

ORDINANCE NUMBER 605

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF COTTONWOOD, YAVAPAI COUNTY, ARIZONA, AMENDING THE COTTONWOOD CITY CODE BY REPEALING *THE 1990 SEWER POLICY OF THE CITY OF COTTONWOOD, ARIZONA*, AS AMENDED; BY REPEALING CHAPTER 13.12 OF THE COTTONWOOD CITY CODE; AND BY ADOPTING TITLE 14 OF THE COTTONWOOD CITY CODE ENTITLED *CITY UTILITIES*.

WHEREAS, the City Council approved Ordinance No. 246 on May 19, 1990 adopting by reference a document entitled *1990 Sewer Policy of the City of Cottonwood, Arizona*;

WHEREAS, the *1990 Sewer Policy* was declared to be a public record by Resolution Number 1173, which Resolution also provided that three copies of the *Sewer Policy* were to remain on file with the City Clerk from and after that date;

WHEREAS, the *1990 Sewer Policy* became effective on May 21, 1990;

WHEREAS, the *1990 Sewer Policy* was made part of the City of Cottonwood City Code in Title 13, entitled *Public Services*, by the addition of Chapter 13.12 which adopted the *Policy* by reference;

WHEREAS, the *1990 Sewer Policy* has been amended several times and was substantially revised on April 22, 2010; and

WHEREAS, the City Council finds it necessary, appropriate, and in furtherance of the public health and safety to repeal the *1990 Sewer Policy of the City of Cottonwood, Arizona*," as amended, and Chapter 13.12 of the Cottonwood City Code; and

WHEREAS, the City Council furthermore finds it necessary, appropriate, and in furtherance of the public health and safety to approve and adopt the document entitled *City Utilities* to combine all of the City's water and sewer regulations within a single Title of the City Code.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF COTTONWOOD, YAVAPAI COUNTY, ARIZONA, AS FOLLOWS:

Section 1. That the 1990 Sewer Policy of the City of Cottonwood, Arizona, as amended, is hereby repealed.

Section 2. That Chapter 13.12 of the Cottonwood City Code, entitled *Sewer Policy*, is hereby repealed.

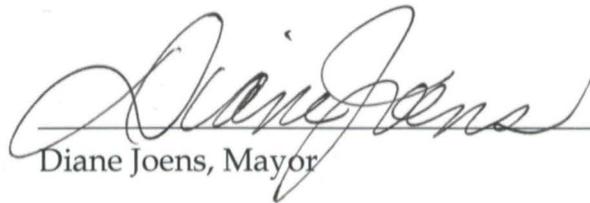
Section 3. That the document entitled *City Utilities* is hereby approved and adopted in its entirety as if fully set forth in this Ordinance.

Section 4. That the document entitled *City Utilities* hereby is declared to be a public record and three copies shall remain on file with the City Clerk from and after this date;

Section 5. That the document entitled *City Utilities* shall be codified at Title 14 of the City of Cottonwood City Code.

Section 6. That if any section, subsection, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions hereof.

PASSED AND ADOPTED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR OF THE CITY OF COTTONWOOD, YAVAPAI COUNTY, ARIZONA, THIS 6TH DAY OF MAY 2014.



Diane Joens, Mayor

APPROVED AS TO FORM:

ATTEST:



Steven B. Horton, Esq.
City Attorney



Marianne Jiménez, City Clerk

Title 14 CITY UTILITIES

Chapters

- Chapter 14.01 – MUNICIPAL WATER AND WASTE WATER UTILITY; AUTHORITY
- Chapter 14.02 – DEFINITIONS
- Chapter 14.03 – CONDITIONS FOR SERVICE -- WATER
- Chapter 14.04 – CONDITIONS FOR SERVICE -- SEWER
- Chapter 14.05 – CONTRACT FOR WATER OR WATER AND SEWER SERVICE
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- Chapter 14.07 – CONNECTION TO MUNICIPAL SEWER SYSTEM
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- Chapter 14.09 – CUSTOMER RESPONSIBILITIES
- Chapter 14.10 – WATER AND RECLAIMED WATER RATES
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- Chapter 14.15 – TERMINATION OF UTILITY SERVICE
- Chapter 14.16 – DISPUTED BILLS; ADJUSTMENTS
- Chapter 14.17 – EXTENSIONS; DESIGN AND CONSTRUCTION
- Chapter 14.18 – EXTENSION AND REIMBURSEMENT AGREEMENTS
- Chapter 14.19 – DROUGHT AND WATER SHORTAGE PREPAREDNESS PLAN

Chapter 14.01 – MUNICIPAL WATER AND WASTE WATER UTILITY; AUTHORITY

Sections:

- 14.01.010 City of Cottonwood authorized to supply potable water service
- 14.01.020 City of Cottonwood authorized to provide sanitary sewer service
- 14.01.030 Authority of the City Council
- 14.01.040 Utility Department Administrative Manager – Authority
- 14.01.050 1990 Sewer Policy Superseded and Repealed

14.01.010 City of Cottonwood authorized to supply potable water service

The City of Cottonwood is authorized to supply potable water in accordance with the Arizona Revised Statutes and other applicable federal and state laws. The City may adopt ordinances and rules not in conflict with applicable provisions of federal or state law.

14.01.020 City of Cottonwood authorized to provide sewer services

The City of Cottonwood is authorized to provide sanitary sewer services in accordance with the Arizona Revised Statutes. The City may adopt ordinances and rules not in conflict with applicable provisions of federal or state law.

14.01.030 Authority of the City Council

Charges levied, pursuant to this Title shall be collected by the City. The City Council shall make such rules and regulations as may be deemed necessary for the safe, economical, and efficient management and protection of the City's water and sanitary sewage systems; for the construction and use of the water and sewer infrastructure; and for the regulation, collection, rebating, and refunding of such charges. Further, the City shall have the authority to deny or condition new requests for water or sewer service. The City shall also have the authority to access the property of any Customer of the water or sewer system at any reasonable hour for the purpose of inspection, repair, notification or determination of the quantity or quality of discharges by that Customer to the sanitary sewage system.

14.01.040 Utility Department Manager – Authority

The Utility Department Administrative Manager, or Operations Manager, shall have full charge over and direction of the water and waste water system of the City and all improvements, extensions, and equipment pertaining thereto, and shall have charge and supervision over all City employees assigned to the work thereon.

14.01.050 1990 Sewer Policy Superseded and Repealed

The 1990 Sewer Policy for the City of Cottonwood, Arizona, as amended, is hereby repealed and superseded by this Title 14.

Chapter 14.02 – DEFINITIONS

In this Chapter, unless the context otherwise requires, the following meanings apply:

Account: The individual identification of a property being served water, or water and sewer service(s) by the City.

ADEQ: The Arizona Department of Environmental Quality.

Approved: Reviewed by the appropriate department at the City in accordance with all applicable local, state and federal regulations and deemed to be in conformance therewith.

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

Backflow preventer: An approved assembly or means designed to prevent the reversal of the normal flow of water caused by either backpressure or back siphonage.

