real property to which water and/or sewer service is being provided by the City.

Residential dwelling unit: ~~One (1) or more rooms in a dwelling or a portion of a dwelling designed for occupancy by one (1) family for living purposes, and having its own cooking and sanitary facilities.~~

Shall: The words "shall", "will," and "must" refer to mandatory actions.

Structure: Each separate residence, house, store, building or any construction served by a separate water meter.

Turn on Fee: Refers to the fee assessed to a Customer to establish a Customer Account and turn on the meter at the premise.

Premise: Each structure, group of structures, portion of a structure or real property which is served by a separate water meter.

User: The Customer as herein defined.

**Sec. 33-2. Request to turn on water and/or sewer service at a service address.**

(a) Before the City turns on or provides any water or sewer service at an existing service address, the Customer must meet all applicable requirements of this Article and must provide the following information:

(1) The name, service address, and telephone number of the Customer/applicant, driver's license number or other forms of identification acceptable to the City;

(2) The mailing address of the Customer/applicant, if the mailing address is different from the service address;

(3) The name, telephone number and/or address of the property owner or manager for the service address, if different from the Customer;

(4) Such other information or documents as the City may deem necessary for billing and collection purposes may include social security or federal employer identification number.

(b) Customer information is confidential and will not be released to any party other than the individual(s) listed on the account, unless authorized by the Customer or by applicable law or court order.

(c) Any unpaid amounts owed on existing or prior account(s) in the Customer's name must be paid before service will be turned on by the City. Failure to pay any delinquent

amount owing on a prior or existing account in the Customer's name may constitute grounds for the City to refuse to turn on the new service.

**Sec. 33-3. Turn-on fee.**

The City shall charge a turn-on fee for water and/or sewer service turned on at a service address. The turn on fee will be established in an amount set by resolution of the City Council. Such fee will be charged to the Customer Account and billed in the first billing and is nonrefundable.

**Sec. 33-4. Deposits.**

(a) The City may adopt administrative procedures for determining when a Customer will be required to provide the City a deposit before water and/or sewer service will be turned on. These procedures may also set forth: (i) the amount of the deposit; (ii) how it will be collected; (iii) the criteria for any waiver; (iv) how the deposit will be applied to pay any delinquent amounts on Customer Accounts; and (v) the refund process. The Customer is not entitled to any interest earned on the deposit. The administrative procedures shall be posted on the City's website.

(b) A separate deposit may be required for each meter. Unless the deposit is waived, the City will turn on service to the Customer's premise only after the applicable deposit(s) is (are) paid in full.

(c) The City may reduce, waive, or increase up to five (5) times the deposit established by resolution of the City Council and contained in Appendix 1 to this Chapter based on the following factors:

- (1) The Customer's utilities account history;
- (2) The Customer's credit history;
- (3) Typical monthly bill for a similar service address; and
- (4) ~~Any other relevant factors described in the administrative procedures.~~

**Sec. 33-5. Miscellaneous Customer service fees.**

(a) Customer service fees in the amount established by City Council resolution pursuant to Glendale City Code Section 2-2 may be charged by the City for the following items:

- (1) Establishing new Customer Accounts;
- (2) Administration and collection of delinquent Customer Accounts;
- (3) Fees charged for non-payment due to insufficient Customer funds;

(4) Costs incurred by the City for conducting meter field tests, meter bench tests, field visits or inspections;

(5) Costs to repair or replace broken meter locks or tampered meters;

(6) Prohibited water use fines during a Stage Three Drought Declaration or Stage Four Drought Emergency;

(7) Late charges or penalties; or

(8) Any other fee or charge the City Council deems appropriate.

(b) All rates, charges and fees for water, sewer, flood irrigation and other services the City will impose pursuant to this Chapter are identified in the Table entitled “Water, Sewer and Flood Irrigation Services Rate Schedules; and Miscellaneous Customer Service Fees” which is appended to this Chapter as Appendix 1.

#### **Sec. 33-6. Sales tax.**

Privilege license (sales) tax shall be added to each bill for water service at the current tax rate provided by the applicable state and City tax codes.

#### **Sec. 33-7. Notification to water and sewer Customers.**

(a) All notices regarding any matter pertaining to the use of the City water and/or sewer services shall be sent to the Customer’s service address unless an alternate mailing address has been provided to and is on file with the City. Alternate mailing addresses may be provided when the Customer makes the request to have the service turned on and should include the Customer’s email address for the delivery of billing and other pertinent notifications. To ensure proper delivery of bills and notices, the Customer must report all changes of address and all errors in billing or mailing information to the City within 10 business days.

(b) All Customers shall be notified at least annually, in conjunction with a regular bill, of the sewer user charge rate associated with wastewater flow. The flow rates are based upon the Customer’s water usage as billed each January, February and March as calculated in Section 33-173. This is the winter use average. Once the Customer is presented a bill with the annually adjusted sewer charge, the Customer has 90 days to file an appeal with the City for reconsideration of the calculated winter use average, as defined in the City’s administrative procedures.

#### **Sec. 33-8. Meter Reading and Billing.**

The City will read meters and calculate charges due for water and/or sewer services at regular intervals. All such charges and associated taxes shall be billed monthly. Services billed outside of the normal billing intervals may be pro-rated, using the minimum or base monthly charges for a standard 30-day month.



**Sec. 33-9. Due date; penalty for late payment.**

- (a) All charges for water and/or sewer and/or solid waste services shall become due and payable when a bill is created by the City.
- (b) It is the responsibility of the Customer to pay all charges in full and on a timely basis.
- (c) All charges for water and/or sewer and/or solid waste services shall become delinquent if payment is not received by the City within nineteen (19) calendar days of the date the bill was created by the City.
- (d) Failure to pay all charges for water, sewer or solid waste services in accordance with this Section may subject a Customer to:
  - (1) an increase in the amount required as a deposit for the Customer's account with the City, as provided in Section 33-4; and
  - (2) a late fee, as provided in Section 33-5; and
  - (3) any other penalty for late payment provided in this Chapter or available under any applicable law, including, but not limited to, termination of service in accordance with Section 33-11.

**Sec. 33-10. Adjustments of water and/or sewer charges and fees.**

The City may establish policies and procedures for adjusting charges and/or fees on a Customer's Account that occurred or may occur as a result of errors, omissions, unusual usage or other extraordinary circumstances.

- (a) The City may make an adjustment to the amount billed and may recover, credit or refund the difference between the original billing and the corrected billing, when an error, omission, usage discrepancy or other extraordinary circumstance has occurred. Such adjustment will rely on any relevant and credible data, including historical usage data, to determine if an error, omission, usage discrepancy or extraordinary circumstance has occurred and to calculate the applicable adjustment.
- (b) A Customer who disputes the accuracy of a water and/or sewer charge on a closed Customer Account must present a written complaint or request for adjustment to the City no later than sixty (60) days after the final bill has been issued.

**Sec. 33-11. Remedies for delinquent accounts; Termination of water or sewer service for non-payment.**

- (a) If all charges due for water and/or sewer service(s) are not paid in full before a bill becomes delinquent in accordance with Section 33-9, the City may terminate service at the service address for which payment is delinquent. Service shall not be terminated

until the City sends the Customer written notice and gives the customer an opportunity to cure the delinquency by paying all outstanding past due amounts in full.

(b) If the Customer fails to cure the delinquency within the time specified in such notice, the City may terminate water and/or sewer service by disconnecting the service without further notice on or after the date stated in the termination notice. The Customer will be responsible for and will be charged any costs incurred by the City to terminate the delinquent service.

(c) Once service is disconnected, a delinquent account fee may be charged to the Customer's Account in addition to any costs associated with the termination of service. The City may use all or any part of the deposit provided by the Customer pursuant to Section 33-4 to pay the delinquent charges.

(d) The Customer is required to pay all amounts owed to the City and may be required to provide a new or increased deposit as provided in Section 33-4, before water and/or sewer service is restored to the service address.

(e) Notwithstanding the requirement to pay all amounts owed to the City before service is restored in subsection (d) above, the City may establish and implement policies and procedures which allow for deferring, reducing or waiving, in whole or in part, any water and/or sewer charges and fees on a case by case basis. The City may also agree to accept alternate payment arrangements, on a case by case basis. The establishment and implementation of such City policies and granting any such accommodation will occur in the City's sole discretion and is not subject to appeal or challenge.

(f) A Customer may dispute any charges billed to an existing, active Customer Account by submitting the dispute in writing to the City within 20 days of the date the Customer's Account becomes delinquent. After review, the City may resolve the dispute or make a further demand for some or all of the delinquent water and/or sewer charges and fees. If City and the Customer are unable to resolve the dispute informally, the Customer may request a formal hearing be held. The City shall set the date of the hearing within twenty (20) calendar days from the date of the Customer's request for a hearing.

(g) The hearing need not be conducted in accordance with the Rules of Civil Procedure or Rules of Evidence. Both parties may present relevant and credible evidence at the hearing, including oral testimony or written documentation.

(h) A written report containing any findings and recommendations will be issued within two weeks of the conclusion of the hearing. The City Manager or his/her designee shall review the report and make a final decision regarding the delinquency of the charges and fees and any request for a reduction, deferment or waiver within 30 days of receipt. The decision of the City Manager or his/her designee is final and may not be appealed.

(i) The hearing is open to the public, unless the Customer requests it be held in private.

(j) Customers who have filed a written dispute with the City shall not be required to pay the delinquent amount in dispute or be subject to disconnection for nonpayment until a final determination is made by the City Manager or his/her designee.

(k) Once there is a final decision, any amount determined to be due and owing must be paid in full by the Customer within 10 days of the issuance of the decision, unless other payment arrangements have been made with the City as provided in subsection (e) above. In the event the Customer does not make such payment in a timely fashion, the City may terminate the service(s) without further notice to the Customer.

### **Sec. 33-12. Resumption of City service.**

(a) Once any delinquent charges and fees have been paid in full or the City has agreed to an alternative arrangement in accordance with Section 33-11, the City shall turn the water and/or sewer service back on, unless good cause (e.g., broken or leaking pipes) exists to refuse to resume the service.

(b) The City may require a business or commercial customer to pay any outstanding balances or delinquent amounts owed for the service address even if the Customer requesting the resumption of service did not occupy the property when the debt was incurred or prior service was provided.

(c) Nothing in this subsection is intended to deny service to a residential customer who did not physically reside at the service address at the time the Customer Account became delinquent or to condition the resumption of water or sewer service on payment of charges and fees for services provided to prior, unrelated occupants, tenants or owners of residential properties.

(d) In addition to the charges and fees due and payable to the City as required by this chapter for turning on water and/or sewer service, the following charges and fees, may also be required to be paid by a Customer for a resumption of service:

(1) Labor and materials to install pipes or other equipment to connect the service address with the City sewer mains, or for tapping the City sewer system;

(2) Labor and materials to repair, replace or upgrade the service connection so that the service address can be served in a safe and sanitary manner;

(3) Any fine or penalty;

(4) Any charges associated with cutting, blocking or otherwise discontinuing sewer service.

### **Sec. 33-13. City's remedies for unpaid charges and fees.**

(a) ~~Collection by collection agency.~~ Once the dispute resolution procedures contained in Section 33-11 have been exhausted or a Customer Account has been closed, any debts remaining after applying amounts provided as a deposit may be assigned by the

City to a bona fide collection agency for collection. The Customer shall be responsible for all costs incurred by the City in collecting those delinquent funds pursuant to Glendale City Code, Section 2.4- Collection charges.

(b) Lien for unpaid charges.

(1) Once the procedures contained in Section 33-11 have been exhausted or a Customer Account has been closed, the City may elect to file a lien on the real property, lot or tract of land that received or benefited from the City's water and/or sewer service. The lien shall be filed in the amount of any debts remaining after applying amounts provided as a deposit.

(2) Prior to filing such a lien, the City shall give notice to the property owner that the City intends to file a lien on the property unless all past charges due are paid within 30 days.

(3) If delinquent charges due are not paid within the 30 day grace period, the City shall prepare a "notice and claim of lien" and shall file one copy with the county recorder. The City shall then promptly send, by certified mail return receipt requested, a copy to the property owner at his/her last known mailing address, and shall send a copy to the Customer to the address or the alternate mailing address on the Customer Account. The "notice and claim of lien" shall contain the following:

(i) A legal description of the property.

(ii) The name of the Customer or property owner.

(iii) The amount owed, including; and

(iv) the cost of preparing, processing and releasing the lien, which shall be added to the amount then due.

(4) The lien shall attach and remain in effect on the property until all amounts owed are paid in full. The lien may be satisfied upon judgment of foreclosure and order of sale. The City shall have the right to bring an action to enforce the lien in Maricopa County Superior Court.

(5) A prior recording for the purposes provided in this Section shall not be a bar to a subsequent recording of a lien for such purposes, and any number of such liens on the same premise may be enforced in the same action.

(c) ~~Collection by civil suit.~~ Delinquent service charges may also be collected by a civil suit, instituted in the name of the City, at any time after the charges become delinquent.

(d) The remedies provided by this Section shall be cumulative and supplemental to all other remedies provided under this Article or applicable law, notwithstanding any other provision to the contrary.

**Sec. 33-14. Voluntary utility billing donation program.**

(a) The City hereby establishes a voluntary utility billing donation program to allow users of City services to make voluntary donation of funds to human services programs serving the community. All persons receiving bills for services from the City under the provisions of chapters 18 and 33 of this Code are be eligible to participate in the voluntary utility billing donation program. Donations may be made by Customers paying additional amounts beyond the charges due to the City for their water and/or sewer fees and charges.

(b) The City shall determine the form of the donation program. The amount of any donation added to a Customer's bill, if any, shall not exceed Two Dollars (\$2.00) per month.

**Sec. 33-15. Reserved.**

**Sec. 33-16. Unlawful utility activities.**

No person shall, in any way, interfere with representatives of the City in any discharge of their duties under this chapter. Interference may include, but is not limited to, the tapping of any water or sewer pipe, main, or lateral belonging to the City, or the cleaning, laying or connecting of any sewer pipe, main or lateral, digging up or cause to be dug up, any street or alley in the City for the purpose of connecting with the water or sewer systems of the City without first obtaining a permit from the City, failing or neglecting to place the street or alley in its original condition, or maliciously or willfully breaking, damaging, destroying, uncovering, defacing, or tampering with any structure, appurtenance, or equipment which is a part of the municipal water or sewer systems. Any person who interferes with any representative of the City in the discharge of his/her duties under this Article of the City Code shall be guilty of a Class 1 misdemeanor.

**ARTICLE II. -- WATER**

**DIVISION 1. GENERALLY**

**Sec. 33-17. Definitions.**

The following words, terms and phrases, when used in this Article shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning.

*Auxiliary water supply:* Any water supply on, or available to, premises, other than the potable water supplied by the City of Glendale. 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, waste waters 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.

*Backflow:* The reversal of the normal flow of water caused by either backpressure or ~~backsiphonage~~back-siphonage.

*Backpressure:* Any elevation of pressure in a ~~customer's~~Customer's water supply system, above the pressure of the public potable water supply system, which could cause water or other liquids, mixtures or substances to flow from a ~~customer~~Customer's water supply system into the distribution system of the public potable water supply system.

*~~Backsiphonage~~Back-siphonage:* A reversal of the normal flow of water caused by a reduction of pressure in the potable water supply system which causes the flow of water or other liquids, mixtures or substances from a ~~customer's~~Customer's water supply system into the distribution system of the public potable water supply system.

*~~Contamination:~~* ~~An impairment in the quality of potable water, by sewage, industrial fluids, waste liquids, compounds or other material or fluids, to a degree which creates an actual hazard to the public health by poisoning or the spread of disease.~~

*~~Contractor:~~* ~~A person licensed to do work in the state who for either a fixed sum, price, fee, percentage, bonus or other compensation, other than actual wages, undertakes to or offers to undertake to, or submits a bid to, or does himself by or through others, construct, alter, repair, add to, subtract from, improve, move, wreck or demolish any building, highway, road, railroad, excavation or other structure, project, development or improvement, or to do any part thereof, including the erection of a scaffolding or other structures or works in connection therewith, and the term "contractor" includes subcontractors, specialty contractors, developers, and speculative builders.~~

*Cross-connection:* Any physical connection or other arrangement of piping or fixtures, between a piping system containing potable water and a piping system containing ~~nonpotable~~non-potable water, waste fluids, industrial fluids or other fluids of questionable safety for human consumption, through which, or because of which, backflow may occur into the public potable water system. Cross-connections include any temporary connections such as swing connections, removable sections, four-way plug valves, spools, dummy sections of pipe, swivel or change-over devices or sliding multiport tube.

*~~Customer:~~* ~~The person or other entity who has applied for and been granted water, sewer or sanitation service by the city.~~

~~*Customer water supply system:* The water distribution facilities within a customer's premises commencing at the discharge point of the service connection.~~

~~*Department:* The city public works utilities department.~~

~~*Department head:* The public works administrator or his designee.~~

~~*Developer:* The person who is responsible for the development of land thereby creating a demand for domestic water.~~

~~*Development:* Any improvement for lease or sale, which creates demand for domestic water.~~

*Distribution system:* The network of conduits used to deliver potable water from the source facilities to the ~~customer's~~ Customer's water supply system.

*Domestic water:* Water supplied through the pipes of the water system of the ~~city~~ City.

*Emergency fire sprinkler tap:* A water tap maintained by the owner or occupant of a building or other structure to be used in the event of a fire or other emergency, and not used in the normal course of use and occupancy of the building or structure; provided that no water meter is installed on such tap.

~~*Finance director:* The director of the finance and budget department or his duly authorized agent.~~

*Flood irrigation system:* Irrigation system consisting of pipes, gates, laterals, valves, and berms constructed for the purpose of conveying water to private property or public places.

*Flood irrigation water:* Water supplied to or through a flood irrigation system.

*Hazard, degree of:* Evaluation of the potential risk to the public health and the adverse effect of the hazard upon the public potable water system.

*House under construction:* When water service is available to such house or building and shall end when final building inspection is made at the end of a three-month construction period.

*Industrial fluid system:* Any system containing a fluid or solution which is chemically, biologically or otherwise contaminated or polluted in a form or concentration such as would constitute ~~a~~ an actual or potential threat or hazard to human health, system or welfare, the environment, the City's municipal water system, pollutional, or a Customer's plumbing hazard-system or property if introduced into the public potable water system. This may include, but shall not be limited to, polluted or contaminated waters; all types of process waters, waste waters and used waters originating from the public potable water system which may have deteriorated in sanitary quality; chemicals in fluid form; plating

acids and alkalines, circulating cooling waters connected to an open cooling tower and/or cooling towers that are chemically or biologically treated or stabilized with toxic substances; contaminated natural waters such as from wells, springs, streams, rivers, bays, harbors, seas, irrigation canals or systems, or oils, gases, glycerin, paraffins, caustic and acid solutions and other liquid and gaseous fluids used in industrial or other purposes or for fire-fighting purposes.

~~Nonpotable~~Non-potable water: Water which is not safe for human consumption or which is of questionable quality for human consumption.

~~Notice: A written instrument served by the city, as follows:~~

- ~~(1) — By the use of ordinary mail to the last known address of the person to whom it is required to be given; or~~
- ~~(2) — By personal service upon the person or his lawful representative; or~~
- ~~(3) — By filing or recording with a clerk of the superior court or county recorder.~~

~~Owner builder: A person who owns or leases real property within the city acting as a contractor in constructing any improvement upon the real property which real property as improved is held by such person for his use or for rental purposes.~~

~~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.

~~Property owner: The record Title owner of the property to which water, sewer or sanitation service is being provided by the city.~~

*Public potable water supply system:* The source facilities and the distribution system under control of the ~~city~~City to the point where a ~~customer's~~Customer's water supply system commences. A ~~customer's~~Customer's water supply system commences at the discharge point of the service connection.

~~Residential dwelling unit: One (1) or more rooms in a dwelling or a portion of a dwelling designed for occupancy by one (1) family for living purposes, and having its own cooking and sanitary facilities.~~

*Service connection:* The terminal end of a service line from the public potable water system at its point of delivery to the ~~customer's~~Customer's water system where the department loses jurisdiction and sanitary control over the water. If a meter is installed between the ~~customer's~~Customer's water supply system and the public potable water system, the service connection shall be the discharge end of the meter. Service



connections shall also include a water connection from a fire hydrant and any other temporary or emergency water connections with the public potable water supply system.

*Source facilities:* All components and facilities utilized in the production, treatment, storage and delivery of potable water to the distribution system.

~~*Structure:* Each separate occupancy, residence, house, store, building or any construction or production or piece of work artificially built up or comprised of parts joined together in some definite manner and served by a separate water meter. This definition is not inclusive.~~

~~*Unit of service:* Each structure, group of structures, portion of a structure or real property which is served by a separate water meter.~~

*Used water:* Any water supplied by the department, from the public potable water system to a ~~customer's~~Customer's water system, after it has passed through the service connection and is no longer under the sanitary control of the department.

~~*User:* The owner, tenant, trustee, mortgage receiver or occupier whether person, corporation, firm or municipality of property which is connected to the public water system.~~

*Water Meter:* A City-owned device used for measuring and registering at point of delivery the water that flows from the City's service lines to the Customer's premise.

*Water service area:* All area wherein the ~~city~~City has the right to supply domestic water.

## **DIVISION 2. SERVICE CONNECTION CONSTRUCTION, REPAIR AND MAINTENANCE.**

### **Sec. 33-18. Installation of water lines and service connections.**

(a) The owner or his/her authorized representative of every residential, commercial and industrial parcels, lots or subdivisions where public water services are authorized by the City, unless otherwise notified by the City, shall furnish and install all water lines, service connections, water meter boxes, valves, fittings, and appurtenances necessary to provide and/or comment to each water service. The City may perform the installation work to establish the service connection when the City deems it necessary and in the best interest of the City. If the City performs the installation, the owner and his/her authorized representative shall pay a fee or deposit as authorized by Section 33-4. The City shall approve all materials to be used by the owner or his/her authorized representative, to connect to the City's water supply.

(b) Unless otherwise approved by the City, water service connections shall be installed simultaneously with the new water lines and services installed by the developer once the City has approved the final plat for the development.

(c) Water lines (in streets bounding a subdivision or lots) shall conform to the City's water distribution master grid system.

(d) The owner or his/her authorized representative shall ensure that water services are located nearest the center of the lot, within eighteen (18) inches of the backline of proposed sidewalks, and not within a proposed driveway. Other locations of water services shall have the written approval of the City.

#### **Sec. 33-19. Temporary construction taps.**

An applicant for water service for each construction project shall be charged a fee equal to the appropriate size water tap and as established by resolution of the City Council. The fee shall be collected before connecting and receiving water from the City. It shall be the obligation of the applicant to notify the City, in writing, when the construction begins and date of final inspection.

#### **Sec. 33-20. Construction.**

(a) The owner or his/her authorized representative shall be responsible for constructing all water lines, service connections, water meter boxes, valves, fittings, and appurtenances in accordance with the MAG standard details and specifications, the City's plumbing code, and the City's standard details, and under the inspection of the City. Mylar reproducible "as-built" plans with the tap location measured from property line and bearing the registered civil engineer's seal and number shall be submitted by the owner or his/her authorized representative to the City after completion of installation and prior to release of the right-of-way permit.

(b) The owner or his/her authorized representative shall install water meter boxes so that the top surface of the meter box is parallel and level with the finish grade of proposed sidewalk.

(c) The owner or his/her authorized representative shall be responsible for ensuring that piping entering or exiting the water meter box shall be positioned to ensure proper alignment for the installation of the water meter. The piping shall not be crimped or deformed in a manner that impedes or restricts the flow of water. Property owner side of the connection shall be constructed and maintained in accordance to City standards.

(d) If residential lots of the approved subdivision need to tap directly into an existing active water main, the owner or his/her authorized representative shall dig all trenches for the service line and make all cuts to expose the water main as directed by the City. The owner or his/her authorized representative shall also be responsible for backfilling all trenches and cuts made, along with providing a final surface patch on the pavement, according to MAG standard specifications.

(e) When the residential subdivision is completed, or when each phase is completed, the owner or his/her authorized representative shall pressure test and chlorinate the entire system in accordance with the MAG standard specifications and to the satisfaction of the City.

**Sec. 33-21. Guarantee of water system construction.**

The service connections installed by the owner or his/her authorized representative shall be guaranteed against any and all defects by the owner or his/her authorized representative for a period of one (1) year after the acceptance of the installations by the City.

**Sec. 33-22. Wet taps.**

A City-approved Contractor shall make all wet taps from the City's energized water system. When wet taps are needed, the contractor/owner shall make all cuts to expose the water main in sufficient size to allow the Contractor enough room to make the necessary wet tap. The Contractor/owner shall also furnish and install the saddle, tapping sleeve and valve. A charge in an amount established by resolution shall be assessed for each wet tap which shall be paid prior to the Contractor making the tap. When the City installs the water service, there is no separate charge for the wet tap.

**Sec. 33-23. Dry taps.**

The owner or his/her authorized representative shall make all dry taps for service connections in all residential, commercial and industrial parcels, lots or subdivisions and all required fire hydrant dry taps.

**Sec. 33-24. Determination of meter size.**

Proper water meter size shall be determined in accordance with tables provided for such purpose in the Uniform Plumbing Code as adopted and amended by the City.

**Sec. 33-25. Obstruction of meter, etc.**

(a) No person shall place upon or about any valve, valve box, water meter box or water gate connected with the City water service system any obstruction, object, material debris or structure of any kind that shall prevent access to the same at all times or in any manner tamper with or injure such appurtenances. No person shall fill up or cover over any valve or meter box.

17.-(b)Fifteen (15) days after proper notification to the owner or his/her authorized representative, the City may remove trees, shrubs, plants and bushes or any other obstruction if all identified obstructions, within a three-foot radius of the water meter box have not been properly removed.

**Sec. 33-26. Service Connection Repairs.**

(a) The City shall inspect, ensure their proper working order, make all repairs on mains, meters, and services, and check all valves and fire hydrants and any other portion of the water and/or sewer system.

(b) The Customer may be billed by the City for the cost of any repair or replacement of mains, meters services valves, hydrants or other equipment necessitated by the Customer-caused damage. Customer may also be responsible for, and charged for, any increase in the amount of water or sewer services required to fully serve the property or service address.

**Sec. 33-27. Maintenance of water service lines.**

Except as otherwise provided in this Article, the property owner shall maintain all water service lines and connections within his property in accordance with City's plumbing code. All meters, except those damaged by the Customer or property owner, shall be maintained and repaired by the City at its expense.

**Sec. 33-28. Property owner responsibility for certain leaks or damages.**

Property owners are responsible for all leaks or damages that result from leaks from any equipment on the owner's side of the meter to the property.

