

ORDINANCE NO. 1133

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF WICKENBURG, COUNTY OF MARICOPA, ARIZONA, AMENDING CHAPTER 13 UTILITIES, ARTICLE 13-4 WATER SERVICE, ARTICLE 13-5 WATER SERVICE EXTENSION AND ARTICLE 13-6 UTILITY SERVICE OF THE WICKENBURG TOWN CODE; DECLARING THE DOCUMENT ENTITLED "TOWN OF WICKENBURG WATER CODE – 2014 AMENDMENTS" AS A PUBLIC RECORD; ADOPTING THE "TOWN OF WICKENBURG WATER CODE – 2014 AMENDMENTS" BY REFERENCE; AMENDING THE WICKENBURG TOWN CODE BY AMENDING SECTION 13-4-1 DISCONTINUANCE RELATING TO THE AUTHORITY FOR SETTING RATES, DESIGNATING RESPONSIBILITY FOR MANAGING WATER SERVICE, AND ADDING DEFINITIONS; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; AND PROVIDING PENALTIES

WHEREAS, that certain document entitled "Town of Wickenburg Water 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 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 13-4 Water Service, Article 13-5 Water Service Extension, and Article 13-6 Utility Service, is hereby amended as set forth in that public record entitled "Town of Wickenburg Water Code – 2014 Amendments," which is attached hereto and incorporated by 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in conflict with the provisions of this Ordinance or any part of the Code adopted herein by reference, are hereby repealed.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.

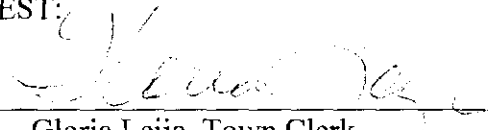
Any person found responsible or guilty of violating any provision of this ordinance shall be subject to the penalties set forth in Section 14-27 of the Wickenburg Town Code. Each day that a violation is permitted to exist shall constitute a separate offense.

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

By: 

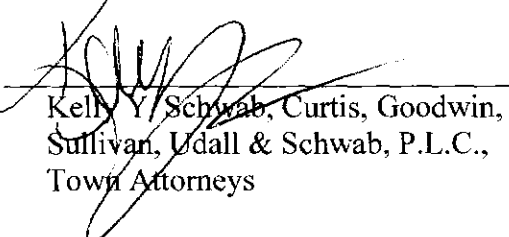
John Cook, Mayor

ATTEST:

By: 

Gloria Leija, Town Clerk

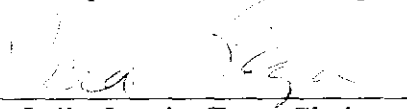
APPROVED AS TO FORM:

By: 

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

CERTIFICATION

I HEREBY CERTIFY that the foregoing Ordinance Number 1133 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 WATER CODE
2014 AMENDMENTS

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

Article 13-4 WATER SERVICE

- 13-4-1 Discontinuance of Service
- 13-4-2 Rates
- 13-4-3 Payment
- 13-4-4 Connect Charge
- 13-4-5 Meters
- 13-4-6 Liability
- 13-4-7 Regulations Part of Contract
- 13-4-8 Restriction on Resale of Water

Section 13-4-1 Discontinuance of Service

- A. Any person who desires to discontinue the use of water service shall file written notice with the Town at least three days in advance of intended termination of service. Responsibility for water service consumed extends to the time of departure or the time specified for departure, whichever occurs last.
- B. The Town may discontinue water service upon any of the following conditions:
 - 1. To prevent fraud or abuse.
 - 2. Disregard of Town rules pertaining to water service.
 - 3. Emergency repairs.
 - 4. Insufficient supply caused by factors outside the control of the Town.
 - 5. Legal process.
 - 6. Direction of public authorities.
 - 7. Local emergency requiring emergency measures.
 - 8. Tampering with meter or other equipment by the consumer.

Section 13-4-2 Rates

The Council shall by Resolution determine the monthly rate to be paid for water service.

Section 13-4-3 Payment

- A. Billings from the Town to its customers for water service shall be due and payable within fifteen days after mailing and delinquent thereafter. Water customers not paying in full their billing for water services, within fifteen days from the date the water bill is due, shall immediately thereafter have water service to the establishment for which the unpaid billing exists disconnected. Service shall not be reconnected to such customer until:
 - 1. The delinquent amount is paid in full;
 - 2. A reconnect fee (set by council Resolution) is made to the Town; and
 - 3. A deposit for future billings is made which deposit shall be an amount double the ~~amount~~ of average monthly billing for the last six months prior to service cut-off, or the average

of the number of months the meter has been installed if the installation of the meter is less than six months or fifteen dollars, whichever is greater.