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

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

Building sewer: The extension from the building drain to the building connection.

City: The City of Cottonwood, Arizona.

Commercial Customer: A Customer of the sanitary sewer system that discharges solely domestic type sewage from premises which are engaged primarily in commercial purposes, including but not limited to shopping centers, stores, offices and office buildings, churches, institutions, hotels and motels.

Consumer/Customer: The individual, partnership, business, or corporation in whose name the Contract for water or water/sewer service is made. When a security deposit and/or a Contract is made, the person or legal entity, in whose name such deposit and/or contract is made, shall be responsible for all transactions in regards to receiving water or water/sewer

services from the City. Consumer or Customer may be used in this Title and shall have the same meaning as Consumer/Customer.

Contract: The written agreement between the City and a Customer whereby the City agrees to provide water or water and sewer service to a property or premises designated by the Customer, and the Customer agrees to timely pay all charges, fees, fines, and penalties that may be charged by the City under the Contract and to fully comply with all regulations and requirements imposed under this Title 14.

Contractor: The individual, partnership, business or corporation who is a licensed contractor in the State of Arizona in the appropriate area to perform work on water facilities and/or wastewater facilities.

Cross-connection: Any unprotected actual or potential connection or other arrangement of piping or fixtures between a piping system containing potable water and a piping system containing non-potable water, waste fluids, industrial fluids, or any other fluids or substances of questionable safety for human consumption, through which, or because of which, backflow can or may occur into the potable water system.

Customer charge: A charge levied on Customers for the cost of operation, maintenance and capital expenditures.

Customer water supply system: The piping and appurtenances located immediately downstream of the water meter and box on the Customer's property.

Developer: A person who plans and supervises the development of land for commercial or residential use.

Discharge: The disposal of sewage, water, or any liquid into the sewer system, storm drain, or ground surface.

Distribution system line(s): The network of pipeline(s) used to deliver water from the City's facilities to the Customer's water supply system.

Domestic waste: A typical, residential-type waste which normally requires no pre-treatment under the provisions of this Title before discharging into the sanitary sewer system, excluding all commercial, manufacturing, and industrial wastes.

Domestic water: Water that meets all of the criteria of the rules and regulations of the Arizona Department of Health Services, except for certain chemical parameters.

Double check valve assembly: A backflow-prevention assembly that contains two independently acting check valves with tightly closing, resilient-seated shut-off valves on each end of the assembly and properly located, resilient-seated test cocks.

Garbage: Solid wastes from the preparation, cooking, and dispensing of food or from the handling, storage, and sale of produce.

Hearing Officer: A City official or appointee authorized to conduct investigative or administrative hearings on behalf of the City.

Industrial Customer: Any non-governmental Customer of publicly owned treatment works identified in the Standard Industrial Classification (SIC) Manual 1987, Occupational Safety and Health Administration (OSHA), as amended and supplemented under the following divisions:

1. Division A – Agricultural, Forestry, and Fishing
2. Division B – Mining
3. Division D – Manufacturing
4. Division E – Transportation, Communications, Electric, Gas, Sanitary Services

A Customer in the Divisions listed above may be excluded if it is determined that it will produce primarily domestic wastes. The Customer is financially responsible for the sewer Customer fees.

Industrial waste: The liquid, gaseous, or solid wastes produced as a result of any commercial or industrial operation, and which are not exclusively sanitary wastes.

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

Inside City Customers: Those residential, industrial, commercial or non-profit Customers, which lie within the corporate limits of the City.

Institutional Customer: An organization or corporation established for primarily public or non-profit purposes. Examples include, but are not limited to, hospitals, churches, schools, government services, and nursing homes. The Customer is financially responsible to the City for the sewer Customer fees.

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

Main sewer: A sewer, which receives sewage from one or more branch sewers as tributaries.

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

Municipal water system: The network of pipelines and other public water facilities maintained and operated by the City.

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

Normal sewage: Sewage or waste water that (a) has a five day biochemical oxygen demand (BOD) of less than 300 parts per million by weight; and (b) contains less than 350 parts per million by weight of suspended solids.

O&M: Operation and Maintenance costs, including replacement costs, are those costs associated with the routine and normal functions of conducting the affairs of the water and sewer systems, excluding debt service and major capital expenditures for adding capacity. Expenditures for obtaining and installing equipment, accessories, or appurtenances, which are necessary during the service life of the treatment works, to maintain the capacity and performance for which such works were designed and constructed.

Outside City Customers: Those residential, industrial, commercial or institutional Customers which lie outside of the corporate limits of the City.

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

Potable water: Water suitable for drinking, bathing and cooking purposes from both health and aesthetic considerations, and which meets the quality standards prescribed in the U.S. Public Health Service Drinking Water Standards, published in 42 CFR Part 72, and which is approved for drinking purposes by the City of Cottonwood Municipal Water Utility.

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.

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

Reasonable distance: Where the cost of extending to connect to the public sewer system is less than four (4) times the cost of installing an on-site disposal system.

Reclaimed water: Water that has been treated or processed by a wastewater treatment plant or an on-site wastewater treatment facility.

Replacement costs: Expenditures for obtaining and installing equipment, accessories, or appurtenances, which are necessary during the service life of the treatment works to maintain the capacity and performance for which such works were designed and constructed. The term "operation and maintenance" includes replacement cost.

Residential Customer: A Customer of the sanitary sewer system that discharges solely domestic type sewage from a dwelling unit or units, and includes, but is not limited to, persons residing in single-family dwellings, duplexes, triplexes, apartments, condominiums, town houses and mobile homes. The Customer is financially responsible to the City for the sewer Customer fees.

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

Sanitary sewage treatment plant: Any arrangement of devices, facilities and structures used for treating sewage.

Sanitary sewage works: All facilities for collecting pumping, treating and disposing of sewage.

Scavenger waste: Waste which includes but is not limited to waste collected, stored, or transported from or in a septic tank, privy, chemical toilet, cesspool or holding tanks and which is not permitted to be discharged directly into the public sewer.

Service connection: The terminal end of a service line from the City's water system at its point of delivery to the Customer's water supply system. If a meter is installed between the Customer's water supply system and the City's water system, the service connection shall end immediately downstream of the water meter and box. Service connections shall also include a water connection from a fire hydrant and any other temporary or emergency water connections with the City water supply system.

Service line: The water line from the City's water distribution system line to the water meter.

Sewage: Human excrement and gray water (showers, dishwashing, laundry operations, etc.)

Sewer tap: See Building Connection.

Standard Industrial Classification: 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, 1987, Office of Management and Budget, OSHA.

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

Surcharge: A charge over and above normal Customer Charges, which are imposed in order to recover extra costs incurred by the City resulting from the intermittent, occasional discharge of unauthorized or prohibited substances to the sanitary sewer system through negligent act, accident, or any other occurrence.

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

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

US EPA: United States Environmental Protection Agency.

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

Wastewater Division: The City of Cottonwood Utility Division responsible for management and oversight of the City's sanitary sewer system, sanitary sewage treatment and pumping facilities, reclaimed water distribution system and stormwater management practices.