**Sec. 33-29. Interruption of service—Generally.**

~~Domestic water~~Water and/or sewer service may ~~at any time~~ be shut off from the ~~city~~City's main at any time due to emergencies or for the purpose of making repairs, extensions or any other necessary work. Notice will be given where reasonably possible. The ~~city~~City shall not be liable for any damages that may occur ~~on account as a result of the domestic water and/or sewer service being cut off~~interrupted for any purpose ~~or on account of the breaking of any pipe or fixture. Domestic water users.~~ Users who have any machinery, material, process or plant ~~which~~that requires a constant supply of domestic water or sewer service shall install ~~upon~~at their ~~premises~~premise such water storage facilities as ~~will~~may be necessary to prevent any damage ~~in case that could occur if the city's domestic~~City's water service supply may, for any reason, be interrupted or discontinued.

**Sec. 33-18. -- Same30. Interruption of service—Street work.**

All persons engaged in street work, including but not limited to grading, ~~regrading~~regrading, filling and trenching, paving or repaving shall give the ~~department head~~City written notice ~~if it is necessary during the progress of~~any time such work has the potential to remove, displace or change any ~~domestic water service~~ mains, pipes, fittings, meters, gates or other appurtenances to the ~~domestic water or sewer service~~ system of the ~~city~~City ~~that may interfere with the prosecution of such work.~~City. The notice shall be delivered to the ~~office of the department head~~City not less than three (3) days before the services ~~of the department head are required and~~may be so affected. Any failure to furnish such notice shall make such person liable to the ~~city~~City for all damages resulting to the ~~domestic water service~~ system of the ~~city~~City ~~from the prosecution of such work.~~ and may subject the person to other civil penalties consistent with this Article.

~~19. Discontinuance of service at user' request.~~

~~(a) All requests for discontinuing domestic water service shall be made to the administrator by the customer whose service is to be discontinued. When the domestic water service is discontinued for any customer, all charges for domestic water supplied to such customer shall be immediately due and payable to the city and domestic water service shall not be supplied to that customer until all such charges are paid.~~

~~(b) If the administrator receives notice from the owner that a structure has been permanently abandoned or from the code enforcement department or county health officer that a structure has been condemned as not habitable or unsanitary and dangerous to human life, domestic water service shall be discontinued at once and monthly charges ceased.~~

~~(c) If a customer has made a deposit with the finance director, the balance, if any, of the deposit shall be returned to the customer after deducting the amount of the charges due.~~

~~20. Resumption of service.~~

~~After the domestic water has been shut off from any unit of service, a request to resume service shall be made to the administrator by the user who shall be liable for all bills for domestic water furnished after that date upon receipt of the request, in the same form as required for new service, and provided all other requirements of this article have been met, the administrator shall cause the domestic water to be turned on for the use of the unit of service unless there are extenuating circumstances such as broken or leaking pipes or other causes which, in his opinion, constitute good cause to refuse to turn on the service.~~

~~21. Maintenance of domestic water lines.~~

~~Except as otherwise provided in this article, the property owner shall maintain all domestic water lines and connections within his property. All meters, except those willfully damaged by the customer or property owner, shall be maintained and repaired by the city at its expense.~~

**Sec. 33-31. Valve** ~~33-22. Property owner responsibility for certain leaks or damages.~~

~~Property owners are responsible for all leaks or damages on account of leaks from the service pipes leading from the property owner' side of the meter to the unit of service.~~

**Sec. 33-23. Curbeock or valve keys.**

~~It is unlawful for any unauthorized person to use any curbeock key or valve key on the city domestic water supply system. No person shall without authority from the department head, make, construct, or in any way, dispose of any curbeock key or other valve key for use opening device on the city domestic City water supply system. without the permission of the City. Violators shall be liable for all costs of repairs necessitated by~~

their actions and may subject the person to other civil penalties consistent with this Article.

**Sec. 33-24.--32. Tampering with fire hydrants.**

It is unlawful for any person to destroy, impair, damage, disable or tamper with any fire hydrant. A violation of this ~~section~~Section shall be a Class 1 misdemeanor. Violators shall be liable for all costs of repairs necessitated by their actions and may subject the person to other civil penalties consistent with this Article.

**Sec. 33-25.--33. Emergency fire sprinkler systems.**

(a) The design for emergency fire sprinkler systems shall be in accordance with the Uniform Fire Code as adopted by the ~~city~~City. ~~All designs for emergency fire sprinkler systems~~City and shall be approved by the ~~city~~City prior to their installation by any person.

(b) The ~~contractor or property owner~~ and/or his/her authorized representative shall dig all trenches and make all cuts for pipes and appurtenances for emergency fire sprinkler lines: as required by the City in the City approved plans. The emergency fire sprinkler line shall be inspected and approved by the ~~community development department~~City before being backfilled. The ~~contractor/owner~~property owner and/or his/her authorized representative shall also be responsible for backfilling all trenches and cuts made, along with providing a final surface patch on the pavement, according to MAG standard specifications. Mylar reproducible "as built" plans, showing the location of the emergency fire sprinkler line from the tap to the property line and bearing the registered civil ~~engineer's~~engineer's seal and number, shall be submitted by the ~~contractor/property owner~~ and/or is authorized representative to the ~~community development department~~City after completion as required by the City in the City approved plans of installation and prior to release of the right-of-way permit.

(c) The property owner is responsible for operation and maintenance of the sprinkler line/main up to its connection with the City's system.

**Sec. 33-26.--34. Installation of fire hydrants.**

The ~~developer~~ property owner and/or owner ~~authorized representative~~ shall furnish and install fire hydrants in accordance with ~~city~~City specifications and standards at locations designated and approved by the ~~community development department~~City. The installation of hydrants, including ~~the~~all necessary valves and appurtenances, shall be at the expense of the ~~developer/owner~~property owner and/or his/her authorized representative, shall be inspected by the ~~engineering department~~City and upon completion, shall be dedicated to the ~~city~~City.

**Sec. 33-27.--35. Removal of water from fire hydrants; authorization.**

No person shall remove, or attempt to remove, water from a fire hydrant, except ~~in case of fire, and then only under the direction of~~ as directed by officers of the fire department;

~~without authorization from the utilities director or his designee. Such authorization. A violation of this Section shall be evidenced by a Class 1 misdemeanor. Violators shall be liable for all costs of the water lost/used and repairs necessitated by their actions and may subject the use of an assigned meter. person to other civil penalties consistent with this Article.~~

**Sec. 33-28.--36. Use of meter in removal of water from fire hydrant.**

~~All water removed from a fire hydrant, except in case of a fire that water removed at the direction of the City in compliance with Section 33-35 above, shall pass through a meter supplied by the cityCity. Water provided at the fire hydrant is for temporary water service. The City shall authorize the amount and/or period of use when the user's application is approved by the City. The meter shall be connected to the fire hydrant. However, if water lines are being used for pressure testing or chlorination, the meter shall be connected to the water line. Meter charges shall be those established by section 33-76 Section 33-56 of this chapter.~~

**Sec. 33-37. Unauthorized connection to water main; theft of water.**

~~No person shall connect any pipe, tube or other instrument to any water main, service pipe, conduit or flume for using, removing or otherwise distributing water belonging to the City, without the prior approval of the City. All water removed from the water system, except as provided in Section 33-35, shall be estimated and charged at a rate determined by the City.~~

**Sec. 33-38. Discontinuance of service at user's request.**

~~(a) If the City determines or otherwise receives notice from the owner or receives notice from the county health officer that a structure has been permanently abandoned or condemned as inhabitable or unsanitary and dangerous to human life, domestic water service shall be discontinued immediately and new charges shall cease to accrue.~~

~~(b) Any fees or charges incurred prior to the cessation or disconnection of service shall be billed to the Customer within 10 business days of the service discontinuance.~~

~~(c) If a Customer has made a deposit with the City, the balance, if any, of the deposit shall be returned to the Customer after deducting the amount of the charges due.~~

**Sec. 33-39.29.-- Violations.**

~~A violation of section 33-27 or section 33-28any Section in this Division (Section 33-18 through Section 33-37) shall be a civil infraction. A person convicted for a first offense of a violation of section 33-27 or section 33-28any Section of this Division shall be punished by a fine of not less than two hundred fifty dollars (\$250.00). A person convicted of a second violation of section 33-27 or section 33-28any Section of this Division shall be punished by a fine of not less than five hundred dollars (\$500.00). A person convicted of a third or subsequent violation of section 33-27 or section 33-28any Section of this Division shall be punished by a fine not less than one thousand dollars~~

(\$1,000.00). The maximum fine for a violation of ~~section 33-27 or section 33-28~~ Sections 33-30, 33-31, 33-32, 33-33, 33-34 or 33-35 shall not exceed one thousand five hundred dollars (\$1,500.00).

**Secs. ~~33-30—40 - 33-35—50~~. Reserved.**

**DIVISION 2. ~~SERVICE APPLICATIONS, ETC.~~ 3. RATES AND CHARGES**

~~Sec. 33-36. Required.~~

~~Before the administrator turns on domestic water to any unit of service, the customer thereof shall make formal application for domestic water service with the administrator and comply with all applicable provisions of this article. The application shall set forth:~~

- ~~(1) — The name of the applicant;~~
- ~~(2) — A description of the lot, block and subdivision to be serviced;~~
- ~~(3) — The location where the city main is to be tapped~~
- ~~(4) — The size of the tap to be made;~~
- ~~(5) — The official street address assigned to the premises;~~
- ~~(6) — The purpose for which the domestic water is to be used; and~~
- ~~(7) — Such other matters as the department may deem necessary.~~

~~37. General conditions for granting.~~

~~As a condition precedent to the granting of the water service application and furnishing domestic water to the premises, the department shall require payment in advance for the installation of service pipe, meter and all applicable development fees.~~

~~—Change of address.~~

~~The customer shall be required to notify the administrator of any change in mailing address, occupancy or ownership within fifteen (15) days after such change occurs.~~

~~Sec. 33-39 Turn-on fee.~~

~~Upon proper application a turn-on fee in the amount established by resolution shall be charged to each applicant for water service. Such fee shall be included in the first billing. The fee is a nonrefundable service charge.~~



~~Sec. 33 40.— Deposits.~~

~~(a) — The finance director may adopt administrative procedures setting forth the deposit collection, waiver and refund process and criteria. The customer is not entitled to any interest earned on the deposit. The administrative procedures must be approved by the finance director and posted on the city' website.~~

~~(b) — A separate deposit is required for each meter. Unless the deposit is waived by the finance director, the city will turn on domestic water service to the applicant' unit of service only after the applicable deposit is paid in full.~~

~~(c) — The finance director may reduce, waive, or increase up to five (5) times the deposit established by resolution based on the following factors:~~

~~(1) — The applicant' utilities account history;~~

~~(2) — The applicant' credit history;~~

~~(3) — Typical monthly bill for similar unit of service; and~~

~~(4) — Any other relevant factors described in the administrative procedures.~~

~~Secs. 33 41 — 33 50. Reserved.~~

~~DIVISION 3. WATER LINES, SERVICE CONNECTIONS, WATER METERS, ETC.~~

~~Sec. 33 51.— Installation of water lines and service connections.~~

~~(a) — In all residential, commercial and industrial parcels, lots or subdivisions where public water services are authorized by the city, the developer or owner, unless otherwise notified by the city, shall furnish and install all water lines, service connections, water meter boxes, valves, fittings, and appurtenances that apply to all water service connections. However, the city may perform the installation work when the administrator deems it necessary and in the best interest of the city. If the city performs the installation, the owner or developer shall pay a fee or deposit as authorized by section 33 73. All materials intended to be used by a developer or owner shall be submitted to the city for approval prior to their use.~~

~~(b) — Water lines in streets bounding a subdivision or lots shall conform to the city' water distribution master grid system.~~

~~(c) — The contractor shall ensure that water services are located nearest the center of the lot, within eighteen (18) inches of the backline of proposed sidewalks, and not within a proposed driveway. Other locations of water services shall have the written approval of the administrator.~~

~~33 52.— Temporary construction taps.~~

~~Upon application for water service for each construction project there shall be charged and collected from the contractor of construction projects a fee equal to the appropriate size water tap fee for the privilege of connecting and receiving water from the city. It~~

~~shall be the obligation of the building inspector to notify the city billing division, in writing, when the construction begins and date of final inspection.~~

~~—Construction.~~

~~(a) — The contractor shall be responsible for constructing all water lines, service connections, water meter boxes, valves, fittings, and appurtenances in accordance with the MAG standard details and specifications, the city' plumbing code, and the city' standard details, and under the inspection of the community development department. Mylar reproducible "as built" plans with the tap location measured from property line and bearing the registered civil engineer' seal and number shall be submitted by the contractor to the engineering office after completion of installation and prior to release of the right-of-way permit.~~

~~(b) — The contractor shall install water meter boxes in such a manner as to have the top surface of the meter box parallel and level with finish grade of proposed sidewalk.~~

~~(c) — The contractor shall be responsible for ensuring that piping entering or exiting the water meter box shall be positioned so as to ensure proper alignment for the installation of the water meter. The piping shall not be crimped or deformed in such a manner as to cause restriction of the flow of water.~~

~~(d) — When residential lots of the approved subdivision will need to tap directly into an existing energized water main, the contractor shall dig all trenches for the service line and make all cuts to expose the water main. The contractor shall also be responsible for backfilling all trenches and cuts made, along with providing a final surface patch on the pavement according to MAG standard specifications.~~

~~(e) — When the residential subdivision is completed, or when each phase is completed, the contractor is responsible for pressure testing and chlorinating the entire system in accordance with the MAG standard specifications and to the satisfaction of the city.~~

~~Sec. 33-54. — Guarantee of water system construction.~~

~~The service connections installed by the contractor shall be guaranteed against any and all defects by the contractor for a period of one (1) year after the acceptance of the installations by the administrator.~~

~~Sec. 33-55. — Wet taps.~~

~~The city shall make all wet taps from the city' energized water system. When wet taps are needed, the contractor/owner shall make all cuts to expose the water main in sufficient size to allow the city field crews enough room to make the necessary tap. The contractor/owner shall also furnish and install the saddle, tapping sleeve and valve. A charge in an amount established by resolution shall be assessed for each wet tap which shall be paid prior to the city making the tap. When the city installs the water service, there is no separate charge for the wet tap.~~

~~Sec. 33-56.— Dry taps.~~

~~The developer/owner shall make all dry taps for service connections in all residential, commercial and industrial parcels, lots or subdivisions and all required fire hydrant dry taps.~~

~~Sec. 33-57.— Determination of meter size.~~

~~Proper water meter size shall be determined in accordance with tables provided for such purpose in the Uniform Plumbing Code as adopted and amended by the city.~~

~~Sec. 33-58.— Relocation of water meter generally.~~

~~The city will relocate a water meter, upon the request of the contractor/owner up to a maximum of ten (10) feet from its present location. The cost of relocating each water meter shall be as established by resolution and shall be payable in advance. The city shall collect an advanced deposit based on an estimate of the cost of the water.~~

~~Sec. 33-59.— Destruction of meter.~~

~~No person shall break or remove a seal, or willfully damage or destroy a water meter.~~

~~Sec. 33-60.— Obstruction of meter, etc.~~

~~(a) — No person shall place upon or about any valve, valve box, curbcock, water meter box or water gate connected with the domestic water system of the city any object, material debris or structure of any kind that shall prevent access to the same at all times or in any manner tamper with or injure such appurtenances. No person shall fill up or cover over any valve or meter box.~~

~~(b) — The city may remove trees, shrubs, plants and bushes or any other obstruction. If, after fifteen (15) days, the owner upon proper notification, has not removed said trees, shrubs, plants, and bushes or any other obstruction within a three foot radius of the water meter box.~~

~~Secs. 33-61—33-70.— Reserved.~~

~~DIVISION 4.— RATES AND CHARGES~~

~~Sec. 33-71.— Sales tax.~~

~~Privilege license (sales) tax shall be added to each bill for water, sewer and sanitation charges, at the current tax rate provided by the applicable state and city tax codes.~~

~~33-72.— Water development fees.~~

### **Sec. 33-51 Water development fees.**

A water development fee ~~is~~ will be assessed for each residential dwelling ~~units~~unit and each non-residential development constructed in the ~~city~~City, as provided in Chapter 28, Article VI.

### **Sec. 33-52. Effluent user fees.**

~~(a) Within the city water service area where the Arrowhead Wastewater Treatment Plant treats~~

~~(a) Users of effluent produced by the City's wastewater and produces effluent, users of effluent treatment plants, including persons who store such effluent for subsequent use, shall pay to the city promptly upon receipt~~City, an effluent use fee at the rate established by a resolution of statements the City Council or billings therefor, an agreement, as may be applicable. The effluent use fee at the rate established by resolution, shall be paid within 30 days of the receipt of any statement or billing.

~~(b) All proceeds~~payments of effluent user fees received under this ~~section~~Section shall be separately accounted for in the utility revenue fund ~~to~~. The effluent user fee will be used only for transmission, production, storage of water supplied by the cityCity and debt service.

### **Sec. 33-53. 33-73. Service connections and meter installation fees.**

~~(a) If the city performs any installations, pursuant to section 33-51, for~~City installs meters with a diameter of two (2) inches or less, in accordance with Section 33-18 the property owner/developer and/or his/her authorized representative shall pay a fee, in advance, established by resolution of the City Council.

~~(b) If the city performs any installations, pursuant to section 33-51, for~~City installs meters with a diameter in excess of two (2) inches, the owner/developer. In accordance with Section 33-18, the property owner and/or his/her authorized representative shall post with the city a cash deposit, with the City in advance, and in an amount established by resolution of the City Council to cover the costs of such work. If the actual costs are cost is less than the deposit, the remainder shall be refunded to the owner/ developer. If the actual costs are or his/her authorized representative. If the cost of such installation is greater than the deposit, the cityCity shall charge and the owner/developer or his/her authorized representative shall pay the differenceadditional amount.

~~(c) The city~~City shall install water meters prior to inspection of rough plumbing and. The City shall charge and the developer/owner or his/her authorized representative shall pay the fee established by resolution in advance, for of the City Council, prior to the installation of water meters.

### **Sec. 33-74. 54. Meter testing.**

Each ~~customer~~Customer may request a meter test. Upon payment of the fee established by resolution, ~~of the administrator shall immediately notify~~City Council, the ~~public works~~

~~department~~City will arrange to test the ~~customer's~~Customer's meter. If the meter proves to be ~~inaccurate by more than five (5) percent-fast~~, the meter ~~test fee~~ shall be ~~repaired and returned~~refunded to the ~~customer~~Customer. If the meter, upon testing, proves to be ~~inaccurate by less than five (5) percent-fast~~, the meter shall be ~~re-installed by the city~~ but the fee shall be ~~kept~~retained by the ~~administrator~~City and ~~credited~~not refunded to the ~~department~~Customer.

**Sec. 33-75--55. Relocation of water meter and service tap.**

(a) ~~When the water meter is requested by the contractor or owner to~~ The City may ~~relocate 5/8" x 3/4" or 1" meters upon the request of the property owner or his/her authorized representative up to a maximum of thirteen (13) feet from its existing location. The property owner or his/her authorized representative will relocate 1 1/2" and 2" meters. This relocation will be inspected by the City prior to backfill. The cost of relocating each water meter shall be as established by resolution of the City Council and shall be payable in advance. The property owner or his/her authorized representative is responsible for connecting the existing water service line to the discharge side of the water meter.~~

(b) ~~When the property owner or his/her authorized representative requests that a meter be relocated to a site greater than ten (10)thirteen (13) feet from its presentor requests water meters larger than 2" be relocated from its existing location, a new service connection is required. The cost of making a new service tap and relocating the water meter is~~shall be paid by the property owner in an amount as established by resolution of the City Council.

(b)c) Fees for making a new service tap and relocating the water meter ~~are payable~~must be paid in advance. Fees for water taps and water meters larger than two (2) inches will be billed the actual cost of materials and labor required for such work. The ~~city~~City shall collect an ~~advanced~~advance deposit based on an estimate of the cost of the water.

**Sec. 33-76--56. Bulk water rates and fire hydrant meters.**

Whenever bulk water is required by the ~~property owner or builder or contractor~~his/her ~~authorized representative~~ for construction projects, an application shall be made to the ~~city~~City for a fire hydrant meter and the following charges shall be paid:

(1) ~~The fee established by resolution in advance, for original installation and removal of meter-~~ shall be paid in advance;

(2) ~~A meter and fitting deposit-~~ shall be paid in advance;

(3) ~~Fire~~A fire hydrant meters will be charged at the three-inch-meter service charge fee;

(4) The cost of repairing ~~or connecting a fire hydrant meter or connection if damaged;~~

(5) ~~The current water~~ A fee for the amount of water used, which shall be charged at the three (3) inch meter commercial service rate per thousand gallons or fraction shall apply for all water used as well as thereof plus all applicable sales tax.

**Sec. 33-77--57. Determination of water rates** ~~rates inside and outside the City~~

~~The water rates which shall be charged by the city on a monthly basis shall be as established by resolution.~~

**Sec. 33-78.** ~~Due date; penalty for late payment.~~

~~Every flat rate charge, service charge and charge for metered domestic water levied shall become due and payable when a statement is rendered by the city and shall become delinquent twenty (20) days after rendered. A delinquent bill shall be subject to a penalty, established by the city, on any outstanding unpaid balance.~~

Water rates shall be billed City on a monthly basis at the applicable rate established by resolution of the City Council and shall be set forth in Appendix 1 to this Chapter.

**33-79.** ~~Disconnection for nonpayment of fees.~~

~~Before discontinuing water service for nonpayment of any water use charge, deposit or other assessment provided for in this article, the administrator shall:~~

- ~~(1) — Give written notice to the customer of the discontinuance. Final notice is due within twelve (12) days of the bill date;~~
- ~~(2) — Answer any questions the customer may have about the delinquent account; and~~
- ~~(3) — If requested by the customer, schedule a hearing with the administrator, on any disputed matter relative to the discontinuance of water service.~~

**Sec. 33-80.** ~~Use of collection agency.~~

~~After procedures outlined in section 33-79 have been exhausted and it has been determined that a person is responsible for remaining charges after deduction of his deposit, the administrator may assign the account to a bona fide collection agency for collection.~~

**Sec. 33-81.** ~~Lien for unpaid charges.~~

- ~~(a) — Any delinquent charges incurred by the property owner shall constitute a lien on the property, lot or tract of land to which service was rendered.~~
- ~~(b) — Upon delinquency, the administrator shall give notice to the property owner which shall indicate that the city will file a lien on the subject property unless the property owner pays all past charges due.~~

~~(c) — If delinquent charges due are not paid, the administrator shall prepare, in triplicate, copies of a "notice and claim of lien" and shall file one (1) copy with the county recorder of the county in which the property is located. The administrator shall then promptly send, by ordinary mail, a copy to the above named at the last known mailing address or the address to which service charge billings were sent. The "notice of claim of lien" shall contain the following:~~

~~(1) — A description of the property sufficient for identification.~~

~~(2) — The name of the customer or recorded owner of property.~~

~~(3) — The amount owed.~~

~~At such time as the lien is filed, the cost of preparing, processing and releasing the lien shall be added to the amount then due.~~

~~(d) — From and after the date of its recording in the office of the county recorder, the lien shall attach to the property until paid. A sale of the property to satisfy the lien shall be made upon judgment of foreclosure and order of sale. The city shall have the right to bring an action to enforce the lien in the superior court of the county in which the property is located, at any time after its recording but failure to enforce the lien by such action shall not affect its validity. The record "notice and claim of lien" shall be prima facie evidence of the truth of all matters recited therein and the regularity of all proceedings prior to the recording therein.~~

~~(e) — A prior recording for the purposes provided in this section shall not be a bar to the subsequent recording of a lien for such purposes, and any number of such liens on the same property may be enforced in the same action.~~

#### ~~Sec. 33 82. Collection by civil suit.~~

~~Delinquent water charges may also be collected by a civil suit, instituted in the name of the city by the city attorney at the request of the finance director at any time after the charges become delinquent notwithstanding any other provision to the contrary. The remedies provided by this section shall be cumulative and supplemental to other remedies provided under this article.~~

#### ~~Sec. 33 83. Miscellaneous customer service fees.~~

~~Miscellaneous customer service fees shall be charged by the city in the amount established by resolution or pursuant to Glendale City Code section 2-3, including fees for establishment of new customer accounts, delinquent accounts, insufficient funds checks, miscellaneous field visits, broken meter lock, tampered meters, meter field tests, meter bench tests, late charges and prohibited water use fines.~~

~~**Note** — See Appendix B, Community Development Fee Schedule.~~

**Sec. 33-58. Flood Irrigation Service.**

The flood irrigation service rates shall be established by resolution of the City Council pursuant to Section 2-2.

**Secs. 33-59 - 33-80. Reserved.**

~~Sec. 33-84. Voluntary utility billing donation program.~~

~~(a) There is hereby established a voluntary utility billing donation program for the purpose of facilitating donations by users of city services to human services programs serving the community. All persons receiving bills for services from the city under the provisions of chapters 18 and 33 of this Code shall be included in the voluntary utility billing donation program.~~

~~(b) The city manager shall determine the form of the donation program. Donations under any program established pursuant to this section shall be voluntary. The amount of any suggested donation added to a user's bill, if applicable, shall not exceed Two Dollars (\$2.00) and shall not be included in the amount of any arrearages or collections on an account.~~

~~85. Reserved.~~

**DIVISION 4. DROUGHT MANAGEMENT**

**Sec. 33-81. Declaration of policy.**

It is the policy of the City of Glendale that water usage of all City users and Customers shall be curtailed during times of drought.

**Sec. 33-82. Drought Management Plan.**

(a) The City shall adopt a Drought Management Plan for curtailing water usage during times of drought. The plan shall be posted on the City's internet website and contain the following:

(1) Conditions that may cause the City to declare a drought to exist and to implement the drought management plan;

(2) An identification of the levels of drought based on the severity of the drought conditions;

(3) An authorization allowing the City Manager to implement the plan, conduct necessary public outreach and take enforcement actions to minimize the impact of the drought;



(4) Termination of the drought declaration, if the conditions that triggered the declarations no longer exist; and

(5) Any rules and regulations necessary to reduce water use during the drought.

(b) Once adopted, all City departments, agencies, employees and contractors and Customers must comply with the provisions of the City's drought management plan, unless an exemption has been granted in accordance with Sec 33-83.

#### **Sec. 33-83. Exemption.**

The City's drought management plan provisions may be exempted at the written request of the applicant and approval of the City Manager. The exemption may be granted if the applicant can demonstrate that the granting of such exemption is for the protection of public health and welfare.

#### **Sec. 33-84. Enforcement.**

(a) For a first violation of any provision of this division, the City shall issue a written notice of first violation and provide educational materials on water conservation, including a copy of the relevant provisions of this chapter, to the Customer violating the provisions of this division. The City shall give the Customer a reasonable period of time to correct the violation.

(b) For a second violation of any provision of this division, the City shall issue a written notice of second violation to the Customer and impose fines set by the drought stage. The fine shall be added to the Customer's account. Failure to pay any portion of a Customer's account, including any fines imposed pursuant to this Section, shall subject said account to termination of water service in accordance with the provisions of this chapter.

(c) For a third or subsequent violation of this division, the City shall impose a fine equal to twice the previous fine. The fine shall be added to the Customer's account. Failure to pay any portion of a Customer's account, including any fines imposed pursuant to this Section, shall subject said account to termination of water service in accordance with the provisions of this chapter.