- B. Any monies deposited with the Town pursuant to this section shall be held in a separate account established by the Town. The Town shall return the deposit in full at the end of a one year period of time from the date of reconnection only if during that period of time no water billing is unpaid or delinquent.
- C. The only exception to the service disconnection provisions is a thirty-day extension which may be granted by the Town Manager upon written request and for good cause.
- D. The Town may discontinue other Town-supplied utility service for failure to pay for billings for water service.

Section 13-4-4 Connect Charge

In addition to the charge provided in Section 13-4-3, each customer shall pay a connect charge for each original connection for water services AS SET BY COUNCIL RESOLUTION.

Section 13-4-5 Meters

- A. Each customer of water supplied by the Town shall be supplied such water only through a standard designed water meter AS SPECIFIED BY THE PUBLIC WORKS DIRECTOR OR HIS/HER DESIGNEE which shall measure the consumption of water in terms of gallons, and no water service shall be supplied any consumer except in accordance herewith. The Town shall not be construed to be a consumer. Title to the water meters so installed shall remain in the Town and said meters shall be serviced and repaired by the Town.
- B. Individual meters shall be installed for each occupancy unit, and each occupant thereof shall be billed separately by the Town; however, upon approval by the PUBLIC WORKS DIRECTOR OR HIS/HER DESIGNEE ~~Town Manager~~ a master meter may be utilized for multi- occupancy projects and the base monthly charge, as established by resolution of the Council, shall be charged for that meter. THE BASE MONTHLY RATE WILL BE CALCULATED BY EACH RESIDENTIAL/COMMERCIAL DWELLING AS A FEE PER DWELLING.
- C. Meter Specifications. Water meter and service shall be of sufficient size AS SPECIFIED BY THE INTERNAL BUILDING CODE VERSION ADOPTED BY THE TOWN. ~~to satisfy the following table one and table two:~~

TABLE TWO

~~Fixture Unit Table for Determining Water Pipe and Meter Sizes for Flush Tank Systems Pressure Range: 30-45 P.S.I.~~

Meter & Street	Building Supply &	Maximum Allowable Length in Feet
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Service	Branches	40	60	80	100	150	200
3/4"	1/2"	6	5	4	4	3	2
3/4"	3/4"	18	16	14	12	9	6
3/4"	1"	29	25	23	21	17	15
1"	1"	36	31	27	25	20	17
1"	1 1/4"	54	47	42	38	32	28
1 1/2"	1 1/4"	90	68	57	48	38	32
1 1/2"	1 1/2"	151	124	105	91	70	57
2"	1 1/2"	210	162	132	110	80	64
1 1/2"	2"	220	205	190	176	155	138
2"	2"	372	329	292	265	217	185
2"	2 1/2"	445	418	390	370	330	300

The building inspector shall have authority to require reasonable meter and service sizes larger than those of the schedule.

- D. Water Meter Failure. If a water meter fails to operate and a reading cannot be taken, a bill shall be made by the Town in an amount based on the average monthly billing of the previous three months.
- E. Interference by Dogs. In the event any dog kept on the premises interferes with meter reading by an employee of the Town and the meter is not read, a billing shall be made by the Town in an amount based on the average monthly billing of the previous three months.

Section 13-4-6 Liability

- A. Interruption of Service. The Town shall notify the consumer in advance of any anticipated interruption of service when such advance notice is possible. The Town shall not be responsible for any interruption of water service caused by forces beyond its control.
- B. Liability Limited. No liability shall attach to the Town for any injury or damages that may result from turning on or shutting off the water in any main, service connection or pipe; or the restriction of use or discontinuance of any water service, or any failure of the water supply, regardless of any notice or lack of notice thereof. The Town shall not be held liable, in any respect, for the condition, defects, failure or use of any pipe, connection, fixture or appurtenance, not belonging to the Town, on any premises, or for loss or damage resulting therefrom.

Section 13-4-7 Regulations Part of Contract

All regulations contained in this Article shall be considered a part of the contract of every resident of the Town taking water service from the Town, and such resident taking water service shall be considered as having expressly consented to be bound thereby. Consumers outside the Town limits shall, upon application for water service, be required to sign a statement agreeing to the regulations set forth in this Article.

Section 13-4-8 Restriction on Resale of Water

- A. If a customer purchases water services from the Town for distribution through a system owned or operated by the customer and imposes separately stated charges on other persons, the aggregate

amount of the separately stated charges shall not exceed the actual cost paid by the customer to the Town for the water services.