Water Division: The City of Cottonwood Utility Division responsible for overseeing the activities of the municipal potable water system.

Water mains: The City-owned water pipelines connecting to the water system pipelines.

Water tap: The physical connection into a City-owned water main or distribution system line.

Chapter 14.03 – CONDITIONS FOR SERVICE -- WATER

Sections:

- 14.03.010 Water supplied through meter only
- 14.03.020 Waterline frontage requirement
- 14.03.030 Water or water and sewer service area
- 14.03.040 Use of fire hydrants and/or hydrant meters
- 14.03.050 Reclaimed water
- 14.03.060 Use of potable water for construction purposes

14.03.010 Water supplied through meter only

Whenever a service is installed connecting any property or water using equipment with the potable water supply system of the City, the water will be supplied to such property or equipment through meter only, except for commercial and multi-residential sprinkler-type fire suppression systems that require an approved backflow preventer. There shall be no potable connections to the sprinkler system.

14.03.020 Waterline frontage requirement

Each parcel or lot where water or water and sewer service is desired must have an adequately sized, City-owned water system line extending the full property frontage along at least one (1) side of the parcel before it is eligible for service, unless otherwise approved by the Utility Department. The Utility Department shall determine adequately sized water system line.

14.03.030 Water and sewer service areas

City of Cottonwood Utility Department Water Division serves Customers inside the city limits, Verde Santa Fe, Verde Village Units 1-8 and other areas in Yavapai County to which the City Council has authorized extending water service. The Wastewater Department primarily serves properties within or contiguous to the city limits.

14.03.040 Use of fire hydrants and/or fire hydrant meters

Only authorized City, Contracted Operator, and Fire Department personnel may operate fire hydrants.

14.03.050 Reclaimed Water

Sale of non-potable reclaimed water from a city fill station for construction, irrigation, or any purpose for which it is legal is administered through the Utility Billing office utilizing a prepaid account and PIN based system. Reclaimed water is available at the reclaimed water stand pipe located at the Wastewater Treatment Plant (WWTP), 1480 W. Mingus Avenue. It is the Customer's responsibility to know and understand the regulations regarding the use of reclaimed water.

14.03.060 Use of potable water for construction purposes

The use of potable water for construction purposes, dust control or other uses where reclaimed water is a viable option is prohibited.

Chapter 14.04 – CONDITIONS FOR SERVICE -- SEWER

Sections:

- 14.04.010 Approved sewer or septic system required
- 14.04.020 Sanitary sewers – design, construction, and inspections
- 14.04.030 Grease, oil, and sand interceptor requirements
- 14.04.040 Industrial waste discharge permit
- 14.04.050 Easement and right-of-way dedication and restrictions

14.04.010 Approved sewer or septic system required

The Customer shall obtain and maintain a connection to an approved sewer or septic system prior to being provided potable water. All properties that are connected to, or are capable of connection to, the City's wastewater collection and treatment system are subject to the sewer Customer fees established by the City Council.

14.04.020 Sanitary sewers -- design, construction, and inspection

- A. The City shall have the authority to approve the design, issue permits, and conduct inspections for sewer facilities that are to be connected to the City's sanitary sewer system.
- B. The design and construction of all sanitary sewers under the jurisdiction of the City must conform to the standard sewer design and construction specifications as adopted by the City from time to time and the Arizona State Health Services Bulletin #11.
- C. All sewers to be attached directly or indirectly to a City sewer shall be inspected by City personnel during construction. No physical alteration of the City's facilities shall commence until an inspector is present. No wastewater shall be discharged into any sewage facility prior to obtaining City inspections and approval of construction.
- D. Following satisfactory completion of construction, the City will issue a construction inspection certificate upon request.
- E. All subdivisions and developments, including single and multiple family dwellings approved after July 1, 1990, whose property is contiguous to an existing sewer main line, shall provide extensions and connections to the Cottonwood sanitary sewer system at their expense.

- F. All new subdivisions and developments, which are not within a reasonable distance from the existing collection system as determined by the City, shall construct a sanitary sewer collection system for their properties and their development, ready to be utilized when the central collection system comes within close proximity to effect connection.

14.04.030 Grease, oil, and sand interceptor requirements

Grease, oil, and sand interceptors shall be provided when, in the opinion of the City, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts or any flammable wastes, sand, or other harmful ingredients; except that such interceptors shall not be required for a building used for only residential purposes. All interceptors shall be of a type and capacity approved by the City, and shall be so located as to be readily and easily accessible for cleaning and inspection. All grease, oil, and sand interceptors shall be maintained by the owner at their expense, in continuously efficient operation at all times.

14.04.040 Industrial wastewater discharge permit

Any permit granted by the City to an Industrial Customer granting the right to discharge to the sewer works shall be subject to the terms and conditions set forth in the permit. Surcharges will be imposed on those Customers that discharge higher than normal strength wastewater.

14.04.050 Easement and right-of-way dedication and restrictions

- A. A Customer requesting establishment of new water or water and sewer service shall grant or convey or shall cause to be granted or conveyed to the City a permanent easement and/or right-of-way across any property owned or controlled by the Customer wherever the City determines an easement and/or right-of-way is necessary to enable the City to provide water or sanitary sewer service to the Customer.
- B. A Customer shall not erect any permanent structure around, across or on the easement or right-of-way of any Utility Department infrastructure without the prior approval of the City. If such structures impede or prevent access to utility lines, pipes, valves, manholes or cleanouts in a dedicated right of way, they may be removed by utility crews.
- C. In the event removal of a non-permanent structure, landscaping, or other improvements in a dedicated easement or right-of-way of the City is necessary to maintain, repair, and/or operate the municipal water system, the Customer shall be responsible for removal and replacement of such items, and all costs for such removal and replacement shall be borne by the Customer.

Chapter 14.05 – CONTRACT FOR WATER OR WATER AND SEWER SERVICE

Sections:

- 14.05.010 Contract for services
- 14.05.020 Grounds for rejection of Contract
- 14.05.030 Regulations part of Contract
- 14.05.040 Change of mailing address

14.05.010 Contract for services

- A. New domestic water service to any designated premises or property or any increase in the size of a water service connection shall be initiated by Contracts completed by Customers, or their authorized agents, on forms established from time to time by the Utility Department. The information required at contract and the consequences of providing false information may be set from time to time by regulations adopted by the City Council.
- B. Contracts by Customers who are tenants shall include a copy of the lease/rental agreement signed by the record owner(s) of the designated premises or property or the authorized agent(s) of such owner(s). By placing their name on accounts under a Contract, tenants become responsible to pay all sewer and domestic water rates, fees, charges, and penalties applicable to the designated premises or property. Where the designated premises or property is occupied by multiple tenants, each tenant may apply for separate utility service in their name only if each tenant of the premises or property is individually metered for domestic water use. Any tenant who executes a Contract shall be the “Customer” for all purposes under this Title.
- C. Potable water or water and sanitary sewer service shall not be furnished to any property until the Contract is completed and approved, and all charges of any nature due and payable to the City under any City ordinance shall have been paid. This includes any deposits that may apply.
- D. Any delinquent amounts owed on an existing or prior account must be paid when the Customer applies to open another service account. Failure to pay the delinquent amount owing on a prior account or accounts constitutes grounds for the City to refuse new service.
- E. The required security deposit will be reviewed annually during the month following the anniversary of the deposit date. At this time, if no late fees, penalties, or fines have been charged, the deposit will be refunded as a credit to the account attached to the Contract. Any deposits that remain on an account at its closing shall first be applied to pay any unpaid or delinquent utility service charges, fees, and fines with any remainder being next applied to repay any monetary assistance that the Customer may have received from the City to pay utility service bills. Any remaining funds thereafter will be refunded to the Customer who contracted with the City.

