

ORDINANCE NO. 1132

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF WICKENBURG, COUNTY OF MARICOPA, ARIZONA, DECLARING THE DOCUMENT ENTITLED "TOWN OF WICKENBURG SEWER CODE – 2014 AMENDMENTS" AS A PUBLIC RECORD; ADOPTING THE "TOWN OF WICKENBURG SEWER CODE – 2014 AMENDMENTS" BY REFERENCE; AMENDING CHAPTER 13 UTILITIES, ARTICLE 13-3 SEWER SERVICE OF THE WICKENBURG TOWN CODE BY AMENDING SECTION 13-3-1 DEFINITIONS TO ADD ADDITIONAL DEFINITIONS; AMENDING PORTIONS OF ARTICLE 13-3 TO DESIGNATE THE PUBLIC WORKS DIRECTOR RESPONSIBLE FOR MANAGING SEWERS SERVICE; AMENDING SECTION 13-3-13 RATES RELATED TO SEWER RATES; AND AMENDING SECTION 13-3-15 CONNECTION TO SEWER REQUIRED RELATED TO THE AUTHORITY FOR SETTING RATES; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY AND PROVIDING PENALTIES

WHEREAS, that certain document entitled "Town of Wickenburg Sewer Code – 2014 Amendments", three copies of which are on file in the office of the Town Clerk, is hereby declared to be a public record and said copies are hereby ordered to remain on file with the Town Clerk; and

WHEREAS, the Town Council has determined that the proposed amendments will enhance the aesthetics of the Town and provide clear and reasonable regulations of the Town's sewer system and facilities, and it is in the best interest of the public health, safety and general welfare of the Town to adopt the proposed amendments;

NOW, THEREFORE, be it ordained by the Mayor and Common Council of the Town of Wickenburg, Arizona, as follows:

Section I. In General.

The Town of Wickenburg, Arizona Code of Ordinances, Chapter 13 Utilities, Article 13-3 Sewer Service, is hereby amended as set forth in that public record entitled "Town of Wickenburg Sewer Code – 2014 Amendments," attached hereto and incorporated herein by this reference.

Section II. Providing for Severability.

If any section, subsection, sentence, clause, phrase or portion of this Ordinance or any part of the Code adopted herein by reference, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

Section III. Providing for Repeal of Conflicting Ordinances.

All ordinances and parts of ordinances in conflict with the provisions of this Ordinance or any part of the Code adopted herein by reference, are hereby repealed.

Section IV. Providing for Penalties.

Any person found responsible or guilty of violating any provision of this ordinance shall be subject to the penalties set forth in Section 14-27 of the Wickenburg Town Code. Each day that a violation is permitted to exist shall constitute a separate offense.

PASSED AND ADOPTED by the Town Council of the Town of Wickenburg, Arizona, this 3 day of March, 2014.

By: _____

John Cook
John Cook, Mayor

ATTEST:

By: _____

Gloria Leija
Gloria Leija, Town Clerk

APPROVED AS TO FORM:

By: _____

Kelly Y. Schwab, Curtis, Goodwin,
Sullivan, Udall & Schwab, P.L.C.,
Town Attorneys

CERTIFICATION

I HEREBY CERTIFY that the foregoing Ordinance Number 1132 was duly passed and adopted by the Common Council of the Town of Wickenburg, Arizona, at a regular meeting held on the 3 day of March, 2014, and that a quorum was present at the meeting.

Gloria Leija, Interim Town Clerk

**TOWN OF WICKENBURG SEWER CODE
2014 AMENDMENTS**

(Additions shown in ALL CAPS, deletions shown in ~~strikeout~~.)

ARTICLE 13-3 SEWER SERVICE

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Section 13-3-1 Definitions

Unless the context requires otherwise, the definitions given in this Section shall be used in the interpretation of this Article, the issuance of permits, the making of charges for service and all other operations of this Article.

- A. "B.O.D." (Denoting Biochemical Oxygen Demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20° C., expressed in milligrams per liter by weight.
- B. "Branch sewer" means an arbitrary term for a sewer which receives sewage from lateral sewers from a relatively small area.
- C. "Building connection or sewer tap" shall mean 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.
- D. "COMMERCIAL SERVICES" SHALL MEANS SERVICE FOR ANY BUSINESS, INDUSTRIAL OR COMMERCIAL BUILDING OTHER THAN A PRIVATE RESIDENCE, INCLUDING, BUT NOT LIMITED TO A STORE, OFFICE, FACTORY, HOTEL, TOURIST

COURT, MOTEL, MOTOR COURT, MOTOR HOTEL, TRAILER COURT, APARTMENT HOTEL OR RESIDENTIAL BUILDING ORDINARILY LEASED FOR A PERIOD OF LESS THAN THREE MONTHS.