- B. The customer shall provide to each person subject to a separately stated charge, a statement of the average water service charge per month per person for the prior year.
- C. Each month the customer shall provide the Town with a list of each separately stated charge imposed upon each person for the prior month.
- D. The term "water customer," as used in this section, shall not include a public service corporation whose rates and charges have been subjected to the jurisdiction of the Arizona Corporation Commission, as defined in the Arizona Constitution, Article XV, Section 2.

Article 13-5 WATER SERVICE EXTENSION

- 13-5-1 Definitions
- 13-5-2 Area to be Served
- 13-5-3 Plans
- 13-5-4 Specifications
- 13-5-5 Construction and In-Progress Inspection
- 13-5-6 Extension Rights Reserved; Costs of Extension
- 13-5-7 Replacement or Repair
- 13-5-8 Acceptance; Health Inspection; Ownership; Authorization to Use
- 13-5-9 Connections; Meters; Maintenance; Charges
- 13-5-10 Connection Required; Separation Required
- 13-5-11 Prohibited Acts

Section 13-5-1 Definitions

In this article unless the context otherwise requires:

- A. "Water main" means an arbitrary term for a pipe carrying water.
- B. "Developer" means any person engaged in the requesting and financing of water main extension beyond the present Town water mains. A developer may be either a subdivider or a legally constituted improvement district.
- C. "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 or building.
- D. "RESIDENCE SERVICES" ~~:-Residence Services means~~ SHALL MEAN 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.
- E. "COMMERCIAL SERVICES" ~~:-Commercial Services means~~ SHALL MEAN ANY PERSON IN CHARGE OF, OWNING, LEASING, RENTING OR OCCUPYING 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.

- F. "RATES" ~~÷ Rates~~ SHALL BE 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.

Section 13-5-2 Area to be Served

- A. The maximum area to be serviced by the proposed water main extension and its ultimate extensions shall be determined by the Town Engineer based on local topography. 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 water main extension and its ultimate extensions, the water 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 water service shall be provided outside the Town's corporate limits.
- C. Water service may be provided outside the Town's corporate limits when:
1. Such water service was being provided on October 6, 1980; or
 2. Such water service is for the purpose of serving Town facilities; or
 3. The owner of property for which the water service is requested 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 property owner, his heirs, personal representatives, successors in interest and assigns shall agree to pay all costs for temporary connection, upon execution of the agreement, and to pay all actual costs, plus twenty percent administrative costs, of the construction of the property owner's pro rata share of the costs of extending a permanent water main to the property, with said costs to be paid prior to commencement of actual construction but payable upon presentation by the Town of an estimate of the line extension costs related to the property owner's pro rata share of same.
 - c. The property owner agrees that the agreement assessing the cost of extending a water main to his property, executed pursuant to this subparagraph, shall not only be binding upon him but also on his heirs, personal representatives, successors in interest and assigns and shall constitute a covenant running with the land, extinguishable upon full compliance of this agreement. The property owner shall also agree that he, his heirs, successors in interest and assigns shall not oppose any improvement district formed in the future for the purpose of extending a permanent water line to serve the subject property.
 4. Upon approval by the Town Manager, and in accordance with Section 13-5-10, subsection B of this Code, an individual property owner may utilize a temporary connection to the water system to serve one single family dwelling unit in lieu of extending the system in accordance with Section 13-5-2 of this code. Prior to approval of such temporary connection, the property owner shall agree in writing to pay a pro-rata

share of the cost of any future water main extensions which would serve the property in question.

Section 13-5-3 Plans

A developer who wishes to extend water 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 retained by or operating as an independent contractor on behalf of the Town. The final detailed plans and specifications for the water main extension must be approved by the Town Engineer as being within such specifications of the Town as are herein provided and as may be otherwise provided and as are in accordance with good Engineering practices before construction begins. The Town will charge to the developer a plan review fee AS DETERMINED BY COUNCIL RESOLUTION, ~~in the amount of fifty dollars per page.~~ All extensions of water mains shall have Council approval prior to the beginning of construction.

