

PART VIII. UTILITIES

Chapter 50 SALE OF UTILITIES¹

ARTICLE I. GENERAL PROVISIONS

50-1. Definitions.

The following definitions shall apply:

- A. *Utilities* shall mean domestic water, reclaimed water, sewage disposal service and garbage and refuse collection.
- B. *Single-family dwelling* shall mean a building located upon a separate lot, designed for occupancy by one (1) family for living purposes. Single-family dwelling shall include a mobile home located upon a lot in a mobile home subdivision. Single-family dwelling shall also include a condominium or townhouse which has a separate water meter.
- C. *Multi-family dwelling* shall mean a building or group of buildings located upon a lot or group of adjoining lots having common ownership served by common water meters, designed for occupancy by two (2) or more families such as duplexes, triplexes, multiplex apartments, condominiums, townhouses and trailer or mobile home parks.
- D. *Commercial building* shall mean a building or group of buildings upon a lot or group of adjoining lots, having common ownership designed for any commercial purpose other than multifamily dwellings. Any building or group of buildings where combined residence and business is practiced, where such business is advertised by a sign of any type on the premises and/or listed in the telephone directory as a business, shall be classified as commercial. Commercial building shall include hotel, motel, tourist courts, rooming houses or any establishment catering to transient residents.
- E. *Reclaimed water* shall mean effluent, other than effluent produced by the City's reverse osmosis plant, which has been treated to achieve a quality suitable for its intended use as prescribed by federal and state regulations.
- F. *Special request recovered water* shall mean recovered reclaimed water delivered directly from a recovery well for the exclusive use of a single user.

(Ord. No. 669, § 2, 3-11-76; Ord. No. 2206, § I, 1-24-91; Ord. No. 3058, § 2, 11-18-99; Ord. No. 3164, § 1, 8-24-00; Ord. No. 3943, § 1(A), 8-23-07)

¹Editor's note(s)—Ord. No. 3058, § 2, adopted Nov. 18, 1999, amended the Code by renumbering former Ch. 25A, which pertained to sale of utilities as the current Ch. 50 to read as herein set out. See the Code Comparative Table.

50-2. Application for utility service; requested discontinuance of service.

All applications for utility service shall be made through the Office of the Management Services Director. The applicant shall furnish the following: name; spouse's name (if applicable); the official street number assigned to the premises or the legal description of the property; previous address; a copy of the lease or rental agreement if applicant is not the property owner may be required and the address of which the monthly statement is to be mailed. The applicant may be required to show picture identification.

All applicants shall pay a fee of twenty-five dollars (\$25.00) to open an account and are required to give a twenty-four-hour notice to have water service turned on. Where the request requires the service be performed outside normal working hours, weekends or holidays, an additional fee of twenty-seven dollars (\$27.00) shall be charged. Normal working hours are defined as weekdays between the hours of 8:00 a.m. and 5:00 p.m.

Customers desiring to discontinue the use of water must give a twenty-four-hour notice thereof through the Office of the Management Services Director, or the charges for utilities will be continued until such notice is given. Any service call on weekends, holidays, or between the hours of 5:00 p.m. and 8:00 a.m. shall pay a fee of thirty-five dollars (\$35.00). Customers desiring their water service turned off for the purpose of repairing their plumbing shall pay a fee of thirty-five dollars (\$35.00) if the service call is on weekends, holidays or between the hours of 5:00 p.m. and 8:00 a.m. During normal working hours this service will be performed at no charge.

(Ord. No. 669, § 2, 3-11-76; Ord. No. 1555, §§ 1, 2, 11-21-85; Ord. No. 1971, § I, 7-14-88; Ord. No. 2206, § I, 1-24-91; Ord. No. 2310, § I, 11-5-92; Ord. No. 3058, § 2, 11-18-99; Ord. No. 3943, § 1(B), 8-23-07; Ord. No. 4465, § 1(A), 8-15-13; Ord. No. 4646, § 2A, 8-16-15; Ord. No. 4752, § 1A, 6-22-17)

Editor's note(s)—It should be noted that section 2 of Ord. No. 4752 provides, "The new rates and fees established by this Ordinance No. 4752 shall become effective with all bills issued on or after October 1, 2017."

50-3. Security deposits.

A. When satisfactory credit has not been established all utility customers shall place a deposit with the Management Services Director before being furnished utilities in accordance with the following minimums:

Single-Family, Duplex and Triplex Residential Customers

Account type	Inside City Minimum Deposit	Outside City Minimum Deposit
Single Family Residential	\$120.00	\$168.00
Duplex	\$240.00	\$336.00
Triplex	\$360.00	\$504.00

All Other Type-User Customers

Account Type	Inside City Minimum Deposit (Per Meter)	Outside City Minimum Deposit (Per Meter)
Multi-family	\$1,000.00	\$1,400.00
Commercial	400.00	560.00
Industrial	2,500.00	3,500.00
Landscape	300.00	420.00

The Management Services Director may require a security deposit equal to two (2) times the maximum monthly bill during the previous twelve (12) months in lieu of the minimum deposit listed above.

B. All residential account customers shall pay a deposit unless they have established a satisfactory payment history with the city or provide a recent (within the last 12 months) satisfactory letter of credit from another utility company. Upon default of payment for utility services by the account owner, the Management Services Director may require the placement of a security deposit, as defined above, before continuation or resumption of City Services. Upon default of payment for utility services by the account owner, the Management Services Director may require the placement of a security deposit as defined above, before continuation or resumption of City Services.

C. Deposits which guarantee payment of utility bills shall be noninterest-bearing and shall be refunded to the consumer at the end of a twelve-month period, providing the consumer has not allowed the account to become delinquent during said twelve-month period or upon voluntary discontinuance of service. Any charges due at discontinuance of service shall be deducted from said security deposit before the refund is made.

D. Residential customers receiving refuse collection and/or wastewater service who are without an active water account shall be required to place a security deposit with the Management Services Director equal to two (2) times the current monthly refuse collection bill. This deposit shall be required in addition to the deposit requirements outlined in paragraph A. of this section.

(Ord. No. 669, § 2, 3-11-76; Ord. No. 1180, § 1, 4-25-83; Ord. No. 1971, § I, 7-14-88; Ord. No. 2056, § 2, 5-25-89; Ord. No. 2206, § I, 1-24-91; Ord. No. 2310, § I, 11-5-92; Ord. No. 3058, § 2, 11-18-99; Ord. No. 3943, § 1(C), 8-23-07; Ord. No. 4465, § 1(B), 8-15-13)

Editor's note(s)—It should be noted that section 2 of Ord. No. 4465 provides, "The new rates and fees established by this Ordinance shall become effective with all bills issued on or after October 1, 2013."

50-4. Customer billing.

A. Monthly statements shall be rendered by the Management Services Director to each utility customer, billing periods to normally consist of approximately thirty (30) days. Separate statements shall be rendered for each water meter based upon the service rendered thereby. Each statement shall also inform the customer of the consequences of nonpayment and the telephone numbers of appropriate personnel authorized to resolve billing disputes. Each statement shall contain the customer's account number; the reading date; the delinquent date; the present and previous meter reading; the consumption in thousand gallons; the amount of charges for water services; wastewater service; garbage and refuse removal service; new account fee or service call fee, if applicable; previous balance, if any; applicable taxes; and total amount due.

B. First and/or final statements rendered for periods of less or more than thirty (30) days shall have the minimum monthly utility charges prorated daily. In addition to the prorated utility charges, the statement shall include a charge for each thousand gallons of water metered during said period plus applicable taxes.

C. Statements rendered on properties during the course of construction or development shall be for water only plus applicable taxes; however, the builder or developer shall be responsible for the removal and disposal of all construction debris. Wastewater service charges and garbage and refuse collection charges shall be charged to the builder or developer following final inspection by the building inspection division.

D. Should a billing error be found, whether in favor of the City or in favor of the customer, adjustments to prior bills will be allowed for a period of not more than twenty-four (24) months from the date the error was first reported. Refunds to customers or additional charges due from customers will be non-interest bearing.

Any property upon which utility services may have been furnished by the City, and which may not for any cause have been assessed for such use on the books of the City, shall be assessed for the use for which it is in arrears. Upon the failure of the payment of these charges, the supply of water shall be turned off, pending settlement.

(Ord. No. 669, § 2, 3-11-76; Ord. No. 1971, § I, 7-14-88; Ord. No. 2206, § I, 1-24-91; Ord. No. 3058, § 2, 11-18-99; Ord. No. 4465, § 1(C), 8-15-13; Ord. No. 4752, § 1B, 6-22-17)

Editor's note(s)—It should be noted that section 2 of Ord. No. 4752 provides, "The new rates and fees established by this Ordinance No. 4752 shall become effective with all bills issued on or after October 1, 2017."

50-5. Payment of bills.

50-5.1. All bills rendered for each billing period are due and payable by the due date printed on the statement. The due date shall be no less than twenty-four (24) calendar days after each billing period. A late fee of two (2) percent will be charged for any outstanding balance showing on the statement (excluding taxes) not paid by the due date. If the total of such bill is not paid by the due date, water service is subject to discontinuance pursuant to Code Section 50-6.

50-5.2. When water is turned off because of a delinquent bill, or if the consumer necessitates a personal call by a utility services representative, an automated outbound call, or a scheduled disconnect order is generated because of the delinquent status of the account, whether or not service is turned off, a service fee of twenty dollars (\$20.00) shall be charged. Water services shall not be continued or resumed until such delinquent bill and service fee has been collected in full. In addition, the delinquent customer shall be required to place a new or additional security deposit as defined in section 50-3 above. Acceptable method of payment shall be limited to cash, personal check with a valid guarantee card, money order, certified check, cashier's check or traveler's check.

50-5.3. A customer's water service may be disconnected for nonpayment of a bill for utility service rendered to the customer at a previous location, provided such bill is not paid within twenty-one (21) days after the unpaid bill has been rendered to the customer at the new location.

(Ord. No. 669, § 2, 3-11-76; Ord. No. 1180, § 1, 4-25-83; Ord. No. 1971, § I, 7-14-88; Ord. No. 2206, § I, 1-24-91; Ord. No. 2310, § I, 11-5-92; Ord. No. 3058, § 2, 11-18-99; Ord. No. 3164, § 2, 8-24-00; Ord. No. 3861, § 1, 1-11-07; Ord. No. 3943, § 1(D), 8-23-07; Ord. No. 4156, § 1A, 6-25-09; Ord. No. 4465, § 1(D), 8-15-13)

Editor's note(s)—It should be noted that section 2 of Ord. No. 4465 provides, "The new rates and fees established by this Ordinance shall become effective with all bills issued on or after October 1, 2013."

50-6. Discontinuance of service.

A. Before any discontinuance of water service shall be made, other than specified in subsection B. below, the resident shall receive written notice of the reason for the discontinuance and be advised, also in writing, of the opportunity to contact customer service personnel to present any objections. If service is disconnected and subsequently reconnected, a thirty dollar (\$30.00) reconnect fee may be applied to the account for all future occurrences of the account being disconnected for non-payment.

B. In the case of unnecessary waste, fraudulent representation on the part of any water customer, or in an emergency, the City reserves the right to turn off water without notice until all charges have been paid in full and/or waste or emergency corrected.

(Ord. No. 2206, § I, 1-24-91; Ord. No. 3058, § 2, 11-18-99; Ord. No. 4465, § 1(E), 8-15-13)

Editor's note(s)—It should be noted that section 2 of Ord. No. 4465 provides, "The new rates and fees established by this Ordinance shall become effective with all bills issued on or after October 1, 2013."

Former § 25A-6 is now § 25A-6.1.

50-7. Right to enter premises.

Employees of the City may enter upon the premises of any water customer at any reasonable time to examine the pipes and fixtures, the quantity of water used and the manner of its use.

(Ord. No. 669, § 2, 3-11-76; Ord. No. 2206, § I, 1-24-91; Ord. No. 3058, § 2, 11-18-99)

Editor's note(s)—These provisions were formerly located in § 25A-6. In its revision of this article, Ord. No. 2206 redesignated the provisions § 25A-7. The editor has included the provisions as § 25A-6.1 in order to avoid duplication of section numbers.

50-8. Unauthorized use.

A service charge of one hundred dollars (\$100.00) plus charges for estimated consumption, according to the applicable consumption rate schedule, will be assessed to any customer for unauthorized use of water services for each occurrence. Unauthorized use shall mean the taking of service by (a) turning the service on without authority, or (b) by connecting directly into service or hydrant without a meter, or (c) willfully modifying the meter or service apparatus so as to cause loss or reduction in consumption registration. Such sum shall be charged against the premises, and the supply of water to such premises shall be withheld until such sum is paid. In addition, charges for damages and/or special services performed will be assessed to the customer. Charges will be based upon materials and/or labor. Such sum shall be charged against the premises, and the supply of water to such premises shall be withheld until such sum is paid. The provisions of this section shall not preclude the assessment of any criminal penalties authorized by this Code.

50-8.1. *Accessibility of water meter.* Water meter boxes shall be installed and maintained such that the access cover is exposed and not lower than the finished grade. It shall be the responsibility of the consumer to ensure that access by employees of the City to the water meter is not obstructed by landscape materials, vehicles or any other obstruction. In the event the consumer does not allow adequate access to the water meter box, ten (10) business days after proper written notification the City will remove the obstruction and charge a fee on the basis of time and materials.

(Ord. No. 2310, § I, 11-5-92; Ord. No. 3058, § 2, 11-18-99; Ord. No. 3943, § 1(E), 8-23-07; Ord. No. 4465, § 1(F), 8-15-13)

Editor's note(s)—It should be noted that section 2 of Ord. No. 4465 provides, "The new rates and fees established by this Ordinance shall become effective with all bills issued on or after October 1, 2013."

ARTICLE II. METER INSTALLATIONS, SEWER CONNECTIONS

50-9. Water meter installation fee.

50-9.1. Properties inside City limits to be connected to the municipal water or reclaimed water distribution system shall pay a fee for which the City will install a service line and meter box in accordance with the following schedule plus all applicable costs incurred by the City for concrete and asphalt repair and replacement in the public right-of-way required for installation:

Meter Size (In Inches)	Inside City	Outside City
¾	\$1,819.00	\$2,547.00

1	1,847.00	2,586.00
1½	1,942.00	2,719.00
2	2,044.00	2,862.00

Installation of the above size meters outside the City limits shall be one and four-tenths (1.4) times the fee for installation inside the City limits.

50-9.2. Properties to be connected to the municipal water or reclaimed water distribution system where the service line (from the water main to the property line) and meter box is installed by the subdivider or developer shall be charged a fee for the meter installation in accordance with the following schedule:

Meter Size (In Inches)	Inside City	Outside City
¾	\$419.00	\$587.00
1	447.00	626.00
1½	542.00	759.00
2	644.00	902.00
3 - Turbine	2,186.00	3,060.00
3 - Compound	3,405.00	4,767.00
3 - Turbine Fire Protection Meter	3,462.00	4,847.00
4 - Turbine	2,786.00	3,900.00
4 - Compound	4,196.00	5,874.00
4 - Turbine Fire Protection Meter	3,983.00	5,576.00
4 - Compound Fire Protection Meter	7,347.00	10,286.00
6 - Turbine	4,387.00	6,142.00
6 - Compound	6,433.00	9,006.00
6 - Turbine Fire Protection Meter	5,180.00	7,252.00
6 - Compound Fire Protection Meter	9,278.00	12,989.00
8 - Turbine	6,380.00	8,932.00
8 - Compound	9,113.00	12,758.00
8 - Turbine Fire Protection Meter	6,046.00	8,464.00
8 - Compound Fire Protection Meter	11,641.00	16,297.00
10 - Turbine	9,953.00	13,934.00
10 - Turbine Fire Protection Meter	7,846.00	10,984.00
10 - Compound Fire Protection Meter	16,713.00	23,398.00
12 - Turbine	15,717.00	22,004.00

Installation of the above size meters outside the City limits shall be one and four-tenths (1.4) times the fee for installation inside the City limits.

An additional charge of ninety-seven dollars (\$97.00) per meter inside the City limits and one hundred thirty-five dollars and eighty cents (\$135.80) per meter outside the City limits shall be made for installations requiring more than two (2) service calls. The charge shall be levied for each return trip necessary to complete the meter installation and shall be shown on the utility billing statement.