E. "Developer" shall mean any person or persons engaged in the organizing and financing of a sewage collecting system within an area contributing to a branch, main, or a trunk sewer of the town sewer system. Such may be either a subdivider or a legally constituted improvement district.

EF. "Discharger" shall mean any person that discharges or causes a discharge to a public sewer.

EG. "Domestic wastewater" shall mean the water carried wastes produced from non-commercial or non-industrial activities and which result from normal human living processes.

GH. "Effluent" shall mean the liquid outflow of any facility designed to treat, convey or retain wastewater.

HI. "House connection" shall mean the sewer connecting the building waste drainage system to the public waste drainage system to the public sewer for the Purpose of conveying domestic wastewater.

IJ. "Industrial connection sewer" shall mean the sewer connecting the building sewer or building waste drainage system to the public sewer for the purpose of conveying industrial wastewater.

JK. "Industrial wastes" shall mean the liquid gaseous or solid wastes produced as a result of any commercial or industrial operation.

KL. "Industrial wastewater" shall mean all water carried wastes and wastewater of the community excluding domestic wastewater and uncontaminated water, and shall include all wastewater from any producing, manufacturing, processing, institutional; commercial, agricultural, or other operation where the wastewater discharged includes significant quantities of wastes of non-human origin.

LM. "Lateral sewer" shall mean a sewer which discharges into a branch or other sewer and has no other common sewer tributary to it.

MN. "Main sewer" shall mean a sewer which receives sewage from one or more branch sewers as tributaries.

NO. "Natural outlet" shall mean any outlet into a watercourse, ditch, or other body of surface or groundwater.

OP. "New Construction" shall mean a new building or development for which a Building Permit is issued after September 3, 2008. "New Construction" does NOT include new accessory buildings or alterations or modifications to an existing dwelling.

PQ. "Person" shall mean any individual, partnership, committee, association, corporation, public agency, and any other organization or group of persons.

SR. "pH" shall mean the logarithm of the reciprocal of the hydrogen ion concentration. A stabilized pH will be considered as a pH which does not change beyond the specified limits when the waste is subjected to aeration. A pH value indicates the degree of acidity or alkalinity.

RS. "Properly shredded garbage" shall mean the wastes from the preparation, cooking and dispensing of food that have been shredded to such degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half (1/2) inch in any dimension.

ST. "Public corporation" shall mean this state and any political subdivision thereof, any incorporated municipality therein, any public agency of the state or any political subdivision thereof or any corporate municipal instrumentality of this state.

TU. "Public sewer" shall mean any sewer dedicated to public use and whose use is controlled by a public corporation.

V. "RATES" SHALL MEAN THOSE RATES DETERMINED BY STAFF OR OUTSIDE PROFESSIONAL SERVICES USING INDUSTRY STANDARD METHOD AND

SHALL INCLUDE BUT NOT LIMITED TO THE FULL REPLACEMENT COST OF ALL ASSETS, STAFFING NEEDS, OPERATIONAL EXPENSES AND ANY OTHER ITEM TO ENSURE A SAFE AND RELIABLE WATER UTILITY. RATES SHALL BE SET BY COUNCIL RESOLUTION.

W. "RESIDENTIAL SERVICES SHALL MEAN SERVICE TO ANY STRUCTURE OR PREMISES USED AS A DOMICILE, DWELLING, OR HABITATION INCLUDING SINGLE FAMILY DWELLINGS, MULTI-FAMILY UNITS, DUPLEXES PATIO HOMES, MOBILE HOME PARKS, TRAILER COURTS, ROOMING HOUSES, BOARDINGHOUSES, ASSISTED LIVING FACILITIES, APARTMENTS, CONDOMINIUMS, TOWN HOMES, OR ANY COMPLEX OF THE FOREGOING.

WX. "Sanitary sewer" shall mean a sewer which carries sewage and to which storm, surface and ground waters are not intentionally admitted.

WY. "Section" shall mean a section of this Article.

WZ. "Septic tank waste" shall mean any sewage from a holding tank such as vessels, chemical toilets, campers, trailers, motor homes, septic tanks and septic haulers.

XA. "Sewage" shall mean 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.

YB. "Sewage treatment plant" shall mean any arrangement of devices and structures used for treating sewage.

ZC. "Sewage works" shall mean all facilities for collecting, pumping, treating and disposing of sewage.