Section 13-5-4 Specifications

- A. Any water main extension as contemplated herein shall be designed to provide a minimum of forty-five (45) pounds per square inch of water pressure and at a rate of flow to be determined by the Town Engineer at all points within the maximum area to be served by said extension and its ultimate extensions.
- B. No water main of diameter less than eight inches shall be installed, except that lines which interconnect (loop) two water mains may, at the discretion of the Town Engineer, be of a six-inch (6") diameter. The Town reserves the right to increase the diameter of the main extension.
- C. All water mains shall be interconnected (looped) in a pattern approved by the Town Engineer as providing for maintenance of adequate pressure and as providing for future extension to the maximum area to be serviced.
- D. Water mains shall be installed only in dedicated streets or alleys or in dedicated rights of way along such streets or alleyways, and in easements for such purpose accepted by the Town.
- E. Fire Hydrants shall be installed along all water main extension as follows:
 - 1. Fire hydrants shall be installed at a distance of not more than five hundred feet (500') from an existing fire hydrant in residential areas unless otherwise authorized by a Fire Protection Plan approved by the Wickenburg Fire Chief or ~~Public Works Director~~ PUBLIC WORKS DIRECTOR OR HIS/HER DESIGNEE PUBLIC WORKS DIRECTOR OR HIS/HER DESIGNEE OR HIS/HER DESIGNEE. Fire hydrants shall be connected by at least a six inch (6") ductile iron pipe.
 - 2. All Fire Hydrants shall be of the Mueller Super Centurion type OR OTHER EQUIVALENT AS APPROVED BY THE PUBLIC WORKS DIRECTOR OR HIS/HER DESIGNEE OR HIS/HER DESIGNEE. ~~equivalent.~~
 - 3. Each Fire Hydrant shall have three (3) outlets consisting of two: two and one-half inch hose nozzles and one: four and one half inch pumper nozzle with NST (National Standard Thread).
 - 4. All Fire Hydrants shall be painted red.
- F. All water mains shall be as follows: 1) Six (6) to sixteen (16) inch diameter pipe shall be ductile iron, minimum 150 psi or as specified by the Town Engineer/~~Public Works Director~~ PUBLIC

WORKS DIRECTOR OR HIS/HER DESIGNEE. 2) Sixteen (16) inch diameter pipe or greater may be either ductile iron or concrete pressure pipe-steel cylinder type.)

- G. Water service lines connecting a water main to a customer's meter shall be Type K Soft Copper, no less than one inch (1") or as specified by the Town Engineer/~~Public Works Director~~ PUBLIC WORKS DIRECTOR OR HIS/HER DESIGNEE.

Section 13-5-5 Construction and In-Progress Inspection

- A. Prior to the start of construction, an offsite improvement permit shall be obtained from the COMMUNITY DEVELOPMENT/NEIGHBORHOOD SERVICES DEPARTMENT. ~~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 and the appropriate water development fee paid pursuant to Chapter 8, Article 8-4 of the Code. 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 water main extensions shall meet the specifications, requirements and approval of the Town, and such construction shall be subject to in-progress inspection by the Town Engineer AND THE PUBLIC WORKS DIRECTOR OR HIS/HER DESIGNEE. ~~and the superintendent of public works.~~

Section 13-5-6 Extension Rights Reserved; Costs of Extension

- A. The Town reserves the right to install any water main extensions.
- B. Except as may be provided in subsection C of this section, the developer causing an extension of the water system shall pay in full for all rights-of-way, easements, ~~Engineering~~ ENGINEERING, construction and installation of all 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 interest in the improvements, right-of-way and all claims for reimbursement by others except as provided in subsection C of this section.
- C. When a developer desires to construct a water 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 13-5-2, 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 derive subsequent benefit shall be defined as developers or property owners who subdivide or develop land within the water system service area as determined pursuant to Section 13-5-2, subsection A of this code after an offsite improvement permit has been issued for the purposed extension. Excluded from this definition are existing

- developments which are served by existing water lines within the service area of the water line extension.
2. Apportionment of the cost shall be based on the total area within the designated water service area as determined pursuant to Section 13-5-2, subsection A of this code, exclusive of dedicated rights-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 extensions; 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 providing of water 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 payback agreements.

Section 13-5-7 Replacement or Repair

All persons or other entities who create, cause to be built, or build any water main extensions as contemplated herein 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 13-5-8 Acceptance; Health Inspection; Ownership; Authorization to Use

When a water main extension is completed and approved by the Town Engineer, then the council shall, by resolution, accept, approve and authorize the use thereof, provided that there has been filed with the Town clerk suitable health certification for such extension by the Maricopa County health department, and provided further that the extension shall first have been conveyed to the Town free and clear of any and all encumbrances.

Section 13-5-9 Connections; Meters; Maintenance; Charges

- A. The Town shall have exclusive control of connections to water main extensions. Meters of customers serviced by such water mains shall be located in dedicated streets or alleyways or in dedicated rights-of-way along such streets or alleyways or in dedicated easements for such purposes accepted by the Town.