50-9.3. All water meters larger than two (2) inches shall have the service line and meter box installed by the subdivider or developer using specifications approved by the City. The subdivider or developer will be responsible to pay the charges associated with the water meter and installation.

50-9.4. All water meters shall remain the property of the City, and the City shall be responsible for maintenance of meters.

(Ord. No. 669, § 2, 3-11-76; Ord. No. 707, § 1, 4-14-77; Ord. No. 903, § 1, 11-13-80; Ord. No. 1056, § 1, 4-22-82; Ord. No. 1219, § 1, 9-6-83; Ord. No. 1408, § 1, 12-20-84; Ord. No. 1858, §§ 1—3, 7-23-87; Ord. No. 2164, § 1, 9-13-90; Ord. No. 2407, § 1, 9-23-93; Ord. No. 2473, § 1, 7-28-94; Ord. No. 3058, § 2, 11-18-99; Ord. No. 3164, § 3, 8-24-00; Ord. No. 3943, § 1(F), 8-23-07; Ord. No. 4156, § 1B, 6-25-09; Ord. No. 4465, § 1(G), 8-15-13)

Editor's note(s)—It should be noted that section 2 of Ord. No. 4465 provides, "The new rates and fees established by this Ordinance shall become effective with all bills issued on or after October 1, 2013."

50-10. Backflow prevention device installation fee.

A. Residential properties to be connected to the municipal water system which incorporate the use of reclaimed wastewater as a water conservation measure shall be charged a fee for installation of backflow prevention devices in accordance with the following schedule:

	Inside City	Outside City
Water service lines up to 1 inch	\$225.00	\$315.00

Devices to be installed inside the City on service lines larger than one (1) inch will be installed on the basis of time and materials plus twenty-five (25) percent. The deposit fee will be estimated by the Water Quality Program Manager and shall be required by the Management Services Director prior to installation, with the balance due upon completion of the installation. Installation of devices outside the City on service lines larger than one (1) inch shall be 1.4 times the fee for installation inside the City limits.

B. An additional charge of fifty dollars (\$50.00) per device inside the City limits and seventy dollars (\$70.00) per device outside the City limits shall be made for installations requiring more than two (2) service calls, or for testing the backflow prevention device after relocation of a hydrant meter. The charge shall be levied for each return trip necessary to complete the installation of the device.

C. All backflow prevention devices installed under this program shall remain the property of the City, and the City shall be responsible for testing and maintenance of the devices.

(Ord. No. 2164, § 2, 9-13-90; Ord. No. 3058, § 2, 11-18-99; Ord. No. 3943, § 1(G), 8-23-07; Ord. No. 4465, § 1(H), 8-15-13; Ord. No. 4646, § 2B, 8-16-15)

Editor's note(s)—It should be noted that section 3 of Ord. No. 4646 provides, "The new rates and fees established by this Ordinance No. 4646 shall become effective with all bills issued on or after October 1, 2015."

ARTICLE III. UTILITY RATES AND REFUSE REMOVAL COLLECTION SCHEDULE

50-11. Water rates.

A. The following rates shall apply to all individually metered water services:

Meter Size (in inches)	Monthly Base Charge	
	Inside City	Outside City

5/8	\$9.26	\$12.97
3/4	10.56	14.79
1	13.49	18.89
1½	21.24	29.74
2	29.90	41.86
3	63.03	88.25
4	88.94	124.52
6	168.88	236.44
8	255.85	358.19
10	435.93	610.31
12	616.03	862.45

B. In addition to the monthly base charge, all water metered shall be charged at the following rates by class per one thousand (1,000) gallons, plus the applicable proportionate part of any taxes or any governmental impositions, which are assessed on water sales:

	Year-Round Single-Family	
	Inside City	Outside City
First 10,000 gallons	\$1.62	\$2.27
Next 10,000 gallons	2.11	2.96
Next 40,000 gallons	2.65	3.71
Over 60,000 gallons	3.31	4.64

	Year-Round Multi-Family	
	Inside City	Outside City
First 10,000 gallons	\$0.89	\$1.25
Next 10,000 gallons	1.09	1.53
Next 20,000 gallons	1.49	2.09
Over 40,000 gallons	2.25	3.15

	Year-Round Industrial	
	Inside City	Outside City
All Usage	\$2.17	\$3.04

	Year-Round Landscape	
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	Inside City	Outside City
All Usage	\$2.70	\$3.78

	Year-Round All Other Non-Residential	
	Inside City	Outside City
All Usage	\$2.19	\$3.07

(Ord. No. 669, § 2, 3-11-76; Ord. No. 707, § 2, 4-14-77; Ord. No. 859, § 1, 6-26-80; Ord. No. 1180, § 1, 4-25-83; Ord. No. 1397, § 1, 9-27-84; Ord. No. 1496, § 1, 7-25-85; Ord. No. 1677, § 1, 8-28-86; Ord. No. 1821, § 1, 4-23-87; Ord. No. 2027, § 1, 11-17-88; Ord. No. 2047, § 1, 2-9-89; Ord. No. 2101, § 1, 11-16-89; Ord. No. 2186, § 1, 11-29-90; Ord. No. 2266, § 1, 2-27-92; Ord. No. 2330, § 1, 1-14-93; Ord. No. 2407, § 1, 9-23-93; Ord. No. 2473, § 1, 7-28-94; Ord. No. 2772, § 1, 1-8-98; Ord. No. 3058, § 2, 11-18-99; Ord. No. 3478, § 1, 10-23-03; Ord. No. 3943, § 1(H), 8-23-07; Ord. No. 4158, § 1A, 6-25-09; Ord. No. 4263, § 1A, 2-10-11; Ord. No. 4646, § 2C, 8-16-15; Ord. No. 4752, § 1C, 6-22-17)

Editor's note(s)—It should be noted that section 2 of Ord. No. 4752 provides, "The new rates and fees established by this Ordinance No. 4752 shall become effective with all bills issued on or after October 1, 2017."

50-11.1. Reclaimed water service rates.

The following rates per one thousand (1,000) gallons shall apply to all individually metered reclaimed water services:

	Year-Round Rate	
	Inside City	Outside City
Reclaimed water	\$0.75	\$1.05

(Ord. No. 3164, § 4, 8-24-00; Ord. No. 3943, § 1(H), 8-23-07; Ord. No. 4158, § 1A, 6-25-09; Ord. No. 4263, § 1A, 2-10-11; Ord. No. 4465, § 1(I), 8-15-13; Ord. No. 4646, § 2D, 8-16-15; Ord. No. 4752, § 1D, 6-22-17)

Editor's note(s)—It should be noted that section 2 of Ord. No. 4752 provides, "The new rates and fees established by this Ordinance No. 4752 shall become effective with all bills issued on or after October 1, 2017."

50-12. Wastewater service rates.

A. The following wastewater service rates shall apply to all dwelling and commercial units where the property is connected to a City sewer main and the water account is active, unless the unit is outside the City limits and not connected to a City sewer main. In the event the active water account is for the sole purpose of providing fire flow, lawn, landscaping or other irrigation and sprinkling or other use approved by the City Engineer not requiring a sewer connection, the following service rates shall not apply.

Type of Service	Water Metered	Inside City	Outside City
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Single-Family Dwelling Unit	Not Applicable	\$27.32	\$43.72
Multi-Family Dwelling Unit	Not Applicable	10.93	17.49
Non-Residential: Commercial, Commercial Processing & Manufacturing, Medical Institutions, Educational Institutions, and Large Volume Industrial	Monthly Base Charge	8.35	13.35
	Per 1,000 gallons	3.81	6.09

B. Should a customer pay applicable wastewater service rates in accordance with [subsection] 50-12.A., but the customer is not physically connected to City wastewater service, the customer may request a credit of paid-to-date wastewater fees be applied to any system development fees due, to establish an active City wastewater service connection. The customer account must be active and in good standing for the credit to be calculated and applied, and only those fees paid by the current customer will be available as a credit.

C. In the event there is a privately owned City approved sewer meter installed for commercial and industrial users, the wastewater metered volumes will be charged at the rates listed below. The installation costs of the sewer meter shall be borne by the customer and the meter placement shall allow access for reading.

The meter shall be calibrated annually City-required standards with a testing certification provided to the City. At any time should the meter begin to malfunction causing inaccurate reads, the sewer account owner shall correct the issue and provide a new testing certification to the City. Should the issue not be resolved within sixty (60) days, the customer's sewer charges will revert back to the water metered rates listed in [subsection] 50-12.A. until the meter is repaired.

Type of Service	Inside City	Outside City
Approved Non-Residential commercial or industrial wastewater meter:		
Monthly base charge	\$8.35	\$13.35
Per 1,000 gallons	3.81	6.09

(Ord. No. 669, § 2, 3-11-76; Ord. No. 707, § 2, 4-14-77; Ord. No. 807, § 1, 6-28-79; Ord. No. 859, § 1, 6-26-80; Ord. No. 1243, § 1, 9-19-83; Ord. No. 1259, § 1, 10-24-83; Ord. No. 1497, § 1, 7-25-85; Ord. No. 1678, § 1, 8-28-86; Ord. No. 1833, § 1, 6-11-87; Ord. No. 2028, § 1, 11-17-88; Ord. No. 2102, § 1, 11-16-89; Ord. No. 2187, § 1, 11-29-90; Ord. No. 2267, § 1, 2-27-92; Ord. No. 2331, § 1, 1-14-93; Ord. No. 2473, § 3, 7-28-94; Ord. No. 2748, § 1, 8-28-97; Ord. No. 3058, § 2, 11-18-99; Ord. No. 3943, § 1(I), 8-23-07; Ord. No. 4158, § 1B, 6-25-09; Ord. No. 4263, § 1B, 2-10-11; Ord. No. 4465, § 1(J), 8-15-13; Ord. No. 4646, § 2E, 8-16-15; Ord. No. 4752, § 1E, 6-22-17; Ord. No. 4895, § 2(Exh., § I), 12-9-19)

Editor's note(s)—It should be noted that section 2 of Ord. No. 4752 provides, "The new rates and fees established by this Ordinance No. 4752 shall become effective with all bills issued on or after October 1, 2017."

50-13. Wastewater pretreatment program cost recovery.

A. In order to provide for recovery of City costs associated with the City of Chandler wastewater pretreatment program, the following fee schedule is established:

Industrial User permit application and renewal\$480.00

Monthly metered water charge, per 1,000 gallons0.183

Excess pollutant processing charge:

Per excess lb. BOD*0.415

Per excess lb. TSS**0.083

Per excess lb. Ammonia0.487

*BOD: Biochemical oxygen demand

**TSS: Total Suspended solids

The above fees shall be separate from all other fees chargeable by the City and apply to Industrial Users required to be permitted under the procedures contained in the City's approved Pretreatment Program. Industrial Users that certify no discharging of any process and/or process related wastewater regulated under Federal Pretreatment Categorical Standards shall be exempt from the monthly metered water charge in this section. The monthly metered water charge is measured at the Industrial User's water meter(s) or at the metered combined sewer outfall if approved by the City. These fees relate solely to the pretreatment program requirements and are structured to reimburse the following:

1. Costs of setting up and operating the City's wastewater pretreatment program;
2. Costs of monitoring, inspection and surveillance procedures;
3. Costs of reviewing accidental discharge procedures and construction;
4. Costs associated with processing permit applications and issuing permits;
5. Costs associated with filing appeals;
6. Costs incurred by City for consistent removal of pollutants otherwise subject to Federal pretreatment standards;
7. Other costs deemed necessary to carry out the requirements of the pretreatment program.

Fees shall be reviewed annually each January by the Director of the Public Works and Utilities Department to assure they are equitable and sufficient to recover City costs associated with the program as defined above.

B. If any provision, paragraph, word or section of this ordinance is invalidated by any court of competent jurisdiction, the remaining provisions, paragraphs, words or sections shall not be affected and shall continue in full force and effect.

C. All other ordinances and parts of other ordinances inconsistent or conflicting with any part of this ordinance are hereby repealed to the extent of such inconsistency of conflict.

(Ord. No. 1013, § 1, 11-12-81; Ord. No. 1314, § 1, 3-8-84; Ord. No. 3058, § 2, 11-18-99; Ord. No. 3311, § 5, 9-27-01; Ord. No. 4465, § 1(K), 8-15-13; Ord. No. 4646, § 2F, 8-16-15; Ord. No. 4802, § 2(Exh., § 31), 4-26-18)

Editor's note(s)—It should be noted that section 3 of Ord. No. 4646 provides, "The new rates and fees established by this Ordinance No. 4646 shall become effective with all bills issued on or after October 1, 2015."

50-14. [Reserved.]

Editor's note(s)—Ord. No. 3739, § 2, adopted Dec. 12, 2005, repealed § 50-14, which pertained to the residential refuse removal collection schedule. See also the Code Comparative Table.

50-15. Fee for basic solid waste services.

A. *Basic solid waste services.* A monthly disposal fee shall apply to all covered residences receiving basic solid waste services as set forth in Chapter 44 of this Code, and shall be set forth by City Council resolution. The City will bill the monthly disposal fee on the water account serving each covered residence. When the owner or occupant of a covered residence does not have an active water account to bill, a utility billing account will be established. A security deposit, as specified in section 50-3, shall be required from owners or occupants of covered residences without an active water account. An additional fee shall be applied to all covered residences utilizing alley-collection as set forth in Chapter 44 of this Code and shall be set forth by City Council Resolution.

B. *Unoccupied residences.* Covered residences under construction, not occupied, with the water account in the name of the contractor, will not be assessed the monthly disposal fee.

C. *Common water account.* When covered residences share a common water account, the aggregate of all of the monthly disposal fees applicable to each covered residence specified in this section will be charged to the common water account.

(Ord. No. 669, § 2, 3-11-76; Ord. No. 2060, § 1, 5-11-89; Ord. No. 2135, § 1, 5-24-90; Ord. No. 2230, § I, 6-27-91; Ord. No. 2283, § I, 7-9-92; Ord. No. 2372, § I, 6-10-93; Ord. No. 2686, § 9, 12-16-96; Ord. No. 3058, § 2, 11-18-99; Ord. No. 3689, § 2, 6-23-05; Ord. No. 3739, § 3, 12-12-05; Ord. No. 3886, § 10, 5-10-07; Ord. No. 4646, § 2G, 8-16-15; Ord. No. 4752, § 1F, 6-22-17; Ord. No. 4895, § 2(Exh., § J), 12-9-19)

50-16. Solid waste fees.

All solid waste fees referenced in Chapter 44 of this Code, shall be set forth by City Council resolution. Any miscellaneous solid waste fees may be billed with the monthly disposal fee when charged to a covered residence.

(Ord. No. 669, § 2, 3-11-76; Ord. No. 807, § 1, 6-28-79; Ord. No. 815, § 3, 8-9-79; Ord. No. 871, § 1, 8-14-80; Ord. No. 1099, § 1, 12-22-82; Ord. No. 1133, § 1, 1-13-83; Ord. No. 1213, § 1, 6-20-82; Ord. No. 1376, § I, 7-9-84; Ord. No. 1641, § I, 6-12-86; Ord. No. 1853, § I, 8-20-87; Ord. No. 1970, § I, 5-26-88; Ord. No. 2060, § 1, 5-11-89; Ord. No. 2230, § I, 6-27-91; Ord. No. 2244, § I, 8-22-91; Ord. No. 2283, § I, 7-9-92; Ord. No. 2372, § I, 6-10-93; Ord. No. 2686, § 9, 12-16-96; Ord. No. 3058, § 2, 11-18-99; Ord. No. 3311, § 6, 9-27-01; Ord. No. 3689, § 3, 6-23-05; Ord. No. 3739, § 3, 12-12-05; Ord. No. 3886, § 11, 5-10-07; Ord. No. 4895, § 2(Exh., § K), 12-9-19)

50-17. [Reserved.]

Editor's note(s)—Ord. No. 3611, § 2, adopted Oct. 14, 2004, repealed § 50-17, which pertained to sanitary landfill disposal fees. See also the Code Comparative Table.

50-18. Water meter testing fee.

50-18.1. When a customer requests an accuracy test be conducted on a water meter, a fee shall be charged in accordance with the following schedule:

Meter Size (in inches)	
2-inch or smaller	\$35.00
3-inch or larger	Actual cost of materials and labor, including administrative costs

50-18.2. All tests shall conform with requirements set forth by the American Water Works Association.