F. A separate deposit shall be required for each new account. The Department may waive the security deposit if certain conditions are met:

1. The Customer has an existing open account showing no late fees or charges in the past twelve (12) consecutive months; or
2. The Customer has closed an account within the prior six (6) months with no late fees or charges for the prior twelve (12) months on the account.

Waiver of security deposits shall be at the discretion of the Utility Department.

14.05.020 Grounds for rejection of Contract

The City may reject any Contract for utility service for any good and sufficient reason including, but not limited to, the following: service not available under a standard rate; service which involves excessive service expense; service which may affect the service to other Customers; and/or service when the applicant is delinquent in payment of bills incurred for service previously supplied at any other location.

14.05.030 Regulations part of Contract

All regulations contained in this Title shall be considered a part of the Contract of every person accepting utility services from the City, and such person accepting such service shall be considered as having expressly consented to be bound thereby.

14.05.040 Change of mailing address

A Customer shall notify the City of any change in mailing address, occupancy, or ownership within fifteen (15) days after such change occurs. Failure to contact the City may result in penalties or late charges that shall be the responsibility of the Customer.

Chapter 14.06 – CONNECTION TAP AND WATER METER INSTALLATION

Sections:

- 14.06.010 Connection to City municipal water system
- 14.06.020 Minimum water meter size for residential sprinkler system
- 14.06.030 City furnished water and sewer service lines, meter, and box
- 14.06.040 Relocation of water meter
- 14.06.050 Actual costs to perform services

14.06.010 Connection to City municipal water system

Tapping into the City water system is the responsibility of the Customer when water or water and sewer service to the designated property or premises does not already exist. However, the Utility Department reserves the right to contract with a properly licensed contractor in the State of Arizona to provide water tapping services. The cost for such service will be the Customer's responsibility. The City requires a separate water or water and sewer service line and water meter to each residence/building.

14.06.020 Minimum water meter size for residential sprinkler system

A Customer required to install a one (1) inch water meter solely to service a City mandated residential fire sprinkler system shall be charged a five-eighth inch (5/8") meter set and impact fee if applicable. The Development Services Department of the City shall review and approve the required water meter size.

14.06.030 City furnished water service line, meter, and box

Upon approval of permits, plans and verified payment of all applicable fees, the City shall provide an appropriately sized water meter, meter box and service line from the water main to the meter. Connections beyond the water meter are the Customer's responsibility. The service line, meter and meter box up to the Customer's connection point are City property. The City will provide one service to each platted lot. Costs associated with additional water services for split non-platted lots are the Customer's responsibility.

14.06.040 Relocation of service line/water meter

In the event the Customer requests to relocate the water or water and sanitary sewer service line(s) and/or water meter to the property, he shall submit plans for the proposed relocation to the City for review. The City shall have sole discretion on whether to approve the proposed relocation. This work shall be performed only by a properly licensed Contractor. If approved, the Customer shall notify the City of the proposed work at least 48 business hours prior to commencement and shall be responsible for all charges.

14.06.050 Actual costs to perform services

Notwithstanding any of the fees and charges specified in this Title, nothing shall prohibit the City from charging the Customer the actual cost to perform the services requested. In all such cases, the person requesting services shall receive itemized billing for any amounts due above any service charge paid pursuant to this Title.

Chapter 14.07 – CONNECTION TO MUNICIPAL SEWER SYSTEM

Sections:

14.07.010 Application for sewer taps (building connection)

14.07.020 Sewer tap installation

14.07.030 Sewer tap inspection

14.07.010 Application for sewer taps (building connection)

Each person making application for a sewer tap shall present a valid plumbing permit issued by the City Building Official, or his authorized representative, to the Development Services Department as a pre-requisite for the approval of the requested connection. All applications for sewer taps, if completed by the Wastewater Department, shall include the current fee for such work.

14.07.020 Sewer tap installation

The applicant shall be responsible for the excavation to and exposure of the City's sanitary sewer main. Only licensed, bonded and fully insured Contractors shall perform such work. All excavation and trenching shall be in accordance with the latest regulations of the Occupational Safety and Health Administration and applicable City Codes. The Contractor shall notify the Wastewater Department at least 48 business hours in advance of the commencement of the work. City employees are prohibited from entering any excavation or trench not meeting the safety requirement of any applicable City, State or Federal regulations. The sewer tapping operation performed by City forces shall consist of cutting a prescribed opening in the existing sewer pipe and installing a connection saddle. Upon completion of this sewer tap by the City, the Contractor/property owner will be responsible for completing the installation of the building connection to the property line and for backfilling the trench and restoring the ground surface to its original condition or as shown on the approved plans. Street repairs shall be made in accordance with adopted City Standards. A City right of way encroachment permit will be required.

14.07.030 Sewer Tap Inspection

The City shall inspect the construction of building connections and building sewers. Applications for inspection services shall be made 48 hours in advance, and must be accompanied by the current fee for such inspections.

Chapter 14.08 – CITY RESPONSIBILITIES

- A. The City shall not be responsible for the installation, maintenance, and/or inspection of the Customer's water piping and apparatus or for any defects therein.
- B. Under normal conditions, the Customer shall be notified of any anticipated interruption of water or sewer service. The Customer's potable water supply may at any time be shut off from the City's municipal water system due to emergencies or for the purpose of making repairs, extensions or any other necessary work. Notice will be given when reasonably possible. The City shall not be liable for any damages that may occur due to the potable water supply being shut off for any purpose or as a result of the breaking of any pipe or fixture. Water Customers who have any machinery, material, process or plant which requires a constant supply of water shall install upon their premises such water storage facilities as will prevent any damage in case the City's potable water supply may, for any reason, be interrupted or discontinued.
- C. The City shall not be responsible for the negligence of third parties or forces beyond the control of the City resulting in any interruption of service or damage to the property of the Customer.
- D. The Utility Department Administrative or Operations Managers may issue an order to all Customers to boil the potable water prior to human consumption upon verifiable information from the responsible operators in charge that the potable water system does not meet all required water quality standards and there is a potential for serious health risks if the water is consumed prior to boiling.
- E. The City does not warrant nor guarantee its ability to provide continuous or uninterrupted utility service; nor does the City warrant or guarantee any particular level of utility service. If utility service is interrupted, discontinued, irregular or defective or fails from causes beyond the City's control or due to the ordinary negligence of its employees, servants or agents, the City shall not be liable for damages, claims or losses arising therefrom.