AA. "Sewerage" shall mean any and all facilities used for collecting, conveying, pumping, treating and disposing of wastewater.

BB. "Sewerage system" shall mean a network of wastewater collection, conveyance, treatment and disposal facilities interconnected by sewers and owned by the Town.

CC. "Sewer" shall mean a pipe or conduit for carrying sewage.

DD. "Shall" is mandatory and "may" is permissive.

EE. "Suspended solids" shall mean solids that either float on the surface of, or are in suspension in water or other liquids and which are removable by laboratory filtering.

FF. "Town" is the Town of Wickenburg, Arizona.

GG. "Trunk sewer" shall mean a sewer constructed, maintained and operated by the Town that conveys wastewater to Town's treatment facilities and into which lateral and collecting sewers discharge.

HH. "Uncontaminated water" shall mean any wasted water of the community not contaminated or polluted with wastewater and which is suitable or could readily be made suitable for discharge to the municipal storm water drainage system.

LL. "User" shall mean discharger.

MM. "Wastewater" shall mean the water carried wastes of the community derived from human or industrial sources including domestic wastewater and industrial wastewater. Rainwater, groundwater or drainage of uncontaminated water is not wastewater.

NN. "Watercourse" shall mean a channel in which a flow of water occurs, either continuously or intermittently.

OO. Symbols and Models:

1. "Cu" shall mean a user's charge for O & M per unit of time.
2. "Cs" shall mean a surcharge for wastewaters of excessive strength.
3. "Vc" shall mean the O & M cost for transportation and treatment of a unit of wastewater volume.
4. "Vu" shall mean the volume contribution from a user per unit of time.
5. "Vt" shall mean the total volume contribution from all users per unit of time.
6. "Bc" shall mean the O & M cost for treatment of a unit of biochemical oxygen demand

- (BOO).
7. "B" shall mean the concentration of BOD from a user above a base level.
 8. "Sc" shall mean the O & M cost for treatment of a unit of suspended solids.
 9. "S" shall mean the concentration of SS from a user above a base level.
 10. "Pc" shall mean the O & M cost for treatment of a unit of any pollutant.
 11. "Pu" shall mean the total contribution of any pollutant from a user per unit of time.
 12. "FC" shall mean fixed costs or those costs related to billing and collections such as - meter reader salary, revenue clerk salary, computer operator salary' data processing supplies, postage and cost of forms.
 13. "VC" shall mean the variable cost of O & M of the sewer system which are all costs other than as defined in "FC".

Section 13-3-2 Sewer District Established: CONNECTION REQUIRED

- A. Sewer District: For the better protection of the health and convenience of the inhabitants of the Town, real property located within the Town or annexed into the Town in the future is hereby declared to be a Sewer District.
- B. Connection Required: Except as provided in paragraph C., all new construction within the Sewer District shall connect to the Town's sewer system. Where connection to the sewer system is required pursuant to this Section, the owner of the real property shall cause to be connected to the sewer system all privies, cesspools and open or unconnected drains within ninety (90) days of the date of written notice from the Town requiring connection. Such connection shall be in accordance with Town requirements and the cost of connection shall be borne by the owner of the new construction.
- C. Exceptions: Connection to the sewer system shall not be required for:
 1. An individual single family dwelling when it is determined by the Town Engineer and the ~~Public Works Director~~ PUBLIC WORKS DIRECTOR OR HIS/HER DESIGNEE that either (i) the dwelling was served by an alternative sewage disposal system as of September 3, 2008, or (ii) the cost of the required extension exceeds the cost of an approved alternative sewage disposal system by four (4) times.
 2. A development, other than an individual single-family dwelling, that is a single-family project, multi-family project or commercial or industrial building of less than 50,000 square feet, when it is determined by the Town Engineer and the Public Works Director that either (i) the project or building was served by an alternative sewage disposal system as of September 3, 2008, or (ii) the cost of the required extension exceeds the cost of an approved alternative sewage disposal system by six (6) times.
 3. A development that includes a commercial or industrial building of 50,000 square feet or greater, when it is determined by the Town Engineer and the Public Works Director that either (i) the building was served by an alternative sewage disposal system as of September 3, 2008, or (ii) the cost of the required extension exceeds the cost of an approved alternative sewage disposal system by ten (10) times.
- D. Owner Election to Connect: Owners of real property that are exempt from the requirement to connect to the Town's sewer system may elect to do so, in which event the cost of such connection shall be borne by the owner.

- E. State or Federal Law Requiring Connection: Notwithstanding anything contained herein to the contrary, if State or Federal Law requires abandonment of a septic system, connection to the Town's sewer system shall be required at the expense of the affected property owners.