(d) Enforcement of the Drought Management Plan shall be conducted by the City Manager or his designee.

(e) Any person against whom a penalty is levied under this Section shall have a right to a hearing before the City Manager or his designee in accordance with Section 33-11.

**Sec. 33-85. Providing for civil fines and penalties.**

The civil fines and penalties for violation of this division are set forth in Section 33-5, Miscellaneous Customer service fees, and shall be established by resolution of the City Council and set forth in Appendix 1 to this Chapter.

**DIVISION 5. –BACKFLOW PREVENTION AND CROSS-CONNECTION CONTROL**

**Sec. 33-86.– Purpose.**

The purpose of this division is:

- (1) To protect the public potable water supply of the city from the possibility of contamination or pollution~~health and welfare of the citizens of Glendale~~ by preventing the backflow of contaminants ~~and~~or pollutants into the public potable water supply system; and
- (2) To promote the elimination or control of existing or new cross-connections,~~actual or potential,~~ within a ~~customer~~Customer's internal potable water system, plumbing fixtures and industrial piping systems; and
- (3) To provide for a continuing program of cross-connection control which will prevent the contamination or pollution of the public potable water supply system.

**Sec. 33-87. –Backflow prevention required.**

- (a) An approved backflow prevention method shall be utilized or installed at every service connection to a customer~~Customer's~~ water system~~service~~ when the ~~department~~City determines the potable water supplied by the ~~public potable water system~~City may be subject to contamination, pollution or other deterioration in ~~sanitary~~ quality by conditions within the ~~customer~~Customer's water system.
- (b) The backflow meter prevention method to be utilized or installed shall be determined by the department~~City~~. The method required by the ~~department~~City shall be sufficient to protect against the potential degree of hazard, as determined by the ~~department~~City, to the public potable water supply from the ~~customer~~Customer's water system~~service~~.

**Sec. 33-88. –Hazard potential.**

The degrees of hazard potential to the public potable water supply and system from a ~~customer~~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~~City~~, may ~~create~~pose a ~~danger~~threat to the health and well-being of the potable water consumers or the City's public water supply.

(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~~ quality of the public potable water supply system ~~or to the public potable water supply which, although not dangerous to health, would~~ may 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 of the public potable water supply system or which may have a ~~protracted~~ an adverse effect on the quality of the potable water in the system.

**Sec. 33-89. –Backflow prevention ~~methods~~; device approved; list.**

(a) A backflow prevention ~~method~~ device shall be any assembly or other means designed to prevent backflow. The following are the recognized backflow prevention ~~methods~~ devices which the department may require under ~~section 33-87~~ Section 33-87 or ~~section~~ Section 33-90.

(1)      Air gap: The unobstructed vertical distance through the free atmosphere between the opening of any pipe or faucet supplying potable water to a tank, plumbing fixture or other device and the flood level rim of said tank, plumbing fixture or other device.

~~(1)~~ (2)      An approved air gap shall be at least double the diameter of the supply pipe or faucet and in no case less than one (1) inch.

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

(4)      Double check valve assembly (hereinafter "DC"): An assembly composed of two (2) independently acting, approved check valves, including tightly closing shut-off valves located at each end of the assembly and fitted with properly located test cocks.

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

(b) A backflow prevention ~~method~~device may be approved by the ~~department~~City if it has received the approval of the Foundation for Cross-Connection Control and Hydraulic Research of the University of Southern California and, for assemblies, has a local ~~manufacturer~~manufacturer's parts and service center.

(c) The ~~department~~City shall maintain a list of approved backflow prevention assemblies, by type and manufacturer. The list shall be furnished to any ~~customer~~Customer required to install a backflow prevention assembly.

**Sec. 33-90. –Backflow prevention ~~method~~device required for specified activities.**

(a) 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~~device, of the type specified for that activity herein, must be utilized or installed at the service connection for that ~~premises~~service address.

- (1) Aircraft and missile plants: RP
- (2) Animal clinics and animal grooming shops: RP
- (3) Any premises where a cross-connection is maintained: RP
- (4) Automotive repair with steam cleaner, acid cleaning equipment, or solvent facilities: RP
- (5) Auxiliary water system: RP
- (6) Bottling plants, beverage or chemical: RP
- (7) Breweries: RP
- (8) Buildings greater than three (3) stories or greater than thirty-four (34) feet in height from curb level: ~~DC~~RP
- (9) Buildings with house pumps and/or potable water storage tank: DC
- (10) Buildings with landscape fountains, ponds, or baptismal tanks: RP or Air Gap
- (11) Buildings with sewage ejectors: RP
- (12) Canneries, packing houses, and reduction plants: RP
- (13) Car wash facilities: RP
- (14) Centralized heating and air-conditioning plants: RP
- (15) Chemical plants: RP
- (16) Chemically treated potable or ~~nonpotable~~non-potable water systems: RP
- (17) Civil works (government owned or operated facilities not open for inspection by the ~~Department~~City): RP
- (18) Commercial laundries: RP
- (19) Dairies and cold storage plants: DC
- (20) Dye works: RP
- (21) Film processing laboratories: RP
- (22) Fire systems-American Water Works Association classes 1, 2, 3. All systems six (6) inches in size and larger or any system constructed of a piping material not approved as a potable water system material per the Uniform Plumbing Code as adopted by the ~~city~~City: DC
- (23) Fire systems-American Water Works Association Classes 4, 5, 6: RP

- (24) Fire systems-Where backflow protection is required on the industrial/domestic service connection that is located on the same premises, both service connections will have adequate backflow protection for the highest degree of hazard effecting either system.
- (25) Flood processing plants: RP
- (26) ~~High schools~~Schools and colleges: RP
- (27) Holding tank disposal stations: RP
- (28) Hospitals and mortuaries: RP
- (29) Medical and dental buildings, sanitariums, rest and convalescent homes engaged in the diagnosis, care or treatment of human illness: ~~DCRP~~RP
- (30) Irrigation systems (not to include single-family detached residences):
  - a. ~~Premises~~i. Service addresses having separate systems used in elevated areas or with drip irrigation: RP
  - b. ~~Premises~~ii. Service addresses having ~~nonpotable~~non-potable water piping (lawn sprinklers) two (2) inches and smaller: ~~PVBRP~~RP
- (31) Laboratories using toxic materials: RP
- (32) Manufacturing, processing, and fabricating plants using toxic or nontoxic materials: RP
- (33) Mobile home parks: ~~DCRP~~RP
- (34) Motion picture studios: RP
- (35) Multiple services, interconnected: ~~DCRP~~RP
- (36) Oil and gas production facilities: RP
- (37) Paper and paper production plants: RP
- (38) Plating plants: RP
- (39) Portable insecticide and herbicide spray tanks: RP or Air Gap.
- (40) Power plants: RP
- (41) Radioactive materials processing facilities: RP
- (42) Restricted, classified, or other closed facilities: RP
- (43) Rubber plants: RP
- (44) Sand and gravel plants: RP
- (45) Sewage and storm drainage facilities: RP
- (46) Shopping centers: DC
- (47) Street sweepers, steel wheeled rollers: RP or Air Gap.
- (48) Water trucks, water tanks or hydraulic sewer cleaning equipment: RP or Air Gap.
- (49) Hotels, motels and resorts: RP
- (50) Restaurants & bakeries: RP
- (51) Multi-family: RP

(b) When two (2) or more of the activities listed above are conducted on the same premises~~service address~~ and served by the same service connection, the most restrictive backflow prevention ~~method~~device required for any of the activities conducted on the ~~premises~~service address shall be required to be utilized or installed at the service connection. The order of most restrictive to least restrictive backflow prevention ~~methods~~devices shall be as follows:

- (1) Air gap (most restrictive);

- (2)        Reduced pressure principal assembly (RP);
- (3)        Pressure vacuum breaker assembly (PVB);
- (4)        Double check valve assembly (DC) (least restrictive).

**Sec. 33-91. –Backflow assemblydevice installation requirements; location.**

- (a) Backflow prevention assembliesdevices shall be installed by the ~~customer~~Customer, at the ~~customer~~Customer's expense and in compliance with the standards and specifications adopted by the ~~city~~City, at the service connection. The assemblydevice shall have a diameter at least equal to the diameter of the service connection.
- (b) The assemblydevice shall be in an accessible location approved by the ~~department~~City. A reduced pressure principle assemblydevice and pressure vacuum breaker assemblydevice shall be installed above ground. A double check valve assemblydevice may be installed, at the ~~customer~~Customer's option, below ground in a vault which meets standard specifications established by the ~~city~~City.
- (c) When a ~~customer~~Customer desires a continuous water supply, two (2) or more backflow prevention assembliesdevices shall be installed parallel to one another at the service connection to allow a continuous water supply during testing of the backflow prevention assembliesdevices. When backflow prevention assembliesdevices are installed parallel to one another, the sum of the areas of the diameters of the assembliesdevices shall be at least equal to the area of the diameter of the service connection.
- (d) It shall be unlawful, and punishable as a misdemeanor, for any person to bypass or remove a backflow prevention ~~method~~device without the approval of the ~~department~~City.

**Sec. 33-92. –Installation of backflow prevention assembliesdevices for fire sprinkler systems.**

- (a) When a backflow prevention assemblydevice is required for a water service connection supplying water only to a fire sprinkler system, the assemblydevice shall be installed at the service connection in compliance with the standard specification adopted by the ~~city~~City.
- (b) If the ~~chief of the Glendale Fire Department, or his designee~~City, determines that a fire sprinkler system shall have a continuous water supply which may not be interrupted during testing of the backflow prevention assemblydevice, the ~~customer~~Customer shall install, at his expense, two (2) backflow prevention assembliesdevices 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.

(c) Modifications of an existing service connection supplying water solely to a fire sprinkler system shall require the entire system to comply with the requirements of ~~§ 33-17 and § 33-90. (Ord. No. 1496, § 2, 6-9-87; Ord. No. 1713, § 3, 4-7-92)~~ Section 33-18 and Section 33-90.

#### **Sec. 33-93. –Inspections.**

A ~~customer's~~Customer's water ~~system~~service shall be open at all times during business operations ~~on at the premises~~at the service address for inspection by authorized personnel of the ~~department~~City. The inspection shall be conducted to determine whether any cross-connections or other hazard potentials exist and to determine compliance with this ~~article~~Article.

#### **Sec. 33-94. –Test; maintenance; records.**

(a) The ~~customer~~Customer shall test and service backflow prevention ~~assemblies~~devices at least once a year. If the testing reveals the ~~assembly~~device 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 operating condition.~~

~~(b) — If the department or customer learns or discovers, during the interim period between tests, that an assembly is defective or in unsatisfactory operating condition, the~~ customerCustomer shall perform any necessary repairs, including replacement or overhaul of the assembly, if necessary, which will return the ~~assembly~~device to satisfactory operating condition.

~~(b) (e) — If the City or Customer learns or discovers, during the interim period between tests, that a device is defective or in unsatisfactory operating condition, the~~ Customer shall perform any necessary repairs, including replacement or overhaul of the device, which will return the device to satisfactory operating condition.

~~(c) —~~ The annual testing shall be performed by an individual certified and approved to conduct such testing by the ~~department~~City. A list of certified, approved and recognized individuals will be maintained by the ~~department~~City and will be available upon request to all persons required to install or maintain a backflow prevention ~~assembly~~device.

(d) The ~~customer~~Customer shall maintain records, on forms approved by the ~~department~~City, of the results of all tests and all servicing, repairs, overhauls or replacements of the backflow prevention ~~assembly~~device. A copy of the records shall be promptly submitted to the ~~department~~City after completion of the activity for which the record is made.

#### **Sec. 33-95. –Modification of backflow prevention requirements.**

If the ~~department~~City determines, after inspection of the ~~customer's~~Customer's system, that a backflow prevention ~~method~~device less restrictive than that required in ~~section~~Section 33-90 will provide adequate protection of the public potable water supply

from the degree of hazard potential by the ~~customer~~<sup>Customer's</sup> water system, ~~service the departmentCity~~ may, in its sole discretion, ~~modify the requirements of section 33-90~~ approve an alternative backflow device accordingly.

**Sec. 33-96. –Discontinuance of water service; notice.**

(a) ~~(a)~~—If the ~~departmentCity~~ discovers that a ~~customer~~<sup>Customer</sup>: (i) has not installed a required backflow prevention ~~methoddevice~~; or (ii) ~~that a backflow prevention methoddevice has been improperly tested or maintained, bypassed or removed;~~; or (iii) that an unprotected cross-connection exists in the ~~customer~~<sup>Customer's</sup> water system, the water service to that service connection shall 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) ~~(b)~~ Water service to a fire sprinkler system shall not be subject to disconnection under this ~~section~~<sup>Section</sup>. 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~~<sup>a</sup> notice sent to the ~~customer, the customer~~<sup>Customer</sup> 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~~<sup>Section</sup>.

(c) Prior to disconnecting any water service because a condition set forth in subsection (a), above, exists, the ~~departmentCity~~ shall send a notice to the ~~customer~~<sup>Customer</sup> describing the condition and notifying the ~~customer~~<sup>Customer</sup> the condition must be remedied within forty-five (45) days after mailing of the notice by the ~~departmentCity~~. If such condition is not remedied within said ~~twentyfourty-five-~~ (45) day period, the ~~departmentCity~~ shall send a second notice, by certified mail, to the ~~customer~~<sup>Customer</sup> notifying the ~~customer~~<sup>Customer</sup> that water service will be disconnected in fifteen (15) days if the condition is not remedied within such time period.

(d) The ~~departmentCity~~ may disconnect, without notice, water service to any ~~customer~~<sup>Customer</sup> when the ~~departmentCity~~ discovers that the ~~customer~~<sup>Customer's</sup> water system~~service~~ is contaminating the public potable water supply.

**Sec. 33-97. –Retroactive application.**

(a) ~~(a)~~ The provisions of this division shall apply to all new and existing water customers, as ~~applicable~~<sup>Customers</sup>.

(b) Backflow prevention ~~assemblies~~<sup>devices</sup> installed prior to enactment of this code ~~[this division],~~ and which do not comply with the requirements set forth in this ~~division~~<sup>Article</sup>, shall be replaced with ~~assemblies~~<sup>devices</sup> which comply with the standards set forth herein.



**Sec. 33-98. –Fees.**

- (a) A monthly service fee may be established by ~~city council~~City Council resolution to cover the costs of implementing and enforcing this ~~article~~Article and, if established, shall be charged to every ~~customer~~Customer who is required to install a backflow prevention assembly. The fee shall be included in the ~~customer~~Customer's monthly water bill.
- (b) Fees for backflow prevention ~~assembly~~device testing by the ~~department~~City shall be established by ~~council~~City Council resolution.

**Sec. 33-99. –Plan review.**

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

**Sec. 33-100. Reserved.**

**ARTICLE III. SEWERS AND SEWAGE DISPOSAL**

**DIVISION 6. –1. GENERALLY~~DROUGHT MANAGEMENT~~**

**Sec. 33-101. Definitions.**

The following words, terms and phrases, when used in this ~~article~~Article, shall have the meanings ascribed to them in this ~~section~~Section, except where the context clearly indicates a different meaning:-

*ADEQ:* Arizona Department of Environmental Quality.

*Administrator:* ~~The public works administrator or his designee.~~

*Approved laboratory procedures:* The measurements, tests and analyses of the characteristics of water and wastes in accordance with analytical procedures as established in title 40, Code of Federal Regulations, part 136 as revised, that are performed by an environmental laboratory licensed by the state pursuant to A.R.S. § 36-495, et seq.

*Average quality:* The arithmetic average (weighted by flow value) of all the daily determinations of a concentration, made during a calendar month.

*AZPDES:* The Arizona Pollutant Discharge Elimination System, which is the ~~state~~State program for issuing, modifying, revoking, reissuing, terminating, monitoring and enforcing permits, and imposing and enforcing pretreatment and ~~biosolids~~bio-solids requirements under A.R.S. Title 49, Chapter 2, Article 3.1 and 18, A.A.C. 9. Articles 9 and 10.

*Best management practices (BMP):* Measures or practices used to reduce the amount of pollution entering the sanitary sewer system, surface water, air, land or ~~groundwaters~~ground waters.

*Biochemical oxygen demand (BOD):* The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory conditions for five (5) days at a temperature of twenty (20) degrees centigrade, expressed in milligrams per liter.

*Branch sewer:* ~~An arbitrary~~ A term for a sewer which receives sewage from lateral sewers from a relatively small area.

*Building connection or sewer tap:* The connection to the public sewer and the extension therefrom of the sewer to the property line in an alley or street, or to the easement line in an easement, whichever is applicable, depending on the location of the public sewer.

*Building official:* ~~The community development administrator~~ Director of the Development Services Department or any successor City department with responsibility for building safety, or his authorized representative./her designee.

*Building sewer or house sewer:* The extension from the building drain to the building sewer connection or other place of disposal.

*Categorical standards:* Those standards promulgated by the U.S. Environmental Protection Agency (EPA) under the authority of ~~section~~Section 307(b) and (c) of the Clean Water Act (33 U.S.C. 1317) which apply to a specific category of industrial user and which are published in 40 CFR chapter I, subchapter N (parts 405-471).

*Chemical oxygen demand (COD):* The quantity of oxygen consumed from a chemical oxidation of inorganic and organic matter present in ~~the water of waste water or~~ wastewater, expressed in milligrams per liter.

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

*Composite sample:* A combination of individual samples obtained at regular intervals over a specified time period. The volume of each individual sample shall be either proportional to the flow rate during the sample period (flow composite) or constant and collected at equal time intervals during the composite period (time composite).

*Composite sample quality:* The concentration of some parameter tested in a "composite sample."

*Cooling water:* The clean ~~waste water~~wastewater discharged from any heat transfer system; ~~such as~~including but not limited to, condensation, air conditioning, cooling or refrigeration, water.

*Daily average limitation:* The maximum allowable concentration in ~~the~~ discharge as measured in a representative sample during a sampling day. In determining compliance with the daily average limitation, ~~city~~City samples shall not be combined with non-~~city~~City samples.

*Developer:* Any person engaged in the organizing and financing of a wastewater collection system within an area contributing to a branch, main, or a trunk sewer of the ~~city~~City sewage works. ~~Such Developer may be either~~ also include a subdividersub-divider or a ~~legal~~ legally-constituted improvement district.

*Discharge:* The disposal of any sewage, pollutant(s), water or any liquid from any sewer user into the sewage works.

*Domestic user:* Any user who discharges only domestic wastewater.

*Domestic waste:* A typical, residential-type waste which requires no pretreatment under the provisions of this ~~article~~Article before discharging into the sanitary sewer system, excluding all commercial, manufacturing and industrial wastes.

*EPA:* The United States Environmental Protection Agency.

*Establishment or plant:* Any establishment or plant producing liquid waste, with or without suspended solids, required to be discharged into the ~~city~~City sewer system.

*Free access:* The ability of ~~city~~City personnel to enter user facilities under safe and nonhazardous conditions with a minimum of delay to inspect any and all parts of the ~~user~~user's facility.

~~Garbage~~Food/Waste: Solid wastes from the preparation, cooking, and dispensing of food and from the handling, storage, and sale of produce.

*Generator:* A person who generates wastewater.

*Grab sample:* An individual sample of effluent collected in less than fifteen (15) minutes without regard for flow or time of day.

*Grab sample quality:* The concentration of some parameter tested in a "grab sample."

*Industrial discharge:* Any introduction into the POTW of a nondomestic pollutant which:

- (1) Is produced by a source which would be subject to any categorical standards or pretreatment requirements if such source were to be discharged to the POTW; and
- (2) Contains any substance or pollutant for which a discharge limitation or prohibition has been established by any categorical standard or pretreatment requirement.

*Industrial user:* ~~An industrial user is one~~ A person who discharges process wastewater and does not meet the definition of "significant industrial user."

*Industrial user permit or permit:* The permit granted by the ~~city~~City which each industrial user must first obtain prior to causing or allowing any industrial discharge to the POTW.

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

*Inflow:* Water other than ~~waste-water~~wastewater that enters a sewer system (including sewer service connections) from sources such as roof leaders, cellar drains, foundation drains, drains from springs and swampy areas, manhole covers, cross connections between storm sewers and sanitary sewers, catch basin, cooling towers, storm waters, surface runoff, street wash waters or drainage.

*Instantaneous limitation:* The maximum allowable concentration in the discharge at any time as measured in a grab sample. In determining compliance with the instantaneous limitation, ~~city~~City samples will not be combined with ~~non-city~~non-City samples.

*Interference:* A discharge which, alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the POTW, its treatment processes, or operations, or its sludge processes, use or disposal; ~~causing~~. An interference may cause a violation of any requirement of any environmentally related permit issued by a governmental entity (including an increase in the magnitude or duration of a violation) or ~~of the prevention of~~may prevent sewage sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued thereunder (or more stringent state or local regulations): ~~section~~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.

*Lateral sewer:* A sewer which discharges into a branch or other sewer and has no other common sewer tributary to it.

*Main sewer:* A sewer which receives sewage from two (2) or more branch sewers as tributaries.

*Maintenance:* Keeping the treatment works in a state of repair, including expenditures necessary to maintain the capacity (capability) for which the works were designed and constructed.

*National pretreatment standard:* Any regulation containing pollutant discharge limitations promulgated by EPA in accordance with ~~section~~Section 307(b) and (c) of the Clean Water Act (33 U.S.C. 1317, et seq.) which applies to industrial users. This term includes prohibitive discharge limits established pursuant to 40 CFR 403.5.

*Natural outlet:* Any outlet into a watercourse, ditch, or other body of surface or ground water.

*New source:* Any building, structure, facility or installation from which there is or may be a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under ~~section~~Section 307(c) of the Clean Water Act which will be applicable to such source if such standards are thereafter promulgated in accordance with that ~~section~~Section, as stated in detail in 40 CFR 403.3(K).

*North American Industry Classification System (NAICS):* A coded classification of industries utilizing a six (6) digit coding system based upon economic activity developed by the U.S. Department of Commerce and designed to replace the SIC System of classification and published in the North American Industry Classification System Manual in 1997.

*Notice:* A written instrument served by the ~~city~~City, as follows:

- (1) By use of ordinary mail to the last known address of ~~the~~a person to whom it is required to be given; or
- (2) By personal service upon ~~the~~a person or his lawful representative; or
- (3) By filing or recording with a clerk of the ~~superior court~~Maricopa County Superior Court or ~~county recorder~~County Recorder.

*NPDES permit:* A national pollution discharge elimination system permit, issued to the ~~city~~City by the ~~Environmental Protection Agency~~EPA, which imposes federal standards governing the quality of the treated effluent discharged from the POTW.

*Oil and grease:* The measure of oil and crease content of a sample as determined by EPA Method 413.1, or other equivalent test method approved by the ~~administrator~~City.

*Oil and grease (TPH):* The measure of the petroleum and mineral oil content of a sample as determined by EPA Method 418.1, or other equivalent test method approved by the ~~administrator~~City.

*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~~violates any requirement of the POTW NPDES permit (including an increase in the magnitude or duration of a violation) or which causes or contributes to a violation of an applicable numeric or narrative water quality standard.

*Permit:* A written control mechanism that the ~~administrator~~City issues to particular users or classes of users under the authority of ~~chapter 33~~Chapter 33 of the City Code.

*Permittee or permit holder:* Any person, ~~firm, association, corporation or trust~~which entity that owns, operates, processes or controls an establishment or plant being operated under a valid permit to discharge wastewater into the ~~city~~City sewage works.

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

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

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

*Pollution:* Any man-made or man-induced alteration of the chemical, physical, biological, or radiological integrity of water.

*Pollution prevention:* Source reduction and other practices that reduce or eliminate the creation of pollutant through:

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

*POTW:* Publicly owned treatment works and connecting sewer collection system which are owned and/or operated, in whole or part, by the ~~city~~City and which provide the ~~city~~City with waste water collection and disposal services.

*POTW residuals:* All POTW effluent and/or solids, including sludge, scum, screenings and grit, which are the by-product of ~~waste-water~~wastewater treatment operations and which must be discharged to the environment for ultimate disposal and/or reuse.

*Pretreatment:* The physical, chemical, biological or other treatment of any industrial discharge prior to ~~discharge to~~its introduction into the POTW, for the purposes of:

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

*Pretreatment requirements:* All of the duties or responsibilities imposed upon POTW users by this ~~article~~Article.

*Producer:* Any person who owns, operates, possesses or controls an establishment or plant, whether or not a permittee.

*Properly shredded garbage:* Garbage that has been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-fourth of an inch in any dimension.

*Public sewer:* A lateral, branch, main or trunk sewer controlled and maintained by the ~~city~~City.

*Recycling:* A material ~~is recycled if it~~is that is used, reused, or reclaimed. A material is used if it is either: (1) employed as an ingredient (including its use as an intermediate) to make a product; however a material will not satisfy this condition if distinct components of the material are recovered as separate end products (as when metals are recovered from metal containing secondary materials), or (2) employed in a particular function as an effective substitute for a commercial product. A material is reclaimed if it is processed to recover a useful product or if it is regenerated. Examples include the recovery of lead values from spent batteries and the regeneration of spent solvents.

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

*Representative sample:* A composite sample obtained by flow proportional sampling techniques where feasible. When the ~~administrator~~City determines that flow proportional composite sampling is not feasible, the ~~administrator~~City may allow or conduct composite sampling by time proportional techniques or by compositing of one or more grab samples.

*Residential dwelling unit:* One (1) or more rooms in a dwelling or a portion of a dwelling designed for occupancy by one (1) family for living purposes and having its own cooking and sanitary facilities.

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

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

*Sewage treatment plant:* Any arrangement of devices and structures used for treating sewage.

*Sewage works:* All facilities for collecting, pumping, treating, and disposing of sewage. As used in this ~~article~~Article, the terms sewer system or sewerage works shall have the same meaning and definitions as sewage works.

*Sewer:* A pipe or conduit for carrying sewage.

*Sewer tap:* See "building connection."

*Significant industrial user:* This term includes:

- (1) All users subject to categorical pretreatment standards under 40 CFR 403.6 and 40 CFR chapter I, subchapter N (parts 405-471).
- (2) Any other user that:
  - a. Discharges an average of twenty-five thousand (25,000) gallons per day or more of process wastewater to the ~~POTW~~POTW's (excluding sanitary, noncontact cooling, and boiler blowdown wastewater);
  - b. Contributes a process ~~wastestream~~waste stream which makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or
  - c. Is designated as such by the ~~administrator~~City on the basis that it has a reasonable potential for adversely affecting the ~~POTW~~POTW's operation or for violating any pretreatment standard or requirement.