Chapter 14.09 – CUSTOMER RESPONSIBILITIES

- A. Each Customer shall be responsible for the following:
1. Maintaining all facilities on the Customer's side of the point of connection in a safe and efficient manner and in accordance with all applicable Federal, State, and local rules and regulations. The point of connection is the meter for water service and is where the sewer connects to the sanitary sewer collection system for sewer service.
 2. Safeguarding all City utility property installed in or on the Customer's premises for the purpose of providing utility service to that Customer.
 3. Exercising all reasonable care to prevent loss or damage to City utility property, excluding ordinary wear and tear. The Customer shall be responsible for loss of or damage to City utility property on the Customer's premises arising from neglect, carelessness, or misuse and shall reimburse the City for the cost of necessary repairs or replacements.
 4. Payment of any equipment damage resulting from unauthorized breaking of seals, tampering, or bypassing the City water meter.
 5. Notifying the City of any City owned utility equipment failure.
 6. Paying all utility charges and fees when due.
- B. Special provisions relating to water service:
1. Water furnished by the City shall only be used on the Customer's designated premises and shall not be resold to any other person.
 2. During critical water conditions, as determined by the City Manager, based on the advice of the Utility Manager, the Customer shall use water only for those purposes specified by the City.
 3. Failure to comply with this provision shall be sufficient cause for refusal or discontinuance of water utility service by the City.
- C. Special provisions relating to sewer service:
1. Sewer service provided by the City shall only be for the benefit of the Customer's designated premises and shall not be extended to any other property.
 2. Nothing shall be discharged into the sewer collection system which is prohibited by law, may lead to a sanitary sewage overflow, or adversely affect the operation

or maintenance of the collection system. This prohibition includes, but is not limited to, oil, grease, and flammable material.

3. Failure to comply with this provision shall be sufficient cause for refusal or discontinuance of sewer service by the City.
- D. Each Customer shall provide the City and its employees and agents the right of safe ingress and egress to the Customer's designated premises for any purpose reasonably related to the City's provision of utility service to the property.

Chapter 14.010 – WATER AND RECLAIMED WATER RATES

- A. Water rates, fees, and other charges shall be set from time to time by Resolution of the City Council. Current rates and charges are available on the City's website.
- B. The rate charged for reclaimed water shall be a \$12.50 monthly base charge which includes the first 1,000 gallons and \$0.92 per each additional 1,000 gallons used. Small users, those purchasing less than 10,000 gallons per month, may pay by the load at the time of filling, a \$3.00 filling charge which includes the first 1,000 gallons and \$0.92 for each additional 1,000 gallons used. The rate for reclaimed water may be adjusted from time to time by Resolution of the Mayor and City Council.
- C. Customers who sign a Contract with the City for water, reclaimed water, and/or sewer service shall be responsible for all relevant charges. Rates and charges shall be determined by Resolution of the City Council.

Chapter 14.011 – SEWER RATES

- A. Sewer rates, fees, and other charges shall be set from time to time by Resolution of the City Council. Current rates and charges are available on the City's website.
- B. Customers who sign a Contract with the City for water and sewer service shall be responsible for all relevant charges.
- C. For the purposes of determining the monthly sewer use charge and connection charge, each Customer shall be assigned by the City to one of the following classifications based on the principal use of the designated premises or property:
 1. Residential
 2. Multi-residential
 3. Commercial
 4. Industrial

Chapter 14.012 – METERS AND METER READINGS

Sections:

14.012.10	Meter fails to register
14.012.020	Maintenance and testing of water meters
14.012.030	Changing size of meter
14.012.040	Separate meters for landscaping -- residential
14.012.050	Readings from different meters
14.012.060	Afterhours service generally
14.012.070	Actual costs to perform services
14.012.80	Administration and enforcement

14.012.10 Meter fails to register

If a meter fails to register or stops for any cause, the consumer shall pay an amount estimated from the record of the Consumer's previous bills or from other proper data until the meter is repaired or replaced.

14.012.20 Maintenance and testing of water meters

Except as otherwise provided in this Title, the Customer shall maintain all water lines and connections within its property. The water meter shall remain the property of the City. All water meters, except in cases where they are willfully damaged by the Customer, shall be maintained and repaired by the City at its expense.

The Customer may request the meter be removed and subjected to a shop test. If the shop test indicates that the meter is recording usage at or below American Water Works Association standards, the Customer shall pay the costs associated with the testing of the water meter including any shipping charges if applicable and shall immediately pay any outstanding water bills associated with the meter that was tested.

14.012.30 Changing size of meter

- A. Approval of the Utility Department is required prior to changing the size of a water meter and/or water or water and sanitary sewer service line serving an existing account. Application shall be made to the City, on a form provided by the City, by the owner of the premises where the change in water meter size and/or water or water and sanitary sewer service line is desired.
- B. After review and approval of the application from the Utility Department, and payment of applicable fees, including impact fees if applicable and charges for the appropriate size meter, a new meter and water or water and sanitary sewer service line may be installed in accordance with the procedures described elsewhere in this Title.

14.012.04 Separate meters for landscaping - residential

The City will provide one (1) water meter per residential property structure. If the Customer chooses to separately meter their landscaping, the landscape meter will be considered private and will be located behind the City water meter on the Customer's side. Installation of an appropriate back flow device is required between the Customer's meter and the City's service connection. The City will only read the City water meter.

14.012.05 Readings from different meters

Readings from different meters, except for compound meters, shall not be combined for billings, irrespective of the fact that the meters may be for the same premises, for the same or different Customers, or for the same or different services.

14.012.06 Afterhours service generally

Customers requesting service after normal business hours to connect or reconnect water shall be charged the applicable fees as may be set from time to time by Resolution of the City Council. The fee is in addition to any other charges currently due and payable. Payments for restoration of service for non-payment disconnections shall be made during regular business hours at the Utility Department office only.

14.012.07 Actual Costs to Perform Services

Notwithstanding any of the fees and/or charges as specified in this Section, nothing shall prohibit the City from charging the Customer or potential Customer, the actual cost to perform the services requested. In all such cases, the Customer requesting services shall receive an itemized billing for any amounts due above any service charge or fee paid pursuant to this Section.

14.012.08 Administration and Enforcement

- A. Duly authorized agents of the City are hereby authorized to carry out periodic inspections or re-inspections of facilities, equipment, property, and records as may be deemed necessary to determine compliance with this Title.
- B. Any person, firm or corporation violating any provision of this Title, except those provisions covering rates, fees, other charges, delinquent bills, tampering with a public water system (which may be considered a felony), and as set forth in the Drought & Water Shortage Preparedness Plan, shall be deemed guilty of a misdemeanor or felony, and upon conviction thereof shall be punished as provided in the City Code or State law. Each and every day any such violation continues shall be deemed and considered a separate offense. Any person, firm, or corporation violating any provisions of this Title shall become liable to the City for any expense, loss or damage occasioned by the City by reason of such violation.