50-18.3. If the meter's performance is found to be outside the acceptable standard as set forth by the American Water Works Association, the test fee shall be waived.

(Ord. No. 3164, § 5, 8-24-00; Ord. No. 3943, § 1(J), 8-23-07)

50-19. Construction water fees.

50-19.1. When requesting a hydrant meter for construction water, customers shall deposit the sum of one thousand four hundred fifty dollars (\$1,450.00) with the City for the hydrant meter, fittings and required backflow device. The deposit, less charges for any repair, replacement, labor or balance due, shall be refunded upon termination of the customer's use of the hydrant meter. Charges for any repair, replacement, and labor may be direct charged to the customer.

50-19.2. The customer shall pay a monthly water base charge in the amount of eighty-one dollars and thirty-four cents (\$81.34) for all hydrant meters.

50-19.3. In addition to the monthly water base charge, the customer shall pay for all water metered at the rates set forth in section 50-11 of this chapter.

50-19.4. The customer shall pay a fee of forty-six dollars (\$46.00) for each requested hydrant meter installation, repair, or relocation.

(Ord. No. 3164, § 5, 8-24-00; Ord. No. 3943, § 1(K), 8-23-07; Ord. No. 4465, § 1(L), 8-15-13; Ord. No. 4646, § 2H, 8-16-15)

Editor's note(s)—It should be noted that section 3 of Ord. No. 4646 provides, "The new rates and fees established by this Ordinance No. 4646 shall become effective with all bills issued on or after October 1, 2015."

Chapter 51 WASTEWATER SERVICE²

ARTICLE I. IN GENERAL

51-1. Definitions.

Appurtenances: Items attached to a main structure to enable it to function, but not considered an integral part of it.

Branch sewer: A sanitary sewer of fifteen-inch diameter or smaller that receives wastewater from a relatively small area and discharges into a sewer main serving more than one (1) branch sewer area.

Building service line: Piping which extends from the end of the building drain and which receives the discharge of the building drain and conveys it to the public sewer. The building service line shall consist of all piping from the owner's home or building, both on the owner's property and the City right-of-way, down to and including the tap and tapping saddle on the City sewer main.

²Editor's note(s)—Ord. No. 3059, § 2, adopted Nov. 18, 1999, amended the Code by renumbering former Ch. 23, in its entirety, which pertained to waste water service as the current Ch. 51 to read as herein set out. See the Code Comparative Table.

Capacity: The maximum rate of flow that can be carried by a sewer.

Connection charge: Charge made for connection to the City Wastewater System.

Current cost (also current front foot cost): Costs involved in construction of a sewer line, including engineering, construction and inspection, usually given as a per foot cost; established annually so as to reflect the most recent costs derived from local bids, contractors' and suppliers' price quotations.

Developer: Any person or persons, corporation, partnership or firm desiring sewer service.

Interceptor sewer: A sanitary sewer eighteen (18) inches in diameter or larger that receives flow from a number of sewers and transports the flow to a point for treatment or disposal.

Lateral sewer: A sanitary sewer of fifteen-inch diameter or smaller that discharges into a branch or other sewer and has no other common sewer tributary to it.

Municipal wastewater: The untreated wastewater originating from a mixture of domestic, commercial and industrial sources.

Nominal service area: A designated area that may vary from the actual area from which wastewater flows originate or contribute to the sanitary sewer system.

Private sewer line or private sewer main: Any sewer line not owned and maintained by the City.

Public sewer line or public sewer main: A sanitary sewer line owned and maintained by the City.

Reimbursement agreement: An agreement executed between the City and developers for collection of buy-in assessments.

Sanitary sewer system: The public piping system which collects liquid and/or waterborne wastes defined as municipal wastewater, and conveys them to points of discharge or disposal.

Sewer line or sewer main: Any sewer line other than a building service line.

Sewer service area: The area contributing wastewater to the sanitary sewerage system or portion thereof.

Trunk sewer: A sanitary sewer eighteen (18) inches in diameter or larger that receives flow from many tributary branches and services a large area.

(Ord. No. 1378, § 9, 10-25-84; Ord. No. 1429, §§ 2, 3, 1-24-85; Ord. No. 2026, 12-1-88; Ord. No. 3059, § 2, 11-18-99)

Note(s)—Formerly, § 23-12.

51-2. Management of sewer system.

A. The Director of the Public Works and Utilities Department is hereby designated to manage and control the City sewer system.

B. It shall be the responsibility of the designated City Engineer to keep accurate records of all sewer main installations.

C. It shall be the responsibility of the designated City Engineer to approve and issue permits for all connections to the City sewer system.

D. The term Director when used in this chapter shall be read as the Director of the Public Works and Utilities Department.

(Ord. No. 1378, § 9, 10-25-84; Ord. No. 2026, 12-1-88; Ord. No. 3059, § 2, 11-18-99; Ord. No. 3311, § 7, 9-27-01; Ord. No. 4365, § 29, 6-14-12; Ord. No. 4802, § 2(Exh., § 32), 4-26-18)

Note(s)—Formerly, § 23-1.

51-3. Connection to sewer system required; certain exceptions.

A. All persons owning improved real property which can be served by the sewer system shall abate all privies and cesspools upon their property, and shall connect with the sewer system at such time as sewer service is available. See subsection F. below concerning septic systems and sewer availability. All expense of such connection shall be borne by the owner of the real property. A failure to abate such privies and cesspools at the time and manner specified shall constitute a misdemeanor; provided that nothing in this section shall be construed to permit any person to tap any pipe, lateral or main belonging to the City without first complying with the requirements of the City.

B. A separate sewer tap shall be provided for each separate structure unless waived by the City Engineer. Existing taps which serve more than a single structure shall be reconstructed to provide separate taps when further subdivision or separate ownership takes place.

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

D. It shall be unlawful within the City for any person to reside or to permit any person to reside in any structure, trailer, building or house unless such structure, trailer, building or house is permanently connected to the sewer system of the City or to an approved septic tank system. This section shall not apply to trailers in any trailer court having permanently installed facilities for ten (10) or more trailers and having public restroom facilities connected to a proper sewer or septic tank system.

E. Construction of a septic system shall require the approval of both the City Engineer and Maricopa County Department of Environmental Quality. City approval will not be granted unless the City Engineer determines that City Sewer Service is not available. Service will generally be considered available when public sewer mains are located within three hundred (300) feet of an established single-family residential property and within a mile of other properties. The City Engineer may also approve construction of a package treatment plant or a temporary sewer system when he/she determines such systems to be in the best interest of the City.

F. Septic systems which are privately owned and operated may continue to be used as long as they continue to function properly even though City Sewer Service has been made available. Systems which fail or present an unhealthy condition following the availability of City Service must be abandoned in accordance with Maricopa County Department of Environmental Quality standards, and the property owner shall be required to connect to the City Sewer System. The decision of the property owner to remain on a septic system when a sewer main adjoins the property will not relieve him/her of responsibility for payment of sewer service rates as set forth in Chapter 50.

(Ord. No. 1378, § 9, 10-25-84; Ord. No. 2026, 12-1-88; Ord. No. 3059, § 2, 11-18-99)

51-4. Cesspool or septic tank not to overflow.

It shall be unlawful within the City for any person to permit a cesspool or a septic tank to overflow.

(Ord. No. 1378, § 9, 10-25-84; Ord. No. 2026, 12-1-88; Ord. No. 3059, § 2, 11-18-99)

51-5. Destroying sewer pipes, impeding flow of sewage, interfering with City Employees.

A. It shall be unlawful for any person to dig up, out, open or destroy the pipe, or any manhole, of any sewer used by the public in the City or in any manner to impede the flow of sewage conducted thereby and therein, or to

interfere with the operation of such sewer or sewer system without the permission of the Director of the Public Works and Utilities Department.

B. It shall be unlawful to interfere with any officer or employee of the City charged with management, construction, operation or maintenance of the wastewater system in the discharge of their duties.

(Ord. No. 1378, § 9, 10-25-84; Ord. No. 2026, 12-1-88; Ord. No. 3059, § 2, 11-18-99; Ord. No. 4365, § 30, 6-14-12; Ord. No. 4802, § 2(Exh., § 33), 4-26-18)

Note(s)—Formerly, § 23-4.

51-6. Property owner responsibility for maintaining building service line and private sewer mains.

The building service line and private mains shall consist of all piping, both on the owner's property and in the City right-of-way, down to and including the tap and tapping saddle on the City Sewer Main. The property owner shall be responsible for cleaning, unstopping, maintenance, and repair of the building service line and any private sewer mains from the owner's home or building to the public sewer main; except that, where the correction of a stoppage requires the repair or replacement of a damaged or broken section of the building service line or private sewer main that is within the public right-of-way, such as a City street or alley, and serving a single-family or a duplex property, the Public Works and Utilities Department shall make the repair or replacement up to the owner's property line.

(Ord. No. 1378, § 9, 10-25-84; Ord. No. 1429, § 1, 1-24-85; Ord. No. 2026, 12-1-88; Ord. No. 2637, 5-9-96; Ord. No. 3059, § 2, 11-18-99; Ord. No. 4365, § 30, 6-14-12; Ord. No. 4802, § 2(Exh., § 33), 4-26-18)

Note(s)—Formerly, § 23-5.

51-7. Permit required to tap sewer.

It shall be unlawful for any person(s) to uncover, make any connections with or opening into (tap), use, alter or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the City Engineer.

(Ord. No. 3059, § 2, 11-18-99)

51-8. Temporary community and individual septic tank systems.

Temporary community and individual septic tank systems shall be designed and constructed in accordance with the standard specifications and regulations adopted by Maricopa County. No septic tank systems shall be installed or constructed without first obtaining a permit from Maricopa County Department of Environmental Quality.

(Ord. No. 1378, § 9, 10-25-84; Ord. No. 2026, 12-1-88; Ord. No. 3059, § 2, 11-18-99)

51-9. Unlawful to make false statements.

It shall be unlawful for any person to knowingly make any false statements, representations or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to the above documents or to falsify, tamper with, or knowingly render inaccurate any monitoring device or method required under this chapter.

(Ord. No. 2026, 12-1-88; Ord. No. 3059, § 2, 11-18-99)

51-10. Penalty.

Any developer or other person violating any provisions of this chapter shall be guilty of a misdemeanor and shall be punished in accordance with Chapter 1 of this Code.

(Ord. No. 1378, § 9, 10-25-84; Ord. No. 2026, 12-1-88; Ord. No. 3059, § 2, 11-18-99)

ARTICLE II. SEWER MAIN EXTENSIONS

51-11. Sewer line improvements generally.

A. There is hereby established as hereinafter set forth a policy and orderly program to provide sanitary sewer service for all areas within the City limits and those areas and subdivisions outside the City limits which are within the City's planning area.

B. The cost of all improvements of sewer lines on or adjacent or necessary to bring a sewer line adjacent to new subdivisions, areas to be developed or redeveloped, shall be the full responsibility of the developer and in accordance with the sewer master plan; except that when improvements are constructed under improvement district financing, the City shall be responsible for a share of the costs to the extent dictated by the current City assessment policy; and, except that when improvements are constructed pursuant to Chapter 38 Development fee/charge ordinance, of the Chandler City Code.

C. Notwithstanding the provisions of this chapter, those certain prior agreements entered into by the City and some developers providing for the construction of sanitary sewers will remain in full force and effect.

(Ord. No. 1378, § 9, 10-25-84; Ord. No. 2026, 12-1-88; Ord. No. 2697, 1-23-97; Ord. No. 3059, § 2, 11-18-99)

51-12. Engineering requirements.

A. The developer causing an extension of a sewer main shall locate it in City rights-of-way or easements and shall pay in full, less approved City participation when applicable, the engineering, construction and inspection costs of the lines and appurtenances.

B. Plans and specifications shall be prepared in accordance with appropriate standards established by the City Engineer.

C. Each lot or parcel of land to be served with sanitary sewer service shall abut a sewer main.

D. All lines shall be sized in accordance with the latest wastewater master plan, except that the City Engineer may increase or decrease the size of mains when requirements so dictate.

E. In all new developments such as subdivisions, multifamily tracts, commercial centers, shopping centers, industrial facilities or other similar developments, the developer shall furnish and install, to City specifications, all sewer mains, service connections, manholes, service and main stubs and appurtenances within the boundary of the development as well as the streets abutting the development, and shall make sewer line extensions as determined necessary by the City Engineer.

F. Sewer mains which are not located in public rights-of-way and which do not provide service to other than a single property, will generally not be accepted as a public sewer main. subdivisions, areas to be developed or redeveloped, shall be the full responsibility of the developer and in accordance with the sewer master plan; except that when improvements are constructed under improvement district financing, the City shall be responsible for a share of the costs to the extent dictated by the current City assessment policy; and, except that when

improvements are constructed pursuant to Chapter 38, Development fee/charge ordinance, of the Chandler City Code.

G. Notwithstanding the provisions of this article, those certain prior agreements entered into by the City and some developers providing for the construction of sanitary sewers will remain in full force and effect.

(Ord. No. 1378, § 9, 10-25-84; Ord. No. 2026, 12-1-88; Ord. No. 2697, 1-23-97; Ord. No. 3059, § 2, 11-18-99)

51-13. Approval of plans, permits, inspections and acceptance.

A. No person shall build, construct or install any temporary community or individual septic tank system without complying with all of the provisions in Chapters 46 and 47 regarding encroachment permits and off-site improvements.

B. Acceptance of all extensions shall require the written approval of the City Engineer.

C. The City shall acquire ownership of all extensions of public mains when completed, approved and accepted. The sewer system shall be conveyed to the City free and clear of all clouds to title, including liens and encumbrances.

D. Permanent-type, certified, reproducible as-built record plans shall be filed with the City Engineer upon completion of construction of additions to the sewer system.

(Ord. No. 1378, § 9, 10-25-84; Ord. No. 2026, 12-1-88; Ord. No. 3059, § 2, 11-18-99)

Secs. 51-14—51-17. Reserved.

Editor's note(s)—Ord. No. 2672, § 1, adopted Aug. 22, 1996, repealed §§ 51-14—51-17, which pertained to charges for wastewater system development. Such sections were derived from Ord. No. 1378, § 9, adopted Oct. 25, 1984, and subsequently amended. For amendatory ordinances the user's attention is directed to the Code Comparative Table at the back of this Code. For current provisions concerning such subject matter, see Ch. 25 of this Code.

51-18. Contract for extension of sewer mains.

A. The City may participate with a developer in a construction contract to extend public sewer mains. The developer shall advertise the project for bids in the same manner as prescribed for governmental public works projects. The bids shall be received and opened in the office of the City Purchasing Agent. The City Engineer shall evaluate the bids and provide the owner with a written recommendation. The limit of City participation shall not exceed the bid prices of the contractor recommended by the City.

B. If such an extension provides a means of service to property owned by persons other than the developer, the City may execute an agreement with the developer providing for reimbursement of a portion of his/her costs as determined by the City Engineer and in accordance with provisions of section 51-21.

(Ord. No. 1378, § 9, 10-25-84; Ord. No. 2026, 12-1-88; Ord. No. 3059, § 2, 11-18-99)

Note(s)—Formerly, § 23-16. See also the editor's footnote to Ch. 23.

51-19. Sewer assessments payment.

Sewer assessment charges as described below shall be paid by the developer before the final plat is approved; except that in the case of site plans, the charge shall be paid prior to approval of site plans. Assessments not covered by the foregoing shall be paid with the water meter installation fee as described in Chapter 50.

(Ord. No. 1378, § 9, 10-25-84; Ord. No. 1775, 3-12-87; Ord. No. 2026, 12-1-88; Ord. No. 2672, § 2, 8-22-96; Ord. No. 3059, § 2, 11-18-99)

Note(s)—Formerly, § 23-17. See also the editor's footnote to Ch. 23.

51-20. Sewer service assessments.

Sewer service assessments consist of front foot and area buy-in assessments.