*Significant noncompliance:* An industrial user is in a state of significant noncompliance (SNC) when violations meet one or more of the following criteria:

- (1) Chronic violations of wastewater discharge limits, defined as those in which sixty-six (66) percent or more of all of the measurements taken during a six-month period exceed (by any magnitude) the daily maximum limit or the average limit for the same pollutant parameter, including instantaneous limitations;
- (2) Technical review criteria (TRC) violations, defined as those in which thirty-three (33) percent or more of all of the measurements for the same pollutant parameter taken during a six-month period equal or exceed the product of the daily maximum limit or the average limit, including instantaneous limitations, multiplied by the applicable TRC (TRC equals one and four-tenths (1.4) for BOD, TSS, fats, oil, and grease, and one and two-tenths (1.2) for all other pollutants except pH);
- (3) Any other violation of a pretreatment effluent limit (daily maximum long-term average, instantaneous limitation, or narrative standard) that the ~~administrator~~City determines has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of POTW personnel or the general public);
- (4) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the ~~POTW~~POTW's exercise of its emergency authority under this chapter to halt or prevent such a discharge;
- (5) Failure to meet, within ninety (90) days after the schedule date, a compliance schedule milestone contained in a permit or enforcement order for starting construction, completing construction, or attaining final compliance;



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

(7) Failure to accurately report noncompliance; or

(8) Any other violation or group of violations, which may include a violation of best management practices, which the ~~administrator~~City determines will adversely affect the operation of implementation of the local pretreatment program.

*Slug load:* Any pollutant discharged to the POTW in such volume or strength as to cause interference. In particular, any pollutant concentration, quantity or flow rate which, during any period of fifteen (15) minutes or more is greater than five (5) times the average twenty-four-hour concentration, quantity or flow rate for such pollutant during normal operations.

*Source reduction:* Any practice which:

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

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

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

*Standard methods:* The procedure as described in the most current edition of Standard Methods for the Examination of Water and ~~Waste-Water~~Wastewater published by the American Health Association, or the most current edition of Manual of Methods for Chemical Analysis of Water and Wastes published by the U.S. ~~Environmental Protection Agency~~EPA.

*Storm sewer or storm drain:* A sewer which carries storm and surface waters and drainage, but excludes sewage and polluted industrial wastes.

*Suspended solids (SS):* Solids measures in milligrams per liter that either float on the surface of or are in suspension in water, ~~waste-water~~wastewater or other liquids and which are largely removable by a laboratory filtration device, as defined Standard Methods.

*System design capacity:* The design capacity for normal domestic waste water as established by accepted engineering standards.

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

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

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

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

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

*User Class:* A grouping of users with similar wastewater flow and strength of sewage discharge. User classes include, but not limited to single-family, multi-family and commercial.

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

~~Waste water~~ Wastewater: Any liquid or water-carried pollutant, including an industrial discharge, which is introduced into the POTW from any person, dwelling, commercial building, industrial facility or institution.

*Watercourse:* A channel in which a flow of water occurs either continuously or intermittently.

*Zero process discharge user:* ~~This term applies to those users~~ A user that only discharges domestic wastes or have no discharge, but have generates significant quantities of hazardous materials, substances, pollutants or contaminants or high strength concentrations of hazardous substances, pollutants or contaminants in its waste stream which, if discharged, would be regulated by this chapter. Such facilities may be regulated by requiring them to have zero discharge of process wastes, thus allowing only domestic wastes to be discharged.

~~Waste of water:~~ Means to permit water supplied by the city to escape from any private property onto a street, sidewalk, gutter, alley, public utility easement, right of way, or parking area. ~~Water is not wasted if any of the following apply:~~

- ~~(1) — The flow of water results from water supply system failures or malfunctions that are fixed within seventy two (72) hours of the date of notice of such failure or malfunction.~~
- ~~(2) — The flow results from firefighting, inspection of fire hydrants by the fire department or from fire training activities.~~
- ~~(3) — The flow is from water applied as a dust control measure as may be required by law.~~
- ~~(4) — The flow is from water applied to abate spills of flammable or otherwise hazardous materials, where water is the appropriate methodology.~~
- ~~(5) — The flow is from water applied to prevent or abate health, safety, or accident hazards when alternate methods are not available.~~
- ~~(6) — The flow results from the inspection, operation, repair, or maintenance of the city water supply system.~~
- ~~(7) — The flow results from inspection or maintenance of irrigation systems.~~
- ~~(8) — The flow results from water used for construction or maintenance activities where the application of water is the appropriate methodology and where no other practical alternative exists.~~
- ~~(9) — The flow of water travels no more than two hundred fifty (250) feet from the origin or accumulates in an area less than two hundred (200) square feet.~~

~~Sec. 33-100.1. — Adopted by reference; amendments.~~

~~The following document is hereby adopted by reference as if set out at length in this Code:~~

- ~~(1) — Drought management plan dated June 1, 2004. The drought management plan may be amended from time to time by action of the council taken at a public meeting.~~

~~Sec. 33-100.2. — Declaration of stage one drought watch, stage two drought alert, stage three drought declaration and stage four drought emergency; termination.~~

- ~~(a) — The city manager is authorized to declare a stage one drought watch and stage two drought alert when the city' water supply appears unable to meet the projected demand as discussed in the drought management plan.~~
- ~~(b) — The council may declare a stage three drought declaration and stage four drought emergency when the city' water supply appears unable to meet the projected demand as discussed in the drought management plan.~~
- ~~(c) — The city manager is authorized to terminate a stage one drought watch and a stage two drought alert in accordance with the drought management plan.~~
- ~~(d) — The council is authorized to terminate a stage three drought declaration or a stage four drought emergency in accordance with the drought management plan.~~

~~Sec. 33-100.3. — Public notice.~~

~~(a) — Notice of the declaration of a stage one drought watch, a stage two drought alert, a stage three drought declaration or a stage four drought emergency shall be given by publication of a display ad in a newspaper of general circulation in the city and incorporated into the city water bill messages at least one time immediately following the declaration. Other notice deemed appropriate may be given.~~

~~(b) — The notice shall set forth any mandatory reductions in water use in accordance with the drought management plan.~~

~~Sec. 33-100.4. — Mandatory actions.~~

~~When a declaration is made pursuant to section 33-100.2, the water reduction measures set forth in the drought management plan may be implemented as needed.~~

~~Sec. 33-100.5. —~~

~~(a) — For a first violation of any provision of this division, the city shall issue a written notice of first violation and provide educational materials on water conservation, including a copy of the relevant provisions of this chapter, to the water user violating the provisions of this section. The city shall give the water user a reasonable period of time to correct the violation.~~

~~(b) — For a second violation of any provision of this division, the city shall issue a written notice of second violation to the water user and impose fines set by council. The fine shall be added to the water user' account. Failure to pay any portion of a water user' account, including any fines imposed pursuant to this section, shall subject said account to termination of water service in accordance with the provisions of this section.~~

~~(c) — For a third or subsequent violation of this section, the city shall impose a fine equal to twice the previous fine. The fine shall be added to the water user' account. Failure to pay any portion of a water user' account, including any fines imposed pursuant to this section, shall subject said account to termination of water service. Failure to pay any portion of a water user' account, including any fines imposed pursuant to this section, shall subject said account to termination of water service in accordance with the provisions of this section.~~

~~(d) — Enforcement of this ordinance shall be under the authority of the administrator.~~

~~(e) — Any person against whom a penalty is levied under this section shall have a right to a hearing before the administrator in accordance with section 33-79.~~

~~Sec. 33-100.6. — The civil fines and penalties for violation of this article are as follows:~~

~~*Stage three drought declaration:* The civil fine for violation of section 33-100.4 shall be not less than seventy five dollars (\$75.00).~~

~~*Stage four drought emergency:* The civil fine for violation of section 33-100.4 shall be not less than one hundred dollars (\$100.00).~~

**Sec. 33-102. –Purpose and policy.**

(a) This ~~article~~Article sets forth uniform requirements for direct and indirect contributors into the ~~waste-water~~wastewater collection and treatment system for the ~~city~~City and enables the ~~city~~City to comply with all applicable, local, state and federal laws required by the Clean Water Act of 1977 and the general pretreatment regulations (40 CFR, part 403).

(b) This ~~article~~Article provides for the regulation of direct and indirect contributors to the municipal ~~waste-water~~wastewater system through the issuance of permits to certain non-domestic users and through enforcement of general requirements for other users, authorizes monitoring and enforcement activities, requires user reporting, assumes that existing ~~customer~~Customer's capacity will not be preempted, and provides for the setting of fees for the equitable distribution of costs resulting from the programs established herein.

(c) The objectives of this ~~article~~Article are:

(1) To prevent the introduction of hazardous substances, pollutants or contaminants into the ~~waste-water~~wastewater system which will interfere with the operation of the system or contaminate the resulting sludge;

(2) To prevent the introduction of hazardous substances, pollutants or contaminants into the waste water system which will pass through the system, inadequately treated, into receiving waters or the atmosphere or otherwise be incompatible with the system;

(3) To improve the opportunity to recycle and reclaim ~~waste-water~~wastewater and sludges from the system; and

(4) To provide for equitable distribution of the cost of the municipal ~~waste water~~wastewater system.

**Sec. 33-103. –State requirements.**

State requirements and limitations on discharges shall apply in any case where they are more stringent than federal requirements and limitations or those in this ~~article~~Article.

**Sec. 33-104. –~~City~~City's right to alter requirements.**

~~The city~~If consistent with State law, the City reserves the right to establish by ordinance more stringent limitations or requirements on discharges to the waste water disposal system if ~~deemed~~ necessary to comply with the objectives presented in ~~section~~Section 33-102, subsection (c) of this Code.

**Sec. 33-105. –Enforcement generally.**

The provisions of this ~~article~~Article are made for the benefit of the users of the ~~city~~City sewage works, for the protection of the sewage works, and to protect the quality of the effluent of the sewage treatment plants. Enforcement shall in no case be willfully ignored

by any ~~city~~City official or employee, with the exception of applicable state and federal requirements, such as the pretreatment regulations which, the ~~administrator~~City may, at his discretion, order a suspension of a requirement that would suspend if compliance with such regulations will cause a gross injustice an interference or upset to a particular user of the system. POTW.

**Sec. 33-106. –Rules and enforcement responsibilities.**

(a) The ~~community development administrator~~City Manager or his ~~authorized deputy, agent, or representatives~~her designee shall have the authority to ~~make regulations~~promulgate for the design ~~and~~, construction operation and maintenance of the ~~city~~City's sewer system.

(b) The ~~public works administrator~~City Manager or his ~~authorized deputy, agent, or representative~~her designee shall have the authority over all field operations of the ~~city~~City's sewer system, including flow test measurements, quality of waste, service connections, line construction plus the operation and maintenance of all sewer system facilities. ~~He~~The City shall issue all permits for the construction and connection to the system, and collect all fees for the same. ~~He~~The City shall negotiate all agreements with all parties ~~relative to~~for the expansion and/or joint use by others of the City's sewer system.

(c) The ~~director of finance~~City Manager or his ~~authorized deputy, agent, or representative~~her designee shall have the authority to determine and collect all flow service rates and to make such regulations as necessary for same, including the ordering of a discontinuance of service for non-payment of required service fees.

**Sec. 33-107. –Distribution of revenues and utilization of funds.**

(a) Funds shall be established for the proper distribution of sewer revenues. Such funds shall include, but not be limited to; the following:

- (1) Sewer system operations and maintenance fund;
- (2) Sewer system replacement and extension fund; and
- (3) Sewer system debt retirement fund.

(b) ~~The distribution of sewer charges~~Service revenues shall be distributed to the above funds shall be as followsidentified in subsection (a) in the following proportion:

- (1) The applicable portion of the sewer user charge revenues shall be allocated to the sewer system operations and maintenance fund;
- (2) The applicable portion of the sewer user charge revenues shall be allocated to the sewer system replacement and extension fund; and
- (3) The applicable portion of the sewer user charge revenues shall be allocated to the sewer system debt retirement fund.

(c) The sewer system operations and maintenance fund shall be utilized for personal services and operational expenses associated with the provision of ~~sewerage~~sewer system services. The sewer system replacement and extension fund shall be utilized for equipment replacement expenses associated with the provisions of ~~sewerage~~sewer system services. The sewer system debt retirement fund shall be utilized in servicing the debt of retirement of sanitary sewer bonds.

#### **Sec. 33-108. --Penalties.**

(a) Any user who has violated any provision of this ~~article~~Article or any order, rule, regulation or permit issued hereunder, shall be guilty of a Class 1 misdemeanor. In addition ~~to any such penalty~~, the ~~city~~City may recover reasonable ~~attorney's~~attorney's fees, court costs, ~~court reporters' fees and other expenses of litigation by appropriate suit at law against the~~from such user found to have violated any provision of this ~~article or any order, rule, regulation, or permit issued hereunder.~~Article.

(b) In addition ~~to any criminal penalty which may be imposed for violation of any provision of this article~~the penalties and costs recoverable under subsection (a) above,, a user shall also be liable for all charges ~~which may be assessed by the administrator on any user of the city sewage works who~~for abating sampling, testing, discharges ~~wastes~~waste containing ~~nonpermissible~~non-permissible quantities of prohibited substances into the ~~sewage works~~. The administrator is authorized to assess charges based on the extra costs incurred by the city in surveillance, sampling and testing of the discharges, for additional operating and maintenance expenses, or for any other action required to identify, handle, process or supplement normal activities due to the ~~unauthorized discharge of wastes, plus overhead charges.~~City sewer system.

(c) In addition to the penalties and remedies provided in subsections (a) and (b) of this ~~section~~Section, the ~~city~~City may seek and recover a civil penalty of not more than twenty-five thousand dollars (\$25,000.00) per day per violation from any user who violates Glendale City Code, chapter 33, ~~article~~Article III, divisions 7, 8 and 9, or is in significant noncompliance as defined in ~~section~~Section 33-101.

(d) ~~In addition to civil penalties imposed herein, the~~ The user shall also be liable for any ~~civil penalty~~fine or penalty imposed on the ~~city as a result of the violation~~City by any other government regulator, including ADEQ or EPA, which results from the user's discharge.

#### **Sec. 33-109. --Termination or suspension of ~~water or sewer service~~ for non-compliance.**

(a) The ~~administrator~~City shall have the authority to discontinue ~~water or sewer~~ service to a ~~premises~~service address for any of the following reasons:

(1) Failure to pay a charge assessed by the ~~administrator~~City for unauthorized discharges; or

(2) Failure to abate or correct an unauthorized discharge as required by the ~~administrator.~~City; or

(3) Discharging any unauthorized substances, ~~materials~~material, water or waste as prohibited by this ~~article~~Article or the City; or

(4) Discharging any substance, material, water or waste, including any hazardous substance, pollutants or contaminant, which creates or threatens to create an imminent and substantial threat to human health or the administrator.environment; or

(45) Any other violation of this chapter, except as otherwise provided therein.

(b) Such service shall not be restored until such violations have been discontinued or eliminated and all outstanding charges paid. The discontinuance of sewer service shall be accomplished by physically cutting and blocking the building connection. A charge in the amount established by resolution shall be paid to the ~~finance department for~~City for terminating and restoring sewer service.

(c) In addition, the ~~administrator~~City shall have the authority to suspend ~~water or sewer service with only informal~~without notice to the industrial user when, ~~in the opinion of the administrator,~~ such action is necessary to ~~stop~~prevent, eliminate minimize or abate an actual or threatened discharge which ~~reasonably appears to may~~ present an imminent endangerment to public health or welfare, or the environment.

(d) ~~Upon notice of the final determination by the administrator of an assessment owing or order to correct an unauthorized discharge, the~~The person responsible party for the discharge shall tender the feepay any fees assessed by the City within ten (10) days of the date ~~ordered or~~ such assessment is made and shall ~~discontinue the unauthorized discharge as directed or ordered by the administrator.~~City. In the event the unauthorized discharge is not corrected or ~~the assessment is not tendered, it~~within 10 days, the outstanding discharge is hereby declared to be, and is, a an environmental or public nuisance which may according to Section 18-4(b) of the City Code and shall be abated by order of according to such provision and any implementing policies or regulations. The City may seek to abate such environmental or public nuisance itself or seek an order from a court of competent jurisdiction and its continued operation is unlawful. The remedy provided herein shall be in addition to any other remedy authorized by ~~this article.~~

### **Sec. 33-110. --Falsifying information.**

Any person who knowingly makes any false statements, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this ordinance, or ~~waste water~~wastewater contribution permit, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this chapter, shall be guilty of a Class 1 misdemeanor.

### **Sec. 33-111. --Service outside ~~city~~City limits.**

(a) ~~For all places~~All sewer service provided to users outside the corporate limits of the city not mentioned in this article where sewer service is rendered by the city, and for which no rate is specifically fixed, the rate to be City shall be charged a rate and fees,



including a connection ~~charge, shall be fee,~~ as ~~fixed~~determined by resolution of the city council~~City Council~~.

(b) City sewer service offered to users outside the ~~city~~City limits shall be ~~offered by the city~~provided subject to compliance by ~~the~~such users with ~~the~~all terms of this ~~article~~Article and the City Code.

## **Secs. 33-112—33-125. –Reserved.**

## **DIVISION 2. –CONNECTIONS TO PUBLIC SEWERS**

### **Sec. 33-126. –Permit.**

(a) No unauthorized person shall uncover, make any connections with ~~or opening into, use,~~ take any action to alter, or disturb adversely impact or otherwise affect any public sewer or appurtenance thereof without first obtaining a written permit from the ~~public works department~~City.

(b) Each person making application for a building connection shall present a valid plumbing permit issued by the ~~city building official, or his authorized representative~~City as a prerequisite for the approval of the requested building connection. All applications for building connections to be constructed by ~~public works department~~City shall be accompanied by the current fee for such work.

(c) Each person taking any other action that may adversely impact or otherwise affect the City sewer system shall also apply for a permit by describing the action to be performed and the expected impact or affect. All such applications shall also be accompanied by the City approval fee.

### **Sec. 33-127. –Building connections.**

(a) All building connections shall be installed ~~by a private contractor at the property owner's expense, according to City building codes.~~ The design, number, location, manner of connection and size of all building connections installed ~~by a private contractor~~ shall be subject to the approval of the ~~community development administrator~~City. Building connections shall be installed on lateral sewers only, unless specifically authorized and approved by the ~~public works administrator~~City. All building connections shall be constructed in accordance with the City Code and any standards and specifications on file in the community development department approved with the City.

(b) The ~~city~~City may perform the building connection for sewer lines of four (4) inches or greater if the ~~administrator~~City deems it necessary and in the best interest of the ~~city~~City. If the ~~city~~City performs the building connection, the ~~property owner or developer~~ shall pay a connection fee established by resolution.

### **Sec. 33-128. –Records.**

The ~~community development department~~City shall keep a record of all ~~building~~sewer connections made, the purpose for which they are to be used, together with the name of the owner of the ~~property~~premise, his agent or representative.

### **Sec. 33-129. –Sewer wet taps.**

The ~~city~~City shall make all taps from the ~~city's energized~~City's sewer system. When taps are needed, the ~~contractor/owner~~ shall make all cuts to expose the sewer main in sufficient size to allow the ~~city~~City field crews enough room to make the necessary tap and provide shoring when required. The ~~contractor/owner~~ shall also furnish and install the saddle tee with collar or "~~Wyes~~wyes." A charge in an amount established by ~~resolution~~the City shall be assessed for each tap and shall be paid prior to the ~~city~~City making such tap. When the ~~city~~City installs the sewer service, there shall be no separate charge for the tap.

### **Sec. 33-130. –Sewer development fees.**

A sewer development fee is assessed for residential dwelling units and non-residential developments constructed in the ~~city~~City, as provided in Chapter 28, Article VI.

### **Secs. 33-131—33-140. –Reserved.**

## **DIVISION 3. –SEWER EXTENSIONS**

### **Sec. 33-141. –Generally.**

(a) Sanitary sewer facilities connecting with the existing ~~city~~City sewer system shall be installed to serve a subdivision ~~with~~. Each property within the subdivision shall be served by a separate private lateral for each lot and. The lateral shall be constructed to grades and sizes shown on the plans submitted to and approved by the City, pursuant to chapter 31- of this City Code.

(b) In new developments where public sewers are authorized by the ~~city~~City, public sewers shall be constructed at the ~~developer's~~Developer's expense. Detailed plans and specifications for public sewer extensions must be approved by the ~~community development administrator~~City prior to construction. The engineering cost for the preparation of plans and specifications, the staking of the location of the new public sewers, the cost of inspecting the construction, and preparation of as-built plans shall be ~~assumed~~paid by the developer. The ~~city~~City will perform ~~the one or more~~ inspection(s) during construction to ensure compliance with the City approved plans.

(c) The ~~City~~ shall retain ownership of all public sewer lines, pumping stations, treatment facilities, and equipment and other appurtenances to the sewer system maintained, or accepted for maintenance, by the ~~city~~ shall be vested in the city, and in except for laterals or service lines installed to service private property. In no case shall the owner of any ~~premises~~premise or connection have the right to claim any part except where otherwise provided in this Code.

**Sec. 33-142. –Approval and general standards.**

No public sewer extensions shall be made until the plans and specifications are approved by the ~~community development administrator~~City. Public sewer extensions shall be constructed in accordance with standards and specifications as set forth in the *Uniform Standard Specifications for Public Works Construction* as sponsored and distributed by the Maricopa Association of Governments. Such document is on file ~~in the office of the community development administrator~~with the City.

**Sec. 33-143. –Special provisions for sewer taps and extension.**

~~In all~~All public sewer extensions for residential, commercial and industrial parcels, lots or subdivisions ~~where public sewer extensions are~~must be authorized by the ~~city~~City and constructed at the ~~property owner/developer' or developer's expense, the city.~~ The City may authorize the owner/~~developer~~ or his authorized agent, ~~if he so desires,~~ to install building connections with "~~Wyes~~wyes" and connect the building sewers to the building connection under the following provisions:

(1) That the construction of public sewer, building connections and connections of building sewers to the building connections, shall be made under the supervision of a registered civil engineer, holding registration in this state, who shall submit three (3) copies of the "as built plans," bearing the registered civil ~~engineer~~engineer's seal and number, to the ~~community development administrator~~City. It shall be the duty of the registered civil engineer ~~employed by the owner/developer~~ to require that all building connections serving lots, parcels or subdivisions upon which no buildings are connected be effectively sealed until such time as the building will be constructed on the lots left vacant. Such sealed connections shall be inspected and approved by the ~~building inspector~~City before being backfilled and shall be ~~designated~~identified on the "as built plans." Effective seal shall consist of vitrified clay stoppers inserted in the bell of the sewer, extending to the property line in the alley, or to the curve line in the street from the public sewer, which stopper shall be jointed according to the ~~city~~City's specifications. Stoppers shall be permanently flagged by attaching one (1) piece of a length of copper wire to the stopper and the other end to a broken piece of clay pipe which shall be placed under the ~~soil~~soil's surface directly over the end of the sewer pipe.

(2) Before any sewer connection is commenced, plumbing permits shall be obtained by the owner/~~developer~~ or his/her authorized agent from the ~~community development administrator~~City.

(3) When the "as built plans" are submitted to the ~~community development administrator~~City, a record will be made of ~~the all~~ building connections. The ~~building inspector~~City shall inspect the connections to ascertain that all requirements of the ~~city~~City plumbing code have been fulfilled.

**Secs. 33-144—33-155. –Reserved.**

## **DIVISION 4. –PRIVATE SEWAGE DISPOSAL SYSTEMS**

### **Sec. 33-156. –Compliance.**

~~Except as provided in this article, it~~ It shall be unlawful to construct or maintain within the ~~city~~City any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage.

### **Sec. 33-157. –Additional requirements authorized.**

No statement contained in this ~~article~~Article shall be construed to interfere with any additional requirements that may be imposed by the health departments of the state and county or any agency of the Federal Government, including but not limited to, EPA.

### **Sec. 33-158. –When allowed.**

Where a public sanitary sewer ~~is~~does not ~~available~~service a geographic area within the ~~city~~City, or is not located in any area under the jurisdiction of the ~~city~~City, the ~~building~~ sewer serving a property shall be connected to a private sewage disposal system; ~~complying.~~ Such private sewage disposal system shall comply with the provisions and recommendations of the state department of health services ~~and~~, the sanitary code of the county health department, and any applicable provisions of this City Code. Such installations must be approved, in writing by the ~~city engineer~~City prior to requesting any permit from the county. Such private sewage disposal system shall be constructed, maintained, and operated at all times in a safe and sanitary manner.

### **Sec. 33-159. –Abandonment.**

(a) At such time as a public sewer becomes available to serve a property ~~then served~~ by a private sewage disposal system, the property owner may, at ~~the property owner's~~his/her sole expense, connect to the public sewer and abandon the existing private system(s) servicing the property.

(b) When public ~~sewers become~~sewer service becomes available in ~~areas utilizing an~~area using private systems, a property owner may continue to operate and maintain the private system provided such private system is operating properly and does not pose any environmental problems or hazards~~actual or threatened risk to human health, welfare or the environment or is a public or environmental nuisance.~~

~~(c) — At any time that a private system, in an area serviced by public sewer, (1) requires repairs or is modified and such repair or modification requires a permit by the county or (2) creates an environmental problem or hazard which is not repaired or which cannot be repaired without a permit issued by the county, the property owner~~(c) — The property owner that can be saved by a public sewer shall immediately make modifications to connect to the public sewer and abandon the existing private system(s) servicing the property; when: (1) the private sewer requires repair or modifications which requires a County permit; or (2) an actual or threatened risk to human health, welfare or the environment exists and cannot be repaired.

(d) Any septic tank, cesspool or similar private sewage disposal facilities abandoned pursuant to this ~~section~~Section shall be filled with suitable material in accordance with all applicable state and county regulations within ninety (90) days after the date the private system is abandoned.

**Secs. 33-160—33-170. —Reserved.**

## **DIVISION 5. —~~USER~~CUSTOMER CHARGES**

**Sec. 33-171. —Generally.**

(a) In order to provide for protection of the public health, safety and welfare of the citizens of the ~~city~~City, a system of charges for ~~sewerage use~~sewer service is hereby established.

(b) ~~The establishment~~All Customer charges and collection of all users fees shall be under and all of the direction~~billings and collections of the city's finance director same shall be established by resolution of the City Council and shall be set forth in Appendix 1 to this Chapter.~~

(c) In accordance with the provisions of this ~~article~~Article, the ~~city~~City shall establish ~~user~~Customer charges before the treatment works constructed with grant funds received from the Environmental Protection Agency as authorized by title II of the Federal Water Pollution Control Act, as amended, are placed in operation.

**Sec. 33-172. —Establishment procedure. Sewer user Costs determination for sewer use charges established by ordinance of the city council.**

Sewer use charges shall be based upon the ~~city's~~City's determination of the cost of ~~rendering sewerage~~providing sewer services including the following:

(1) The total applicable costs of salaries and benefits of employees engaged in operating ~~sewerage~~sewer service.

(2) Applicable maintenance expenses, including parts, materials, and services incurred in providing sewer service.

(3) Applicable replacement costs necessitated for the provision of sewer services.

(4) Appropriate indirect costs of ~~the department and other supporting~~all City departments in rendering~~providing~~ sewer related services, such as purchasing, accounting, billing and administration.