Section 13-3-3 Responsibility Of Officers

For the convenience, best administration and operation of the sewer system of the Town, it is hereby made the duty of the Town officers and employees in charge of and operating the Town ~~water~~SEWER system to perform the same duties with respect to the operation, management and control of the sewer system as is required of them in the operation and management and control of the water system except as may be otherwise provided in this Code or by resolution or ordinance of the Council.

Section 13-3-4 Area To Be Served

- A. The maximum area to be serviced by the proposed sewer main extension and its ultimate extensions shall be determined by the Town Engineer based on local topography and drainage conditions. In the event the area to be serviced by the developer is less in size than the maximum area to be serviced by the proposed sewer main extension and its ultimate extensions, the sewer main extension shall be designed, engineered and constructed to serve the maximum area described heretofore.
- B. Except as provided in subsection C of this section, no sewer service shall be provided outside the Town's corporate limits.
- C. Sewer service may be provided outside the Town's corporate limits when:
1. Such sewer service was being provided prior to June 1, 1974; or
 2. Such sewer service is for the purpose of serving Town facilities; or
 3. The developer desiring to cause an extension of the sewer system executes an agreement as follows:
 - a. The developer shall agree to annex the property into the -- Town at such time as the Town determines it is lawful and feasible to do so.
 - b. The sewer service may be terminated upon the sale of the property for which the sewer service is being provided, unless prior thereto it is annexed into the Town.
 - c. The developer causing an extension of the sewer system shall agree to pay all costs for the construction of said extension but may, in part, be reimbursed as provided in Section 13-3-10, subsection B of this Code.
 - d. The developer shall warrant the sewer line extensions and upon final inspection, convey same to the Town.

Section 13-3-5 Lateral Extensions to Existing Sewers; Permit Required

- A. In cases in which a sewer in existence prior to June, 1974, can serve a customer if a lateral sewer but no other sewer is extended, the Town reserves the right to install such lateral sewer from such existing sewer to such customer's property line at the customer's expense and without engineering other than that provided by the ~~Superintendent of Public Works~~ ~~Director~~ PUBLIC WORKS DIRECTOR OR HIS/HER DESIGNEE notwithstanding other provisions of this Article.
- B. It is unlawful for any person to tap or connect or cause to be tapped or connected, any service drain or other pipe with the sewer system of the Town or to connect their property to or with any such tap, drain or other pipe connected with the sewer system without first applying for and obtaining a permit from the Public Works ~~inspector~~ DIRECTOR, and payment of the appropriate

sewer/wastewater development fee provided for under Chapter 8, Article 8-4 of the Code. It is hereby made the duty of the Public Works ~~inspector~~ DIRECTOR, before issuing a permit, to investigate and inquire into the sanitary and other conditions of the proposed connections with such sewer system for the purpose of ascertaining whether or not same may be made or installed in a proper and sanitary condition and in accordance with the Plumbing Code, State laws and such specifications as are provided in this Article or as may be adopted by the Council.

Section 13-3-6 Plan for Extension

A developer who wishes to extend sewer facilities must employ a civil engineer registered in Arizona to perform the field engineering and to prepare detailed plans and specifications for such extension. This engineer shall not be the Town Engineer nor any engineer employed by, retained by or operating as an independent contractor on behalf of the Town. The final detailed plans and specifications for the sewer extension must be approved by the Town Engineer as being within such specifications of the Town as are provided in this Article and as may be adopted by the Council and as are in accordance with good engineering practice, before construction begins. All extensions of sewer mains shall have Council approval prior to the beginning of construction.

Section 13-3-7 Specifications

- A. There shall be installed no lateral sewer of a diameter of less than four inches, nor branch sewer of a diameter of less than six inches, nor a main or trunk sewer of a diameter less than eight inches. Further, the Town reserves the right to specify diameters larger than those provided in this subsection.
- B. All sewer mains and service lines shall be constructed of polyvinyl chloride ASTM D-3034, SDR-35 or vitrified clay pipe ASTM C-700.
- C. Except for lateral sewers, sewer lines shall be installed only in dedicated rights-of-way along such streets or alleys and in easements for such purpose accepted by the Town.
- D. There shall be installed within the developer's area, at the developer's expense, one sewer tap for each potential lateral as determined by the Town Engineer. Further, from each aforementioned tap there shall be installed at the developer's expense, a lateral, in a direction specified by the Town Engineer, to at least the boundary of the dedicated right-of-way of the extension.