A. *Front foot buy-in assessment:*

1. The City Engineer shall establish on an annual basis each July the current cost of construction of sanitary sewer lines to be used in determining front foot assessment charges. Such current cost shall include engineering, construction and inspection costs.
2. Any developer desiring to connect a service to an existing sanitary sewer main fifteen (15) inches in diameter or smaller shall pay to the City half the front foot current cost of the main. In those cases where a main dead ends perpendicular to a property footage or parallels only a portion of the frontage, the entire frontage or forty-five (45) feet, whichever is greater, will be used to compute the buy-in assessment. This provision shall not apply to stub-outs provided for future main extension.
3. One hundred (100) percent of the front foot current cost shall be paid when special conditions will not permit the lateral or branch to provide service to property located on both sides of the main when recommended by the City Engineer and approved by the City Council.
4. Extension of new lateral or branch sewers by the developer to serve new development shall exempt from the front foot assessment those lots, parcels or portions of the property that abut the new branch or lateral sewers installed by the developer.

B. *Area buy-in assessment.* Developers desiring to connect to an existing sewer main eighteen (18) inches or larger which was installed by another developer shall pay to the City a per-acre buy-in assessment based on a nominally established service area using the actual construction, engineering and construction inspection costs of the sewer.

(Ord. No. 1378, § 9, 10-25-84; Ord. No. 1876, §§ 1, 2, 9-10-87; Ord. No. 2026, 12-1-88; Ord. No. 3059, § 2, 11-18-99)

Note(s)—Formerly, § 23-18.

51-21. Sewer service reimbursement agreements.

A. If sewer mains extended by a developer provide a means of service to property owned by persons other than the developer, the developer may request the City to enter into an agreement hereinafter described, providing for reimbursement to the developer of a portion of such extension costs when other persons receive sewer service by connection to the extension.

B. Such agreements shall provide for a method of reimbursement according to the pipeline diameter; and reimbursements to the developer shall be made, less the reimbursement transaction fee established by Council resolution, which shall be retained by the City to cover administrative costs. Reimbursements under such agreements shall be made by the City upon receipt of payment from adjacent or abutting property owners.

C. All agreements shall state to whom reimbursement shall be made. It shall be the duty of the developer to keep the City Engineer advised as to the developer's correct mailing address.

D. Agreements may be assigned by the developer upon giving prior written notification and upon receiving written acknowledgment from the City Engineer.

E. Notwithstanding the provisions of this section, those certain prior agreements entered into by the City and some developers providing for the construction of sanitary sewers and area buy-in assessment or connection charges will remain in force and effect.

F. Nothing herein shall prevent the City from entering into special agreements to cover unique situations, where a standard agreement is not applicable.

(Ord. No. 3059, § 2, 11-18-99)

51-22. Lateral/branch sewer reimbursement agreements.

A. In the event a developer installs sewer lines fifteen (15) inches in diameter or less which provide a means of service to property owned by others and the developer requests the City to enter into an agreement to reimburse the developer for installation costs of such lateral/branch lines, such reimbursements shall be made on the basis of front footage as determined by the City Engineer; and such determination shall be made a part of the contract. The developer shall be reimbursed half the front foot current cost of lines installed by him/her, less the reimbursement transaction fee established by Council resolution, which shall be retained by the City to cover administrative costs.

B. Such agreements shall be executed within one (1) year from date of acceptance of the sewer main by the City and shall run for a period not to exceed fifteen (15) years from said date of execution by the City Engineer, who is hereby authorized to execute said agreements in accordance with the provisions of this section. The agreements shall automatically terminate at the end of said fifteen-year period. No agreement shall be approved and executed more than one (1) year after date of acceptance. No reimbursement shall be made for assessments collected prior to receipt of the developer's request to enter into such an agreement.

(Ord. No. 1378, § 9, 10-25-84; Ord. No. 1876, § 3, 9-10-87; Ord. No. 2026, 12-1-88; Ord. No. 3059, § 2, 11-18-99)

51-23. Trunk sewer reimbursement agreements.

A. In the event a developer installs sewer mains eighteen (18) inches in diameter or larger which provide a means of service to property owned by others and the developer requests the City to enter into an agreement for reimbursement of installation costs of such mains, such agreements shall provide for reimbursement to the developer in the form of an area buy-in assessment charge applied to any developer desiring to connect to any sewer main which ultimately connects to the sanitary trunk sewer main.

B. The buy-in assessment charge shall be computed by the designated City Engineer as a cost-per-acre based on actual construction costs of the sewer main determined by competitive bidding plus engineering and construction inspection costs, and on the nominal service area acreage. Such determination shall be made a part of the reimbursement agreement. The total of such reimbursement to the developer shall not exceed total construction cost of the sanitary sewer main less the charge for his/her development. The developer shall furnish the designated City Engineer a certified copy of the actual total costs of the extension when he/she requests the City to enter into a reimbursement agreement. Costs of lateral and branch sewers and their appurtenances will not be included in the sanitary sewer main area-based reimbursement agreement.

C. Existing developments already receiving sanitary sewer shall not be assessed on the acreage basis if and when they should be connected to the sewer system which ultimately connects to the sanitary trunk sewer main.

D. Should any parcel located outside the buy-in service area receive sanitary sewer service by connection to a sewer main covered by a reimbursement agreement (its laterals or branch sewers), the acreage assessment shall be applied and the developer reimbursed for such areas pursuant to the terms of the agreement.

E. There may be an overlapping of service areas, but only those lines defined as sanitary trunk sewer mains shall be considered for this type of reimbursement agreement; and the acreage assessment shall be applied to the sewer main which provides service.

F. A reimbursement agreement shall be executed within one (1) year from the date of acceptance of the sewer main by the City and shall run for a period not to exceed twenty (20) years from said date of execution by the designated City Engineer, who is hereby authorized to execute said agreements in accordance with the provisions of this section. The agreements shall automatically terminate at the end of said twenty-year period. No agreement shall be approved and executed more than one (1) year after the date of acceptance. No reimbursement shall be made for collections made prior to receipt of the developer's request to enter into such an agreement.

51-23.1. Extension of sewer service outside City limits.

A. The Director of the Public Works and Utilities Department and the Director of Development Services Department may authorize the extension of City Sewer Service beyond the territorial limits of the City upon the following terms and conditions. Any applications which do not conform to all terms and conditions or which, for any reason are recommended for denial, shall be presented to the City Manager for final determination.

1. The proponents of such extension shall pay in full for the rights-of-way, construction, engineering, installation, inspection and testing of all lines, pipes, mains, meters and other appurtenances necessary for the service, and the same shall be installed in accordance with current City standards and master plans. All easements required for construction or maintenance of the mains shall be dedicated to the City.

2. Sewer mains and appurtenances installed in public rights-of-way or easements shall, upon approval by the designated City Engineer, be accepted by the City for ownership and maintenance, and the City shall have exclusive control, supervision and management of same.

3. The property to be served shall be within the limits of the City's designated sewer service area as shown on plans maintained by the designated City Engineer.

4. Applicants for sewer service shall be charged for meters, service lines, development fees, buy-ins, sewer rates and any other fees as prescribed by the Council.

5. The property owner of the premises to be served by City Sewer Service shall sign an agreement with the City which provides for annexation to the City upon request by the City. This agreement shall not be construed as limiting the right of the owner or any other successor-in-interest to the "owner" for all or any portion of the real property to appear and testify in support or in opposition to zoning changes, building permits, or any other official act affecting such real property before a governmental body of officials considering such matters, including but not limited to the ability to file such protest and objections as may be permitted by law considering the formation of an improvement district, to the extent of the district or any assessment or contract related thereto.

B. The Council may deny or cause service beyond the City limits to be discontinued following thirty (30) days' written notice to affected properties if it finds that continued service seriously threatens or endangers the efficient and adequate service within the City. Before discontinuance, the customer shall be advised in writing of the opportunity to meet with designated personnel to present any objections.

C. The Council may deny or discontinue sewer service, subject to notification as described above, to any premises occupied or used for disorderly or illegal purposes, or upon which is conducted any business or

activity offensive to surrounding standards, or upon which is situated or kept any dilapidated or unsightly structures or materials.

(Ord. No. 1378, § 9, 10-25-84; Ord. No. 1876, § 3, 9-10-87; Ord. No. 2026, 12-1-88; Ord. No. 2691, 3-13-97; Ord. No. 3059, § 2, 11-18-99; Ord. No. 4802, § 2(Exh., § 33), 4-26-18; Ord. No. 4931, § 2(Exh.), 8-13-20)

ARTICLE III. WASTEWATER PRETREATMENT PROGRAM

51-24. Establishment of wastewater pretreatment program.

That certain documents, three (3) copies of which are on file with the City Clerk, marked, known and designated as "City of Chandler 2013 Wastewater Pretreatment Program" and each and all of the regulations, terms and provisions contained in such document are hereby adopted by reference thereto and made a part hereof as if set forth at length.

(Ord. No. 1012, § 1, 11-12-81; Ord. No. 1120, § 1, 12-2-82; Ord. No. 1378, § 10, 10-25-84; Ord. No. 2026, 12-1-88; Ord. No. 2557, 5-11-95; Ord. No. 2938, 4-22-99; Ord. No. 3059, § 2, 11-18-99; Ord. No. 4238, § 1, 5-12-11; Ord. No. 4503, § 1, 11-4-13)

51-25. Enforcement responsibility for industrial/commercial interceptor/separator requirements.

It shall be the responsibility of the building official to enforce provisions relating to grease, sand and oil interceptors as required in Chapter 10 of the 2012 International Plumbing Code, which has been adopted by reference pursuant to Section 29-4 of this Code.

(Ord. No. 1378, § 11, 10-25-84; Ord. No. 2026, 12-1-88; Ord. No. 3059, § 2, 11-18-99; Ord. No. 4303, § 11, 5-26-11, eff. 7-1-11; Ord. No. 4452, § 11, 6-27-13, eff. 8-1-13)

Chapter 52 WATER SERVICES³

³Editor's note(s)—Section 1 of Ord. No. 1378, adopted Oct. 25, 1984, changed the title of this chapter from "Water and Sewer Services" to "Water Services." Sections 2—8, 10 made extensive changes in the numbering system of the chapter, both by the renumbering of existing sections and by the addition of new sections. A similar procedure was followed by § 2 of Ord. No. 1989, adopted Aug. 22, 1988. The new sections will be self-evident as they will carry a history note only to Ord. No. 1989. In those cases of renumbering existing sections, the section of Ord. No. 1989 effecting the change will be included in the history note; and the section will be accompanied by a note giving the former section number. Subsequently, Ord. No. 3060, § 2, adopted Nov. 18, 1999, amended the Code by renumbering former Ch. 26 as the current Ch. 52. See the Code Comparative Table.

Cross reference(s)—Fire protection, ch. 12; injuring water pipes, etc., § 17-19; placing pipes, etc., in streets without permission, § 17-28; sale of utilities, ch. 25A; water meter installation fee, § 25A-7; water rates, § 25A-9.

State law reference(s)—Authority to engage in utility business, A.R.S. § 9-514.

ARTICLE I. GENERAL

52-1. Definitions.

Approved: Accepted by the Director of Public Works as meeting an applicable specification stated or cited in this article, or as suitable for the proposed use.

Appurtenances: Items attached to a main structure which enable it to function, but not considered an integral part of it.

Auxiliary water supply: Any water supply on or available to the premises other than the City's approved public potable water supply. These auxiliary waters may include water from another purveyor's public potable water supply or any natural source(s) such as well, spring, river, stream, treated effluent, wastewaters, etc., or "used waters" or "industrial fluids." These waters may be polluted or contaminated or they may be objectionable and constitute an unacceptable water source over which the City does not have sanitary control.

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

Back-pressure: The flow of water or other liquids, mixtures or substances under pressure into the distribution pipes of a potable water supply system from any source or sources other than its intended source.

Back-siphonage: The flow of water or other liquids, mixtures, or other substances into the distribution pipes of a potable water supply system from any source or sources other than its intended source caused by the sudden reduction of pressure in the potable water supply system.

Backflow prevention assembly: A device or means designed to prevent backflow.

A. *Air-gap:* The unobstructed vertical distance through the free atmosphere between the lowest opening from any pipe or faucet supplying water to a tank, plumbing fixture, or other device and the flood level rim of the vessel. An approved air-gap shall be at least double the diameter of the supply pipe, measured vertically, above the top of the overflow rim of the vessel, and in no case less than one (1) inch.

B. *Reduced pressure principle device:* An assembly of two (2) independently operating approved check valves with an automatically operating differential relief valve between the two (2) check valves, tightly closing shutoff valves on either side of the check valves, plus properly located test cocks for the testing of the check and relief valves. The entire assembly shall meet the design and performance specifications and approval of a recognized and City-approved testing agency for backflow prevention assemblies. The device shall operate to maintain the pressure in the zone between the two (2) check valves at a level less than the pressure on the public water supply side of the device. At cessation of the normal flow the pressure between the two (2) check valves shall be less than the pressure on the public water supply side of the device. In case of leakage of either of the check valves, the differential relief valve shall operate to maintain the reduced pressure in the zone between the check valves by discharging to the atmosphere. When the inlet pressure is two (2) pounds per square inch or less, the relief valve shall open to the atmosphere. To be approved, these devices must be readily accessible for in-line maintenance and testing and be installed in a location where no part of the device will be submerged. An acceptable method of handling discharge water from the device must be approved by the Director of Public Works.

C. *Double check valve assembly:* An assembly of two (2) independently operating approved check valves with tightly closing shutoff valves on each end of the check valve. The entire assembly shall meet the design and performance specifications and approval of a recognized and City-approved testing agency for backflow

prevention devices. To be approved, these devices must be readily accessible for in-line maintenance and testing.

D. *Double check-detector check valve assembly*: Means a specially designed assembly composed of a line-size approved double check valve assembly with a specific bypass five-eighths-inch by three-quarter-inch, or three-quarter-inch water meter and a three-quarter-inch approved double check valve assembly. The meter shall register all rates of flow. This assembly shall only be used to protect against a nonhealth hazard (i.e. pollutant).

E. *Pressure vacuum breaker assembly*: An assembly containing an independently operating, loaded check valve and an independently operating, loaded air inlet valve located on the discharge side of the check valve. The assembly shall be equipped with properly located test cocks and tightly closing shutoff valves located at each end of the assembly.

F. *Atmospheric vacuum breaker*: Also known as the "nonpressure type vacuum breaker," shall mean an assembly containing a float check, a check seat and an air inlet port. The flow of water into the body causes the float to close the air inlet port. When the flow of water stops, the float falls and forms a check valve against backsiphonage and at the same time opens the inlet port to allow air to enter and satisfy the vacuum. A shutoff valve immediately upstream may be an integral part of the assembly. An atmospheric vacuum breaker is designed to protect against a health hazard (i.e. contaminant) under a back-siphonage condition only.

Certified tester: A person who has proven competency to the satisfaction of the Director of Public Works. Each person certified to make competent tests or to repair, overhaul and make reports on backflow prevention assemblies shall be conversant with the applicable laws, rules and regulations and have had experience in plumbing or pipe fitting or have other qualifications which are equivalent in the opinion of the Director of Public Works.

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

Cross-connection: Any physical connection or arrangement of piping or fixtures between two (2) otherwise separate piping systems, one (1) of which contains potable water and the other nonpotable water or industrial fluids of questionable safety, through which or because of which backflow may occur into the potable water system. A water service connection between a public potable water distribution system and a customer's water distribution system which is cross-connected to a contaminated fixture, industrial fluid system or with a potentially contaminated supply or auxiliary water system, constitutes one (1) type of cross-connection. Other types of cross-connections include connectors such as swing connections, removable sections, four-way plug valves, spools, dummy sections of pipe, swivel or change-over devices, sliding multi-port tube, solid connections, etc.

Cross-connections controlled: A connection between a potable water system and a nonpotable water system with an approved backflow prevention device properly installed and maintained so that it will continuously afford the protection commensurate with the degree of hazard.

Cross-connection control by containment: The installation of an approved backflow prevention device at the water service connection to any customer's premises where it is physically and economically infeasible to find and permanently eliminate or control all actual or potential cross-connections within the customer's water system, or it shall mean the installation of an approved backflow prevention device on the service line leading to and supplying a portion of a customer's water system where there are actual or potential cross-connections which cannot be effectively eliminated or controlled at the point of cross-connection.

Current cost (also current front foot cost): Costs involved in construction of a waterline, including engineering, construction and inspection, usually given as a per foot cost; established annually so as to reflect the most recent costs derived from local bids and contractors' and suppliers' price quotations.

Developer: Any person or persons, corporation, partnership or firm desiring municipal water service.

Director of Public Works: In the absence of a specific designation of authority by the City Manager, it will be the Director of the Public Works and Utilities Department charged with enforcement of the provisions of this chapter.