- C. The penalties set forth above shall be cumulative and nonexclusive. In addition to those penalties set forth herein, the City may institute any other remedies available, including, but not limited to, a civil action or lien on the property to recover any and all monies due the City.

Chapter 14.013 – BILLING PROCEDURES AND PAYMENT

Sections:

- 14.013.010 Commencement of billing; monthly issuance
- 14.013.020 Combined billing
- 14.013.030 Contents of billing statements
- 14.013.040 Responsible party
- 14.013.050 Payment of bills

14.013.010 Commencement of billing; monthly issuance

- A. The City shall commence charging for water or water and sewer service when the water meter has been installed and the sanitary sewer connection has been completed, regardless of whether a Certificate of Occupancy has been issued or the Customer has begun to actually use the utility service.
- B. Customers shall be charged for utility services on a monthly or pro-rated basis, at rates designed to recover the cost to secure, develop, and deliver utility services, and all capital, operational, and maintenance costs associated with or attributable to providing utility services, plus applicable state and local taxes.
- C. All charges and fees shall be established by a fee schedule adopted by resolution of the City Council and amended from time to time.

14.013.020 Combined billing

Whenever possible, the City shall issue combined monthly billing statements for water or water and sewer utility services provided to Customers. Each Customer shall be responsible for paying for both charges each month as provided in this Chapter.

14.013.030 Contents of billing statements

Each bill for utility service shall contain the following minimum information:

1. Bill date.
2. Date and meter reading or estimate at the start of the billing period.
3. The previous month's meter reading.
4. Water volume used during the billing period.

5. Utility department's telephone number.
6. Customer's name and address.
7. Service account number and service address.
8. Account type: Residential, Multi-residential, Commercial, Industrial
9. Amount due for sanitary sewer service.
10. Amount due for water service.
11. Past due amount (if any).
12. Other applicable charges and taxes.
13. Total amount due.
14. Due date for payment.

14.013.040 Responsible party

- A. The Customer or contracting party of record, as indicated in the Utility Department's records, shall be personally responsible for paying all charges for the provision of utility services to the designated property or premises, regardless of whether the Customer or contracting party of record has actually used utility services delivered and provided to the property.
- B. Every charge or fee levied by the City for utility services shall become, from and after the time it is due and payable, a personal debt of the Customer and may be collected by a lien or civil action instituted in the name of the City, upon the request of the City Manager. Notwithstanding any other provision of this Title to the contrary, the remedy provided by this section shall be cumulative to and supplement any other remedies provided for in this Title.

14.013.050 Payment of bills

- A. Charges for water or water and sewer service shall be payable monthly to the City Utility Department. The charges will be itemized and totaled on a single bill, and the bill shall be due and payable when rendered.
- B. In the event a water meter is inaccessible or if the meter fails to register correctly, the City may estimate water consumption by use of previous consumption by metered service to the property or premises.
- C. Customers are responsible for furnishing the Department with their correct mailing address. Failure to receive utility bills will not be considered an excuse for nonpayment nor permit an extension of the date when the amount will be considered delinquent.
- D. The City has different billing cycles depending on the location of premises. Each cycle is billed within three (3) days of its cycle date monthly, and is due fifteen (15) days from the billing date. A \$10.00 late fee is applied on the 11th day after the due date if not paid. Thirty (30) days after the due date a .833% per month or 10% per annum late fee will also be added to all account balances in arrears. Any account that is past due sixty (60) days or more will be designated to be turned off for non-payment. At the time an account

is turned off for non-payment, unless a payment plan has been agreed to, all balances, fees, fines, and additional deposit requirements will be due in full prior to the account being reactivated. The City will accept certified funds, cash, or credit card, to reinstate an account and reactivate utility services. Personal checks may be accepted at the Billing Supervisor or Manager's approval. Shut off notices do not have a grace period.

Chapter 14.014 – REMEDIES FOR NON-PAYMENT

Sections:

- 14.014.10 Personal liability of Customer
- 14.014.020 Property lien when Customer also property owner
- 14.014.030 Remedies not exclusive

14.014.10 Personal liability of Customer

The Customer who executes the Contract with the City shall be personally responsible for all charges, fees, fines, and penalties incurred in connection with the provision of such services. The City may pursue collection of any unpaid or delinquent payments from the Customer personally.

14.014.20 Property lien when Customer also property owner

Where the Customer is also the owner of the property or premises receiving utility services from the City, the City may also file a lien on the property for unpaid fees that are at least 90 days delinquent, as provided by the Arizona Revised Statutes. The City may enforce the lien by any method permitted by law. Unpaid fees and charges shall accrue interest at the rate provided by A.R.S. § 44-1201.

14.014.30 Remedies not exclusive

Nothing set forth in this Title shall be interpreted as limiting or restricting the City's ability to avail itself of any and all legal and equitable remedies to collect on delinquent utility service fees under this Title.

Chapter 14.015 – TERMINATION OF UTILITY SERVICE

Sections:

- 14.015.010 Termination by City; written notice
- 14.015.020 Termination by Customer; written notice
- 14.015.030 Termination by City without notice
- 14.015.040 Termination of service to uninhabitable or unsafe properties
- 14.015.050 Resuming utility service

14.015.010 Termination by City; written notice

- A. The City may disconnect utility service to any Customer with notice for any reason, including, but not limited to:
 - 1. Violation of any of the City's policies or procedures;
 - 2. Failure to pay any amounts owed to the City within sixty (60) days of the due date;
 - 3. Failure to meet or maintain the City's credit and deposit requirements;
 - 4. Failure to provide the City reasonable access to its equipment and property;
 - 5. Misrepresentation in any Contract for service, service agreement, or promise to pay (PTP) agreement;
 - 6. Any material breach of a service Contract or Extension Agreement; or
 - 7. When necessary for the City to comply with an order of any court or government agency having jurisdiction.

- B. The City may not terminate utility service to any Customer without providing advance written notice to the Customer of the City's intent to terminate service, except for those conditions listed in this Chapter. The advance written notice shall contain, at a minimum, the following information:
 - 1. The name of the Customer whose service is to be terminated and the address where the service to be terminated is being provided;
 - 2. The reason for termination;
 - 3. The date on or after which service may be terminated; and
 - 4. A statement advising the Customer that the City's stated reason for the termination of service may be disputed by contacting the City, advising the Utility

Administrative Manager of the dispute, and making arrangements to discuss the cause of termination with the Utility Administrative Manager in advance of the scheduled date of termination. The City shall retain the option to terminate service after affording this opportunity for a meeting and concluding that the reason for termination is valid.

- C. The City shall give at least ten (10) business days advance written notice prior to the termination date. The notice shall be considered to be given to the Customer when a copy is left with the Customer or posted first class United States mail, addressed to the Customer at the billing and notice address for the Customer provided in the Contract.
- D. If after the period of time allowed by the notice has elapsed and the delinquent account has not been paid nor arrangements made with the City for the payment thereof, or in the case of a violation of the City's policies and procedures, the Customer has not satisfied the Utility Administrative Manager that such violation has ceased, the City may then terminate service on or after the date specified in the notice without giving further notice.