Section 13-3-8 Construction and In-Progress Inspection

- A. Prior to the start of construction, an offsite improvement permit shall be obtained from the Public Works Department. No such permit shall be issued until plans for the extension have been approved pursuant to Section 13-3-6, Plan For Extension. The cost of said permit shall be determined by Resolution of the Council. The estimated cost of inspections shall be collected prior to issuance of the permit. If the actual cost of inspections exceeds the estimate, the additional amount must be paid to the Town prior to final approval of the extension. If the actual cost of inspections is less than the estimated cost, the overcharge will be refunded.
- B. The construction of sewer line extensions as contemplated in this Article shall meet the specifications, requirements and approval of the Town and such construction shall be subject to in-progress inspection by the Town Engineer or the ~~Superintendent~~ PUBLIC WORKS DIRECTOR OR HIS/HER DESIGNEE of Public Works.

Section 13-3-9 Extension Rights Reserved

The Town reserves the right to install any sewer line extension.

Section 13-3-10 Costs of Extension

- A. Except as may be provided in subsection B of this section, the developer causing an extension of sewer lines shall pay in full for all rights of way, easements, engineering, the construction and installation of all lines, pipes, mains and other features necessary for the extension as determined by the Town Engineer. Upon final inspection and acceptance of the improvements by the Town, the developer shall relinquish all rights and interest to the improvement, rights-of-way and all claims for reimbursement by others except as provided in subsection B of this section.
- B. When a developer desires to construct a sewer line extension, and said extension includes the capacity to serve more properties than those being developed by the developer (excess capacity); and said excess capacity is to be provided in accordance with Section 13-3-4, subsection A of this Code, the Town may enter into a utility line extension payback agreement to provide for the pro-rata reimbursement by those who subsequently derive benefit from said extension to the developer who caused, and paid for, the installation of the extension under consideration. Such reimbursement shall be accomplished pursuant to a utility extension payback agreement in the form, and with the content, adopted by resolution of the Council. The utility extension payback agreement may be tailored to suit the particular situation, provided however, that the following criteria and administrative procedures shall be complied with.
1. Those who subsequently derive benefit shall be defined as developers or property owners who subdivide or develop land within the sewer service area of the proposed extension and its ultimate extensions as determined pursuant to Section 13-3-4, subsection A of this Code after an offsite improvement permit has been issued for the proposed extension. Excluded from this definition are existing developments which are served by existing sewer lines within the service area of the sewer line extension.
 2. Apportionment of the cost shall be based on the designated sewer service area as pursuant to Section 13-3-4, subsection A of this Code exclusive of dedicated right-of-way or easements. The cost apportioned to a given parcel shall be the pro-rated share of the total cost of the project in the ratio of the area of the parcel to the service area of the proposed extension and its ultimate extension, or, as otherwise established by resolution of the Council.
 3. Costs apportioned to lands under the provisions of this subsection shall be collected by the Town from each owner as a prior condition to the provision of sewer service to the property in question.
 4. Utility payback agreements shall remain in effect for a specified time period which in no case shall exceed ten years.
 5. The Town's Finance Director shall establish and maintain an accounting procedure for the express purpose of administering and monitoring all such utility pay-back agreements.

Section 13-3-11 Replacement

All persons or other entities who create, cause to be built, or build any sewer line extensions shall also pay for any and all such replacements including but not limited to those of street surfacing, curbs or sidewalks, as become necessary as a result of the creation, building or construction of such extensions.

Section 13-3-12 Acceptance; Ownership, Authorization to Use

Except for a lateral extension to an existing sewer as described in this Article, when an extension is completed and approved by the Town Engineer as conforming to the provisions of this Article and to such health regulations as may be otherwise provided, then the Town Council shall, by resolution, accept, approve and authorize the use thereof, provided that the extension shall first have been conveyed to the Town free and clear of any and all encumbrances.

Section 13-3-13 Connections; Charges to Developers

- A. The Town shall have exclusive control of connections to sewer line extensions.
- B. Building or house connection (sewer tap) charges and monthly sewer service charges within the developer's area shall be made at THE RATE APPROVED BY COUNCIL RESOLUTION. ~~the prevailing rates.~~
- C. Before any tap or connection is made, the applicant/developer shall pay to the Town the applicable sewer/wastewater FEE AS APPROVED BY COUNCIL RESOLUTION. ~~development fee provided for under Chapter 8, Article 8-4 of the Code.~~

Section 13-3-14 Rates

- A. A flat fee charge shall be made to defray fixed costs. The amount of the flat rate charge shall be determined by dividing the total fixed costs by the number of sewer users connected to the sewer system at that particular time.

Formula: Monthly charge = FC divided by the number of sewer users divided by 12.