**Sec. 33-173. —~~Rate~~Use Class rate calculation formula.**

(a) ~~Service user~~Sewer use charges shall be calculated on the following formula for the ~~appropriate designated categories~~each user class:

$$Uc = (Vq \times Vom) + \left( \frac{(8.345)(Bs \times Bom)}{1000lbs} \times Vq \right) + \left( \frac{(8.345)(Ss \times Som)}{1000lbs} \times Vq \right) + \left( \frac{Adm}{(Nc)(12)} \right)$$


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*Sewer Use Charge Formula*

Uc—=	UserUse charge.
Vq—=	Volume of wastewater (in thousands of gallons) contributed to system by user per month, as established in subsection (b).
Vom—=	Unit cost of <del>sewerage</del> sewer service allocable to volume of wastewater (that portion of O & M allocable to flow divided by total flow in MG).
Bs—=	Concentration of BOD (Biochemical oxygen demand) in milligrams per liter.
Bom—=	O & M cost for treatment of a unit of biochemical oxygen demand (BOD).
Ss—=	Concentration of suspended solids in milligrams per liter.
Som—=	O & M cost for treatment of a unit of suspended solids.
Nc—=	Number of <del>customers</del> Customers.
Adm—=	Administrative and billing costs.

(b) That wastewater volume (Vq) for uses shall be determined as follows:

(1) Single-family residential ~~customers~~Customers as defined by the ~~utilities director~~City: The volume of wastewater contributed by single-family residential ~~customers~~Customers shall be set at ninety (90) percent of the average monthly water

billed during the preceding January, February and March. If the ~~director~~City determines that adequate meter information is not available for billing a single-family residential ~~customer~~Customer, then the ~~customer~~Customer will be charged an average monthly billing for that user class.

(2) Multi-family residential and commercial ~~customers~~Customers as defined by the ~~utilities director~~City: The volume of wastewater contributed by multi-family residential and commercial ~~customers~~Customers shall be set at ninety-five (95) percent of the average monthly water billed during the preceding January, February and March. If the ~~director~~City determines that adequate meter information is not available for billing a multi-family residential or commercial ~~customer~~Customer, then the ~~customer~~Customer will be charged an average monthly billing for that user class.

(3) Each industrial ~~customer~~Customer will be considered a separate user class ~~and the director.~~ City shall determine the individual factors to be applied to the monthly water meter reading to determine the monthly sewage flow.

**Sec. 33-174. –~~Establishment of service~~sewer user charge-rate schedules.**

(a) ~~Service user~~Sewer use charge rate schedules for all ~~categories~~user classes will be established by ~~council~~resolution of the City Council using the ~~formula~~formula noted in ~~section~~Section 33-173; and shall be set forth in Appendix 1 to this Chapter.

(b) ~~Service~~Sewer user charge ~~categories~~classes based on ~~waste water~~wastewater flow, BOD, and SS shall be established for the purpose of setting rate schedules.

**Sec. 33-175. –~~Annual notification to users.~~ Reserved.**

~~Each user shall be notified at least annually, in conjunction with a regular bill, of the sewer user charge rate and that portion of the total bill attributable to operation, maintenance and replacement costs for sewer service.~~

**Sec. 33-176. –Proportionate distribution.**

The ~~council~~City Council shall review, not less often than every two (2) years, ~~user~~the contribution, operation and maintenance costs and ~~the user charge~~other charges assessed to users of the City's sewer system. Such fees and changes shall be assessed and collected to accomplish the following:

(1) Maintain the proportionate distribution of operation and maintenance costs among users and user classes as required herein;

(2) Generate sufficient revenues to pay the total operation and maintenance costs necessary to the proper operation and maintenance (including replacement) of the sewerage system; and

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

**Sec. 33-177. —~~Precedence of user charge system over inconsistent agreements. rates established by resolution.~~**

~~The sewer user charge system as set forth in this division~~rate changes as established by resolution of the City Council shall take precedence over~~supersede~~ any terms or conditions of agreements or contracts between the ~~city~~City and users ~~which is inconsistent to the contrary.~~ Such rates shall be consistent with the requirements of public law 95-217 and federal regulations issued pursuant thereto. ~~Federal Water Pollution Act.~~

**Sec. 33-178. —~~Other sewer service charges on rate schedules.~~**

~~The council may set by resolution~~The City Council may require users of the City's sewer system to pay additional charges to the service user charges to cover the following costs:

- (1) The annual debt service charges for the retirement of sanitary sewer bonds and debt service recovery;
- (2) The cost of billing and collections; and
- (3) The cost of industrial waste services. All such additional charges shall be imposed on all Customers on an equitable basis, as determined by City Council.

**Sec. 33-179. —~~Temporary charge for single family dwellings with individual septic tanks.~~**

Until the ~~city~~City can acquire additional sewer trunk line capacity, a charge for capital outlay and debt service and an administrative and billing charge will be assessed owners of single family dwellings with individual septic tanks. The owner of the single family dwelling must execute an agreement in a form approved by the ~~city manager~~City assuming responsibility for service to the individual septic systems. At such date that the ~~city~~City acquires sufficient trunk line capacity to allow the individual septic system owners to connect to the ~~city's~~City's sanitary sewer lines, the owner shall connect to the ~~city's~~City's system. After connection to the ~~city's~~City's system, the full user charge rates as set by ~~council~~City Council resolution for all single family owners shall apply and be paid by the owner.

**Sec. 33-180. —~~Reserved.~~**

**Sec. 33-181. —~~Determination of waste water~~wastewater quantity and billings.**

(a) For~~The fees and charges to be paid pursuant to this chapter shall become effective after each Customer's first regular meter reading for users with installed water meters that are to be billed on the basis of water consumption, the charges established herein shall become effective after each user's first regular meter reading. For users to be. For Customers billed on a flat rate,~~ the fees and charges established herein shall be effective on the first month after the rates established herein become effective.

(b) Any affected user who fails or refuses to install a water meter to any source of water supply used, within thirty (30) days after written notice by the administrator to do so~~City,~~ shall be charged on water usage estimated by the administrator.~~City.~~



(c) ~~In the event a~~ A user that discharges sanitary sewage, industrial wastes, water or other liquids into the ~~city~~ City sewer system, either directly or indirectly, ~~and it can be shown by~~ will be charged for the cost of treating such party, to waste-water. It is the ~~satisfaction~~ burden of the administrator ~~that a portion of the water as measured by the water meter or meters does not and cannot enter the sewer system, then the administrator may determine in such manner and by such method as he may find practicable~~ user to demonstrate the percentage of metered water entering the sewer system. The quantity of water used to determine the sewer charge shall be that percentage, determined by the administrator entering the system. City sewer system. In the absence of suitable data to make such a determination on the proportionate amount of metered water, the sewer user charge will be based on the total amount of water supplied to the ~~premises~~ services address. The ~~administrator~~ City may require or permit the installation of ~~acceptable~~ additional water or sewer meters at such ~~party's~~ party's expense and in such a manner as to determine the quantity of water to be used to determine ~~in the sewer charge shall be the quantity~~ determination of water actually entering the sewer system, in which case, the ~~quantity of water used to determine the sewer charge shall be the quantity of water actually entering the sewer system as so determined.~~ the sewer charge. In the event such additional water or sewer meters are installed, an additional monthly charge in ~~the~~ an amount established by ~~resolution shall be made to cover~~ the City shall be assessed by the City and paid by the Customer. The additional monthly charge shall be equal to the cost of reading and computing the flow of each such meter and such additional charge shall be added to each sewer charge bill rendered.

(d) After installation of approved measuring equipment, ~~it shall be the obligation of each user to~~ shall conduct a test on such measuring equipment at least once every twelve (12) months to determine its accuracy ~~and the~~. The results thereof this calculation shall be furnished in writing to the ~~administrator~~ City within 30 days of its performance. Those users seeking renewal of an industrial user permit or an interim industrial user permit shall file the results as part of the report required in this ~~article~~ Article. It shall also be the ~~user's~~ user's responsibility to notify the ~~public works department~~ City within a reasonable time in advance so that the ~~department~~ City may, if it chooses, have a witness present during such test. If upon reviewing any such test results, the percentage of accuracy is found to be within the accuracy tolerance as established by the ~~manufacturer's~~ manufacturer's specifications, such measuring equipment shall be determined to have correctly measured the quantity ~~delivered to the sewer system.~~ metered. If, however, upon review any such test the percentage of accuracy is found to be in excess of the accuracy tolerance specified by the manufacturers, then such measuring equipment shall be immediately adjusted, recalculated, repaired or replaced to register correctly the quantity delivered to the sewer system. ~~The billings to such user shall be adjusted for a period extending back to the time when the inaccuracy began, if such time is ascertainable, or for a period extending back one half of the time elapsed since the time is not ascertainable.~~

(e) All users ~~for which the water supply is from other suppliers of~~ non-City supplied water shall furnish to the ~~city~~ City either: (1) a certified meter reading of water delivered

to its ~~plant property; or company, or~~(2) a copy of the billing from the water supplier. In this event, the ~~user~~<sup>user's</sup> charges will then be calculated and the same conditions will apply as if the ~~city~~<sup>City</sup> were the supplier of water to the user.

~~Secs. 33-182.~~—Due date; penalty for late payment.

(a) — ~~All bills for sewer service shall be due and payable on the billing dates of the various districts, and if not paid within twenty (20) days thereafter will be considered delinquent and the sewer service may be discontinued without notice. Where service has been discontinued or where a customer service contact has been attempted or made, on account of default in payment, a charge in the amount established by resolution will be made; provided that in the event such a charge has been made on account of default for water service, then there shall be no charge for default of sewer service. In the event extraordinary costs are incurred by the city to discontinue the sewer service, such costs shall be paid by the customer before water service is continued.~~

(b) — ~~All rates and service charges are due and payable when rendered and shall be delinquent twenty (20) days after date rendered. A delinquent bill shall be subject to a penalty, established by the city, on any outstanding unpaid balance. Any delinquent account requiring special collection effort may be assessed a delinquent collection charge to cover the cost of the special collection effort, as established by the administrator subject to the approval of the city manager.~~

~~Sec. 33-183.~~—Billing records and notices.

~~All sewer user accounts shall be carried on the books of the finance department by the house and street number. All notices regarding any other matter pertaining to the use of the city sewer system shall be sent to the house and street number of such property. Should the owner of the property desire personal notice from the city, he should file an application on a form to be furnished by the department. To insure proper delivery of notices, all errors in house numbers should be promptly reported to the finance department.~~

~~Secs. 33-184—33-200.~~—**216.** Reserved.

**DIVISION 6.** —~~COLLECTION PROCEDURES AND REMEDIES~~

~~Sec. 33-201.~~—Generally.

~~All sewer charges to be added to, and collected with the bills as rendered for water by the finance and/or public works department, (and where the user does not use city water such bill shall be due for sewer service rendered) and all of the rules and regulations promulgated by the finance and/or public works department shall apply to, and be effective in, the collection of such sewer service charges.~~

~~Sec. 33-202. Termination of water or sewer service for non-payment.~~

~~(a) — If a sewer bill is not paid within five (5) days after date of delinquency and notice of delinquency has been given, water or sewer service may be disconnected from the premises of the delinquent customer and a delinquent turn-off fee charged to customers account. The delinquent turn-off fee plus the total amount of the bill due and any deposit, if such deposit is required, shall be collected before providing sewer service or water service again.~~

~~(b) — A consumer' water or sewer service may be disconnected for nonpayment of a bill for sewer service rendered at a previous location, served by the city, provided such bill is not paid within twenty (20) days after the unpaid bill has been presented to the consumer at his new location.~~

~~(c) — Before discontinuing sewer service for nonpayment of any sewer user charge, deposit or other assessment provided for in this article, the administrator shall:~~

~~(1) — Give written notice to the person of the discontinuance.~~

~~(2) — Answer any questions the person may have about his delinquent account.~~

~~(3) — And if, requested by the person, schedule a hearing with the administrator or his designee on any disputed matter relative to the discontinuance of sewer service.~~

~~(d) — When a user of the sewer system has been notified of the amount of sewer user charges remaining due after the deduction of all applicable deposits, and payment for same has not been received, the city may assign the account to a bona fide collection agency.~~

~~(e) — Before water or sewer service will be turned on to any premises, all charges against the premises then due and payable to the city as required by this chapter, and any of the following items have been paid:~~

~~(1) — Labor supplied or materials furnished by the public works department in the installation of service pipes connecting the premises with the city sewer mains, or for tapping the city sewer system;~~

~~(2) — Water and sewer service previously supplied to the premises, whether used by the applicants or by some previous occupant of the premises;~~

~~(3) — The assessment of any fine or penalty;~~

~~(4) — The fee for turning water or sewer services off or on; or~~

~~(5) — The fee for repair or replacement of damaged, stolen or misused sewer works facilities.~~

~~Sec. 33-203. Collection by collection agency.~~

~~After procedures outlined in section 33-202 have been exhausted and it has been determined that a person, firm or corporation is responsible for remaining charges after deduction of his deposit, the administrator may assign the account to a bona fide collection agency for collection.~~

~~Sec. 33 204. Lien for unpaid charges.~~

~~(a) — Any charges imposed by this article if not paid by the due date specified by this article shall constitute a lien on the property, lot or tract of land to which service was rendered.~~

~~(b) — Upon delinquency, the administrator shall give notice to the user of the property which shall indicate that the city will file a lien on the subject property unless the above-named pays all past charges due.~~

~~(c) — If delinquent charges due are not paid, the administrator shall prepare, in triplicate, copies of a "notice and claim of lien" and shall file one copy with the county recorder of the county in which the property is located. The administrator shall then promptly send, by ordinary mail, a copy to the above named at the last known mailing address or the address to which service charge billings were sent. The "notice and claim of lien" shall contain the following:~~

~~(1) — A description of the property sufficient for identification.~~

~~(2) — The name of the sewer user or recorded owner of the property.~~

~~(3) — The amount owed.~~

~~At such time as the lien is filed, the cost of preparing, processing and releasing the lien shall be added to the amount then due.~~

~~(d) — From and after the date of its recording in the office of the county recorder, the lien shall attach to the property until paid. A sale of the property to satisfy the lien shall be made upon judgment of foreclosure and order of sale. The city shall have the right to bring an action to enforce the lien in the superior court of the county in which the property is located, at any time after its recording but failure to enforce the lien by such action shall not affect its validity. The record "notice and claim of lien" shall be prima facie evidence of the truth of all matters recited therein and the regularity of all proceedings prior to the recording therein.~~

~~(e) — A prior recording for the purposes provided in this section shall not be a bar to the subsequent recording of a lien for such purposes, and any number of such liens on the same property may be enforced in the same action.~~

~~Sec. 33 205. Collection of by civil suit.~~

~~Delinquent sewer charges may also be collected by a civil suit, instituted in the name of the city by the city attorney at the request of the finance director at any time after the charges become delinquent notwithstanding any other provision to the contrary. The remedies provided by this section shall be cumulative and supplemental to other remedies provided under this article.~~

~~Secs. 33 206 — 33 215. Reserved.~~

## **DIVISION 7.— GENERAL USE REGULATIONS**

~~Sec. 33-216.— Interference with public works department; digging up streets without permit; tampering with equipment prohibited.~~

~~(a) — Any person who shall in any way interfere with employees of the public works department in any discharge of their duties, either in the tapping of any sewer pipe, main, or lateral belonging to the city, or the cleaning, laying or connection of any such pipe or main or lateral, or who shall dig up or cause to be dug up, any street or alley in the city for the purpose of connecting with the sewer system of the city without first obtaining a permit from the administrator, or who, having a permit, shall dig up any portion of any street or alley of the city for the purpose of connecting with the sewer system of the city and shall fail or neglect to place the street or alley in its original condition, or who shall maliciously or willfully break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is a part of the municipal sewer system shall be guilty of a misdemeanor.~~

~~(b) — Any expense caused to the city for the repair or replacement of damaged, stolen, tampered with or misused sewer or water facilities shall be charged against and collected from the person or persons who caused the expense.~~

**Sec. 33-217. —Responsibility for cleaning, repair, and replacement of ~~building~~ sewers and connections.**

~~(a) — The property owner shall be responsible for the maintenance and cleaning, repair, and replacement of the building connection piping serving the property from the home or buildings sewers and connections to the public sewer line, except when the cleaning, repair or replacement requires excavation ~~in~~ of a public street, public right-of-way (e.g. a public alleyway) or sidewalk, ~~in which case the city shall take responsibility for the repair.~~~~

~~(b) — Where the correction of a stoppage requires the If the cleaning, repair or replacement of a mangled or broken section of the building connection, and the damaged or broken section is located off property in a street or alley, the necessary repairs must be made by a licensed contractor, the scope of which licenses allows him to work within at the sewer connection requires excavation of a public street, public right-of-way subject to securing a right of way permit from the community development department or sidewalk, the City shall undertake such cleaning, repair or replacement at no cost to the property owner.~~

**Sec. 33-218. —Unsanitary disposal of wastes.**

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

**Sec. 33-219. –Treatment of polluted wastes required.**

It shall be unlawful to discharge to any ~~natural~~ outlet within the ~~city~~City, or in any area under the jurisdiction of the ~~city~~City, any sewage, industrial wastes, or other ~~polluted water~~hazardous substance, pollutant or contaminant, except where ~~suitable~~ treatment has been provided in accordance with the provisions of this ~~article~~Article.

**Sec. 33-220. –General user requirements.**

It shall be unlawful for any user to discharge or cause to be discharged to the sewage works:

- (1) Inflow, as defined in ~~section~~Section 33-101.
- (2) Pollutants which create a fire or explosion hazard to the sewage works. In no case shall pollutants be discharged with a closed cup flashpoint less than one hundred forty (140) degrees Fahrenheit (sixty (60) degrees centigrade), or pollutants which cause an exceedance of ten (10) percent of the lower explosive limit (LEL) at any point within the sewage works for any single reading or more than five (5) percent for any two (2) consecutive readings.
- (3) Solid or viscous pollutants, petroleum oil, ~~nonbiodegradable~~non-biodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass through or that will cause obstruction to the flow in sewers or other interference or damage with the sewage works.
- (4) Any waters or wastes containing a hazardous substance, pollutant, contaminant toxic, radioactive, poisonous or other substances in sufficient quantity to injure or interfere with any sewage treatment process, cause corrosive structural damage, constitute ~~a hazard to humans~~an actual or potential threat to human health, welfare or the environment, or create any hazard to the sewage works or in the receiving waters of the sewage works or pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems.
- (5) Any waters with a pH less than five (5.0) standards units (S.U.) or greater than ten and five-tenths (10.5) S.U.
- (6) Any waters with a temperature greater than one hundred fifty (150) degrees Fahrenheit (sixty-six (66) degrees centigrade) or heat in amounts which will inhibit biological activity in the POTW resulting in interference, but in no event heat in such quantities that the temperature at the head-works of the POTW treatment plant exceeds one hundred four (104) degrees Fahrenheit (forty (40) degrees centigrade).
- (7) Any water or waste that has in any way been diluted, as a substitute for pretreatment, for the purpose of obtaining compliance with any categorical standard or pretreatment requirement imposed by this chapter except where dilution is expressly authorized by any categorical standard.

(8) Any water or waste that could cause a violation of any categorical standard or pretreatment requirement.

(9) Any water or waste that is transported from the point of discharge to the POTW by any septic tank pumper, chemical waste hauler, or similarly transported unless the transporter has first:

a. Disclosed to the ~~administrator~~City the origin, nature, concentration and volume of all hazardous substances, pollutants or contaminants to be discharged; and

b. Obtained the consent of the ~~administrator~~City to discharge.

(10) Any water or waste which could cause interference or pass through with POTW operations.

(11) Any discharge that exhibits a characteristic of a hazardous waste, or contains a substance that is listed as a hazardous waste pursuant to either Arizona Administrative Code R18-8-261 or title 40, Code of Federal Regulations part 261, whichever is applicable, whether or not the discharge is otherwise subject to hazardous waste regulations.

(12) Any water or wastes exceeding the limits for the following parameters expressed in the total form except as otherwise indicated:

**Table 1**  
**INSTANTANEOUS EFFLUENT**  
**LIMITATIONS**

<b>Substance</b>	<b>Limit</b>
Benzene	35ug/L
Chloroform	2,000 ug/L

mg/L =	milligrams per liter
ug/L =	micrograms per liter

-

(13)Any of the following prohibited substances:

4, 4'-DDE

4, 4'-DDT

Aldrin

BHC-Alpha

BHC-Beta

BHC-Gamma (lindane)  
Heptachlor  
Heptachlor epoxide  
Polychlorinated biphenyl compounds.

**Sec. 33-221. –Authority of ~~administrator~~City to establish permissible limits, approve waste discharges, impose charges.**

- (a) The ~~administrator~~City shall have the authority to regulate the volume and flow rate of discharge to the sewage works, and to establish permissible limits of concentration for various specific substances, materials, waters or wastes that can be accepted into the sewage works, and to specify those substances, materials, waters or wastes that are prohibited from entering the sewage works.
- (b) The admission into the public sewers of any waters or wastes having:
  - (1) A five-day biochemical oxygen demand greater than three hundred (300) milligrams per ~~liter~~liter by weight; or
  - (2) Containing more than three hundred fifty (350) milligrams per ~~liter~~liter by weight of suspended solids; or
  - (3) Containing any quantity of substances having the characteristics described in ~~section~~Section 33-220; or
  - (4) Having an average daily flow of greater than twenty-five thousand (25,000) gallons, shall be subject to the review and approval of the City.

~~shall be subject to the review and approval of the administrator.~~

(c) The ~~administrator~~City shall impose charges on any user of the ~~city~~<sup>2</sup>City's sewage works who discharges wastes having ~~a strength greater than~~characteristics that differ from normal sewage or containing ~~nonpermissible~~non-permissible quantities or prohibited substances into the public sewer system. The charges so imposed shall be based on the extra costs incurred by the ~~city~~City in surveillance, sampling and testing of the discharges, for additional operating and maintenance expenses, or for any other action required to identify, handle, process or supplement normal activities due to the unauthorized discharge of excessive strength or unusual character wastes, plus overhead charges. Failure by a user ~~so charged~~ to pay the charges and to provide ~~such~~any corrective measures as ~~the City may be required~~require to prevent further unauthorized discharges, after due notice by the ~~administrator~~City and being given a reasonable time to comply, shall be sufficient cause to discontinue sewer service to the ~~premises~~service address.

(d) The ~~administrator~~City shall ~~enforce~~ensure POTW user compliance with the requirements of this ~~article~~Article. In carrying out this responsibility the ~~administrator~~City has authority to:



(1) Issue or amend (as applicable) class A and class B wastewater discharge permits. Once issued, a permit:

- a. Will be for a period of time not to exceed five (5) years. A permit may be terminated by revocation by the ~~administrator~~City or upon voluntary surrender of the permit by the permittee at an earlier date;
- b. Is non-transferable by the permittee;
- c. Will specifically identify all applicable discharge prohibitions and limitations which the ~~administrator~~City will enforce;
- d. May be amended as deemed appropriate by the ~~administrator~~City;
- e. May contain monitoring requirements;
- f. May contain reporting requirements;
- g. May contain requirements for installation and maintenance of inspection and sampling facilities;
- h. May contain required notifications;
- i. May contain requirements for a plan to control slug discharges and spills. The plan shall contain at a minimum:
  - ~~i~~A. A description of discharge practices, including non-routine batch discharges; and
  - ~~ii~~B. A description of stored chemicals; and
  - ~~iii~~C. Procedures to prevent adverse impact from accidental spills, including inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site run-off, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents), and/or measures and equipment for emergency response;
- j. May require implementation of Best Management Practices (BMPS) to reduce or eliminate the amount of hazardous substances, pollutants or contaminants discharged to the POTW;
- k. May contain requirements to control or reduce the concentrations of any of the substances identified in ~~sections~~Sections 33-220 and 33-232(3) through the use of best management practices;
- l. May contain standard permit conditions;

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

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

- a. Failure to notify the ~~administrator~~City of significant changes to the wastewater prior to the changed discharge;
- b. Failure to provide prior notification to the ~~administrator~~City of changed conditions pursuant to ~~section~~Section 33-231;
- c. Misrepresentation or failure to fully disclose all relevant facts in the waste-water discharge permit application;
- d. Falsifying self-monitoring reports;
- e. Tampering with monitoring equipment;
- f. Refusing to allow the ~~administrator~~City timely access to the facility premises and records;
- g. Failure to meet effluent limitations;
- h. Failure to pay fines and penalties;
- i. Failure to pay sewer charges;
- j. Failure to meet compliance schedules;
- k. Failure to complete a wastewater survey or the permit application;
- l. Failure to provide advance notice of the transfer of business ownership of a permitted facility; or
- m. Violation of any pretreatment standard or requirement, or any terms of the permit or requirement of this chapter.

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

(4) Randomly sample and analyze effluent from POTW users and conduct those surveillance and inspection activities needed to identify, independently of

any information supplied by such users, occasional or continuing noncompliance with any categorical standard or pretreatment requirement.

(5) Investigate instances of noncompliance with any categorical standard or pretreatment requirement when notice of any actual or probable noncompliance has been received by the ~~administrator~~City or any representative of the ~~administrator~~City.

(6) Notify POTW users of noncompliance with categorical standards or pretreatment requirements discovered by the ~~administrator~~City. Such notice shall also contain a demand for any appropriate corrective action, which ~~is~~may be necessary to meet the applicable requirements of this ~~article~~Article. Any POTW user will be allowed opportunity to respond to an order of the ~~administrator~~City before any enforcement action against such user is initiated, unless the discharge is a threat to the public health, safety and welfare or the environment, in which case the ~~administrator~~City may initiate enforcement action without giving notice.

(7) Comply with the public participation requirements of 40 CFR and A.R.S. § 49-391 in connection with the ~~city's~~City's enforcement of any pretreatment standards and requirements.

(8) Impose appropriate penalties for noncompliance with any of the requirements of this ~~article~~Article. Such penalties may include any or all of the following:

- a. Suspension or revocation of any industrial user permit for the failure of an industrial user to comply with the pertinent requirements of such permit.
- b. Termination of POTW services.
- c. Restricting or otherwise limiting allowable discharges.
- d. Requesting that the ~~city attorney~~City commence criminal and/or civil action against any user violating any requirement of this chapter.

(9) Annually publish, in the largest daily newspaper published in the ~~city~~City, public notice of all industrial users who at least once during the prior calendar year were in significant noncompliance (SNC). SNC is determined at any time of the year, except that for chronic and ~~TRC~~technical review criteria (TRC) violations, SNC is determined at the beginning of each quarter using the prior six (6) months. Chronic and TRC SNC is determined four (4) times during the year and the total evaluation period covers fifteen (15) months. The notification shall also summarize any enforcement actions taken against such users during the calendar year.

(10) Notify industrial users of applicable pretreatment standards and any applicable requirements under ~~section~~Section 204(b) and 405 of the Clean Water Act and subtitles C and D of the Resource Conservation and Recovery Act.

In addition, the ~~administrator~~City shall:

- a. Determine which actual or threatened discharge to the POTW will cause interference with the POTW or will present ~~(or may present)~~, an imminent or substantial endangerment to the health or welfare of any person and/or to the environment;
- b. Abate any actual or threatened discharge which would violate any categorical standard or pretreatment requirement imposed by this ordinance. In the minimum, the ~~administrator~~City will be able to promptly plug or disconnect any sewer service connection to the POTW;
- c. Correct or mitigate any injury to the environment, the POTW or to any other property as a result of any discharge in violation of a categorical standard or pretreatment requirement imposed by this ~~article~~Article.