14.015.020 Termination by Customer

Any Customer, who has entered into a Contract with the City for utility services, desiring to terminate any utility services shall contact a representative of the Department in person, by telephone, or in writing at least five (5) business days in advance of the intended termination date. Responsibility for utility services consumed extends to the date and time when the service has been physically turned off.

14.015.030 Termination by City without notice

Utility service may be terminated by the City without advance written notice under the following conditions:

1. In the event that any loss or damage to the property of the City or any accident or injury to persons or property is caused by or results from the negligent or wrongful act of the Customer, its agents, or its employees;
2. To prevent fraud or abuse;
3. The Customer's willful disregard of or refusal to comply with this Title;
4. Emergency repairs; or
5. Insufficient supply caused by factors outside the control of the City.

14.015.040 Denial of service to uninhabitable or unsafe properties

- A. Upon receipt of written notice from the owner that a structure has been permanently abandoned, or notice from the City Building Department or County Health Officer that a structure has been condemned as uninhabitable or unsanitary and dangerous to human life, potable water shall be immediately turned off, the water meter removed and the service locked in the off position.
- B. A water meter may be reinstalled to the same unit of service and water or water and sewer service may be provided upon the authorization of the City Building Department and County Health Officer that the structure is habitable, and upon compliance with the conditions for service initiation.
- C. Due to extenuating circumstances such as broken or leaking pipes or other causes that in the opinion of the City constitute good cause, the City may refuse to resume any unit of service until such time as those circumstances have been satisfactorily addressed to the satisfaction of the City.

14.015.050 Resuming utility service

Service discontinued for delinquency of bills shall be restored after: (1) all due bills are paid in full; (2) re-deposit is made, if required; and (3) the reconnection charge that may be set from time to time by City Council has been paid. Any exceptions to these conditions of resuming service shall be specified in payment arrangement described in this Title.

Chapter 14.016 – DISPUTED BILLS; ADJUSTMENTS

Sections:

- 14.016.010 Utility bills issued presumed to be correct
- 14.016.020 Testing when bill disputed
- 14.016.030 Adjustment of bills for meter errors
- 14.016.040 Special meter readings
- 14.016.050 Payment not suspended when bill disputed

14.016.010 Utility bills presumed to be correct

All utility bills tendered by the City are presumed to be correct. Whenever the correctness of any bill for utility service is questioned, the Department shall cause an investigation to be made, provided the request for the investigation is made before the bill becomes delinquent. Any adjustment shall be authorized by the Utility Administrative Manager or his authorized designee when shown to be proper.

14.016.020 Testing when bill disputed

When the accuracy of a water meter is in question, the Department, upon request by the Customer, shall cause an official test to be made in accordance with procedures set forth in this Title.

14.016.030 Adjustment of bills for meter errors

When, as a result of any test, a meter is found to be more than two percent (2%) fast, the City will render a corrected bill for the period during which the meter was in use, not exceeding six months, unless it can be shown that the error occurred on a date which can be fixed, in which case, the overcharge will be corrected to that date.

14.016.040 Special meter readings

The Department will make special meter readings at the request of a Customer for a fee as adopted by resolution of the City Council which may be amended from time to time; however, if such special reading discloses that the meter reading was in error, no charge will be made.

14.016.050 Payment not suspended when bill disputed

- A. Disputing a bill or contacting the City regarding a bill shall not relieve the Customer of the obligation to make a timely payment as required by Chapter 14.013, or preclude the City from terminating utility service or taking any other action permitted by this Title or otherwise. The Customer shall continue paying the monthly utility bill while the utility bill until the dispute has been fully resolved.
- B. The City shall not be responsible for any dispute, including the termination of utility service, between landlords/tenants or owners/renters regarding unpaid charges, fees, or fines.

Chapter 14.017 – EXTENSIONS; DESIGN AND CONSTRUCTION

Sections:

- 14.017.010 Standards
- 14.017.020 Approval of water system for new development
- 14.017.030 Coordination with City Fire Department
- 14.017.040 Extension of water lines
- 14.017.050 Oversizing of water lines/system
- 14.017.060 Dedication of right-of-way or easement
- 14.017.070 Private water systems

14.017.010 Standards

All design and construction of facilities for the transmission, distribution, supply, and storage of domestic and potable water systems shall meet the Maricopa Association of Governments (MAG) Standards 2013 edition, ADEQ Engineering Bulletin 10 Guidelines for the Construction of Water Systems, Engineering Bulletin 8 Disinfection of Water Systems, and all other applicable City of Cottonwood, ADEQ and Federal regulations.

14.017.020 Approval of water system improvements for new development

- A. Before design and construction of any public water system improvements, the applicant shall have received an approved letter of water and/or sewer service availability from the Municipal Utility Department Administrative or Operations Manager.
- B. The City shall review and approve the design, engineering, and construction of all potable water and sanitary sewer system(s) improvements provided for under this Article in addition to any other required agency approvals.
- C. If applicable, ADEQ shall review and approve all eligible potable and domestic water system improvement plans of the City in accordance with Arizona Administrative Code, Title 18, Article 4. Submittal to ADEQ or its designated representative shall be done after the City has reviewed and approved the water system improvement plans.
- D. The plan review fee shall be \$250 or .25% of the project value, whichever is more, per plan set which will include review of the original submission and up to two revision reviews.

14.017.030 Extension of water lines

- A. Extensions of water lines and other water facilities shall meet the specifications, regulations, and requirements as set forth in this Title, and shall have an approved letter of water or sewer service availability from the Municipal Utility Department Administrative or Operations Manager prior to design and construction.

- B. Each potable water system improvement shall be designed and constructed so that the system may be readily expanded and, where feasible, connected to other City potable water systems to provide multiple sources of supply.

14.017.040 Oversizing of water lines/system

- A. If the City requires that a water line larger than that required by the applicant be installed, the City shall arrange payment for the cost difference between the size the applicant requires and the size the City requires.
- B. If the City pays for oversizing, the City and the applicant/property owner shall enter into an oversizing agreement that shall set forth the proportionate costs to be paid by the City and the applicant/property owner. The City shall have the sole determination on the minimum size of any waterline installed in its water systems.

14.017.050 Dedication of right-of-way or easement

All new public domestic and potable water line extensions or facilities shall be located within a dedicated right-of-way or easement.

14.017.060 Private water systems

- A. Private water systems shall be installed in multi-family residential developments when:
 - 1. The streets are private
 - 2. Dedication of adequately sized water line easement or right-of-way is not possible. (Adequately sized to be determined by Utility Department Administrative or Operations Manager).
- B. Private water lines shall be installed within all commercial or industrial properties.
- C. A private water line/system shall not be installed within a public utility easement except to connect to a public water line/system.
- D. Where a private water line/system connects to the City domestic water system, the connection shall be made with a valve, meter and backflow device between the two systems and located within the public right-of-way. The City will maintain the valve, meter and all public water lines/systems within the public right-of-way or easement.
- E. All proposed private water system improvements shall be reviewed and approved by the Utility Department and other appropriate agencies prior to construction.
- F. The City will allow only one (1) service connection and meter installation for each private water line/system.