Distribution system: The network of public waterlines sixteen (16) inches in diameter and smaller which compose the basic grid and distribution system for Municipal water service.

Fire line: A private waterline located primarily on private property which is utilized exclusively for providing water to fixed fire protection systems.

Hazard, degree of: The term is derived from an evaluation of the potential risk to public health and the adverse effect of the hazard upon the potable water system.

A. *Hazard, health:* Any condition, device or practice in the water supply system and its operation which could create or in the judgment of the Director of the Transportation and Development Department may create a danger to the health and well-being of the water consumer. An example of a health hazard is a structural defect, including cross-connections, in a water system.

B. *Hazard, plumbing:* A plumbing type cross-connection in a consumer's potable water system that has not been properly protected by a vacuum breaker, air-gap separation or backflow prevention device. Unprotected plumbing type cross-connections are considered to be a health hazard.

C. *Hazard, pollutant:* An actual or potential threat to the physical properties of the water system or to the potability of the public or the consumer's potable water system but which would constitute a nuisance or be aesthetically objectionable or could cause damage to the system or its appurtenances, but would not be dangerous to health.

D. *Hazard, system:* An actual or potential threat of severe damage to the physical properties of the public potable water system or the consumer's potable water system or of a pollution or contamination which would have a protracted effect on the quality of the potable water in the system.

Hazardous material: Any material or combination of materials which, because of its quantity, concentration, or physical, chemical or infectious characteristics, may pose a substantial or potential hazard to human health or the environment.

Industrial fluids system: Any system containing a fluid or solution which may be chemically, biologically, or otherwise contaminated or polluted in a form or concentration such as would constitute a health, system, pollutant, or plumbing hazard if introduced into an approved water supply. This may include, but not be limited to: polluted or contaminated waters; all types of process waters and "used waters" originating from the public potable water system which may have deteriorated in sanitary quality; chemicals in fluid form, plating acids and alkalies, circulated cooling waters connected to an open cooling tower and/or cooling towers that are chemically or biologically treated or stabilized with toxic substances; contaminated natural waters such as from wells, springs, streams, rivers, urban lakes, irrigation canals or systems, etc., oils, gases, glycerine, paraffins, caustic and acid solutions and other liquid and gaseous fluids used in industrial or other purposes or for fire-fighting purposes.

Municipal water service: Water service provided for domestic, commercial, recreational, and landscaping purposes.

Nonresidential: Any structure which is not residential.

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

Private waterline: Any waterline not owned and maintained by the City.

Public waterline or public water main: A waterline owned and maintained by the City.

Reclaimed water: Effluent which has been treated to achieve a quality suitable for its intended use as prescribed by Federal and State regulations.

Reimbursement agreement: An agreement executed between the City and developers for collection of buy-in assessments.

Residential: Single-family homes, duplexes, and triplexes.

Service line: A pipe carrying water from the public waterline to a water meter or other point of distribution.

Transmission main: A public waterline generally larger than sixteen (16) inches in diameter.

Water, potable: Any water which, according to recognized standards, is safe for human consumption.

Water, nonpotable: Water which is not safe for human consumption or which is of questionable potability.

Water service connections: The terminal end of a service connection from the public potable water system, i.e., where the City loses jurisdiction and sanitary control over the water at its point of delivery to the customer's water system. If a meter is installed at the end of the service connection, then the service connection shall mean the downstream end of the meter. There should be no unprotected takeoffs from the service line ahead of any meter or backflow prevention device located at the point of delivery to the customer's water system. Service connection shall also include water service connection from a fire hydrant and all other temporary or emergency water service connections from the public potable water system. However, except in the case where residential homes incorporate the use of reclaimed wastewater as a water conservation measure, the service connection shall be at the pipe union located beyond the approved backflow prevention device. There shall be no connections made upstream of the pipe union. The City system shall include all piping between the water meter and the pipe union, including the backflow prevention device.

Water, used: Any water supplied by the City from a public potable water system to a consumer's water system after it has passed through the point of delivery and is no longer under the sanitary control of the City.

(Ord. No. 2149, § 1.B, 9-13-90; Ord. No. 3060, § 2, 11-18-99; Ord. No. 3311, § 8, 9-27-01; Ord. No. 4365, § 31, 6-14-12; Ord. No. 4802, § 2(Exh., § 34), 4-26-18)

52-2. Water service required.

It shall be unlawful for any person to reside in, and for any owner, purchaser or landlord to rent or permit a tenant to reside in, any structure, trailer, building or house within the City limits unless such residence is provided with domestic water under pressure piped to the inside of the house. A premises shall not be considered a residence for purpose of this section if used only for sleeping quarters and if not used for the preparation or consumption of foods.

(Ord. No. 149, § 1; Ord. No. 1378, § 2, 10-25-84; Ord. No. 1989, § 2, 8-22-88; Ord. No. 3060, § 2, 11-18-99)

52-3. Water meters—Required.

A. It shall be unlawful for any person to receive water on any lot within the City water service area unless the City Engineer shall have placed or directed the placing of a water meter upon each lot. When a lot with multiple buildings served by a single meter is further subdivided, a separate meter shall be required for each lot. A water meter shall not be required on private fire lines having no hydrants or are not capable of discharging water without sounding an alarm. The property owner shall be responsible to ensure all connections to the City Water System meet these provisions.

B. The City Engineer may defer the requirement of paragraph A. above where there are existing structures of a predominantly temporary nature and which have previously received water service from another source. In no event shall such deferral be for a period greater than ten (10) years and during the deferral period the lot shall be serviced by one (1) or more master meters as determined appropriate by the City Engineer.

(Ord. No. 149, § 6; Ord. No. 1078, § 1, 8-19-82; Ord. No. 1378, § 4, 10-25-84; Ord. No. 1989, § 2, 8-22-88; Ord. No. 2455, 4-28-94; Ord. No. 3060, § 2, 11-18-99; Ord. No. 3311, § 9, 9-27-01)

Note(s)—Formerly, § 52-2.

52-4. Same—Specifications.

A. It shall be the responsibility of the designated City Engineer to approve or direct the type and size of water meter to be installed based on the proposed use. All water meters of three (3) inches or over in size shall be compound meters unless otherwise approved by the designated City Engineer.

B. Multiple meter installations in a manifold system are permissible, but each meter so installed shall be equipped with a check valve installed by the owner on the customer side of the meter.

C. Residential meter installations serving both domestic and fire sprinkler systems shall be equipped with a check valve installed by the owner on the customer side of the meter in addition to the check valve in the sprinkler riser.

D. The service line from the main to multiple meter installations must be sized so as to carry a quantity of water equal to the sum of the capacity of all the multiple meters.

(Ord. No. 659, § 1, 12-11-75; Ord. No. 927, § 1, 2-12-81; Ord. No. 1060, § 1, 10-6-82; Ord. No. 1378, § 4, 10-25-84; Ord. No. 1989, § 2, 8-22-88; Ord. No. 3060, § 2, 11-18-99; Ord. No. 4802, § 2(Exh., § 35), 4-26-18)

52-5. Special connections for fire protection service; installation and fees; use.

A. Any person desiring to install a separate fire protection service line, building standpipe and hose or sprinkler system, where such service line or systems will not be connected or supplied water through a regular water service meter, shall file an application with the City for a fire line tap and standby fire protection service. Such fire protection systems shall be installed in accordance with City of Chandler Development Services requirements, and all costs shall be paid by the owner.

B. Should a flow detector on a fire protection service line show consumption without a fire having occurred and without prior written notice to the Director of Public Works, a charge for water used and other costs as established by the Director of Public Works will be made for the month when unauthorized consumption is indicated, and the domestic water service shall be discontinued unless such charges are paid except in matters of an emergency nature. Before discontinuance, the customer shall receive written notice of the violation and be advised in writing of the opportunity to meet with designated personnel to present any objections.

C. Every outlet valve on a nonmetered fire protection system shall be sealed. Seals may be removed for authorized purposes only, such as testing of the system. The owner or tenant may test the fire protection system at any time by notifying the Director of Public Works that such a test is desired and a mutually agreed upon time shall be set for the test to be made. All outlet valves shall be resealed immediately after completion of any test on a nonmetered system. Except for fire emergencies, should any sealed valve be opened without prior written notification of the Director of Public Works, a charge for water used and other costs, as established by the Director of Public Works, will be made and the domestic water service shall be discontinued unless such charge is paid. In addition, a detector check valve and bypass meter may be installed by the water division and the cost shall be paid by the owner. Before discontinuance, the customer shall receive written notice of the violation and be advised in writing of the opportunity to meet with designated personnel to present any objections.

D. In no case shall any tap be made upon any pipe or tank installed for fire protection purposes, nor shall the use of any water for purposes other than fire protection be permitted.

E. The premises upon which any such fire protection service is installed shall be open to inspection by an authorized representative of the City at all reasonable hours and the owner or tenant shall give such representative all reasonable facilities for making the inspection, and any information he/she may require.

(Ord. No. 927, § 2, 2-12-81; Ord. No. 1378, § 4, 10-25-84; Ord. No. 1989, § 2, 8-22-88; Ord. No. 3060, § 2, 11-18-99)

52-6. Charge for unauthorized water use and/or removal of seals from fire protection system.

Should the flow detector meter on a fire protection service line show consumption without a fire having occurred and without prior notice to the Director of Public Works, a charge as follows shall be made in addition to the water usage charge:

Per occurrence\$200.00

(Ord. No. 927, § 2, 2-12-81; Ord. No. 1378, § 4, 10-25-84; Ord. No. 1989, § 2, 8-22-88; Ord. No. 3060, § 2, 11-18-99)

52-7. Charge for standby fire protection service.

For the providing of standby fire protection service, a monthly charge shall be made as follows:

Inside City, per inch diameter of service pipe\$1.00

Outside City, per inch diameter of service pipe1.40

(Ord. No. 927, § 2, 2-12-81; Ord. No. 1078, § 2, 8-19-82; Ord. No. 1378, § 4, 10-25-84; Ord. No. 1989, § 2, 8-22-88; Ord. No. 3060, § 2, 11-18-99; Ord. No. 3943, § 2, 8-23-07)

52-8. Interference with City employees/agents prohibited.

It shall be unlawful for any person to interfere in any way with any officer, employee or agent of the City charged with management, construction, operation, inspection, testing or maintenance of the water system in the discharge of his/her duties.

(Ord. No. 1378, § 6, 10-25-84; Ord. No. 1989, § 2, 8-22-88; Ord. No. 3060, § 2, 11-18-99)

52-9. Tampering forbidden.

It shall be unlawful for any person to start or stop the pumping plants, to operate control switches on water storage facilities, to open or close any fire hydrant, or remove the covers of gate valves, or in any fashion otherwise tamper with the City Water System without the permission of the City.

(Ord. No. 1378, § 6, 10-25-84; Ord. No. 1989, § 2, 8-22-88; Ord. No. 3060, § 2, 11-18-99)

52-10. Disconnection of water service for violation of article.

The Director of Public Works is hereby authorized and directed to disconnect domestic water service from any premises served in violation of this article. Before any such discontinuance shall be made, the resident shall receive written notice of the violation and be advised in writing of the opportunity to meet with designated personnel to present any objections.

(Ord. No. 149, § 7, Res. No. 400, § 2(E), 7-16-64; Ord. No. 1078, § 3, 8-19-82; Ord. No. 1378, §§ 3, 6, 10-25-84; Ord. No. 1989, § 2, 8-22-88; Ord. No. 3060, § 2, 11-18-99)

52-11. Property owner responsible for maintaining building water service and private fire protection lines.

- A. The property owner shall be responsible for the cleaning, unstopping, maintenance and repair of the water service line from his/her home or building to the City water meter or, if unmetered, to the public source of supply.
- B. The property owner shall be responsible for the maintenance and testing of private fire lines in accordance with the provisions of the Uniform Fire Code as adopted by the City.
- C. Failure of a property owner to properly maintain domestic service or fire lines after receipt of written notice from the Water Division or Fire Department shall be cause for discontinuance of affected water service. Before any such discontinuance shall be made, the resident shall receive written notice of the violation and be advised in writing of the opportunity to, meet with designated personnel to present any objections.

(Ord. No. 1378, § 6, 10-25-84; Ord. No. 1989, § 2, 8-22-88; Ord. No. 3060, § 2, 11-18-99)

Cross reference(s)—Fire code adopted, § 7A-1.

52-12. Permits, inspection and acceptance of improvements.

- A. It shall be unlawful for any person or persons to connect to the water system of the City or to permit water from the water system of the City to flow through any waterline unless a permit has been issued by the City Engineer's Office and the construction has been accepted by the City.
- B. Approval of plans, issuance of permits, off-site inspections, and acceptance of improvements shall be performed as set forth in Chapters 46 and 47 of this Code.
- C. The City shall acquire written documented ownership of all public waterline extensions when completed, approved and accepted. The extensions shall be conveyed to the City free and clear of all clouds to title, including liens and encumbrances. Permanent type, certified, reproducible as-built record plans shall be filed with the City Engineer upon completion of construction.

(Ord. No. 1989, § 2, 8-22-88; Ord. No. 3060, § 2, 11-18-99)

ARTICLE II. IRRIGATION WATER

52-13. Maintenance of ditches and tiles.

It shall be the duty of any person using irrigation water which flows through an open ditch in the City to ascertain that the ditch is in proper condition for use. If any person shall use an irrigation ditch within the City and permit the water from the ditch to escape to any street or alley within the City a presumption shall be created that the ditch was not in proper condition for use. It shall be the duty of the owner of any irrigation tile in the City to, at all times, maintain said irrigation tile in such condition that same shall not permit irrigation water to escape onto any street or alley in the City. If any irrigation water shall escape from any tile within the City onto any street or alley of the City, there shall be a presumption that the owner of the irrigation tile shall have failed in his/her duty to so maintain the irrigation tile.

(Ord. No. 191, § 1; Ord. No. 199, § 1; Ord. No. 1989, § 2, 8-22-88; Ord. No. 3060, § 2, 11-18-99)

52-14. Restricting water from irrigation ditches and coolers to property of user.

It shall be the duty of any person irrigating any premises in the City or operating a cooler in the City to restrict the water from such irrigation or cooler to the yard or property occupied by such person. The fact that the embankments around the premises or yard constructed to retain the water are not of sufficient height or strength shall be no excuse for the violation of this article, but, such person irrigating the premises or causing same to be irrigated shall have the duty of so constructing the embankments prior to irrigating the premises that the irrigation water cannot escape from the premises.

(Ord. No. 191, § 2; Ord. No. 1989, § 2, 8-22-88; Ord. No. 3060, § 2, 11-18-99)

52-15. Irrigation ports to be closed at completion of irrigation.

It shall be the duty of every person irrigating any premises within the City to close all irrigation ports at the completion of such irrigation.

(Ord. No. 191, § 3; Ord. No. 1989, § 2, 8-22-88; Ord. No. 3060, § 2, 11-18-99)

52-16. Performance of duties imposed on property owners.

All duties imposed by this article upon occupants or property owners shall be performed by such persons whether or not such persons use irrigating water on their premises or the premises occupied by them.

(Ord. No. 191, § 4; Ord. No. 1989, § 2, 8-22-88; Ord. No. 3060, § 2, 11-18-99)

52-17. Banks of irrigation ditches to be sufficient to retain water.

In all cases where it is provided by this article that any person shall maintain an irrigation or waste ditch, the same shall be maintained at all times so that the banks thereof are sufficient to retain any amount of water which such person using the ditch shall place in the ditch; and any person ordering water to be run through any ditch in such quantities as will not be retained by the ditch shall have the duty of reducing the amount of water flowing through the ditch to such volume as can be contained by same.

(Ord. No. 191, § 6; Ord. No. 1989, § 2, 8-22-88; Ord. No. 3060, § 2, 11-18-99)

Note(s)—Formerly, § 52-18.

52-18. Irrigation junction boxes.

If the City Engineer determines that any junction box is unsound or not in good condition, he/she may notify the water supplier of the condition of such junction box with the request that no irrigation water be furnished to the ditch containing such junction box until same is placed in good repair.

(Ord. No. 191, § 9; Ord. No. 1989, § 2, 8-22-88; Ord. No. 3060, § 2, 11-18-99)

Note(s)—Formerly, § 52-22.

52-19. Tiling of irrigation ditches required.