The ~~administrator~~City shall file with the ~~city~~City clerk three (3) copies of all federal statutes and regulations cited by this ~~article~~Article in order to allow regulated users adequate opportunity to be informed of the applicable federal requirements herein incorporated by reference.

**Secs. 33-222—33-230. —Reserved.**

## **DIVISION 8—~~7~~. INDUSTRIAL USER AND PRETREATMENT REQUIREMENTS**

### **Sec. 33-231. —General industrial user requirements.**

All industrial users shall:

- (1) Comply with the categorical standards, pretreatment requirements, and all other requirements imposed by this chapter upon POTW users. Upon the effective date of any federal categorical pretreatment standards for a particular industry subcategory, the federal standard, if more stringent than the effluent limitations imposed under this chapter, shall immediately supersede those limitations.
  - (2) Comply with the orders of the ~~administrator~~City designed to implement the categorical standards, pretreatment requirements and all other requirements imposed by this chapter.
  - (3) Within ninety (90) days of the adoption of this chapter, and prior to the discharge of wastewater to the POTW by any new user thereafter, file a written notice with the ~~administrator~~City which identifies ~~their~~:
- a. Name and address of the existing or prospective users;

- b. Business location(s) served or to be served by the POTW;
  - c. Nature, concentration, and amounts of any substance present at, or intended to be present at such business location(s) which, if discharged to the POTW, could constitute an industrial discharge; and
  - d. Nature and concentration of all pollutants currently discharged to the POTW from such business location(s).
- (4) Carry out and maintain an adequate record of all self-inspection and self-monitoring activities necessary for the user to know at all times whether or not such user is introducing any industrial discharge to the POTW.
- (5) Assist the ~~administrator~~City to determine the exact nature, concentration, and volume of any hazardous substance, pollutant, or contaminant intended for discharge to the POTW. Therefore, upon request, any user or industrial user shall promptly:
- a. Allow the examination and copying of all relevant records or documents available to the user;
  - b. Allow the inspection of all business locations served by the POTW, including all pretreatment equipment, methods and activities utilized by the user at such locations;
  - c. Install and maintain, at the ~~user's~~user's expense, convenient and adequate monitoring and/or sampling point(s) needed by the ~~administrator~~City for monitoring and/or sampling purposes;
  - d. Allow the taking and removal of samples from any wastewater discharged or intended for discharge, to the POTW; and
  - e. Provide the ~~administrator~~City with any other information, including, but not limited to, chemical analyses of wastewater and architectural or engineering design data, drawings, etc., which are reasonably needed by the ~~administrator~~City for the purpose of determining such ~~user's~~user's compliance with the requirements of this ~~chapter~~division.
- (6) Not cause an industrial discharge without having first obtained, or applied for, a permit pursuant to the requirements of this chapter;
- (7) Comply with ~~the~~any demand ~~of~~by the ~~administrator~~City to immediately halt any actual or threatened discharge to the POTW when the ~~administrator~~City has given notice that such actual or threatened discharge:
- a. Presents or may present an imminent or substantial endangerment to the health or welfare of any person or to the environment; or
  - b. Will cause interference with or pass through ~~with~~the POTW operations.

(8) Immediately give notice to the ~~administrator~~City of any discharge, including an accidental discharge, which is in violation of any categorical standard, pretreatment requirement, or permit condition imposed by this chapter. Such notice shall also describe ~~the~~:

- a. ~~Location~~The location of the discharge;
- b. ~~Known~~The known or estimated nature, concentration and volume of the discharged pollutant(s);
- c. ~~Type~~The type of assistance desired from the ~~city~~City; and
- d. ~~Corrective~~Any corrective action(s) undertaken, being undertaken, and/or to be undertaken by the user.

(9) Initiate all appropriate correction action(s) required by the ~~administrator~~City which are needed to:

- a. Prevent any further injury to human health or safety, or to the environment, the POTW, and/or any other property;
- b. Promptly repair all or part of any injury or damage caused by such discharge; and
- c. Ensure that such a discharge does not occur again.

(10) Pay all sewer fees charged by the ~~city~~City for the wastewater collection and disposal services provided by the POTW pursuant to the requirements of this ~~chapter~~division. Such service fees will apply equally to all POTW users and will be determined by each ~~user~~user's proportionate share of the POTW operating and maintenance costs. ~~In turn the~~ The proportionate share will be ~~abased~~based on such factors as the strength, volume and flow rate of wastewater discharged to the POTW by each user.

(11) Reimburse the ~~city~~City for all extraordinary expenses ~~reasonably~~ incurred by the ~~city~~City in insuring such POTW ~~user~~user's compliance with the applicable requirements of this ~~chapter~~division. An extraordinary expense is any cost not otherwise reimbursed from the normal collection of sewer fees. Therefore, extraordinary expenses include, but are not limited to, the costs in:

- a. Issuing permits;
- b. Conducting inspection, surveillance and monitoring activities;
- c. Obtaining laboratory analyses of waste samples;
- d. Taking enforcement actions against users not in compliance with the requirements of this ~~chapter~~division; and

e. Carrying out any measure needed for the protection of human health or safety, the environment, the POTW, or any other property in order to correct or mitigate any harm caused by the violation of any categorical standard or pretreatment requirement.

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

a. Personal injury suffered by any person as a result of such discharge;

b. Costs reasonably incurred by any person in correcting, or otherwise mitigating, any adverse environmental impact which resulted from such discharge; and

c. Economic loss and property damage suffered by any person as a result of such discharge.

(13) Fully comply with this ~~subpart~~ if division. If the results of the ~~user's~~ user's self-monitoring wastewater analysis ~~indicates~~ indicate a violation has occurred, the user must:

a. Inform the ~~pretreatment officer~~ City of the violation within twenty-four (24) hours of becoming aware of the violation; and

b. Repeat the wastewater sampling and pollutant analysis and submit in writing the results of the repeat analysis within thirty (30) days after becoming aware of the violation, unless the ~~administrator~~ City requires it sooner.

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

a. For a corporation: By a corporate officer or other persons performing a similar policy or decision-making function for the corporation;

b. For a partnership or sole proprietorship: By a general partner or the proprietor, respectively; or

c. For a government entity: By the ~~administrator~~ appointed or elected official, chairman, or principal executive responsible for operations at the facility.

(15) Insure that all applications, correspondence, reports, and self-monitoring reports are signed by a duly authorized representative of the person described in subsection (14) of this ~~section~~ Section. Any change in signatures or positions shall be submitted to the pretreatment officer in writing within thirty (30) days after the change.

A person is a duly authorized representative only if:

a. The authorization is made in writing by a person described in subsection (14) of this ~~section~~Section; and

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

(16) Certification. Any person signing a document under this ~~article~~Article shall make the following certification:

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

**Sec. 33-232. –Significant industrial user requirements.**

In addition to all other requirements each industrial user who discharges an industrial discharge into the sewage works and is designated as a significant industrial user by the ~~administrator~~City shall also:

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

(2) Comply fully with all requirements and conditions of any permit. Once a permit is issued, no industrial user shall:

a. Make any new or increased industrial discharge.

b. Make any change in the nature of its industrial discharge(s) if such change will cause any new or increased industrial discharge.

c. Fail to give notice to the pretreatment officer of not less than ninety (90) days prior to any facility expansion, production increase, or process modifications which results or may result in new or increased discharges or a change in the nature of the discharge.



d. Fail to give advance notice to the pretreatment officer of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.

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

<b>Daily Average Effluent Limitations</b>	<b><u>Substance</u></b>	
Arsenic	0.13	mg/L
Cadmium	0.047	mg/L
Copper	1.5	mg/L
Cyanide	2.0	mg/L
Lead	0.41	mg/L
Mercury	0.0023	mg/L
Selenium	0.1	mg/L
Silver	1.2	mg/L
Zinc	3.5 mg/L	

(4) Maintain a continuous discharge record which clearly identifies ~~the~~:

- a. Dates and times of all industrial discharges; and
- b. Nature, concentration(s), and volume(s) of all such discharges.

(5) Provide the ~~administrator~~City with all the same self-monitoring reports and notices which the industrial user is required to submit to any other authority in accordance with the provisions of 40 CFR part 403.12. In particular, the industrial user shall ~~meet the requirements of~~submit:

- a. Notices which must be filed within one hundred eighty (180) days of the adoption of any categorical standard, including a compliance schedule;
- b. Notices which must be filed within ninety (90) days of any final compliance date;
- c. Reports which must be filed by the industrial user semiannually each year;
- d. The immediate notice which must be given after a slug load release of any industrial discharge;
- e. The sampling and analysis of pollutants discharged to the POTW;
- f. The maintenance of records by the industrial user; and

g. ~~Comply with all~~ All reporting requirements and maintain records of all information resulting from any monitoring activities as required by chapter 33 of the Glendale City Code.

(6) Records required by subsections (4) and (5) of this section shall be required to be retained for a minimum of three (3) years from the date of monitoring activity and shall be made available to the City, upon request, for inspection and copying. This period of retention shall be extended during the course of any unresolved litigation between the industrial user and the POTW. Such records shall include for all samples:

- a. The date, exact place, method, and time of sampling and the names of the person or persons taking the samples;
- b. The dates analyses were performed;
- c. Who performed the analyses;
- d. The analytical techniques/methods used; and
- e. The results of such analyses.

**Sec. 33-233. –Special discharges.**

(a) In addition to all other requirements imposed by this ~~chapter~~division upon industrial users, the following types of industrial users may be required to obtain a class B wastewater discharge permit if the ~~administrator~~City determines the industrial discharge causes or has the reasonable potential to cause harm or damage to the POTW, worker safety, public safety or the environment:

- (1) Zero process discharge user.
- (2) Users ~~which~~that discharge the equivalent-strength of twenty-five thousand (25,000) gallons per day of domestic waste as measured by BOD and SS.
- (3) Discharges of polluted groundwater.
- (4) Users discharging any of the substances identified in ~~sections~~Sections 33-220 and 33-232(3).

(b) A class B permit may be issued to a non-significant categorical industrial user as that term is defined in 40 CFR 403.3(v)(2).

(c) The industrial user shall comply with all requirements and conditions of a class B wastewater discharge permit issued by the ~~administrator~~City under ~~section~~Section 33-221.

**Secs. 33-234—33-237. –Reserved.**

### **Sec. 33-238. –Interceptors.**

- (a) Grease, oil, or sand interceptors shall be provided for laundries, restaurants, service stations, auto repair shops, carwashes and other facilities when, in the opinion of the ~~administrator, they~~City, such interceptors are necessary for the proper handling of liquid wastes containing grease or oil in excessive amounts or any flammable wastes, sand, and other harmful ingredients, ~~except that such.~~ Such interceptors shall not be required for private living quarters or dwelling units.
- (b) All grease traps and interceptors shall be of a type and capacity approved by the ~~administrator~~City and shall be located as to be readily and easily accessible for cleaning and inspection at all times.
- (c) Grease and oil interceptors shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. ~~They~~The interceptors shall be of substantial construction, watertight, and equipped with easily removable covers. When bolted covers are required ~~they,~~ the covers shall be gastight and watertight.
- (d) Where installed, all grease, oil, and sand interceptors shall be maintained by the owner, at his or her expense, in continuously efficient operation at all times. Maintenance shall include the complete removal of all contents, including floating materials, wastewater and bottom ~~sludges~~sludge and solids. The owner shall keep written records and documentation of all cleaning, repair, calibration and maintenance required to demonstrate compliance with this ~~section~~Section. Records shall be kept at the facility for a minimum of three (3) years and be made available to the ~~administrator~~City upon request.
- (e) Decanting or discharging of removed waste back into the trap or interceptor from which the waste was removed or any appurtenance of the wastewater collection system is strictly prohibited.
- (f) All grease traps, oil, sand, and grease interceptors shall be pumped out or cleaned out completely at least once every one hundred eighty (180) days, or more frequently as required by the ~~city~~City, unless otherwise ~~authorized~~directed in writing by the ~~administrator~~City.
- (g) The use of any enzymes, chemicals, or bacteria as a substitute for grease traps or grease trap or interceptor maintenance is prohibited. The use of such additives as a supplement to maintenance may be authorized by the ~~administrator~~City after a written request including material safety data sheets. Addition of emulsifiers into grease removal devices is strictly prohibited.

### **Sec. 33-239. –Control manholes.**

When required by the ~~public works administrator~~City, the property 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 ~~community~~

~~development administrator~~City. The manhole shall be installed by the owner at his expense and shall be maintained ~~by him~~ so as to be safe and accessible at all times.

**Sec. 33-240. –Right of entry for inspection.**

(a) Any authorized employee of the ~~public works department~~City shall, upon presentation of his credentials, have free access at all reasonable hours to any commercial or industrial premises connected to the ~~city~~City sewer system for the purpose of making an inspection of the premises to determine the nature and quantity of wastes discharged to the ~~city~~City sewer system.

~~(b)~~(b) City employees and authorized representatives of the City shall have the right to immediate access, without notice, all premises in the event of an emergency or an actual or threatened imminent and substantial endangerment to human health and/or the environment.

(c) Servicemen, pretreatment program inspectors, sanitary engineers, or other employees of the ~~public works department~~City, whose duty it may be to enter upon commercial or industrial premises to make inspections and collect samples or measure the quantity of wastes discharged to the ~~city~~City sewer, shall be provided with credentials to identify them as authorized representatives from the ~~public works department~~City.

(ed) No person, except an employee or authorized employee representative of the ~~public works department~~City, shall have or exhibit any credentials of the ~~public works department~~City. It shall be the duty of each employee or authorized representative of the ~~department~~City, upon resignation or dismissal, to deliver and surrender ~~at the office of the administrator all~~City credentials of the ~~department~~in his/her possession.

**Sec. 33-241. –Determination of wastewater quality.**

(a) The ~~administrator~~City shall have the authority to ~~make~~undertake whatever tests are necessary to carry out a planned sampling program and to ~~make~~undertake whatever analyses are needed ~~for to ensure~~ all commercial and industrial users are in compliance with all terms and conditions of this Article. The BOD test shall be considered the standard test; however, COD or TOC tests may be substituted in cases where it has been determined by the ~~administrator~~City that the BOD test is not representative of actual wastewater loading. Wastewater characteristics shall be determined by the ~~department~~City on the basis of monitored wastewater discharged, a certified statement from the user, or on the best available data as to the characteristics of such discharges.

(b) Any change in the ongoing process employed by a user contributing commercial or industrial waste which results in a variation of more than twenty-five (25) percent in one or more of the effluent loading concentrations shall be reported to the ~~public works department~~City within thirty (30) days of the change.

(c) If it is determined through testing that a significant variation exists between the ~~user's~~user's certified data and the discharge characteristics monitored by the ~~public works department~~City, the ~~city~~City may adjust~~take~~ any action available under this Article, including, but not limited to, adjusting the sewer use charge based on the monitored data

from the original date of certification, unless written communication has occurred notifying the ~~department~~City of changes in loading and giving specific dates of changes.

(d) Where sampling and gauging of a specific user is not practical for physical, economic, safety or other reasons, the ~~administrator~~City may designate values for concentrations of the wastes discharged into the sewer system for all users in the same standard classification or ~~subclassification~~sub-classification.

**Sec. 33-242. –Tests and analyses.**

(a) All tests and analyses of the characteristics of waters and wastes shall be determined in accordance with Standard Methods.

(b) Costs for all tests and analyses conducted by the ~~city~~City on each individual user shall be at the ~~user~~user's own expense.

**Sec. 33-243. –Annual publication of list of violators.**

The ~~city~~City shall annually publish in the local newspaper a list of the users ~~which~~that were not in compliance with pretreatment requirements or standards at least once during the twelve (12) previous months. The notification shall also summarize any enforcement actions taken against the users during the same twelve (12) months.

**Sec. 33-244. –Reserved.**

**Sec. 33-245. –Waste monitoring program.**

(a) In order to insure continuing compliance with the limitations and restrictions set forth in this ~~article~~Article, each industrial user shall monitor its discharge to the ~~city~~City sewer system by testing the discharge with sufficient frequency to insure that such limitations are not excluded and such restrictions not violated. Such testing may be accomplished by a professional laboratory or, in cases where the user has sufficient testing capability, facilities and expertise, by the user itself.

(b) The ~~administrator~~City may require a laboratory analysis of a ~~user~~user's discharge at any time. Such analysis shall be performed by:

- (1) An independent laboratory acceptable to the ~~administrator~~City;
- (2) A ~~city~~City-operated laboratory; or
- (3) The user itself.

The authority to determine who shall perform the analysis rests with the ~~administrator~~. ~~The administrator~~City Manager, or his/her designee. The City may also require that all costs associated with such an analysis be borne by the user.

(c) The user shall permit access to the sampling point or sampling well to the ~~city~~City's representative or the independent laboratory for the purpose of obtaining a sample during any hours of operation by the plant.

**Sec. 33-246. –Confidential information.**

(a) 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~~City that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the user. To claim this trade secret protection, the user must specify at the time of submitting his reports or information, that part he 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 ~~article~~Article, the ~~NPDES~~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~~City, 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.

**Secs. 33-247—33-255. –Reserved.**

**DIVISION 9.—~~8.~~ ACCIDENTAL DISCHARGES**

**Sec. 33-256. –Protection required.**

Each permittee under this ~~article~~Article shall provide protection from accidental discharge of prohibited materials including hazardous substances, pollutant and contaminants, or other wastes regulated by this ~~article~~Article.

**Sec. 33-257. –Notice to ~~city~~City.**

~~For countermeasures to be taken by the city to minimize damage to the sanitary sewer system and/or degradation of the receiving waters, a~~ permittee under this ~~article~~Article shall notify the ~~city~~City immediately upon accidentally discharging wastes in violation of this ~~article~~Article so the City may implement countermeasures to minimize any actual or potential threat to the sewer system and/or the receiving waters. This notification shall be followed, within five (5) days of the date of occurrence, by a detailed written statement describing the causes of the accidental discharge and the measures being taken to prevent future occurrence. Such notification will not relieve permittee of liability for any expense, loss or damage to the ~~sanitary~~ sewer system, or for any penalties imposed on the ~~city~~City on account thereof and/or for any enforcement action pursuant to this ~~occurrence~~discharge.

**Sec. 33-258. –Notice to employees.**

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

**Sec. 33-259. –Labels for potential accidental discharge points.**

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

**Sec. 33-260. –Reserved.**

**ARTICLE IV. - OVERSIZE REQUIREMENT AND PARTICIPATION**

**Sec. 33-261. –Definitions.**

The following words, terms and phrases, when used in this ~~article~~Article shall have the meanings ascribed to them in this ~~section~~Section, except where the context clearly indicates a different meaning:

*Developer:* The person who is responsible for the development of land thereby creating a demand on ~~city~~City water and sewer facilities.

*Oversize:* Occurs when the ~~city~~City requires a developer to install a water or sewer line which has a diameter that exceeds the ~~city~~City's minimum size criteria and the ~~developer~~developer's project requirement, as determined by the ~~city-engineer~~City Engineer.

*Participation:* City ~~participation~~payment of in the increased installation cost necessitated by the ~~city~~City's oversize requirements.

**Sec. 33-262. –Oversize requirement.**

The ~~city~~City may require a ~~developer~~Developer to install an oversize water or sewer line in order to meet existing and future system performance requirements.

**Sec. 33-263. –City participation in oversizing cost; extent of participation.**

If the ~~city~~City requires a ~~developer~~Developer to install an oversized water or sewer line, the ~~city~~City may agree to ~~participate~~pay in the increased cost of the line installation caused by the ~~oversize~~oversizing line ~~requirement to plan for future demand~~. The ~~city~~City's participation in the increased cost shall be limited to the cost differential

factor, between the cost incurred to meet existing demand versus the increase cost to meet future demand, provided for in this ~~article~~. Article.

**Sec. 33-264. --Limitation on participation.**

(a) ~~The city may~~(a) The City is not required to pay funds for the oversized line unless agrees to do so prior to the lines' installation. The City may only participate in oversizing costs only if sufficient funds are available in the capital improvement budget- at the time the cost sharing expenditure is being proposed. If sufficient funds are not available, the ~~city~~City shall not be responsible or required to pay for any of the increased costs caused by the oversizing requirement.

(b) The ~~city~~City shall not participate in oversizing costs for oversized water or sewer lines installed outside the ~~city~~City or for lines installed prior to a receiving such a request for the Developer.

**Sec. 33-265. --Installation without ~~city~~City participation.**

If the ~~city~~City is unable to participate in oversizing costs, the developer must incur the entire cost to install the oversized water or sewer line.

**Sec. 33-266. --Cost differential factor.**

(a) The cost differential factor for participation in oversizing costs shall be determined by the ~~city engineer~~City. The ~~city engineer~~City shall review and revise, as necessary, the cost differential factor; however, in no event shall such review be less than once a year.

(b) The cost differential factor shall be on a per lineal foot basis.

**Sec. 33-267. --Minimum size criteria.**

(a) The minimum size criteria for water lines, exclusive of on-site building services, shall be twelve (12) inches in diameter for lines serving commercial and industrial areas, and eight (8) inches in diameter for lines serving residential areas.

(b) The minimum size criteria for all sewer lines, exclusive of on-site building sewers, shall be twelve (12) inches in diameter.

**Sec. 33-268. --Initiation by developer.**

The ~~developer~~Developer must request participation from the ~~city~~City. The developer must submit the request for participation no later than the time at which the permit applications are submitted. ~~The city shall not agree to participate in any oversizing costs if the city has not received a timely "request" pursuant to this section.~~

**Sec. 33-269. --Agreement; approval.**

An agreement by the ~~city~~City to participate in oversizing costs shall be in writing on a form to be provided by the ~~city~~City, and approved by the ~~city council~~City Council. This



agreement shall contain a provision ~~whereby requiring~~ the developer ~~dedicates to dedicate~~ the oversized water and/or sewer line to the ~~city~~City after completion of installation and approval by the ~~city~~City.

**Sec. 33-270. –Application of participation.**

This ~~article~~Article shall not apply to the installation of oversized water or sewer lines before the effective date of this ~~article~~.Article.

**ARTICLE V. –EXTENSION REIMBURSEMENT AGREEMENTS**

**Sec. 33-271. –Definitions.**

The following words, terms and phrases, when used in this ~~article~~Article shall have the meanings ascribed to them in this ~~section~~Section, except where the context clearly indicates a different meaning:

*~~Developer:~~* ~~The person who is responsible for the development of land thereby creating a demand on the city' water and sewer system.~~

*Extension:* A water or sewer line which is extended by a developer beyond the ~~city~~City's existing water or sewer system to service the ~~developer~~developer's project.

*Extension reimbursement:* Repayment of a portion of the costs to install an extension, to a developer who installs an extension water or sewer line, by a subsequent user of the extension.

*Subsequent user:* Any person who connects to, and is serviced by, an existing extension water or sewer line.

**Sec. 33-272. –Extension reimbursement agreements authorized.**

The ~~city~~City may enter into an extension reimbursement agreement with a ~~developer~~Developer who proposes to install an extension water or sewer line to service his/her development. Such an agreement shall provide for the collection, by the ~~city~~City, of a pro rata share of the installation costs for the extension water or sewer line from subsequent users of the extension and reimbursement to the developer. The agreement shall comply with the provisions of this ~~article~~Article.

**Sec. 33-273. –Limitation on extension reimbursement agreements.**

(a) No extension reimbursement agreement may be entered into by the ~~city~~City for an extension water or sewer line outside the ~~city~~City.

(b) An extension reimbursement agreement may only be entered into for those development projects which, in addition to complying with the provisions of this ~~article~~Article, comply with the ~~city~~City's planning objectives.

**Sec. 33-274. –Initiation of agreement by developer.**

A developer who wishes to enter into an extension reimbursement agreement with the ~~city~~City shall submit to the ~~city~~City a written request for such an agreement with the application for an extension permit. The request shall include:

- (1) A diagram of all properties which are expected to be serviced by the proposed extension. The diagram shall be provided on approved standard quarter-section maps of the City of Glendale or any other standardized atlas system designated by the ~~city~~City.
- (2) A ~~statement~~certification that the ownership of any extension and appurtenances thereto will be dedicated to the ~~city~~City upon completion and acceptance of the work by the ~~city~~City.
- (3) A statement that the ~~city~~'City's cost for inspecting said work shall be paid by the ~~developer~~Developer.

**Sec. 33-275. –Agreement in writing; authority to execute.**

- (a) An extension reimbursement agreement shall be in writing~~—and, signed by the developer or his authorized representative,~~ on a form provided by the ~~city~~City. The provisions of the written agreement shall comply with this ~~article~~Article and shall contain the entire ~~understanding—and—~~agreement between the ~~city~~City and the ~~developer~~Developer.
- (b) The ~~city manager~~City Manager or his/her designee is authorized to execute the agreement on behalf of the ~~city~~City, after obtaining the review of the City Attorney and approval of the City Council, if necessary according to the Charter and Code.

**Sec. 33-276. –Reimbursable extension cost.**

- (a) The extension costs for which a developer may seek an extension reimbursement agreement are the actual construction costs, less any oversizing ~~participation~~line cost share paid by the ~~city~~City and the five (5) percent administrative fee provided for in ~~section~~Section 33-284, ~~associated with installation of the extension plus an additional.~~ The Developer may not be reimbursed amount, not to exceed eight (8) percent of the construction cost, for engineering costs.
- (b) The ~~developer~~Developer is not entitled to reimbursement for the costs of installing water and sewer lines within the boundary of the development.

**Sec. 33-277. –Bidding for installation of extension lines; approval of construction costs.**

- (a) The selection of a ~~contractor~~Contractor for the installation of the extension water or sewer line shall be made by competitive bidding~~—in accordance with A.R.S. Title 34 and any and all applicable provisions of Article 2 of the City Code.~~ The ~~developer~~Developer shall submit to the ~~city~~City a notarized copy of all bids received, a copy of the bid tabulation and any information concerning the ~~projected—successful~~ bidder. Both the ~~city~~City and the ~~developer~~Developer shall have the right to reject any

and all bids. No contract shall be awarded for installation of an extension water or sewer line prior to ~~city~~City approval of the successful bidder.

(b) After the ~~contractor~~Contractor has been selected and approved by the City to perform the extension installation work, the ~~developer~~Developer shall submit the total proposed construction costs for the installation plus the projected engineering costs to the ~~city~~City. No construction may commence prior to the ~~city~~City's approval of these costs.

**Sec. 33-278. –Allocation of reimbursable costs for extension water line.**

(a) The reimbursable costs for an extension water line shall be allocated, on a footage basis, to all property, ~~including the developer~~, adjacent to, and which may be served by, the water line extension.

(b) The ~~developer~~Developer's property shall be allocated its proportionate share of the installation costs of the extension water line. The ~~developer~~Developer shall not be entitled to reimbursement for this portion of the reimbursable extension costs. The Developer may only be reimbursed for the extension costs associated with property outside his development.