- G. The private water line/system shall be installed and maintained at the expense of the individual, partnership, business, or corporation making the application for the private system.

Chapter 14.018 – EXTENSION AND REIMBURSEMENT AGREEMENTS

Sections:

14.018.010	Definitions
14.018.020	General policy
14.018.030	Plan
14.018.040	Extensions
14.018.050	Reimbursement agreements
14.018.060	Line payback charges
14.018.070	Assignment of agreements
14.018.080	Reimbursement for extensions of water system facilities
14.018.090	Payment of administrative costs

14.018.010 Definitions

The following words, terms and phrases, when used in this Chapter, shall have the meanings ascribed herein, except where the context clearly indicates a different meaning:

Actual costs shall include:

1. Reasonable engineering fees required for the preparation of plans and specifications;
2. Construction of the facilities as determined by the construction contract price; and
3. Inspection and permit fees paid to the City

Developer shall be deemed to be the individual, firm, corporation, partnership, association, syndication, trust or other legal entity that is responsible for creating a demand on the City water facilities.

Line payback charge is the amount of money a developer/owner must pay to the City for their share of all costs for water lines benefiting their parcel.

Maximum reimbursement amount is the amount of the total cost for the portion of the lines from which persons other than the developer or owner will be served.

14.018.020 General Policy

There is established a policy and orderly program for extension of the services and facilities of the City's water system to serve and provide for newly developed areas and

subdivisions inside and outside of the City limits for which City water or water and sanitary sewer service is desired and available. This policy also provides for reimbursement agreements with developers or property owners and the collection of line payback charges. The elements of the extension policy and program set forth in this Chapter shall apply to all extensions of the City water system.

14.018.030 Plan

Upon development of any property, area or subdivision within the City water or water and sanitary sewer service area for which City water or water and sanitary sewer service is desired and available, the developer shall:

1. Submit a plan for the water system improvements prepared and stamped by a properly licensed engineer in the State of Arizona in accordance with state licensing requirements;
2. Comply with all applicable City regulations and standards;
3. Obtain approval of the plan from the City; and
4. Obtain all other governmental approvals as may be required.

14.018.040 Extensions and reimbursements

- A. Before a permit is issued for the construction or the extension of any water line or facility to serve a subdivision, platted or unplatted property, the developer/owner desiring such extension and reimbursement shall submit the following:
 1. A diagram of all property that will be benefited by any water line or other water improvement/facility to be installed;
 2. A statement that the City acquires ownership of any water line and other water improvement/facility upon completion and acceptance of the work by the City and ADEQ;
 3. A statement that the City's cost for inspecting the work shall be paid by the developer/owner through the issuance of a permit; and
 4. Three (3) quotes from properly licensed contractors in the State of Arizona to perform the construction.
- B. The required information necessary to complete the permit shall be provided by the developer/owner at its expense.

14.018.050 Reimbursement agreements

- A. Prior to the City's acceptance of the extension of any water line or other water improvement/facility to serve a subdivision, platted or unplatted property, the developer/owner desiring a reimbursement agreement with the City shall provide the following to the Municipal Utility Department Administrative or Operations Manager:
 - 1. A copy of the "letter of acceptance" issued by the Utility Department stating that the improvements conform to the approved plans and specifications.
 - 2. A full-size original mylar and digital disc of the ADEQ (or their designated agency) approved as-built construction drawings indicating actual facilities installed and the Approval of Construction and Approval to Operate certificates.
 - 3. Receipts identifying actual design and construction costs, and proof that payment was made by the developer/owner.
 - 4. A diagram of all property that will be benefited by the improvements installed.
- B. The information submitted will be reviewed by the Municipal Utility Department Administrative or Operations Manager. Upon review and approval of all information submitted, the Municipal Utility Department Administrative or Operations Manager shall have prepared a reimbursement agreement for City Council consideration and approval.
- C. Reimbursement agreements shall state to whom reimbursements shall be made and shall include a diagram of the properties and respective amounts from which line payback charges may be collected.
- D. Reimbursement agreements shall state the maximum reimbursement to the developer/owner for the cost of water system improvements installed by the developer/owner from which others may be served. The developer/owner shall receive line payback charges within the payback period only from those property owners who tie into the line installed by the developer/owner and thereby receive a benefit.
- E. Any agreement providing for reimbursement of developer/owner constructed water system improvements shall be for a maximum payback period of ten (10) years after the date of the reimbursement agreement. At the end of the payback period, all benefits or rights accruing to the developer/owner shall terminate.
- F. Upon receipt of the administrative charge defined below and execution of the reimbursement agreement, the City shall record with the Yavapai County Recorder, as to each affected property, a notice of payback, setting forth the terms of this agreement.

Once the payback charges have been collected, the City will record with the Yavapai County Recorder a release of the original notice of payback.

- G. The City shall establish a trust account for the collection of line payback charges and payment of reimbursements. Sums collected shall be paid in accordance with the terms of the agreement within ninety (90) days of receipt by the City. No interest shall be paid on such sums.
- H. The City shall continue to collect line payback charges for any facility constructed under a reimbursement agreement after the payback period. The developer/owner shall have no claims to these line payback charges collected after the payback period has expired.
- I. The City's cost for administration shall be paid by the developer/owner to the City prior to the execution of the reimbursement agreement. This administrative charge shall be five (5) percent of the incurred costs by the developer/owner for the lines from which persons other than the developer/owner will be served, however, the administration fee shall not be less than five hundred dollars (\$500.00).

14.018.060 Line payback charges

When an existing line is to provide water or water and sewer service to a property, the required line payback charge including all other required costs, shall be paid by the developer/owner to the City prior to the issuance of a building permit/water meter, or the issuance of a permit for connecting to the water line. No person shall extend service from their tap to property for which a line payback charge has been identified, but has not been paid to the City, without written approval of the City.

14.018.070 Assignment of agreements

Any developer/owner may assign the benefits arising out of any water reimbursement agreement with the prior consent of the City, but any such assignment shall not relieve the developer/owner of its duties and obligations under the agreement. The assignment shall require the written approval of the City Attorney.

14.018.080 Reimbursement for extensions of water system facilities by City

If the City elects to install a water line or other water system improvement, it shall be entitled to reimbursement of its cost plus interest at the rate of .833% percent per month (9.996% per year) or portion thereof from the benefiting property prior to the issuance of a building permit/water meter. The City shall prepare a reimbursement agreement with itself as set forth in this article.

14.018.080 Payment of administrative costs

Separate accounts shall be established for all extension monies paid to the City for eventual reimbursement to the developer/owner. Authorized employees shall make payment from there as provided in the executed reimbursement agreement.

Chapter 14.019 – DROUGHT AND WATER SHORTAGE PREPAREDNESS PLAN

The document entitled “Drought and Water Shortage Preparedness Plan” was declared a public document under Resolution Number 2248, and is hereby adopted and incorporated herein by reference.