All open irrigation ditches or canals, on or adjacent to properties to be developed, shall be tiled prior to approval and occupancy of the project. Ditches which are no longer used for the conveyance of water may be abandoned when approved by the owner of the ditch. When approved by the Directors of the Development Services, Public Work and Utilities and Community Services Departments, open ditches may be landscaped and transformed into a linear park system in lieu of tiling. All tile shall be installed in accordance with the recommendations of a registered professional civil engineer on grades and in pipe sizes established by such engineer. Plans prepared by said engineer shall be submitted to and approved by the designated City Engineer. This requirement shall apply to all projects submitted for approval or reapproval under the provisions of the Chapter 48 Subdivisions and/or Chapter 35 Land Use and Zoning. The designated City Engineer may grant an exemption for active ditches located on land designated for freeway right-of-way when determined by the designated City Engineer that such an exemption will not result in an unsafe condition.

(Ord. No. 191, § 7; Ord. No. 1862, § 1, 8-20-87; Ord. No. 1989, § 2, 8-22-88; Ord. No. 2088, 9-14-89; Ord. No. 3060, § 2, 11-18-99; Ord. No. 4365, § 32, 6-14-12; Ord. No. 4802, § 2(Exh., § 35), 4-26-18)

52-20. Civil liability for failure to comply with article.

Any person failing to comply with the provisions of this article shall be liable in a civil suit to any person or persons damaged by such failure to comply with the provisions of this article.

(Ord. No. 191, § 10; Ord. No. 1989, § 2, 8-22-88; Ord. No. 3060, § 2, 11-18-99)

Note(s)—Formerly, § 52-23.

52-21. Procedure upon failure to comply with article.

In the event of the failure of any persons charged with the duties under this article to perform such duty, the City Engineer is authorized to notify the water supplier of such failure, and to request that no irrigation water be furnished for use by such person until such time as that person shall have complied with the provisions of this article or to notify such supplier that specified irrigation ditches or waste ditches in the City are not being properly maintained and, for that reason, to request such supplier not to deliver water to such ditch or ditches until they have been put in condition specified in this article.

(Ord. No. 191, § 11; Ord. No. 1989, § 2, 8-22-88; Ord. No. 3060, § 2, 11-18-99)

ARTICLE III. WATER MAIN EXTENSIONS⁴

⁴Editor's note(s)—Section 8 of Ord. No. 1378, adopted Oct. 25, 1984, repealed former art. III, §§ 52-25—52-34, entitled "Extension of Water and/or Sewer Mains," and added a new art. III, §§ 52-25—52-36. See the Code Comparative Table. In its complete revision of this chapter, Ord. No. 1989 included the article as §§ 52-22—52-33.

Cross reference(s)—Sewer main extensions, § 23-11 et seq.

52-22. Policy established.

A. There is hereby established as hereinafter set forth a policy and orderly program to provide municipal water service for all areas within the City limits and those areas and subdivisions outside the City limits for which water service is approved.

B. The City Council may agree to participate in the cost of construction of oversize water mains if construction funds are available. Unless otherwise approved by the City Council, the City shall pay for its portion of the costs based on current costs established for buy-in assessments.

C. Notwithstanding the provisions of this section, those certain prior agreements entered into by the City and some developers providing for the construction of waterlines and buy-in assessments will remain in force and effect.

(Ord. No. 1378, § 8, 10-25-84; Ord. No. 1989, § 2, 8-22-88; Ord. No. 3060, § 2, 11-18-99)

Note(s)—Formerly, § 52-25.

52-23. Contract for extension of water mains.

A. The City may participate with a developer in a construction contract to extend municipal and industrial water mains. The developer shall advertise the project for bids in the same manner as prescribed for governmental public works projects. The bids shall be received and opened in the office of the City Purchasing Agent. The City Engineer shall evaluate the bids and provide the developer with a written recommendation. The amount of City participation shall not exceed the bid price of the contractor recommended by the City.

B. If such an extension provides a means of water service to property owned by persons other than the developer, the City may execute an agreement with the developer providing for reimbursement of costs in accordance with provisions of section 52-24.

(Ord. No. 1378, § 8, 10-25-84; Ord. No. 1989, § 2, 8-22-88; Ord. No. 3060, § 2, 11-18-99)

Note(s)—Formerly, § 52-30.

52-24. Water main extension reimbursement agreement.

A. A developer who extends municipal and/or industrial water main(s) which provide(s) a means of service to property owned by others may enter into an agreement with the City providing for reimbursement of a portion of the costs when property abutting the main extensions develops.

B. Such agreements shall be executed within one (1) year from date of acceptance of the water main by the City, and shall run for a period not to exceed fifteen (15) years from the date of execution by the City Engineer, who is hereby authorized to execute the agreements in accordance with the provisions of this section. The agreements shall automatically terminate at the end of the fifteen-year period. No agreement shall be approved and executed more than one (1) year after the date of acceptance. No reimbursement will be made for buy-in assessments collected prior to receipt of the developer's request to enter into such an agreement.

C. The City Engineer shall determine the amount of footage to be reimbursed, and such determination shall be made a part of the agreement.

D. Reimbursement shall be made on the basis of the front footage determined by the City Engineer at the rate of half the front foot current cost, less the reimbursement transaction fee established by Council resolution, which shall be retained by the City to cover administrative costs.

E. Reimbursements under such agreements shall be made by the City upon receipt of payment from adjacent or abutting property owners. If the developer of adjacent property installs a water main on a section or midsection line which is parallel to a main eligible for reimbursement, the reimbursement shall be made by the City (from City funds) if such funds are available, unless one hundred (100) percent front foot reimbursement, as provided below, has been previously approved by the City Council.

F. All agreements shall state to whom reimbursement shall be made. It shall be the duty of the developer to keep the City Engineer advised as to the correct mailing address.

G. Nothing herein shall prevent the City from entering into special agreements to cover unique situations, where a standard agreement is not applicable.

H. Agreements may be assigned by the developer upon written notification and upon receiving written acknowledgement from the City Engineer.

(Ord. No. 1378, § 8, 10-25-84; Ord. No. 1876, § 5, 9-10-87; Ord. No. 1989, § 2, 8-22-88; Ord. No. 3060, § 2, 11-18-99)

52-25. Establishment of current costs.

The City Engineer shall establish in July, on an annual basis, the current cost of construction of water mains to be used in determining water buy-in assessments. Such current cost shall include engineering, construction and inspection costs.

(Ord. No. 1378, § 8, 10-25-84; Ord. No. 1989, § 2, 8-22-88; Ord. No. 3060, § 2, 11-18-99)

Note(s)—Formerly, § 52-31.

52-26. Water buy-in assessments.

A. Water buy-in assessments as described below shall be paid by the developer before the final plat, map of dedication, or horizontal property regime is approved; except that in the case of site development plans, the buy-in assessment shall be paid prior to approval of the site development plans. Buy-in assessments not covered by the foregoing shall be paid with the water meter installation fee as described in Chapter 50.

B. Any developer developing property which abuts an existing water main(s) shall pay to the City half the front foot current cost of the largest existing main abutting each side of the property (up to a maximum of sixteen-inch diameter) whether or not the developer desires to connect a service to the main or desires to extend a new main in a lateral manner with a connection to the main. In those cases where a main dead ends perpendicular to a property frontage or parallels only a portion of the frontage, the entire frontage or forty-five (45) feet, whichever is greater, will be used to compute the buy-in assessment. This provision shall not apply to stub-outs provided for future main extensions.

C. One hundred (100) percent of the front foot current cost of said main shall be paid when special conditions will not permit service to property located on both sides of the main when recommended by the City Engineer and approved by the City Council.

D. When the developer installs a water main, that developer is exempt from payment of the front foot current cost buy-in assessment for any existing main on the side of the property on which the developer installs the new main, providing that the new main is equal to the line size noted in the master plan and runs for the total length of the developer's property.

(Ord. No. 1989, § 2, 8-22-88; Ord. No. 3060, § 2, 11-18-99)

52-27. Engineering requirements.

The following engineering requirements shall apply to all public waterline extensions:

- A. The developer causing extension of a waterline shall locate it in City rights-of-way or easements and shall pay in full, less approved City participation as provided above, the engineering, construction and inspection costs of the lines and appurtenances.
- B. Plans and specifications shall be prepared in accordance with appropriate standards as established by the City Engineer.
- C. Each lot or parcel of land to be served with municipal or industrial water shall abut a water main.
- D. All lines shall be sized in accordance with the latest water master plan, except that the City Engineer reserves the right to increase or decrease the diameter of any and all mains described in the plan when requirements so dictate.
- E. In all new developments, such as subdivisions, multifamily tracts, commercial centers, shopping centers, industrial or other similar developments, the developer shall furnish and install, to City specifications, all water mains, service connections, valves, fittings, fire hydrants and appurtenances within the boundary of the development as well as the streets bounding the tracts, and make waterline extensions as determined necessary by the City Engineer.

(Ord. No. 1378, § 8, 10-25-84; Ord. No. 1519, § 3, 8-1-85; Ord. No. 1989, § 2, 8-22-88; Ord. No. 3060, § 2, 11-18-99)

52-28. Reserved.

52-29. Extension of water service outside City limits.

A. The Director of the Development Services Department, in consultation with the Director of the Public Works and Utilities Department may authorize the extension and service of City Water beyond the territorial limits of the City upon the following terms and conditions. Any applications which do not conform to all terms and conditions, or which, for any reason are recommended for denial, shall be presented to the City Manager for final determination.

- 1. The proponents of such extension and service shall pay in full for the rights-of-way, construction, engineering, installation, inspection and testing of all lines, pipes, mains, meters and other appurtenances necessary for the service, and the same shall be installed in accordance with current City standards. All easements required for construction or maintenance of the mains shall be dedicated to the City.
- 2. Water mains and appurtenances installed in public rights-of-way or easements shall, upon approval by the designated City Engineer, be accepted by the City for ownership and maintenance, and the City shall have exclusive control, supervision and management of same.
- 3. The property to be served shall be within the limits of the City's designated water service area as shown on plans maintained by the designated City Engineer.
- 4. Applicants for water service shall be charged for meters, service lines, development fees, buy-ins, water rates and any other fees as prescribed by the Council.
- 5. The property owner of the premises to be served by City water shall sign an agreement with the City which provides for annexation to the City upon request by the City. This agreement shall not be construed as limiting the right of the owner or any other successor-in-interest to the "owner" for all or any portion of the real property to appear and testify in support of or in opposition to zoning changes, building permits, or any other official act affecting such real property before a governmental body of officials considering such

matters, including but not limited to the ability to file such protest and objections as may be permitted by law considering the formation of an improvement district, the extent of the district, or any assessment or contract related thereto.

B. The Council may deny or cause service beyond the City limits to be discontinued following thirty (30) days' written notice to affected properties if it finds that continued service seriously threatens or endangers the efficient and adequate service within the City. Before discontinuance, the customer shall be advised in writing of the opportunity to meet with designated personnel to present any objections.

C. The Council may deny or discontinue water service, subject to notification as described above, to any premises occupied or used for disorderly or illegal purposes, or upon which is conducted any business or activity offensive to surrounding standards, or upon which is situated or kept any dilapidated or unsightly structures or materials.

(Ord. No. 1989, § 2, 8-22-88; Ord. No. 5290, 3-13-97; Ord. No. 3060, § 2, 11-18-99; Ord. No. 3311, § 10, 9-27-01; Ord. No. 4365, § 33, 6-14-12; Ord. No. 4802, § 2(Exh., § 35), 4-26-18; Ord. No. 4931, § 2(Exh.), 8-13-20)

Editor's note(s)—Section 52-32, adopting the City backflow and cross-connection control program by reference, derived from Ord. No. 1989, § 2, adopted Aug. 22, 1988, was repealed by § 1.A of Ord. No. 2149, adopted Sept. 13, 1990. See art. IV of this chapter, § 52-34 et seq.

52-30. Penalties.

Any person violating any of the provisions of this chapter shall be guilty of a misdemeanor and shall be punished in accordance with Chapter 1 of this Code.

(Ord. No. 1378, § 8, 10-25-84; Ord. No. 1989, § 2, 8-22-88; Ord. No. 3060, § 2, 11-18-99)

52-31—52-33. Reserved.

ARTICLE IV. BACKFLOW AND CROSS-CONNECTION CONTROL PROGRAM⁵

52-34. Cross-connection control; purpose.

[The purpose of cross-connection control is:]

A. To protect the public potable water supply of the City of Chandler from the possibility of contamination or pollution by isolating within its customers' internal distribution system(s) or its customers' private water system(s) such contaminants or pollutants which could backflow into the public water supply system;

B. To promote the elimination or control of existing cross-connections, actual or potential, between the customers' in-plant potable water system(s) and nonpotable water systems, plumbing fixtures and industrial piping systems; and

C. To provide for the maintenance of a continuing program of cross-connection control which will systematically and effectively prevent the contamination or pollution of all potable water systems.

⁵Editor's note(s)—Section 10 of Ord. No. 1378, adopted Oct. 25, 1984, transferred the provisions of art. IV, §§ 52-35, 52-35.1, 52-36, to ch. 23, art. III, §§ 23-22, 23-22.1, 23-24. Subsequently, § 1.13 of Ord. No. 2149, adopted Sept. 13, 1990, added a new art. IV, § 52-34 et seq.

Cross reference(s)—Backflow prevention device installation fee, § 25A-8.

52-34.1. Responsibility. The Director of the Public Works and Utilities Department shall be responsible for the protection of the public potable water distribution system from contamination or pollution due to the backflow of contaminants or pollutants through the water service connection.

52-34.2. Requirements. If, in the judgment of the Director of the Public Works and Utilities Department, an approved backflow prevention device is required at the City's water service connection to any customer's premises for the safety of the water system, the Director of the Public Works and Utilities Department or his/her designated agent shall give notice in writing to the customer to install, operate, test, and maintain such an approved backflow prevention device at each service connection to his/her premises. The customer shall immediately install such approved device or devices at his/her own expense; and failure, refusal or inability on the part of the customer to install the device or devices immediately shall constitute a ground for discontinuing water service to the premises until such device or devices have been properly installed and tested for proper working order.

52-34.3. Exceptions. In the case where residential homes incorporate the use of reclaimed wastewater as a water conservation measure, a backflow prevention device shall be installed by the City at the homebuilder's expense at the time of water meter installation. The device shall be installed in City right-of-way at the downstream side of the City water meter. The device shall be tested and maintained by the City. A reduced pressure principle device is the approved backflow prevention device where reclaimed wastewater is available as an auxiliary water supply.

(Ord. No. 2149, § 1.B, 9-13-90; Ord. No. 3060, § 2, 11-18-99; Ord. No. 4802, § 2(Exh., § 35), 4-26-18)

52-35. Water system.

The water system shall be considered as made up of two (2) parts: the utility system and the customer system.

A. The utility system shall consist of the source facilities and the distribution system and shall include all those facilities of the water system under the complete control of the utility up to the point where the customer's system begins.

1. The source shall include all components of the facilities utilized in the production, treatment, storage and delivery of water to the distribution system.
2. The distribution system shall include the network of conduits used for the delivery of water from the source to the customer's system.

B. The customer's system shall include those parts of the facilities beyond the termination of the utility distribution system which are utilized in conveying utility delivered domestic water to points of use.

(Ord. No. 2149, § 1.B, 9-13-90; Ord. No. 3060, § 2, 11-18-99)

52-36. Policy.

A. No water service connection to any premises shall be installed or maintained by the City unless the water supply is protected as required by State laws and regulations and this article. Service of water to any premises may be discontinued by the City if a backflow prevention device required by this article is not installed, tested, and maintained; or if it is found that a backflow prevention device has been removed or by-passed; or if an unprotected cross-connection exists on the premises. Service will not be restored until such conditions or defects are corrected.

B. The customer's system should be open for inspection at all reasonable times to authorized representatives of the City to determine whether cross-connections or other structural or sanitary hazards, including violations of these regulations, exist. When such a condition becomes known, the Director of the Public Works and Utilities Department may deny or immediately discontinue service to the premises by providing for a physical break in the

service line until the customer has corrected the condition(s) in conformance with the State and City statutes relating to plumbing and water supplies and the regulations adopted pursuant thereto.