- B. A charge shall be established per each 1,000 gallons of metered water usage to defray the operation and maintenance variable cost. The amount to be charged for normal strength domestic sewage shall be determined by applying actual metered water usage to the following formula:

$C_u = VC/(V_t - V_u)$ i.e., a usage charge shall be equal to the total variable cost divided by the total volume contribution from all users times the volume contribution from that particular user.

- C. Any user which discharges any toxic pollutants or makes a contribution which is higher in strength than the normal wastewater shall be assessed a surcharge based on the following formula:

$$C_s = (B_c(B) + S_c(S) + P_c(P_u)) V_u.$$

Therefore, any contributor that exceeds the concentration of normal domestic sewage in BOD, suspended solids or other pollutant concentrations shall be assessed proportionately to that contribution by the surcharge method.

- D. The Town has no industrial users. Prior to connecting an industrial user to the sewer system the Town shall have its industrial cost recovery system of charges approved by the Environmental Protection Agency.
- E. The Town shall review and revise, if necessary, not less often than every two years the wastewater contribution of sewer users, the total cost of operation and maintenance of the

treatment works, and its approved user charge system in order to maintain the proportionate distribution of operation and maintenance cost among users and adjust the rate accordingly. The user rate system shall generate sufficient revenue to pay the total operation and maintenance costs necessary to the proper operation and maintenance (including replacement parts) of the treatment works.

- F. The user charge system shall take precedence over any terms or conditions of agreements or contracts between the Town and users (including industrial users, special districts, other municipalities or federal agencies or installations) which are inconsistent with the federal wastewater treatment regulations.
- G. Federal pretreatment requirements will be enforced.
- H. It is unlawful to fail to pay any established sewer service charge.
- I. Each user will be notified annually by separate mailing, notice in the local newspaper or by message on the regular bill in conjunction with a regular bill, of the rate and that portion of the user charge which is attributable to operating and maintaining wastewater treatment services.
- J. Upon approval of the ~~Director of Public Works~~ PUBLIC WORKS DIRECTOR OR HIS/HER DESIGNEE, any individual user may, at THE USER'S his own expense and subject to the regulations of the Town, install a separate meter in order to determine the quantity of water actually entering the sewer system, and the future sewer charges shall be limited to that water actually entering the sewer system as so determined by the ~~Director of Public Works~~ PUBLIC WORKS DIRECTOR OR HIS/HER DESIGNEE.
- K. Water meter adjustments to reflect sewer flow:
 - 1. Upon written request by a non-industrial user, the ~~Director of Public Works~~ PUBLIC WORKS DIRECTOR OR HIS/HER DESIGNEE shall determine the average water billed to each such user during the preceding January, February and March.
 - 2. The average monthly water bill determined in paragraph 1 above shall represent sewage usage for non-industrial users for a 12-month period beginning July 1 of each year.
 - 3. If the ~~Director of Public Works~~ PUBLIC WORKS DIRECTOR OR HIS/HER DESIGNEE determines that adequate water meter information is not available for billing, due to incomplete consumption records such as may occur with new users or users served by private water companies, then the user will be charged the average billing for that user class.
- L. If any customer/user of the Town's sewer system makes a written request for investigation of a malfunction in his water supply system, the ~~Director of Public Works~~ PUBLIC WORKS DIRECTOR OR HIS/HER DESIGNEE shall cause an investigation to be made to determine if the customer's water system is malfunctioning. If the ~~Director of Public Works~~ PUBLIC WORKS DIRECTOR OR HIS/HER DESIGNEE determines that there is a malfunction of the customer's water system and by reason thereof the customer's sewer charges will, or have been, substantially increased, the ~~Director of Public Works~~ PUBLIC WORKS DIRECTOR OR HIS/HER DESIGNEE may instruct the Finance Director to adjust the customer's sewer bill, and water bill if applicable, to reflect past and outstanding charges to the customer. The term "substantially increased" as herein used is defined as an increase of 1,000 gallons or more and any adjustments made shall be in increments of 1,000 gallons.

Section 13-3-15 Connection to Sewer Required

- A. For the better protection of the health, safety and general welfare of the citizens of Wickenburg, all persons owning real property adjoining rights-of-way or easements in which there are pipes, lines or mains of the public sewer system shall cause all privies, cesspools and open and unconnected drains to be connected to the sewer system within ninety days after receipt of written notice from the Town requiring said connection.
- B. All development within the Town limits of Wickenburg, but not adjacent to a right-of-way or easement in which sewer lines, pipes or mains have been installed, shall extend the sewer system to the site of the development and cause connection to the sewer except individual single family dwelling when it is determined and found by the Town Engineer and the ~~Public Works Director~~ PUBLIC WORKS DIRECTOR OR HIS/HER DESIGNEE that the cost of the required extension exceeds the cost of an approved alternative sewage disposal system by four (4) times.