The Town reserves the right and assumes full responsibility of costs for repair or maintenance of water mains and of lines connecting such mains to a customer's meter, except as follows: In cases in which, prior to July 15, 1974, customers' meters have been placed in locations other than herein described, the Town reserves the right to maintain or repair water lines connecting water mains and such customers' meters with the cost to the customer not to exceed such cost as would incur were the meter in the location herein described.

- B. Building or house connection (water tap) charges and monthly water service charges within the developer's area shall be made by Council Resolution.
- C. Before any tap or connection is made, the applicant/developer shall pay to the Town the applicable water TAP development fee PER COUNCIL RESOLUTION. ~~provided for under Chapter 8, Article 8.4 of the Code.~~

Section 13-5-10 Connection Required

- A. Connection Required: Except as provided in Paragraph B, all new construction on real property within the Town or annexed into the Town in the future shall connect to the Town's water system. Where connection to the water system is required pursuant to this Section, such connection shall be completed 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.
- B. Exceptions: Connection to the water 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 potable water by a private well as of September 3, 2008, or (ii) the cost of the required extension exceeds the cost of an approved alternative water delivery 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~~ PUBLIC WORKS DIRECTOR OR HIS/HER DESIGNEE that either (i) the project or building was served potable water by a private well as of September 3, 2008, or (ii) the cost of the required extension exceeds the cost of an approved alternative water delivery 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 OR HIS/HER DESIGNEE that either (i) the building was served potable water by a private well as of September 3, 2008, or (ii) the cost of the required extension exceeds the cost of an approved alternative water delivery system by ten (10) times
 4. Properties where only irrigation water is used.
- D. Owner Election to Connect: Owners of real property that are exempt from the requirement to connect to the Town's water system may elect to do so, in which event the cost of such connection shall be borne by the owner.
- E. Separation: In the event that any properties are serviced both by the Town and non -Town water supply systems, then no component part of one such system shall be closer than ten (10) feet from any component part of such other system.

Section 13-5-11 Prohibited Acts

It is unlawful for any person to excavate or cause an excavation to be made for the purpose of laying water lines or pipes in the public streets, alleyways or in easements accepted by the Town for such water lines or upon the property of the Town without first complying with the provisions of this article.

Article 13-6 UTILITY SERVICE

- 13-6-1 Utility Service Departments
- 13-6-2 Definitions
- 13-6-3 Accounting
- 13-6-4 Bonding
- 13-6-5 Transfers of Services

Section 13-6-1 Utility Service Departments

There shall be established four utility service departments known as electrical utility service department, garbage and trash utility service department, sewer utility service department and water utility service department.

Section 13-6-2 Definitions

- A. "Electrical utility service department" shall ~~be defined as~~ MEAN the purchase, production, distribution or sale of electric energy pursuant to article 13-1 of this chapter.
- B. "Solid Waste" ~~"Garbage and trash utility service department"~~ shall ~~be defined as~~ MEAN the collection and disposal of refuse/recycling for a monthly service fee pursuant to article 13-2 of this chapter.
- C. "Sewer utility service department" shall ~~be defined as~~ MEAN the collection and treatment of sewage waste materials for a monthly service fee pursuant to article 13-3 of this chapter.
- D. "Water utility service department" shall ~~be defined as~~ MEAN the purchase, production, distribution and sale of water pursuant to articles 13-4 and 13-5 of this chapter.

Section 13-6-3 Accounting

- A. Each utility service department shall maintain an account separate from each other utility service department and separate from any other fund or account of the Town.
- B. All proceeds received from the sale of bonds and all fees, rents, tolls or other charges received by the Town from the operation of any utility service department shall be paid into a separate account, in the name of such utility service department.
- C. Funds on deposit for each utility service department shall be used to pay all bonds and interest thereon and to provide for all expenses of operation, maintenance, expansion and replacement of facilities for such utility service department or for another utility service department, for capital improvements of the Town or for rebate of the Town property tax.
- D. Costs of administration and other costs of the Town shall be paid from each utility service department account to the extent that such costs can be allocated to such utility service department and only to the extent of the proven need of such utility service department.

Section 13-6-4 Bonding

Nothing in this Chapter shall prohibit the utilization of the combined assets of all utility service departments as collateral for bonding or financing purposes for any utility service department.

Section 13-6-5 Transfers of Services

Any utility service provided from any utility service department to any department of the Town shall be charged to the department receiving such service at the actual cost of the utility service department providing such service.