(c) The front footage for each parcel of ~~property~~premise shall be established by the ~~city~~City.

**Sec. 33-279. –Allocation of reimbursable costs for extension sewer line.**

(a) The reimbursable costs for an extension sewer line shall be allocated, on an acreage service basis, to all property, ~~including the developer~~, which may be served by the sewer line extension.

(b) The ~~developer~~Developer's property shall be allocated its proportionate share of the installation costs of the extension sewer line. The ~~developer~~Developer shall not be entitled to reimbursement for this portion of the reimbursable extension costs. The Developer may only be reimbursed for the extension costs associated with property outside his development.

(c) The acreage service area for each parcel of property shall be established by the ~~city~~City.

**Sec. 33-280. –Collection of allocated reimbursements costs; trust account; payment.**

(a) The allocated reimbursement extension cost shall be collected by the ~~city~~City at the time the owner or ~~developer~~Developer of the property to which extension costs have been allocated applies to the ~~city~~City for a permit to connect to the extension. The allocated reimbursement extension costs must be paid prior to issuance of a connection permit or actual connection to the extension.

(b) All funds collected pursuant to the extension reimbursement agreement, less the ~~city~~City's administrative fee as provided in this ~~article~~Article, shall be placed into a

separate trust account for the collection and payment of allocated reimbursement extension costs.

(c) Payment of collected reimbursement extension costs shall be made to the ~~developer~~Developer on an annual basis each thirtieth day of June.

**Sec. 33-281.— Service obtained from other source; connection by unassessed parcel; limitation on reimbursement amount.**

(a) If any parcel of property to which reimbursement extension costs have been allocated receives water or sewer service by means other than the extension of water or sewer ~~lines~~lines covered by the agreement, the reimbursement extension costs allocated to that parcel will not be collected and the ~~city~~City shall not be responsible to reimburse the developer for any extension costs associated with that amount~~parcel~~.

(b) If any parcel of property, which has not previously been allocated a pro rata share of the reimbursement extension costs, applies to the ~~city~~City for a permit to connect to the extension, the ~~city~~City shall assess a portion of the reimbursement extension cost, on a front footage or acreage service basis, ~~to that parcel and~~. The City shall collect the amount~~pro-rate share of extension costs associated with this parcel~~ prior to issuance of the connection permit or actual connection to the extension.

(c) In no event shall the ~~developer~~Developer receive an amount which exceeds the total reimbursement extension costs less the ~~developer~~developer's allocated share of those costs.

**Sec. 33-282. –Dedication of extension line.**

The extension reimbursement agreement shall provide that the extension water or sewer lines covered by the agreement shall become the property of the ~~city~~City upon completion of installation and acceptance by the ~~city~~City.

**Sec. 33-283. –Expiration of agreement.**

The term of the extension reimbursement agreement shall be for a period of five (5) years from the execution date of the agreement. At the expiration of the agreement, the ~~city~~City shall pay to the ~~developer~~Developer all amounts which have been collected by the ~~city~~City on behalf of the ~~developer~~Developer and not previously dispersed to the ~~developer~~Developer. The ~~developer~~Developer shall have no right to reimbursement for any connection to the extension line after the expiration date of the agreement.

**Sec. 33-284. –Administrative fee.**

The ~~city~~City's fee for administration of the agreement and collection of the allocated reimbursement costs shall be ten (10) percent of the allocated reimbursement costs. The fee shall be paid in equal shares by the developer and the subsequent users of the extension as follows:

(a) The subsequent user of an extension water or sewer line shall pay to the ~~city~~City its allocated reimbursement cost plus an additional five (5) percent of that amount as the subsequent ~~user~~user's portion of the ~~city's~~City's administrative fee.

(b) The ~~city~~City shall reimburse to the ~~developer~~Developer the allocated reimbursement cost (which were collected) less five (5) percent of that amount as the ~~developer's~~Developer's portion of the ~~city's~~City's administrative fee.

**Sec. 33-285. --Projected allocation.**

The extension reimbursement agreement shall include a diagram approved by the ~~city~~City designating the properties which are expected to be served by the extension water or sewer line. The plat (or diagram) must identify the per front footage (water) and per acreage service (sewer) factors to be used for allocation of the reimbursement costs and the front footage (water) and acreage (sewer) assigned to each parcel for purposes of allocating the reimbursement costs.

**Sec. 33-286. --Assignability of agreement.**

The agreement shall set forth the name of the person to whom payment of the reimbursement amount shall be made. The ~~developer~~Developer may assign to one party only, with the consent of the ~~city~~City, the right to receive payments under the extension reimbursement agreement. No other assignment of any portion of the extension reimbursement agreement may be made by the ~~developer~~Developer or his/her assignee.

**Sec. 33-287—33-289. --Reserved.**

**ARTICLE VI. --STORM WATER POLLUTION CONTROL**

**DIVISION 1. --GENERAL PROVISIONS**

**Sec. 33-290. --Purpose and policy.**

(a) This ~~article~~Article sets forth requirements for the control of pollutants that are or may be discharged to the public storm drain system. The purpose is to improve the quality of storm water discharges and to enable the ~~city~~City to comply with all applicable state and federal laws, including but not limited to, the Clean Water Act (33 United States Code § 1251 et seq.), the National Pollutant Discharge Elimination System Regulations (40 Code of Federal Regulations Part 122), and the Arizona Pollutant Discharge Elimination System Regulations (Arizona Administrative Code, Title 18, Chapter 9, Article 9). The objectives of this ~~article~~Article are:

- (1) To reduce the discharge of pollutants from our public storm drain system into receiving waters, waterways, and groundwater;
- (2) To control the discharge to the public storm drain system resulting from spills, dumping, or disposal of materials other than storm water;

- (3) To enable the ~~city~~City to comply with the conditions of its National Pollutant Discharge Elimination System storm water permit or Arizona Pollutant Discharge Elimination System storm water permit;
- (4) To prevent discharges that could cause or contribute to damage to the public storm drain system;
- (5) To promote the proper management of hazardous ~~materials~~wastes, hazardous substances, pollutants and contaminants and other solid or liquid wastes to prevent their discharge into the public storm drain system;
- (6) To reduce pollutants in storm water to the maximum extent practicable; and
- (7) To protect the public health and the environment.

(b) This ~~article~~Article establishes discharge prohibitions; authorizes the identification of controls to reduce the discharge of hazardous substances, pollutants and contaminants that may be required; provides for necessary inspections, monitoring, compliance, and enforcement activities; and establishes administrative review procedures.

#### **Sec. 33-291. –Administration.**

The City Manager is delegated the authority to exercise the powers and perform the duties set forth in this ~~article~~Article and to administer and enforce provisions of this ~~article~~Article. The City Manager may further delegate this authority to a designee.

#### **Sec. 33-292. –~~Abbreviations.~~ Reserved.**

~~The following abbreviations, when used in this article, shall have the designated meanings:~~

~~ADEQ—Arizona Department of Environmental Quality~~

~~AZPDES—Arizona Pollutant Discharge Elimination System~~

~~CFR—Code of Federal Regulations~~

~~EPA—United States Environmental Protection Agency~~

~~NPDES—National Pollutant Discharge Elimination System~~

#### **Sec. 33-293. –Definitions.**

For the purposes of this ~~article~~Article, the following words and terms shall be defined as follows:

~~Administrator~~City: The City Manager or a duly authorized designee ~~of Glendale.~~

*Arizona Department of Environmental Quality (ADEQ):* The state agency charged with enforcement of environmental laws and regulations.

*Arizona Pollutant Discharge Elimination System (AZPDES) storm water permit:* A permit issued by ADEQ which authorizes the discharge of storm water pursuant to Arizona Administrative Code R18-9-A902.

*Best Management Practices (BMPs):* Schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants to storm water. BMPs also include treatment requirements, operating procedures, and practices to control site runoff, spillage or leaks, sludge or waste disposal, or drainage from outdoor storage areas.

*Clean Water Act:* The ~~Federal Water Pollution Control Act~~ Federal Water Pollution Control Act, as amended, 33 United States Code § 1251 et seq.

*Discharge:* Any spilling, leaking, pumping, pouring, emitting, emptying, injecting, placing, releasing, leaching, dumping, or disposing into or on any land in a manner that may cause pollution.

*Environmental Protection Agency (EPA):* The federal agency charged with enforcement of environmental laws and regulations.

*National pollutant discharge elimination system (NPDES) storm water permit:* A permit issued by EPA which authorizes the discharge of storm water pursuant to the Clean Water Act § 402 (33 U.S.C. § 1342).

*Notice of Intent (NOI):* A form submitted to ADEQ notifying of person's intent to be covered under a separate AZPDES storm water permit, as required by federal and state law.

*Person:* Any individual, partnership, co-partnership, firm, company, corporation, limited liability company, association, joint stock company, trust, estate, governmental entity, or any other legal entity; or their legal representatives, agents, or assigns.

*Pollutant:* 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 a pollutant(s) on land or in storm water.

*Premises:* Any building, lot, parcel, real estate, or land or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.

*Public storm drain system:* All or any part of the publicly-owned and maintained roads, streets, catch basins, curbs, gutters, ditches, man-made channels, storm drains, and dry wells located within public easements, right-of-way, parks, common areas, retention areas, or other publicly-owned or maintained real property designed or used for collecting, holding, or conveying storm water.

*Release:* Any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, placing, leaching, dumping, or disposing into or on any land in a manner that can cause pollution.

*Storm water:* Storm water runoff, surface runoff, and drainage.

**See Secs. 33-294—33-299. –Reserved.**

## **DIVISION 2. - PROHIBITIONS AND CONTROLS TO REDUCE THE DISCHARGE OF POLLUTANTS IN STORM WATER**

**Sec. 33-300. –Prohibitions of non-storm water discharges to the public storm drain system; exemptions.**

(a) Unless expressly authorized or exempted by this ~~article~~ Article, no person shall cause or allow the release to a public right-of-way or public storm drain system of any substance that is not composed entirely of storm water.

(b) Unless expressly authorized or exempted by this ~~article~~ Article, no person shall use, store, spill, dump, or dispose of materials in a manner that ~~those materials~~ could cause or contribute to the addition of pollutants to storm water.

(c) The following discharges are exempt from the prohibition set forth in subsections (a) and (b) of this ~~section~~ Section provided they are not otherwise significant sources of pollutants to waters of the United States:

(1) Discharges authorized by a separate NPDES or AZPDES storm water permit

(2) The following categories of non-storm water discharges are permissible unless otherwise prohibited under subsections (d), (e), or (f):

(~~a~~i) Water line flushing and other discharges from drinking water sources;

(~~b~~ii) Landscape irrigation and lawn watering;

(~~c~~iii) Irrigation water;

(~~d~~iv) Diverted stream flow;

(~~e~~v) Rising groundwater;



- (~~f~~vi) Uncontaminated groundwater infiltration;
- (~~g~~vii) Uncontaminated pumped groundwater;
- (~~h~~viii) Uncontaminated foundation and footing drains;
- (~~i~~ix) Uncontaminated water from crawl space pumps;
- (~~j~~x) Air conditioning condensation and evaporative cooler run-off;
- (~~k~~xi) Natural springs;
- (~~l~~xii) Individual residential car washing;
- (~~m~~xiii) Flows from riparian habitats and wetlands, as those areas are designated under applicable federal and state laws;
- (~~n~~xiv) Flows resulting from fire-fighting activities;
- (~~o~~xv) Discharges from potable water sources; or
- (~~p~~xvi) Any other activity that is exempted under the ~~city's~~City's NPDES OR AZPDES storm water permit.

(d) No person shall discharge to a publicly owned right-of-way or the public storm drain system any exempted discharge under subsection (c) paragraph (~~2~~ii) of this ~~section~~Section if the ~~administrator~~City identifies and provides written notice to the person that the discharge has the potential to be a source of pollutants to receiving waters, waterways, or groundwater.

(e) No person shall discharge to the public storm drain system where such a discharge may result in or contribute to a violation of the NPDES or AZPDES storm water permit issued to the ~~city~~City, either separately considered or when combined with other discharges. Liability for any such discharge shall be the responsibility of the person causing or responsible for the discharge.

(f) No person shall establish, use, maintain, or continue any connection to the public storm drain system which has caused or will likely cause a violation of this ~~section~~Section. Any connection that was permitted or authorized by a governmental entity with jurisdiction and authority will be discontinued upon thirty (30) days written notice by the ~~administrator~~City to: (a) the last known address of the owner of the ~~property~~premise and by posting notice on the ~~property~~premise; or (b) serving such notice on the person maintaining the connection. This prohibition is retroactive and shall apply to any connection that was made in the past, regardless of whether it was made under a permit or other authorization, or whether it was permissible under the law or practices applicable or prevailing at the time of the connection.

### **Sec. 33-301. –Operating facilities or activities.**

(a) All persons owning or operating premises or who are engaged in activities which are required by federal or state law to submit to EPA and/or ADEQ a Notice of Intent (NOI) to comply with an NPDES or AZPDES storm water permit shall provide a copy of such notice to the ~~administrator~~City upon request. Facilities required to apply for a storm water permit are identified in 40 C.F.R. 122.26(b)(14). Facilities that qualify for a conditional exclusion for “no exposure” under 40 C.F.R. 122.26 (g) shall submit a copy of the signed certification to the ~~administrator~~City upon request.

(b) All persons engaged in activities which will or may reasonably be expected to result in pollutants entering the public storm drain system shall undertake best management practices (BMPs) to minimize such pollutants, shall provide protection from accidental discharge of pollutants to the public storm drain system and comply with the cleanup and notification requirements of this ~~article~~Article. Such measures shall include the requirements imposed by federal, state, county, or local authorities. BMPs are site-specific and are described in the document “Storm Water Management for Industrial Activities: Developing Pollution Prevention Plans and Best Management Practices” (EPA 832-R-92-006) or other guidance documents available from EPA, Maricopa County Flood Control District, and/or ADEQ.

(c) If a BMP is required by the ~~administrator~~City to prevent a pollutant from entering the public storm drain system, the person shall implement the BMP in the timeframe deemed reasonable by the ~~administrator~~City. The person receiving the notice of such a requirement may petition the ~~administrator~~City to reconsider the application of the BMP to the premises or activity. The written petition must be received within ten (10) working days ~~setting and shall set~~ forth any reasons and proposed alternatives. The ~~administrator~~City will act within thirty (30) days of the petition. If no action is taken by the ~~administrator~~City, the petition is ~~approved~~deemed denied. If the ~~administrator~~City denies the petition, and action is not taken by the person within the required timeframe, failure to implement the BMP is ~~subject to~~considered a violation of this Article. If the person is unable to implement the BMP within the specified timeframe, an extension may be requested from the ~~administrator~~City. To receive an extension, the person must submit a written request identifying why the person cannot meet the timeframe, submit documentation to demonstrate that efforts have been made to implement the BMPs (i.e., procurement documentation for parts ordered, evidence that technology is not available, etc.), and provide a schedule for implementation of the BMPs. Granting of the extension is subject to the ~~administrator's~~City's sole, unreviewable discretion.

### **Sec. 33-302. –Construction sites.**

(a) All persons engaged in construction activities who are required by federal or state law to submit to EPA and/or ADEQ a Notice of Intent to comply with an NPDES or AZPDES storm water permit, shall provide the ~~city~~City with copies of the NOI and the Authorization Document issued by ADEQ prior to issuance of the building or construction permit. Construction activities that will disturb one acre or more of land area or smaller land areas if they are part of a larger common plan of development or sale are required to apply for a storm water permit [40 C.F.R. 122.26(b)(15)].

(b) Any person performing construction shall not cause or contribute to a violation of the AZPDES storm water permit issued to the ~~city~~City. Liability for any such discharge shall be the responsibility of the person causing or responsible for the discharge. Any person performing construction shall undertake BMPs to minimize pollutants (including sediments) from leaving the construction site, shall provide protection from accidental discharge of pollutants to the public storm drain system, and comply with the cleanup and notification requirements of this ~~article~~Article. Site operators shall ensure erosion and sediment control, control waste, and properly dispose of wastes, such as discarded building materials, concrete truck washout, chemicals, litter, and sanitary waste at the construction site that may cause adverse impacts to water quality. Such measures shall include the requirements imposed by federal, state, county or local authorities. BMPs are site-specific and are described in the document "Storm Water Management for Construction Activities: Developing Pollution Prevention Plans and Best Management Practices" (EPA 832-R-92-005) or other guidance documents available from EPA, Maricopa County Flood Control District, and/or ADEQ.

(c) If the ~~administrator~~City determines that pollutants may enter the public storm drain system from construction activities at a site less than one acre in size, the ~~administrator~~City may require site-specific BMPs be submitted and approved by the ~~administrator~~City prior to issuance of a construction permit. Such BMPs shall be implemented during construction activity.

(d) If a BMP is required to prevent a pollutant from entering the public storm drain system from a construction site, the ~~administrator~~City may order construction activities to cease until appropriate BMPs are in place. A person may petition the ~~administrator~~City to reconsider the application of the BMP to the premises or activity by submission of a written petition that sets forth any reasons and proposed alternatives; however, construction activities shall not commence until the ~~administrator~~City approves the BMPs. The ~~administrator~~City will act within thirty (30) days of receipt of the petition. If no action is taken by the ~~administrator~~City, the petition is ~~approved~~ deemed denied.

### **Sec. 33-303. –Post-construction.**

Property owners or operators shall ensure proper operation and maintenance of post-construction storm water runoff control mechanisms, including but not limited to, retention basins, drywells, scuppers, and other measures implemented or installed at the site to control or direct storm water runoff. Changes or alterations to storm water mechanisms or storm water management agreements shall not be permitted without formal review and written approval by the ~~administrator~~City.

### **Sec. 33-304. –Cleanup and notification requirements.**

(a) As soon as any owner or ~~operator~~authorized representative has actual or constructive knowledge of any discharge which may result in pollutants entering the public storm drain system, such person shall promptly take all necessary steps to ensure the discovery of the source and the extent and proceed with containment and cleanup of such discharge.

(b) The owner or ~~operator~~authorized representative shall notify the ~~administrator~~City of the discharge in both of the following manners:

(1) By telephone within 24-hours or by 12:00 noon of the next work day if ~~knowledge is received~~discover of the discharge occurs on a weekend or holiday. If there is a public safety or health issue, call 9-1-1; and

(2) By written report submitted to the ~~city~~City within five (5) days identifying the discharge source, extent, pollutant, measures taken to mitigate the discharge, and preventative measures put in place to prevent a subsequent discharge.

The phone number and address for reporting will be maintained on the ~~city~~City's website under storm water information.

(c) Upon request by the ~~administrator~~City, the owner or ~~operator~~authorized representative shall submit a plan that demonstrates how the cleanup of the discharge will be conducted. Cleanup of the discharge shall not begin until the plan is approved by the ~~administrator~~City.

(d) Cleanup of discharges to the public storm drain system will be conducted by the ~~city~~City unless an alternative plan for cleanup is approved by the ~~administrator~~City.

(e) The owner or ~~operator~~person who caused or is otherwise responsible for the discharge shall pay all costs associated with the containment and cleanup of any discharge, including any costs borne by the ~~city~~City for cleanup of the public storm drain system.

**Secs. 33-305—33-309. –Reserved.**

### **DIVISION 3. –COMPLIANCE MONITORING**

#### **Sec. 33-310. –Inspection and sampling; right of entry.**

(a) Upon presentation of credentials and at all reasonable or necessary hours, all City employees and authorized employees-representatives of the city shall have access to all premises and to all records pertaining to ~~those premises for any discharge, permit or facility regulated under this division or~~ purposes of ensuring compliance with this ~~article~~Article. Inspection, interviewing, copying, sampling, photographing, and other activities conducted on the premises shall be limited to those which are reasonably needed by the ~~city~~City in determining compliance with the requirements of this ~~article~~Article. All persons shall ~~allow~~ensure access is provided such ~~activities~~ under safe and nonhazardous conditions with a minimum of delay.

~~(b)~~(b) City employees and authorized representatives of the City shall have the right of immediate access without notice to all premises in the event of an emergency or an actual or threatened imminent and substantial endangerment to human health and/or the environment.

(c) In addition to those activities described in subsection (a) of this ~~section~~Section, ~~City employees and authorized city employees~~City representatives of the City shall ~~engage in~~undertake any monitoring necessary to ensure compliance with this ~~article~~Article. The ~~administrator~~City may establish ~~on premises~~such devices as the administratorCity reasonably determines are necessary to conduct sampling or metering operations. Such devices shall be installed so as to minimize the impact on the owner and occupant of the premises. During all inspections as provided in subsection (a) of this ~~section~~Section, ~~City employees and authorized city employees~~City representatives may take any samples necessary ~~to aid in the pursuit of the inquiry~~ensure compliance with any applicable permit or in the recordation of the activities on the premisesFederal, State or local law, regulation or code provision.

(ed) The ~~administrator~~City may order any person ~~engaged in any activity~~who causes or owning or operating on any premises which may cause or contributecontributes to discharges of hazardous substances pollutants or contaminants to the public storm drain system in violation of this ~~article~~Article to undertake such monitoring ~~activities and sampling, analyses, corrective actions and abatement and corrective actions~~ and furnish such reports as the ~~administrator~~City may specify. The costs of such activities, analyses, and reports shall be borne by the recipient of the order.

(de) If the ~~administrator~~City has been refused access to any premises, ~~and is able to demonstrate probable cause to believe that there may be a violation of this article, or that there is a need to inspect, interview, copy, photograph or sample as part of an inspection and sampling procedure of the city designed to determine compliance with the requirements of this article or any related laws or regulations, or to protect the environment and the public health, safety and welfare of the community, then the administrator~~City may seek issuance of an administrative search warrant from the ~~city municipal~~City Municipal Court or other court of competent jurisdiction.

## **DIVISION 4. –ENFORCEMENT**

### **Sec. 33-311. –Purpose.**

The purpose of this division is to ensure compliance with this ~~article and practicable~~Article, including the BMPs required by the administratorCity, to cease/discontinue ~~pollutant discharges of hazardous substances, pollutants and contaminants~~, to provide for civil penalty actions ~~in municipal court~~, or to institute ~~actions~~legal proceedings through the City Attorney in the appropriate court for civil or criminal enforcement of this ~~article~~Article.

### **Sec. 33-312. –Enforcement plan.**

(a) The ~~administrator~~City shall develop an Enforcement Response Plan (ERP) that meets the requirements of the AZPDES or NPDES storm water permit issued to the ~~city~~City and the requirements of this ~~article~~Article. The ERP will include:

- (1) the authority for the administration to issue notice of violation to person who violated any provision of this ~~article~~Article;

(2) the authority for the ~~administrator~~City to enter into consent orders, assurances of voluntary compliance, negotiated settlement agreements or other similar documents establishing an agreement with any person responsible for noncompliance;

(3) the authority for the ~~administrator~~City to issue a cease and desist order ~~direct~~directing a person to immediately comply with all requirements and take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation;

(4) criteria for imposing administrative fines and method for calculating the fines;

(5) ~~and~~the authority of the City to take any response or remedial action necessary to abate or address a violation of this Article and to seek reimbursement for the cost of such abatement action from the owner or his authorized representative; and

(6) any other provision necessary to further the purpose of this division as set forth in Sec. 33-311.

(b) The ERP must be approved by the ~~administrator~~City and posted on ~~city's~~the City's website.

### **Sec. 33-313. –Civil and criminal penalties.**

(a) A person who violates any requirement of this ~~article or~~Article, including any applicable NPDES or AZPDES storm water permit condition, shall be civilly liable to the ~~city~~City for a sum not to exceed \$2,500 per day for each violation.

~~(b) — Any~~(b) In addition to any civil penalty imposed under this Article, any person found to be liable for a discharge that results in violation of the NPDES or AZPDES permit issued to the ~~city~~City as described under ~~See~~Section 33-300(e), may be held responsible for reimbursement required to reimburse the ~~city~~City for any civil fines or penalties received paid by the ~~city~~City for such violations.

(c) Any financial penalties imposed by the City under this Article are in addition to any penalties that may be imposed by other regulatory agencies, including ADEQ or EPA.

### **Sec. 33-314. –Criminal sanction.**

(a) A person commits unauthorized non-storm water discharges to the public storm drain system by knowingly causing, permitting, facilitating, aiding, or abetting any act prohibited in ~~See~~Section 33-300(a), (b), (d), and (e).

(b) ~~Unauthorized non-storm water discharges to the public storm drain system is~~ A person who violates subsection (a) above shall be guilty of a class 1 misdemeanor, and be criminally sanctioned for such violation.

(c) Any criminal penalties imposed by the City may be in addition to those imposed by ADEQ or EPA.

**Sec. 33-315. --Injunctive relief.**

~~When the administrator finds that a person has violated, or continues to violate, any provision of this article or any related laws or regulations, or that the person's past violations are likely to recur, the city may petition the Superior Court of Arizona, Maricopa County, through the City Attorney for~~  
A violation of this Article or chapter may also constitute an environmental or public nuisance according to Section 18-4(b) of the City Code and may be abated according to such provision and any implementing policies or regulations. The City may seek to abate such environmental or public nuisance itself or seek an order, including requesting the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of any order or other requirement imposed by this articleArticle on activities of the person, from a court of competent jurisdiction. The cityCity may also seek such other action as is appropriate for legal or equitable relief under any applicable provision of the City Code or state or federal law.

**Sec. 33-316. --Remedies non-exclusive.**

The remedies provided for in this article are not exclusive. Each day's noncompliance constitutes a new violation. ~~The cityCity~~ may take any, all or any combination of these actions against a ~~noncompliant person~~violator.

# **APPENDIX 1 – Water, Sewer and Flood Irrigation Services Rate Schedules; and Miscellaneous Customer Service Fees**

The following rate schedules consolidate fees and charges established by resolution of the City Council for services provided through this Chapter 33.

Applicable taxes, fees, and surcharges will be added as required by the State of Arizona, Maricopa County, and City of Glendale regulations.