Section 13-3-16 Repair or Maintenance

- A. The Town reserves the right and assumes full responsibility of costs for repair or maintenance of branch, main or trunk sewers.
- B. Repair or maintenance of lateral sewers shall be the responsibility of the customer. In the event that such repair or maintenance occasions the breaking of street surfacing, curbs or sidewalks, or occasions excavating in a dedicated right-of-way, the Town reserves the right to make suitable replacements or repairs at the customer's expense.

Section 13-3-17 Property Owner Responsible for Cleaning, Repair and Replacement of Building Sewers and Connections

- A. The property owner shall be responsible for the cleaning, unstopping, maintenance and repair of the building connection piping serving his property from his home or building to the public sewer line.
- B. Where the correction of a stoppage requires the repair or replacement of a damaged or broken section of the building connection, and the damaged or broken section is located off property in a street or alley, the owner or his contractor shall obtain a permit from the COMMUNITY DEVELOPMENT/NEIGHBORHOOD SERVICES DIRECTOR ~~Superintendent of Public Works Director~~ to do work in a public right-of-way prior to doing the work.

Section 13-3-18 Usage of Sanitary Sewers

- A. No person shall discharge or deposit any of the following waste materials into any Town sewer:
 - 1. Any liquid or vapor having a temperature higher than 150° F.
 - 2. Any water or waste which may contain more than 100 milligrams per liter, by weight, of fat, oil or grease, exclusive of soap. Provided that up to 500 milligrams per liter may be discharged by permit authorization.
 - 3. Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquids, solid or gas.
 - 4. Any garbage that has not been properly shredded.
 - 5. Any ashes, cinders, sand, mud, straw, shaving, metal, glass, bones, rags, feathers, tar, plastics, wood, paunch manure or other solid or viscous substances capable of causing

obstruction to the flow in sewers or other interference with the proper operation of the treatment works.

6. Any water or wastes having a stabilized pH lower than 5.5 or higher than 9.0, or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the sewage treatment plant or system.
 7. Any water or wastes having a biochemical oxygen demand in excess of 500 milligrams per liter by weight.
 8. Any waters or wastes containing more than 500 milligrams per liter by weight of suspended solids.
 9. Any waters or wastes having an objectionable color which is not removable in the existing sewage treatment plant process.
 10. Any waters or wastes containing a toxic or poisonous substance or any other materials in sufficient quantity to injure or interfere with any waste treatment process, or constitute a hazard to humans or animals, or create any hazard in the receiving stream at the sewage treatment plant.
 11. Any waters or wastes containing suspended solids of such character and quantity that unusual attention or expense is required to handle such materials at the sewage treatment plant.
 12. Any noxious or malodorous gas or substance capable of creating a public nuisance.
 13. Any waters or wastes containing more than 200 milligrams per liter of chlorides. Provided that up to 500 milligrams per liter may be discharged by permit authorization.
 14. Any industrial waste having a total kjeldahl nitrogen to BOD ratio greater than 6:100 by weight.
 15. Septic tank waste as defined in this Article.
- B. No statement contained in this section shall be construed as preventing any special agreement or arrangement between the Town and any person whereby an industrial waste of unusual strength or character may be admitted into the sanitary sewers by the Town either before or after approved pretreatment or pre-handling and subject to payment thereof by the industry involved.
- C. Notice shall be given to the ~~Town Manager~~ PUBLIC WORKS DIRECTOR OR HIS/HER DESIGNEE whenever a change in the industrial process of waste discharge is contemplated or when the normal operation of the industry discharging industrial waste into the Town sewer system will be interrupted for three days or longer with no industrial discharge.

Section 13-3-19 Permits

- A. Any person desiring to deposit or discharge, or who is now depositing or discharging any industrial waste into the sanitary sewers shall make application for the disposal of industrial waste to the ~~Town Manager~~ PUBLIC WORKS DIRECTOR OR HIS/HER DESIGNEE. The ~~Town Manager~~ PUBLIC WORKS DIRECTOR OR HIS/HER DESIGNEE shall approve such applications only when evidence is submitted by the applicant that the discharge into the sanitary sewer will comply with all of the requirements of this Code.
- B. Should any person fail to secure a permit or fail to have his application approved or is subsequently found to be exceeding the limits set forth in his permit, the Town Officer in charge of the sewer system's operations upon twenty-four hour notice, if such person is using Town water, shall disconnect such person's connection with the Town water system and the same will only be reconnected at such owner's expense; and if such person, after twenty-four hours notice, shall have his connection with the Town sewer system severed, such services will only be restored at such person's expense.