C. An approved backflow prevention device shall also be installed on each service line to a customer's water system in all cases before the first branch line leading off the service line wherever the following conditions exist:

1. In the case of premises having an auxiliary water supply which is not or may not be of safe bacteriological or chemical quality and which is not acceptable as an additional source by the Director of the Public Works and Utilities Department, the public water system shall be protected against backflow from the premises by installing a backflow prevention device in the service line appropriate to the degree of hazard.
2. In the case of premises on which any industrial fluids or any other objectionable substance is handled in such a fashion as to create an actual or potential hazard to the public water system, the public system shall be protected against backflow from the premises by installing a backflow prevention device in the service line appropriate to the degree of hazard. This shall include the handling of processed waters and waters originating from the utility system which have been subject to deterioration in quality.
3. In the case of premises having a) internal cross-connections that cannot be permanently corrected and controlled, or b) intricate plumbing and piping arrangements or where entry to all portions of the premises is not readily accessible for inspection purposes, making it impracticable or impossible to ascertain whether or not dangerous cross-connections exist, the public water system shall be protected against backflow from the premises by installing a backflow prevention device in the service line.

D. The type of protective device required shall depend upon the degree of hazard which exists as follows:

1. In the case of any premises where there is an auxiliary water supply and it is not subject to any of the following rules, the public water system shall be protected by an approved air-gap separation or an approved reduced pressure principle backflow prevention device.
2. In the case of any premises where there is water or substance that would be objectionable but not hazardous to health, if introduced into the public water system, the public water system shall be protected by an approved double check valve assembly.
3. In the case of any premises where there is any material dangerous to health which is handled in such a fashion as to create an actual or potential hazard to the public water system, the public water system shall be protected by an approved air-gap separation or an approved reduced pressure principle backflow prevention device. Examples of premises where these conditions will exist include chemical manufacturing plants, hospitals, mortuaries, plating plants, sewage treatment plants and sewage pumping stations.
4. In the case of any premises where there are "uncontrolled" cross-connections, either actual or potential, the public water system shall be protected by an approved air-gap separation or an approved reduced pressure principle backflow prevention device at the service connection.
5. In the case of any premises where, because of security requirements or other prohibitions or restrictions it is impossible or impracticable to make a complete in-plant cross-connection survey, the public water system shall be protected against backflow from the premises by the installation of a backflow prevention device in the service line. In this case, maximum protection will be required; that is, an approved air-gap separation or an approved reduced pressure principle backflow prevention device shall be installed on each service to the premises.
6. In the case of water tankers and spray tanks, an air-gap separation or an approved reduced pressure principle backflow prevention device is required.

E. Backflow prevention assemblies shall have at least the same cross-sectional area as the water service and/or meter. If the water supply cannot be temporarily interrupted for the testing of assemblies, in those instances where a continuous water supply is necessary, two (2) sets of backflow prevention assemblies shall be installed in parallel.

F. Any backflow prevention device required herein shall be of a model and size approved by the Director of the Public Works and Utilities Department. The term "approved backflow prevention device" shall mean a device that has been manufactured in full conformance with the standards established by the American Water Works Association (AWWA) entitled "AWWA C506-78 Standards for Reduced Pressure Principle and Double Check Valve Backflow Prevention Devices"; and have met completely the laboratory and field performance specifications of the Foundation for Cross-Connection Control and Hydraulic Research (FCCC & HR) of the University of Southern California; and has a local parts and service center. Backflow prevention assemblies connected to fire lines must also carry UL-FM approval.

The AWWA and FCCC & HR standard and specifications have been adopted by the Director of the Public Works and Utilities Department. Final approval shall be evidenced by a certificate of approval issued by an approved testing laboratory certifying full compliance with the AWWA standards and FCCC & HR specifications. The following testing laboratory has been qualified by the Director of the Public Works and Utilities Department to test and certify backflow prevention assemblies:

Foundation for Cross-Connection Control and Hydraulic Research
University of Southern California
University Park
Los Angeles, California 90007

Backflow prevention assemblies which may be subjected to back-pressure or back-siphonage that have been fully tested, and have been granted a certificate of approval by FCCC & HR may be listed on the current list of "Approved Backflow Prevention Assemblies," which will be made available upon written request to the Department.

G. It shall be the duty of the customer/user at any premises where backflow prevention devices are installed to have certified inspections and operational tests and repairs made at least once per year. In those instances where the Director of the Public Works and Utilities Department deems the hazard to be great enough, he/she may require certified inspections at more frequent intervals. These inspections, tests and repairs shall be at the expense of the water user and shall be performed by the device manufacturer's representative, or by a certified tester approved by the Director of the Public Works and Utilities Department.

H. Assemblies shall be specified and located on the construction plans for all new buildings, additions with new services, and changes of use of existing buildings. Approval shall be obtained prior to issuance of the building permit. This section does not apply to building permits applied for prior to the effective date of this article [November 1, 1990].

I. All presently installed backflow prevention devices which do not meet the requirements of this section but were approved devices for the purposes described herein at the time of installation and which have been properly maintained shall, except for the inspection and maintenance requirements, be excluded from the requirements of these rules so long as the Director of the Public Works and Utilities Department is assured that they will satisfactorily protect the utility system. Whenever the existing device is moved from the present location or requires more than minimum maintenance or when the Director of the Public Works and Utilities Department finds that the maintenance constitutes a hazard to health, the unit shall be replaced by a backflow prevention device meeting the requirements of this section.

J. The Director of the Public Works and Utilities Department or his/her designated representative shall maintain a list of approved backflow prevention assemblies, by type and manufacturer, and a list of certified, approved and recognized individuals to test or perform servicing of those assemblies. The list shall be furnished to any customer required to install or maintain a backflow prevention assembly.

(Ord. No. 2149, § 1.B, 9-13-90; Ord. No. 3060, § 2, 11-18-99; Ord. No. 4365, § 33, 6-14-12; Ord. No. 4802, § 2(Exh., § 35), 4-26-18)

52-37. Inspections and testing.

- A. In the case where a facility handles, stores or uses hazardous materials which may pose a risk to the water system, the Director of Public Works shall require that certified inspections and testing of the backflow assemblies be performed by an independent agent selected by the City.
- B. Inspections and tests performed by such independent agent shall verify that the backflow prevention assembly is in full conformance with performance standards set by FCC & HR, and the independent agent shall be paid for the performance tests by the City. The City shall assess the water user a surcharge to recover the costs associated with performance testing. A schedule of fees set by the Director of Public Works shall be assessed at the time of performance testing and shall be based upon City costs for such testing.
- C. Should repairs or replacement of the backflow prevention assembly be needed to achieve compliance with the performance standards set by the FCC & HR, the customer/user, at his/her expense, shall select from a list of certified testers approved by the Director of Public Works to have the work done. The certified tester performing repairs or replacement shall retest the assembly prior to returning the assembly to service operation.
- D. Failure to perform testing, repairs or replacement of a backflow prevention assembly not in compliance shall be grounds for discontinuance of water service at the discretion of the Director of Public Works.
- E. It shall be the duty of the Director of Public Works to see that these timely tests are made. The customer/user shall notify the Director of Public Works in advance when the tests are to be undertaken so that he/she or his/her representative may witness the test, if so desired.
- F. Records of such tests, repairs and overhaul shall be kept and made available to the Director of Public Works.

52-37.1. Exceptions.

- A. When performing testing to ensure a backflow prevention assembly is in compliance with FCC & HR performance standards, the customer/user shall be notified by the Water Department prior to the commencement of such work. Scheduling of tests shall be done in such a manner to minimize service interruption to the facility and the customer/user.
- B. In the case where backflow prevention assemblies are tested, repaired or replaced on fire lines, the Fire Chief or his/her designated representative shall be notified prior to the commencement of such work. These devices shall be repaired, overhauled or replaced by a certified individual or agency at the expense of the customer user whenever such devices are found to be defective.

(Ord. No. 2149, § 1.B, 9-13-90; Ord. No. 3060, § 2, 11-18-99)

52-38. Discontinuance of service.

Whenever in this article reference is made to discontinuance of service, the customer/user shall receive written notice of the violation and be advised in writing of the opportunity to meet with designated personnel to present any objections; however, discontinuance may occur immediately if there is an immediate danger to the public health, safety or welfare in which situation notice and an opportunity to be heard will be given as soon as practical after discontinuance.

(Ord. No. 2149, § 1.B, 9-13-90; Ord. No. 3060, § 2, 11-18-99)

52-39. Existing water connections.

All existing water connections which may be deemed by the Director of Public Works to be subject to backflow prevention will, upon written notice, have an appropriate backflow prevention device installed and inspected within sixty (60) days of notification.

(Ord. No. 2149, § 1.B, 9-13-90; Ord. No. 3060, § 2, 11-18-99)

ARTICLE V. WATER USE REGULATIONS DURING STAGE FOUR DROUGHT

52-40. Water use regulations.

Upon adoption by the City Council of a resolution declaring a Stage Four Drought condition and for as long as that condition exists, the following water use regulations, and such other regulations as may be adopted by resolution, shall apply to all use of potable water that is provided by the City water supply system. The City of Chandler City Council shall have the authority to declare a Stage Four Drought when the Public Works and Utilities Director determines that there is a significant possibility that the City's water supplies needed to meet the following year's demand may be reduced if drought conditions are not reversed, and it is unlikely that the City will be able to deliver sufficient water to meet all demands. The public will be notified of a Stage Four Drought condition and mandatory water use regulations as further described in Section 52-42.

A. Lawn, tree and shrub watering is restricted to once per week. The City Manager shall determine selected watering days for all users of City potable water.

B. All landscape watering using City potable water may only be done between the hours of 9:00 p.m.—5:00 a.m. when potable water is used as the irrigation source.

C. Use of outdoor water features using City potable water is prohibited.

D. Use of outdoor water misters is prohibited.

E. Auto/truck washing is allowed only at commercial facilities or with pail and hose with a shut off nozzle.

F. Overseeding winter grass on City parks and facilities is prohibited.

G. Other conservation measures as adopted by the City Council, needed to balance water demand with the available water supply.

(Ord. No. 3498, § 1, 12-15-03; Ord. No. 4802, § 2(Exh., § 35), 4-26-18)

52-41. Variances.

Variances to the water use regulations set forth in this Article may be granted at the discretion of the City Manager or designee. Applicants for a variance must apply in writing to the Public Works and Utilities Department, and demonstrate special circumstances such as health and safety needs.

(Ord. No. 3498, § 1, 12-15-03; Ord. No. 4802, § 2(Exh., § 35), 4-26-18)

52-42. Notification.

The City of Chandler Communications & Public Affairs Department will notify the public of a Stage Four Drought condition and mandatory water use regulations using available media sources.

ARTICLE VI. SUSTAINABLE WATER ALLOCATION REGULATIONS

52-43. Policy established.

A. Chandler has finite water resources.

B. This water allocation policy implemented in this Article will assist the City in maintaining a sustainable water supply for existing and future water users.

(Ord. No. 4634, 5-28-15)

52-44. Definitions.

A. *"Allocate"* or *"allocation"* shall mean the City's act(s) of enumeration of water it owns or may own in the future for delivery in its water system for current and future water customers. Allocation of water under this Article VI does not convey any rights to others for the use of, ownership, or reservation of such water to any particular customer being served or potentially to be served by the City's water system.

B. *"Applicant"* shall mean the owner, or owner's agent, who applies for development entitlements pursuant to this Code, including, but not limited to, Chapters 35 and 48.

C. *"Development entitlements"* shall mean approvals by the City of Chandler to authorize applications, under applicable municipal code provisions, including, but not limited to, Chapters 35 and 48, for development, construction and/or installation of improvements on specified property.

D. *"Multiple and large meter users"* or *"MLM users"* shall mean water uses, excluding water meters used solely for residential land use (as defined in Chandler City Code Section 38-3), landscape water and reclaimed water meters, which:

1. Use more water than the Tier I water use allocation,
2. Use water sufficient to require installation of a 3-inch or greater meter or its equivalent in multiple meters,
3. Require multiple meters on a single parcel that will use more than fifty thousand (50,000) gallons per day (annual average), or
4. Require one or more new meters on a parcel that already has water service and the water use on the parcel is more than fifty thousand (50,000) gallons per day (annual average).

E. *"Tier I water use allocation"* shall mean the most recently City Council accepted allocations of water usage assigned to various residential uses as gallons per day (gpd) per dwelling unit and gallons per day (gpd) per one thousand (1,000) square feet of structures developed as non-residential uses. Tier I water use allocations may be periodically updated by the City Council.

F. *"Tier II water"* shall mean water that may be available for allocation based on the water resource management strategy to a MLM user.

G. *"Tier III water"* shall mean water that may be available for purchase at a price determined by the City to a MLM user.

H. *"Water"* shall mean potable water as defined by the Federal Clean Water Act.

I. *"Water resource management strategy"* shall mean the periodic report accepted by the City Council which outlines the City's development goals, types of land uses to be encouraged by the City's provision of Tier II water, and the criteria to be considered by City staff, commissions, and City Council in the potential allocation of Tier II water to MLM users who may meet the criteria.

(Ord. No. 4634, 5-28-15)

52-45. Applicability.

A. The water usage of all water users, other than MLM users who are approved in accordance with Subsection 52-45(B), are limited to the then-existing Tier I water allocation accepted by the City Council in accordance with Subsection 52-44(E).

B. MLM users may only exceed the Tier I water allocation then existing at the time of development entitlements becoming effective, if the City, in its sole discretion, specifically grants Tier II water or Tier III water use allocations in accordance with this Article and through a sustainable water service agreement approved by the City Council and executed by the applicant.

(Ord. No. 4634, 5-28-15)

52-46. Sustainable water service application.

A. All MLM users shall submit a sustainable water service application at the same time as it submits its applications for any development entitlements.

B. The sustainable water service application shall identify the type of water use, the size of the structures in the development, annual and monthly water use, and the phasing of development.

(Ord. No. 4634, 5-28-15)

52-47. City review of sustainable water service applications.

A. The Public Works and Utilities Director shall review and may approve sustainable water service application.

B. Tier II and Tier III water allocations determination.

1. The City will determine whether, based on the most recent water resource management strategy, the development is eligible for Tier II water and how much it is willing to apply to the development.

2. If the City determines that it will not make Tier II water available for any particular MLM user, the MLM user must purchase Tier III water, if available, in order to continue with the application for land use entitlements for its planned development.

C. Prior to installing any water meters for a MLM user, City and water user shall enter into a sustainable water service agreement. Concepts in the sustainable water agreement include:

1. Valid for 100-years from the date of issuance.

2. Determine the approved MLM user's water use allocation that will be permitted for the property subject to the sustainable water service agreement.

3. Transferrable to subsequent owners of the real property underlying the development with equivalent water use upon City approval.

4. Terms and conditions for the purchase of water resources necessary for delivery to the development.

5. Other terms and conditions deemed necessary for City to agree to the allocation of Tier II or Tier III water to the development.

(Ord. No. 4634, 5-28-15; Ord. No. 4802, § 2(Exh., § 35), 4-26-18)

52-48. Penalties for exceeding the annual sustainable water use allotment.

A. Annual compliance shall be based a rolling 3-year average water use.

1. *First exceedance*—Pay for volume of water used. City will purchase water credits at market rate and charge back to water meter owner.

2. *Second exceedance*—Water user must develop a water reduction plan.

3. *Third exceedance*—Court action.

(Ord. No. 4634, 5-28-15)

Chapter 53 RECLAIMED WATER SERVICE

53-1. Definitions.

For the purposes of this chapter, the following words, terms and phrases shall have the meanings respectively ascribed to them in this section:

Approved: Accepted by the designated City Engineer as meeting an applicable specification stated or cited in this chapter, or as suitable for the proposed use.

Appurtenances: Items attached to a main structure which enables it to function, but not considered an integral part of it.

City reclaimed water distribution system: The network of public reclaimed waterlines which compose the basic grid and distribution system for reclaimed water service and all appurtenances thereto.

Developer: Any person or persons, corporation, partnership or firm desiring reclaimed water service.

Large volume reclaimed water user: A developer who will receive a peak flow of two hundred fifty thousand (250,000) gallons of reclaimed water per day or more for all property within a zoning district at build out. This designation is not impacted by the number of meters, turnouts or contracts associated with delivery of reclaimed water to property within a zoning district.

Public waterline or public water main: A waterline owned and maintained by the City.