## **Water Services (Section 33-57) Effective July 1, 2010**

<u>SERVICE CODE: 100 WATER</u>					
<u>Meter Size</u>	<u>Description</u>	<u>Base Minimum Charge</u>	<u>Per Day Charge</u>	<u>Volume Charges</u>	
				<u>Rate</u>	<u>per 1,000</u>
<u>INSIDE CITY LIMITS</u>					
<u>5/8" IN X 3/4" OUT</u>	<u>Residential</u>	<u>\$9.70</u>	<u>\$0.323</u>	-	-
<u>3/4" IN X 3/4" OUT</u>	<u>Residential</u>	<u>\$12.30</u>	<u>\$0.410</u>	-	<u>Range</u>
<u>1"</u>	<u>Residential</u>	<u>\$17.40</u>	<u>\$0.580</u>	<u>\$2.14</u>	<u>0 - 6</u>
<u>1 1/2"</u>	<u>Residential</u>	<u>\$35.30</u>	<u>\$1.177</u>	<u>\$2.68</u>	<u>7 - 15</u>
<u>2"</u>	<u>Residential</u>	<u>\$62.90</u>	<u>\$2.097</u>	<u>\$3.76</u>	<u>16 - 30</u>
<u>3"</u>	<u>Residential</u>	<u>\$106.00</u>	<u>\$3.533</u>	<u>\$5.27</u>	<u>31 &amp; UP</u>
<u>4"</u>	<u>Residential</u>	<u>\$189.00</u>	<u>\$6.300</u>	-	-
<u>6"</u>	<u>Residential</u>	<u>\$376.00</u>	<u>\$12.533</u>	-	-
<u>8"</u>	<u>Residential</u>	<u>\$557.00</u>	<u>\$18.567</u>	-	-
<u>10"</u>	<u>Residential</u>	<u>\$896.00</u>	<u>\$29.867</u>	-	-
<u>12"</u>	<u>Residential</u>	<u>\$1,326.00</u>	<u>\$44.200</u>	-	-
<u>5/8" IN X 3/4" OUT</u>	<u>Multi Family</u>	<u>\$9.70</u>	<u>\$0.323</u>	-	-
<u>5/8" IN X 3/4" OUT</u>	<u>Commercial</u>	<u>\$9.70</u>	<u>\$0.323</u>	-	-
<u>1"</u>	<u>Commercial</u>	<u>\$17.40</u>	<u>\$0.580</u>	-	-
<u>1 1/2"</u>	<u>Commercial</u>	<u>\$35.30</u>	<u>\$1.177</u>	<u>\$2.28</u>	<u>Winter</u>
<u>2"</u>	<u>Commercial</u>	<u>\$62.90</u>	<u>\$2.097</u>	-	<u>Rate (1)</u>
<u>3"</u>	<u>Commercial</u>	<u>\$106.00</u>	<u>\$3.533</u>	<u>\$2.85</u>	<u>Summer</u>
<u>4"</u>	<u>Commercial</u>	<u>\$189.00</u>	<u>\$6.300</u>	-	<u>Rate (2)</u>
<u>6"</u>	<u>Commercial</u>	<u>\$376.00</u>	<u>\$12.533</u>	-	-
<u>8"</u>	<u>Commercial</u>	<u>\$557.00</u>	<u>\$18.567</u>	-	-
<u>10"</u>	<u>Commercial</u>	<u>\$896.00</u>	<u>\$29.867</u>	-	-
<u>12"</u>	<u>Commercial</u>	<u>\$1,326.00</u>	<u>\$44.200</u>	-	-



<b><u>OUTSIDE CITY LIMITS</u></b>					
<u>5/8" IN X 3/4" OUT</u>	<u>Resident</u>	<u>\$12.61</u>	<u>\$0.420</u>	-	-
<u>3/4" IN X 3/4" OUT</u>	<u>Resident</u>	<u>\$15.99</u>	<u>\$0.533</u>	-	- <u>Range</u>
<u>1"</u>	<u>Resident</u>	<u>\$22.62</u>	<u>\$0.754</u>	<u>\$2.79</u>	<u>0 - 6</u>
<u>1 1/2"</u>	<u>Resident</u>	<u>\$45.89</u>	<u>\$1.530</u>	<u>\$3.49</u>	<u>7 - 15</u>
<u>2"</u>	<u>Resident</u>	<u>\$81.77</u>	<u>\$2.726</u>	<u>\$4.89</u>	<u>16 - 30</u>
<u>3"</u>	<u>Resident</u>	<u>\$137.80</u>	<u>\$4.593</u>	<u>\$6.86</u>	<u>31 &amp; UP</u>
<u>4"</u>	<u>Resident</u>	<u>\$245.70</u>	<u>\$8.190</u>	-	-
<u>6"</u>	<u>Resident</u>	<u>\$488.80</u>	<u>\$16.293</u>	-	-
<u>8"</u>	<u>Resident</u>	<u>\$724.10</u>	<u>\$24.137</u>	-	-
<u>10"</u>	<u>Residential</u>	<u>\$1,164.80</u>	<u>\$38.827</u>	-	-
<u>12"</u>	<u>Residential</u>	<u>\$1,723.80</u>	<u>\$57.460</u>	-	-
<u>5/8" IN X 3/4" OUT</u>	<u>Multi Family</u>	<u>\$12.61</u>	<u>\$0.420</u>	-	-
<u>5/8" IN X 3/4" OUT</u>	<u>Commercial</u>	<u>\$12.61</u>	<u>\$0.420</u>	-	-
<u>1"</u>	<u>Commercial</u>	<u>\$22.62</u>	<u>\$0.754</u>	-	-
<u>1 1/2"</u>	<u>Commercial</u>	<u>\$45.89</u>	<u>\$1.530</u>	-	-
<u>2"</u>	<u>Commercial</u>	<u>\$81.77</u>	<u>\$2.726</u>	-	-
<u>3"</u>	<u>Commercial</u>	<u>\$137.80</u>	<u>\$4.593</u>	<u>\$2.97</u>	- <u>Winter</u>
<u>4"</u>	<u>Commercial</u>	<u>\$245.70</u>	<u>\$8.190</u>	-	<u>Rate (1)</u>
<u>6"</u>	<u>Commercial</u>	<u>\$488.80</u>	<u>\$16.293</u>	<u>\$3.71</u>	<u>Summer</u>
<u>8"</u>	<u>Commercial</u>	<u>\$724.10</u>	<u>\$24.137</u>	-	<u>Rate (2)</u>
<u>10"</u>	<u>Commercial</u>	<u>\$1,164.80</u>	<u>\$38.827</u>	-	-
<u>12"</u>	<u>Commercial</u>	<u>\$1,723.80</u>	<u>\$57.460</u>	-	-
<b><u>SERVICE CODE: 500 SPRINKLER</u></b>					
<b><u>INSIDE CITY LIMITS</u></b>					
<u>5/8" IN X 3/4" OUT</u>	<u>Residential</u>	<u>\$9.70</u>	<u>\$0.323</u>	-	-
<u>3/4" IN X 3/4" OUT</u>	<u>Residential</u>	<u>\$12.30</u>	<u>\$0.410</u>	-	-
<u>1"</u>	<u>Residential</u>	<u>\$17.40</u>	<u>\$0.580</u>	-	-
<u>1 1/2"</u>	<u>Residential</u>	<u>\$35.30</u>	<u>\$1.177</u>	<u>\$2.58</u>	- <u>Winter</u>
<u>2"</u>	<u>Residential</u>	<u>\$62.90</u>	<u>\$2.097</u>	-	<u>Rate (1)</u>
<u>3"</u>	<u>Residential</u>	<u>\$106.00</u>	<u>\$3.533</u>	<u>\$3.23</u>	<u>Summer</u>
<u>4"</u>	<u>Residential</u>	<u>\$189.00</u>	<u>\$6.300</u>	-	<u>Rate (2)</u>
<u>6"</u>	<u>Residential</u>	<u>\$376.00</u>	<u>\$12.533</u>	-	-
<u>8"</u>	<u>Residential</u>	<u>\$557.00</u>	<u>\$18.567</u>	-	-
<u>10"</u>	<u>Residential</u>	<u>\$896.00</u>	<u>\$29.867</u>	-	-
<u>12"</u>	<u>Residential</u>	<u>\$1,326.00</u>	<u>\$44.200</u>	-	-
<u>5/8" IN X 3/4" OUT</u>	<u>Multi Family</u>	<u>\$9.70</u>	<u>\$0.323</u>	-	-
<u>5/8" IN X 3/4" OUT</u>	<u>Commercial</u>	<u>\$9.70</u>	<u>\$0.323</u>	-	-
<u>1"</u>	<u>Commercial</u>	<u>\$17.40</u>	<u>\$0.580</u>	-	-
<u>1 1/2"</u>	<u>Commercial</u>	<u>\$35.30</u>	<u>\$1.177</u>	<u>\$2.58</u>	- <u>Winter</u>
<u>2"</u>	<u>Commercial</u>	<u>\$62.90</u>	<u>\$2.097</u>	-	<u>Rate (1)</u>
<u>3"</u>	<u>Commercial</u>	<u>\$106.00</u>	<u>\$3.533</u>	<u>\$3.23</u>	<u>Summer</u>
<u>4"</u>	<u>Commercial</u>	<u>\$189.00</u>	<u>\$6.300</u>	-	<u>Rate (2)</u>

<u>6"</u>	<u>Commercial</u>	<u>\$376.00</u>	<u>\$12.533</u>	-	-
<u>8"</u>	<u>Commercial</u>	<u>\$557.00</u>	<u>\$18.567</u>	-	-
<u>10"</u>	<u>Commercial</u>	<u>\$896.00</u>	<u>\$29.867</u>	-	-
<u>12"</u>	<u>Commercial</u>	<u>\$1,326.00</u>	<u>\$44.200</u>	-	-
<b><u>OUTSIDE CITY LIMITS</u></b>					
<u>5/8" IN X 3/4" OUT</u>	<u>Resident</u>	<u>\$12.61</u>	<u>\$0.420</u>	<u>\$3.36</u>             <u>\$4.20</u>	<u>Winter</u> <u>Rate (1)</u> <u>Summer</u> <u>Rate (2)</u>
<u>3/4" IN X 3/4" OUT</u>	<u>Resident</u>	<u>\$15.99</u>	<u>\$0.533</u>		
<u>1"</u>	<u>Resident</u>	<u>\$22.62</u>	<u>\$0.754</u>		
<u>1 1/2"</u>	<u>Resident</u>	<u>\$45.89</u>	<u>\$1.530</u>		
<u>2"</u>	<u>Resident</u>	<u>\$81.77</u>	<u>\$2.726</u>		
<u>3"</u>	<u>Resident</u>	<u>\$137.80</u>	<u>\$4.593</u>		
<u>4"</u>	<u>Resident</u>	<u>\$245.70</u>	<u>\$8.190</u>		
<u>6"</u>	<u>Resident</u>	<u>\$488.80</u>	<u>\$16.293</u>		
<u>8"</u>	<u>Resident</u>	<u>\$724.10</u>	<u>\$24.137</u>		
<u>10"</u>	<u>Residential</u>	<u>\$1,164.80</u>	<u>\$38.827</u>		
<u>12"</u>	<u>Residential</u>	<u>\$1,723.80</u>	<u>\$57.460</u>		
<u>5/8" IN X 3/4" OUT</u>	<u>Multi Family</u>	<u>\$12.61</u>	<u>\$0.420</u>		

(1) Winter Rates -Apply to water billed during the months of November through April.

(2) Summer Rates-Apply to water billed during the months of May through October.

### **Sewer Services (Section 33-174; 178) Effective July 1, 2010**

<b><u>SERVICE CODE: 200 SEWER</u></b>				
<b><u>DESCRIPTION</u></b>	<b><u>PROP CODE</u></b>	<b><u>VOL. CHARGE</u></b>	<b><u>MNTHLY FEE</u></b>	<b><u>SUG AVG</u></b>
<u>Single – Family</u>	<u>0101</u>	<u>\$3.56</u>	<u>\$9.20</u>	<u>8.1</u>
<u>Townhouse - Mass Metered</u>	<u>0106</u>	<u>\$3.56</u>	<u>\$9.20</u>	<u>97.0</u>
<u>Condominium - Mass Meter</u>	<u>0111</u>	<u>\$3.56</u>	<u>\$9.20</u>	<u>101.3</u>
<u>Mobile Home - Mass Meter</u>	<u>0116</u>	<u>\$3.56</u>	<u>\$9.20</u>	<u>401.6</u>
<u>Apartment &gt;= 10 units</u>	<u>0121</u>	<u>\$3.56</u>	<u>\$9.20</u>	<u>165.2</u>
<u>Multi-family - Mass Meter</u>	<u>0126</u>	<u>\$3.56</u>	<u>\$9.20</u>	<u>11.2</u>
<u>Non-profit Club</u>	<u>0201</u>	<u>\$2.82</u>	<u>\$9.20</u>	<u>30.4</u>
<u>Office Building</u>	<u>0202</u>	<u>\$2.82</u>	<u>\$9.20</u>	<u>14.3</u>
<u>Hotel w/out Restaurant</u>	<u>0203</u>	<u>\$3.26</u>	<u>\$9.20</u>	<u>101.1</u>
<u>Retail / Wholesale</u>	<u>0204</u>	<u>\$2.92</u>	<u>\$9.20</u>	<u>22.2</u>
<u>Warehouse</u>	<u>0205</u>	<u>\$2.92</u>	<u>\$9.20</u>	<u>15.3</u>
<u>Light Manufacturing</u>	<u>0206</u>	<u>\$2.92</u>	<u>\$9.20</u>	<u>42.7</u>
<u>Service Business</u>	<u>0207</u>	<u>\$3.26</u>	<u>\$9.20</u>	<u>12.6</u>
<u>Bar w/out Restaurant</u>	<u>0208</u>	<u>\$3.59</u>	<u>\$9.20</u>	<u>23.7</u>
<u>Car Wash</u>	<u>0209</u>	<u>\$2.39</u>	<u>\$9.20</u>	<u>79.0</u>

<u>Laundromat</u>	<u>0210</u>	<u>\$2.92</u>	<u>\$9.20</u>	<u>190.7</u>
<u>Repair Shop</u>	<u>0211</u>	<u>\$3.55</u>	<u>\$9.20</u>	<u>11.3</u>
<u>Gas Station - Full Service</u>	<u>0212</u>	<u>\$3.55</u>	<u>\$9.20</u>	<u>10.4</u>
<u>Hotel with Restaurant</u>	<u>0301</u>	<u>\$6.46</u>	<u>\$9.20</u>	<u>157.3</u>
<u>Market – Incl. Meat/Produce</u>	<u>0302</u>	<u>\$6.98</u>	<u>\$9.20</u>	<u>150.1</u>
<u>Restaurant</u>	<u>0303</u>	<u>\$7.03</u>	<u>\$9.20</u>	<u>58.0</u>
<u>Bakeries</u>	<u>0304</u>	<u>\$7.03</u>	<u>\$9.20</u>	<u>29.8</u>
<u>Food Manufacturing</u>	<u>0305</u>	<u>\$7.03</u>	<u>\$9.20</u>	<u>67.4</u>
<u>Mortuaries</u>	<u>0306</u>	<u>\$6.98</u>	<u>\$9.20</u>	<u>33.7</u>
<u>Auto Steam Cleaning</u>	<u>0307</u>	<u>\$10.50</u>	<u>\$9.20</u>	<u>117.0</u>
<u>Shopping Center</u>	<u>0308</u>	<u>\$7.03</u>	<u>\$9.20</u>	<u>69.7</u>
<u>Hospital</u>	<u>0401</u>	<u>\$3.00</u>	<u>\$9.20</u>	<u>573.5</u>
<u>Convalescent Home</u>	<u>0402</u>	<u>\$3.00</u>	<u>\$9.20</u>	<u>202.6</u>
<u>Laboratories</u>	<u>0403</u>	<u>\$3.00</u>	<u>\$9.20</u>	<u>51.0</u>
<u>Clinics</u>	<u>0404</u>	<u>\$3.00</u>	<u>\$9.20</u>	<u>38.5</u>
<u>Dentists</u>	<u>0405</u>	<u>\$3.00</u>	<u>\$9.20</u>	<u>17.1</u>
<u>Veterinarians</u>	<u>0406</u>	<u>\$3.00</u>	<u>\$9.20</u>	<u>17.6</u>
<u>Schools *</u>	<u>0501</u>	<u>\$2.82</u>	<u>\$9.20</u>	<u>88.4</u>
<u>Churches</u>	<u>0502</u>	<u>\$2.82</u>	<u>\$9.20</u>	<u>15.0</u>
<u>Governmental</u>	<u>0503</u>	<u>\$2.82</u>	<u>\$9.20</u>	<u>31.9</u>
<u>Child Care Centers</u>	<u>0504</u>	<u>\$2.82</u>	<u>\$9.20</u>	<u>24.6</u>
<u>Duplex - individual meter</u>	<u>0103</u>	<u>\$3.56</u>	<u>\$9.20</u>	<u>4.9</u>
<u>Townhouse - individual meter</u>	<u>0107</u>	<u>\$3.56</u>	<u>\$9.20</u>	<u>4.4</u>
<u>Residential Clubhouse</u>	<u>0108</u>	<u>\$3.56</u>	<u>\$9.20</u>	<u>63.7</u>
<u>Condominium - individual meter</u>	<u>0112</u>	<u>\$3.56</u>	<u>\$9.20</u>	<u>4.7</u>
<u>Mobile Home - individual meter</u>	<u>0117</u>	<u>\$3.56</u>	<u>\$9.20</u>	<u>5.1</u>
<u>Gas Station - Self Service</u>	<u>0213</u>	<u>\$2.92</u>	<u>\$9.20</u>	<u>7.7</u>
<u>Gas Station w/Conv Mart</u>	<u>0214</u>	<u>\$2.92</u>	<u>\$9.20</u>	<u>29.0</u>
<u>Convenience Market</u>	<u>0309</u>	<u>\$2.92</u>	<u>\$9.20</u>	<u>15.5</u>
<u>Convenience Mkt w/Restaurant</u>	<u>0310</u>	<u>\$7.03</u>	<u>\$9.20</u>	<u>17.0</u>
<u>M.F. 100/400 - S.F. 200</u>	<u>2126</u>	<u>\$3.56</u>	<u>\$9.20</u>	<u>45.0</u>
<u>Restaurant – Takeout</u>	<u>0311</u>	<u>\$3.59</u>	<u>\$9.20</u>	<u>23.8</u>
<u>Apartment &lt; 10 units</u>	<u>0121</u>	<u>\$3.56</u>	<u>\$9.20</u>	<u>23.3</u>
<u>Arena/Stadium</u>	<u>600</u>	<u>\$7.03</u>	<u>\$9.20</u>	<u>290.7</u>
<u>Single-Family – Outside city</u>	<u>8101</u>	<u>\$4.63</u>	<u>\$11.96</u>	<u>6.6</u>
<u>Mobile Home Mass Mtr-Outside city</u>	<u>8116</u>	<u>\$4.63</u>	<u>\$11.96</u>	<u>409.6</u>
<u>Apartment =&gt; 10 Units – Outside city</u>	<u>8121</u>	<u>\$4.63</u>	<u>\$11.96</u>	<u>39.0</u>
<u>Office Building – Outside city</u>	<u>-</u>	<u>\$3.67</u>	<u>\$11.96</u>	<u>0.0</u>
<u>Apartment &lt; 10 Units – Outside city</u>	<u>8121</u>	<u>\$4.63</u>	<u>\$11.96</u>	<u>19.1</u>

The sewer volume charge is calculated based on the customer's winter water consumption less a percentage for non-sewage use.

### **Flood Irrigation Service (Section 33-58) Effective July 1, 2016**

<b><u>DESCRIPTION</u></b>	<b><u>Effective on July 1, 2016</u></b>	<b><u>Effective on April 1, 2017</u></b>
<u>1.00 Lot - Seven Months</u>	<u>\$25.84</u>	<u>\$27.43</u>
<u>1.25 Lot - Seven Months</u>	<u>\$29.72</u>	<u>\$31.54</u>
<u>1.50 Lot - Seven Months</u>	<u>\$33.60</u>	<u>\$35.66</u>
<u>1.75 Lot - Seven Months</u>	<u>\$37.47</u>	<u>\$39.76</u>
<u>2.00 Lot - Seven Months</u>	<u>\$41.34</u>	<u>\$43.88</u>
<u>2.25 Lot - Seven Months</u>	<u>\$45.23</u>	<u>\$48.00</u>
<u>2.50 Lot - Seven Months</u>	<u>\$49.10</u>	<u>\$52.11</u>
<u>2.75 Lot - Seven Months</u>	<u>\$52.98</u>	<u>\$56.22</u>
<u>3.00 Lot - Seven Months</u>	<u>\$56.85</u>	<u>\$60.34</u>
<u>1.00 Lot - Twelve Months</u>	<u>\$15.07</u>	<u>\$16.00</u>
<u>1.25 Lot - Twelve Months</u>	<u>\$17.34</u>	<u>\$18.40</u>
<u>1.50 Lot - Twelve Months</u>	<u>\$19.60</u>	<u>\$20.80</u>
<u>1.75 Lot - Twelve Months</u>	<u>\$21.86</u>	<u>\$23.20</u>
<u>2.00 Lot - Twelve Months</u>	<u>\$24.12</u>	<u>\$25.60</u>
<u>2.25 Lot - Twelve Months</u>	<u>\$26.38</u>	<u>\$28.00</u>
<u>2.50 Lot - Twelve Months</u>	<u>\$28.64</u>	<u>\$30.40</u>
<u>2.75 Lot - Twelve Months</u>	<u>\$30.90</u>	<u>\$32.80</u>
<u>3.00 Lot - Twelve Months</u>	<u>\$33.16</u>	<u>\$35.20</u>
<u>1.00 Lot - Yearly</u>	<u>\$180.88</u>	<u>\$191.96</u>
<u>1.25 Lot - Yearly</u>	<u>\$208.02</u>	<u>\$220.77</u>
<u>1.50 Lot - Yearly</u>	<u>\$235.16</u>	<u>\$249.56</u>
<u>1.75 Lot - Yearly</u>	<u>\$262.30</u>	<u>\$278.37</u>
<u>2.00 Lot - Yearly</u>	<u>\$289.43</u>	<u>\$307.16</u>
<u>2.25 Lot - Yearly</u>	<u>\$316.55</u>	<u>\$335.95</u>
<u>2.50 Lot - Yearly</u>	<u>\$343.70</u>	<u>\$364.75</u>
<u>2.75 Lot - Yearly</u>	<u>\$370.83</u>	<u>\$393.55</u>
<u>3.00 Lot - Yearly</u>	<u>\$397.97</u>	<u>\$422.35</u>

**Lot code / square feet range**

1.00 / Less than 12,000  
1.25 / 12,001 - 15,000  
1.50 / 15,001 - 18,000  
1.75 / 18,001 - 21,000  
2.00 / 21,001 - 24,000  
2.25 / 24,001 - 27,000  
2.50 / 27,001 - 30,000  
2.75 / 30,001 - 33,000  
3.00 / 33,001 - and larger

Irrigation Customers have the choice of being billed once for the entire year's service, 1/7 of the yearly charge for seven months or 1/12 of the yearly charge for twelve months. Charges will be billed from April through October in Cycles 2 & 3. Customers have the option of being billed on their existing water account or separately under a unique account number.

# **Miscellaneous Customer Services Fees Effective October 1, 2014 <sup>(1)</sup>**

<b><u>General Fees (Section 33-5)</u></b>	<b><u>Fee</u></b>
<u>Establish New Account</u>	<u>\$22.39</u>
<u>Delinquent Collection Fee</u>	<u>\$50.35</u>
<u>Collection Agency Referral</u> <u>See section Chapter 2, Art 1, Sec 2.4</u>	
<u>Insufficient Fund Check</u>	<u>\$26.96</u>
<u>After Hour Reconnect</u>	<u>\$72.76</u>
<u>Door Tag</u>	<u>\$16.81</u>
<u>Broken Meter Lock</u>	<u>\$33.58</u>
<u>Meter Tampering</u>	<u>\$72.76</u>
<u>Unauthorized Use</u>	<u>\$72.76</u>
<u>Disconnect Notice</u>	<u>\$1.12</u>
<u>Miscellaneous Field Visit</u>	<u>\$22.39</u>
<u>Lien Fee</u>	<u>\$21.14</u>
<u>Late Charge (On Past Due Balance)</u>	<u>1.50%</u>
<b><u>Meter Test Fees (Section 33-54)</u></b>	
<u>Meter Bench Test - 1" and smaller</u>	<u>\$67.15</u>
<u>Meter Bench Test - 1½" and larger</u>	<u>\$111.91</u>
<u>Meter Field Test - 1½" and larger</u>	<u>\$22.38</u>
<b><u>Deposit Fees (Section 33-4) *</u></b>	
<u>Residential Meter (single family)</u>	<u>\$200.00</u>
<u>Other Property Types – up to 1.5 inch meter</u>	<u>\$250.00</u>
<u>Other Property Types - 2 inch and larger meter</u>	<u>\$300.00</u>
<u>* Final deposit requirement determination is subject to section provisions.</u>	
<b><u>Water Connection Service (Section 33-18)</u></b>	
<u>Meter Size</u>	
<u>0.75 inch</u>	<u>\$120.16</u>
<u>1 inch</u>	<u>\$210.29</u>
<u>1.5 inch</u>	<u>\$480.69</u>
<u>2 inch</u>	<u>\$600.87</u>
<u>3 inch</u>	<u>\$1,802.63</u>
<u>4 inch</u>	<u>\$2,643.87</u>
<u>6 inch</u>	<u>\$4,807.02</u>
<u>8 inch</u>	<u>\$9,183.78</u>
<u>Hydrant Meter Install/Relocate Fee</u>	<u>\$90.13 plus</u> <u>\$1,642.63 deposit</u>
<u>Marker Ball Inspection Fee</u>	<u>\$89.52</u>
<u>1 inch to ¾ inch Fitting Fee</u>	<u>\$57.07</u>
<u>Service Line Relocate Fee up to 13 FT</u>	<u>\$120.98</u>
<u>Water Main Re-Test Fee (for new construction after failing two initial tests)</u>	<u>\$149.53 per riser</u>

**Drought Management Fines (Section 33-85) Effective June 4, 2004**

<b><u>Prohibited Water Use Fines</u></b>	
Stage Three Drought Declaration	\$75.00
Stage Four Drought Emergency	\$100.00

**Industrial User and Pretreatment Fees Effective October 1, 2014 <sup>(1)</sup>**

<b><u>Temporary Permit or Manhole Entry Permit (Section 33-216(a))</u></b>	
Maintenance fee to defray costs of permitting and inspections. Per each issuance.	\$89.52
<b><u>Annual Permit Maintenance Fee (Section 33-232)</u></b>	
Annual maintenance to help defray the costs of monitoring, inspections, enforcement actions and preparation of reports.	\$1,141.66
<b><u>Non-Significant Industrial User 'B Level' Permit Application Fee (Section 33-233)</u></b>	
Permit for non-significant industrial users that have the potential to damage the sewer and treatment plant infrastructure.	\$223.84
<b><u>Non-Significant Industrial User 'B Level' Permit Annual Maintenance Fee (Section 33-233)</u></b>	
Annual maintenance fee to defray the costs of monitoring, inspections, and enforcement actions of non-significant industrial users.	\$179.07
<b><u>Grease Interceptor Re-Inspection Fee (Section 33-238)</u></b>	
Fee for inspection of grease interceptor for restaurants and businesses that are required to maintain grease interceptors after two failed inspections.	\$120.16 per visit
<b><u>Grease Bearing Waste Discharger Fee (Section 33-238)</u></b>	
Annual maintenance fee for compliance inspections of restaurants and others that are required to maintain grease interceptors to prevent entry of oil and grease into the sewer system and to minimize odor complaints.	\$179.07

**Administrative Fee (Section 33-284) Effective April 22, 1986**

Developer - percentage of allocated reimbursable costs	5.0%
Subsequent user - percentage of allocated reimbursement costs	5.0%

<sup>(1)</sup> These fees were formerly listed in Appendix B – Community Development Fee Schedule. They have been consolidated in this Appendix 1 with the Water and Sewer rate schedules and other related fees.