Section 13-3-20 Powers and Authority for Inspection

- A. The ~~Town Manager~~ PUBLIC WORKS DIRECTOR OR HIS/HER DESIGNEE and other duly authorized employees of the Town, bearing proper credentials and identification, shall be permitted to enter upon all properties for the purpose of inspection, observation, measurement, sampling and testing, in accordance with the provisions of this Code.
- B. Authority is hereby granted to the ~~Town Manager~~ PUBLIC WORKS DIRECTOR OR HIS/HER DESIGNEE after approval of the Mayor and Council to temporarily exclude any industrial waste, whether pre-treated or not, from the sanitary sewers whenever, in the opinion of the ~~Town Manager~~ PUBLIC WORKS DIRECTOR OR HIS/HER DESIGNEE, such action is necessary for the purpose of determining the effects of such wastes upon the sewage system and sewage treatment plant or for the purpose of preventing detrimental effects to said system and plant or to the receiving stream.

Section 13-3-21 Determination of Character and Concentration of Industrial Wastes

- A. The industrial waste of each person discharging same into the Town sanitary sewers shall be subject to periodic inspection and a determination of character and concentration of said wastes shall be made quarterly, or more often as may be necessary, by the ~~Town Manager~~ PUBLIC WORKS DIRECTOR OR HIS/HER DESIGNEE or his authorized assistants.
- B. Samples shall be collected and composited in such a manner as to be representative of the actual quality of the industrial wastes. The laboratory methods used in the examination of said wastes shall be those set forth in Standard Methods for the Examination of Water and Wastewater - as published by the American Public Health Association, the most recent edition, a copy of which is on file with the Town Clerk for inspection by any interested parties.
- C. The determination of the character and concentration of the industrial wastes by the ~~Town Manager~~ PUBLIC WORKS DIRECTOR OR HIS/HER DESIGNEE, or his authorized assistants, shall be binding as a basis for charges.
- D. Total costs incident to the supervision, inspection, sampling and analyzing of industrial wastes shall be included in any special charge made to persons discharging industrial wastes into the Town sanitary sewers.

Section 13-3-22 Discharge of Rainwater or Uncontaminated Water Prohibited

No person shall discharge or cause to be discharged any rainwater, storm water, groundwater, street drainage, subsurface drainage, yard drainage, water from yard fountains, ponds or lawn sprays or any other uncontaminated water into any sewerage facility which directly or indirectly discharges to facilities owned by the Town.

Section 13-3-23 Prohibition of Grease Oil and Sand

Interceptor Units Shall Be Installed. Grease, oil and sand interceptor units shall be installed in compliance with the Uniform Plumbing Code when, in the opinion of the ~~Director of Public Works or his designee~~ PUBLIC WORKS DIRECTOR OR HIS/HER DESIGNEE, they are necessary for the proper handling of wastewater containing excessive amounts of grease, oil or sand; except that such interceptor units shall not be required for residential users. All interceptor units shall be of the type and capacity approved by the ~~Director of Public Works~~ PUBLIC WORKS DIRECTOR OR HIS/HER DESIGNEE and shall be so located to be easily accessible for cleaning and inspection. Such interceptor units shall be

inspected, cleaned and repaired regularly, as needed, by the user at user's expense. The user shall keep and maintain records for the preceding three years that document all cleanings, repairs and proper disposal from all such interceptor units. Such records shall be available for inspection by the ~~Director of Public Works~~ PUBLIC WORKS DIRECTOR OR HIS/HER DESIGNEE.

Section 13-3-24 Additional Regulations

The Council may from time to time, by resolution, prescribe such additional regulations and requirements governing connections to and the use of said sewer system as may be proper or expedient.

Section 13-3-25 Sewage Treatment Facility Expansion/Wastewater Treatment Plant

In compliance with the Arizona Department of Environmental Quality Regulations (ADEQ), the setback area established in ADEQ Rule R18-9-B201(I) for the Sewage Treatment Facility/Wastewater Treatment Plant located at the alignment of South Tegner Street is decreased to three hundred feet (300') as measured from the Disposal Component closest to an adjacent dwelling or workplace and such adjacent dwelling or workplace. No dwelling, workplace, Sewage Treatment Facility/Wastewater Treatment Plant or Disposal Component of the Sewage Treatment Facility/Wastewater Treatment Plant shall encroach into the setback area.