Reclaimed water: Effluent, other than effluent produced by the City's reverse osmosis plant, which has been treated to achieve a quality suitable for its intended use as prescribed by federal and state regulations.

Reclaimed water service: City service to provide reclaimed water for commercial, recreational and landscaping purpose.

Reimbursement agreement: An agreement executed between the City and developers for collection of buy-in assessments.

Service line: A pipe carrying reclaimed water from the public waterline to a water meter or other point of distribution.

Small volume reclaimed water users: A developer who will receive a peak flow of less than two hundred fifty thousand (250,000) gallons of reclaimed water per day for all property within a zoning district at build out. This designation is not impacted by the number of meters, turnouts or contracts associated with delivery of reclaimed water to property within a zoning district.

(Ord. No. 3173, 8-10-00; Ord. No. 4365, § 34, 6-14-12; Ord. No. 4802, § 2(Exh., § 36), 4-26-18)

53-2. Policy established.

53-2.1. There is hereby established a policy and orderly program to provide reclaimed water service for all areas South of Pecos Road and East of Old Price Road within the City limits except as set forth in sections 53-2.2 and 53-2.4 below. Except as set forth in section 53-2.2 below, reclaimed water service shall be provided to other areas within or outside the City limits pursuant to this chapter if the City reasonably determines that the City reclaimed water distribution system is in place to deliver reclaimed water to that area and that the City has reclaimed water available for delivery.

53-2.2 Delivery of reclaimed water service to single-family homes, duplexes, and triplexes is prohibited as of November 1, 2013, unless a preliminary plat for new development is previously approved by City Council pursuant to Chapter 48 of this Code. Homes receiving reclaimed water service prior to this effective date are exempt from this policy. Reclaimed water service shall not be restored in the event that preexisting reclaimed water service to a single-family home, duplex, or triplex is discontinued for more than ninety (90) days.

53-2.3. The City Council may agree to participate in the cost of construction to oversize transmission mains if construction funds are available. Unless otherwise approved by the City Council, the City shall pay for its portion of the costs based on current costs established for buy-in assessments.

53-2.4. The Director of the Public Works and Utilities Department shall determine, on or before December 1 of each year, the amount of reclaimed water available for the next calendar year, identify the minimum quantity of reclaimed water needed to operate City recharge facilities, and allocate reclaimed water available after subtracting quantities needed to operate all recharge facilities among all developers requesting reclaimed water service for the next calendar year in accordance with the priority of delivery provisions set forth in section 53-3.

(Ord. No. 3173, 8-10-00; Ord. No. 3311, § 11, 9-27-01; Ord. No. 4496, § 1, 10-21-13, eff. 11-1-13; Ord. No. 4802, § 2(Exh., § 37), 4-26-18)

53-3. Priority of delivery.

53-3.1. If there is insufficient reclaimed water available to meet demands of all the developers requesting reclaimed water service, the City shall use a tiered approach to allocate available reclaimed water. In the case of such a shortage the City shall provide first priority to satisfy reclaimed water obligations associated with any Indian water rights settlements. The next level of priority shall be for those developers required to use reclaimed water pursuant to either a condition of zoning or pursuant to a City lease.

53-3.2. If reclaimed water is available after satisfying in full all priority obligations set forth in subsection 53-3.1 above, such remaining reclaimed water shall be allocated to developers within City limits on a pro rata basis.

53-3.3. If reclaimed water is available after satisfying in full all priority obligations and requests for reclaimed water service set forth in subsections 53-3.1 and 53-3.2 above, such remaining reclaimed water shall be allocated to all other developers who request reclaimed water service on a pro rata basis.

53-3.4. If reclaimed water is available after satisfying in full all priority obligations and requests for reclaimed water service, such remaining reclaimed water shall be allocated to developers requesting reclaimed water service during a calendar year on a first-come first-served basis.

53-3.5. In the event of an unforeseen shortage of available reclaimed water during any calendar year, the delivery of reclaimed water shall be reallocated in a manner consistent with subsection 53-3.1 through 53-3.4 above.

(Ord. No. 3173, 8-10-00)

53-4. Agreement required.

It shall be unlawful to receive or use reclaimed water in any area within the City limits other than by contract or agreement with the City or with a developer with whom the City has contracted to provide reclaimed water for resale. Any agreement consistent with a form agreement approved by City Council may be executed on behalf of the City by the Director of the Public Works and Utilities Department. All other agreements shall be approved by the City Council.

(Ord. No. 3173, 8-10-00; Ord. No. 3311, § 12, 9-27-01; Ord. No. 4802, § 2(Exh., § 37), 4-26-18)

53-5. Reclaimed water meters required.

It shall be unlawful for any person to receive reclaimed water from the City reclaimed water distribution system on any parcel unless the City shall have placed or directed the placing of a reclaimed water meter upon each parcel. It shall be the responsibility of the City Engineer to approve or direct the type and size of reclaimed water meter to be installed in the turnout based on the proposed quantity of reclaimed water to be used.

(Ord. No. 3173, 8-10-00)

53-6. Tampering forbidden.

It shall be unlawful for any person to tamper with the City reclaimed water distribution system or to operate City turnouts to receive reclaimed water in a manner inconsistent with section 53-16 of this chapter.

(Ord. No. 3173, 8-10-00)

53-7. Interference with City employees/agents prohibited.

It shall be unlawful for any person to interfere in any way with any officer, employee or agent of the City charged with management, construction, operation, inspection, testing or maintenance of the reclaimed water system in the discharge of his/her duties.

(Ord. No. 3173, 8-10-00)

53-8. Disconnection of reclaimed water service for violation of chapter.

In addition to the penalties set forth in section 53-18 of this chapter, the Director of the Public Works and Utilities Department is hereby authorized and directed to disconnect reclaimed water service from any premises served in violation of this chapter or in violation of any contractual provision regarding reclaimed water service. Before any such discontinuance shall be made, the developer shall receive written notice of violation and be advised in writing of the opportunity to meet with designated personnel to present any objections.

(Ord. No. 3173, 8-10-00; Ord. No. 3311, § 13, 9-27-01; Ord. No. 4802, § 2(Exh., § 37), 4-26-18)

53-9. Contract for extension of reclaimed water mains.

The City may participate with a developer in a construction contract to extend reclaimed water mains. The developer shall advertise the project for bids in the same manner as prescribed for governmental public works projects. The bids shall be received and opened in the office of the City purchasing agent. The City Engineer shall evaluate the bids and provide the developer with a written recommendation. The amount of City participation shall not exceed the bid price of the contractor recommended by the City.

(Ord. No. 3173, 8-10-00)

53-10. Reclaimed water main extension reimbursement agreement.

A developer who extends reclaimed water main(s) which provide(s) a means of service to property owned by others may enter into an agreement with the City providing for reimbursement of a portion of the costs when property abutting the main extensions develops.

53-10.1. Such agreements shall be executed within one (1) year from date of acceptance of the reclaimed water main by the City, and shall run for a period not to exceed fifteen (15) years from the date of execution by the City Engineer, who is hereby authorized to execute the agreements in accordance with the provisions of this section. The agreements shall automatically terminate at the end of the fifteen-year period. No agreement shall be approved and executed more than one (1) year after the date of acceptance. No reimbursement will be made for buy-in assessments collected prior to receipt of the developer's request to enter into such an agreement.

53-10.2. The City Engineer shall determine the amount of footage to be reimbursed, and such determination shall be made a part of the agreement.

53-10.3. Reimbursement shall be made on the basis of the front footage determined by the City Engineer at the rate of half the front foot current cost, less the reimbursement transaction fee established by Council resolution, which shall be retained by the City to cover administrative costs.

53-10.4. Reimbursements under such agreements shall be made by the City upon receipt of payment from adjacent or abutting property owners. If the developer of adjacent property installs a reclaimed water main on a section or midsection line which is parallel to a main eligible for reimbursement, the reimbursement shall be made by the City (from City funds) if such funds are available, unless one hundred (100) percent front foot reimbursement, as provided below, has been previously approved by the City Council.

53-10.5. All agreements shall state to whom reimbursement shall be made. It shall be the duty of the developer to keep the City Engineer advised as to the correct mailing address.

53-10.6. Nothing herein shall prevent the City from entering into special agreements to cover unique situations, where a standard agreement is not applicable.

53-10.7. Agreements may be assigned by the developer upon written notification and upon receiving written acknowledgement from the City Engineer.

(Ord. No. 3173, 8-10-00)

53-11. Establishment of current costs.

The City Engineer shall establish in July, on an annual basis, the current cost of construction of reclaimed water mains to be used in determining buy-in assessments. Such current cost shall include engineering, construction and inspection costs.

(Ord. No. 3173, 8-10-00)

53-12. Buy-in assessments.

Buy-in assessments as described below shall be paid by the developer before the final plat, map of dedication, or horizontal property regime is approved; except that in the case of site development plans, the buy-in assessment shall be paid prior to approval of the site development plans. Buy-in assessments not covered by the foregoing shall be paid with the reclaimed water meter installation fee as described in Chapter 50.

53-12.1. Any developer developing property which abuts an existing reclaimed water main(s) shall pay to the City half the front foot current cost of a twelve-inch existing main whether or not the developer desires to connect a service to the main or desires to extend a new main in a lateral manner with a connection to the main. In those cases where a main dead ends perpendicular to a property frontage or parallels only a portion of the frontage, the entire frontage or forty-five (45) feet, whichever is greater, will be used to compute the buy-in assessment. This provision shall not apply to stub-outs provided for future main extensions.

53-12.2. One hundred (100) percent of the front foot current cost of said main shall be paid when special conditions will not permit service to property located on both sides of the main when recommended by the City Engineer and approved by the City Council.

53-12.3. When the developer installs a reclaimed water main, that developer is exempt from payment of the front foot current cost buy-in assessment for any existing main on the side of the property on which the developer installs the new main, providing that the new main is twelve-inch and runs for the total length of the developer's property.

(Ord. No. 3173, 8-10-00)

53-13. Engineering requirements.

The following engineering requirements shall apply to all public reclaimed waterline extensions and onsite reclaimed water delivery systems:

- A. The developer causing extension of a reclaimed waterline shall locate it in City rights-of-way or easements and shall pay in full, less approved City participation as provided above, the engineering, construction and inspection costs of the lines and appurtenances.
- B. Plans and specifications shall be prepared in accordance with appropriate standards as established by the City Engineer.
- C. Each lot or parcel of land to be served with reclaimed water shall abut a reclaimed water main.
- D. All lines shall be sized in accordance with the latest reclaimed water system master plan, except that the City Engineer reserves the right to increase or decrease the diameter of any and all mains described in the plan when requirements so dictate.
- E. In all developments, such as subdivisions, multifamily tracts, commercial centers, shopping centers, golf courses, parks, industrial or other similar developments, the developer shall furnish and install, to City specifications, all reclaimed water mains, service connections, valves, fittings, storage structures, turnout structures and appurtenances within the boundary of the development as well as the streets bounding the tracts, and make reclaimed waterline extensions as determined necessary by the City Engineer. For developments that have irrigation infrastructure in place as of July 1, 2000, the City Engineer, upon receipt of a written request from a developer, may elect to construct and finance a turnout structure to permit that development to convert to the use of reclaimed water for irrigation purposes. In such cases the developer shall be required to enter into a contract for repayment of the costs of constructing the turnout over a

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period not to exceed ten (10) years at an interest rate of eight (8) percent compounded on a monthly basis. Payments shall be made by the developer on a monthly basis.

F. All main line valves shall use MAG Standard Detail 391-1 Type A or C valve box with a square or rectangular frame and cover with the words "Reclaimed Water" in raised letters on the cover. Debris caps (MAG Standard Detail 392) shall be installed on each valve.

G. All reclaimed water distribution systems shall be clearly identified in accordance with MAG Specifications Section 616. All subsurface piping and fixtures shall be installed with purple pipe or by wrapping the pipe with Christy's polyethylene encasement (polywrap) or equal and by marking above ground parts, including valves, valve boxes and covers, controllers, piping, hose bibs, and other outlets purple.

H. Access to the developers reclaimed water distribution system controller box shall be by key.

I. The engineering requirements set forth herein are intended to supplement rather than supercede other applicable local county, state and federal requirements and, in the case of conflict, the more stringent requirement shall apply.

(Ord. No. 3173, 8-10-00)

53-14. Storage requirements.

53-14.1. Large volume reclaimed water users shall construct on-site reclaimed water storage structures capable of containing a minimum of three (3) days of average daily flow of reclaimed water to the site (computed on an annual basis) in addition to all storage structures and retention basins required to contain stormwater.

53-14.2. Small volume reclaimed water users shall not be required to construct any on-site reclaimed water storage structures.

53-15. Permits, inspection and acceptance of improvements.

53-15.1. It shall be unlawful for any person or persons to connect to the reclaimed water system of the City or to permit reclaimed water from the reclaimed water system of the City to flow through any reclaimed waterline unless a permit has been issued by the City Engineer's office and the construction has been accepted by the City.

53-15.2. Approval of plans, issuance of permits, off-site inspections, and acceptance of improvements shall be performed as set forth in Chapters 46 and 47 of this Code.

53-15.3. The City shall acquire written documented ownership of all public reclaimed waterline extensions when completed, approved and accepted. The extensions shall be conveyed to the City free and clear of all clouds to title, including liens and encumbrances. Permanent type, certified, reproducible as-built record plans shall be filed with the City Engineer upon completion of construction.

(Ord. No. 3173, 8-10-00)

53-16. Operation of turnout structures.

53-16.1. The City shall control, maintain and operate all turnout structures used in conjunction with the delivery of reclaimed water to large volume reclaimed water users.

53-16.2. Each small volume reclaimed water user shall control, maintain and operate the turnout structure used to receive reclaimed water to the premises in accordance with the contract entered into with the City pursuant to section 53.4 of this chapter.

(Ord. No. 3173, 8-10-00)

53-17. Extension of reclaimed water service outside City limits.

The Director of the Development Services Department in consultation with the Director of the Public Works and Utilities Department may authorize the extension and service of City reclaimed water services beyond the territorial limits of the City upon the following terms and conditions. Any applications which do not conform to all terms and conditions, or which, for any reason are recommended for denial, shall be presented to the City Manager for final determination.

A. The proponents of such extension and service shall pay in full for the rights-of-way, construction, engineering, installation, inspection and testing of all lines, pipes, mains, meters and other appurtenances necessary for the service, and the same shall be installed in accordance with current City standards. All easements required for construction or maintenance of the mains shall be dedicated to the City.

B. Reclaimed water mains and appurtenances installed in public rights-of-way or easements shall, upon approval by the designated City Engineer, be accepted by the City for ownership and maintenance, and the City shall have exclusive control, supervision and management of same.

C. Applicants for reclaimed water service shall be charged for turnouts, service lines, development fees, buy-ins, reclaimed water rates and any other fees as prescribed by the Council.

D. The property owner of the premises to be served by City reclaimed water shall sign an agreement with the City which provides for annexation to the City upon request by the City. This agreement shall not be construed as limiting the right of the owner or any other successor in interest to the "owner" for all or any portion of the real property to appear and testify in support of or in opposition to zoning changes, building permits, or any other official act affecting such real property before a governmental body of officials considering such matters, including but not limited to the ability to file such protest and objections as may be permitted by law considering the formation of an improvement district, the extent of the district, or any assessment or contract related thereto.

53-17.1. The Council may deny or cause service beyond the City limits to be discontinued following thirty (30) days' written notice to affected properties if it finds that continued service seriously threatens or endangers the efficient and adequate service within the City. Before discontinuance, the developer shall be advised in writing of the opportunity to meet with designated personnel to present any objections.

53-17.2. The Council may deny or discontinue reclaimed water service, subject to notification as described above, to any premises occupied or used for disorderly or illegal purposes, or upon which is conducted any business or activity offensive to surrounding standards, or upon which is situated or kept any dilapidated or unsightly structures or materials.

(Ord. No. 3173, 8-10-00; Ord. No. 3311, § 14, 9-27-01; Ord. No. 4365, § 35, 6-14-12; Ord. No. 4802, § 2(Exh., § 37), 4-26-18; Ord. No. 4931, § 2(Exh.), 8-13-20)

53-18. Penalties.

Any person violating any of the provisions of this chapter shall be guilty of a misdemeanor and shall be punished in accordance with Chapter 1 of this Code.

(Ord. No. 3173, 8-10-00)