

**Amendments to Article 9-05 "WASTEWATER TREATMENT SERVICE," Article 9-05a "DOMESTIC WATER SERVICE," and Article 9-05b "RECLAIMED WATER SERVICE"**

**SECTION 1.** That Section 9-05-020 "Abbreviations and Definitions" in Article 9-05 "WASTEWATER TREATMENT SERVICE" in Chapter 9 "HEALTH AND SANITATION" of the Town Code of the Town of Prescott Valley, Arizona, is hereby amended to read as follows:

**9-05-020 Abbreviations and Definitions.**

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B. Definitions. In this Article, unless the context otherwise requires:

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6. "Customer" means (a) the record owner(s) of real property to which wastewater treatment services are supplied and/or, (b) any Tenant of real property to which any of said services are supplied, ~~whose name is on an account because of a Request for Alternative Billing signed by the record owner(s) or the agent(s) of the record owner(s).~~ Customers are the persons or entities responsible for the payment of wastewater treatment rates, fees, charges, and penalties for such services. While a Customer may also be a "User" as defined herein, the terms are not necessarily the same.

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8. "Developed Properties" means lots, parcels or properties upon which a building, unit, or structure has been built and an occupancy permit (temporary or permanent) has been issued by the Town, or which has actually been occupied (whether or not occupancy continues thereafter).

9. "Director" means the director of the department in which the Customer Accounts division of the Town is included, as appointed from time to time by the Town Manager, and/or related staff designees.

810. "Discharge", used in the context of either a verb or a noun, means the disposal of water, wastewater, or any other liquid or substance from any User into the wastewater treatment system.

911. "Domestic Waste" means a typical, residential-type waste which requires no pretreatment under the provisions of this Article before discharging into the wastewater system, excluding industrial waste.

- ~~40~~12. "Environmental Protection Agency (EPA)" means the U.S. Environmental Protection Agency or its authorized representative.
- ~~44~~13. "Existing Source" means any source of discharge, the construction or operation of which commenced prior to the publication by EPA of proposed categorical pretreatment standards, which will be applicable to such source if the standard is thereafter promulgated in accordance with Section 307 of the Act.
- ~~42~~14. "Grab Sample" means an individual sample collected over a period of time not to exceed (15) minutes.
- ~~43~~15. "Indirect Discharge or Discharge" means the introduction of pollutants into the wastewater system from any nondomestic source regulated under Section 307(b), (c), or (d) of the Act.
- ~~44~~16. "Industrial User" means a discharger into the wastewater system of nondomestic wastewater.
- ~~45~~17. "Industrial Waste" means any and all liquid or water borne waste from industrial or commercial processes, excluding domestic waste.
- ~~46~~18. "Interference" means a discharge which alone or in conjunction with a discharge or discharges from other sources inhibits or disrupts the wastewater system, its treatment processes or operations, or its sludge or effluent processes, use or disposal.
- ~~47~~19. "May" means discretionary or permissive.
- ~~18~~. ~~"Management Services Director" or "Director" means the director of the department in which the utilities division of the Town is included, as appointed from time to time by the Town Manager, and/or related staff designees.~~
- ~~49~~20. "Medical Waste" means isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.
- ~~20~~21. "National Pollutant Discharge Elimination System (NPDES) Permit" means a permit issued to a wastewater system or other discharger pursuant to Section 402 of the Act.
- ~~24~~22. "New Source" means:

- a. Any building, unit, structure, facility, or installation from which there is (or may be) a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under Section 307(c) of the Act which will be applicable to such source if such standards are thereafter promulgated in accordance with that Section, *provided that*:
  - (1) The building, unit, structure, facility, or installation is constructed at a site at which no other source is located; or
  - (2) The building, unit, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
  - (3) The production or wastewater generating processes of the building, unit, structure, facility, or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source, should be considered.
  
- b. Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, unit, structure, facility, or installation meeting the criteria of subparagraph 19(a)(2) or 19(a)(3) above, but otherwise alters, replaces, or adds to existing process or production equipment.
  
- c. Construction of a new source as defined under this subparagraph 19 has commenced if the owner or operator has:
  - (1) Begun, or caused to begin as part of a continuous onsite construction program
    - (a) any placement, assembly, or installation of facilities or equipment; or
    - (b) significant site preparation work, including clearing, excavation, or removal of existing buildings, units, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or

- (2) Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this subparagraph 19(c).
- ~~2223.~~ "Noncontact Cooling Water" means water used for cooling which does not come into direct contact with any raw material, intermediate product, waste product, or finished product.
- ~~2324.~~ "Pass Through" means a discharge which exits the wastewater system into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the Town's NPDES permit (including an increase in the magnitude or duration of a violation).
- ~~2425.~~ "Person" means any individual, partnership, copartnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity; or their legal representatives, agents, or assigns. This definition includes all federal, State, or local governmental entities.
- ~~2526.~~ "pH" means the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution, commonly referred to as a measure of the acidity or alkalinity of a substance, expressed in standard units.
- ~~2627.~~ "Pollutant" means any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt, agricultural and industrial wastes, and the characteristics of the wastewater, i.e., pH, temperature, TSS, turbidity, color, BOD, Chemical Oxygen Demand (COD), toxicity, or odor.
- ~~28.~~ "Premises," "Real Property" or "Property" means the building, unit, structure, designated turf area, or water storage area (including adjacent areas and appurtenances) to which domestic water service, wastewater service, and/or reclaimed water service is provided.
- ~~27.~~ "Prescott Valley Water District" or "District" means the community facilities district created by Resolution No. 855 of the Town Council on September 24, 1998, which manages, operates and maintains the

~~Prescott Valley Water Company's domestic water system through contracts with one (1) or more third-party contractors.~~

~~2829.~~ "Pretreatment" means the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to (or in lieu of) introducing such pollutants into the wastewater system. This reduction or alteration can be obtained by physical, chemical, or biological processes; by process changes; or by other means (except by diluting the concentration of the pollutants unless allowed by an applicable pretreatment standard).

~~2930.~~ "Pretreatment Requirements" means any substantive or procedural requirement, other than a pretreatment standard, related to pretreatment and imposed on a User.

~~3031.~~ "Pretreatment Standard or Standards" means prohibited discharge standards, categorical pretreatment standards, and local limits.

~~3132.~~ "Prohibited Discharge Standards or Prohibited Discharges" means prohibitions against the discharge of certain substances in this Article.

~~33.~~ "Reclaimed Water" means all effluent discharged from the wastewater treatment facility after treatment, and stored, transported, or recharged into the underground aquifer by the reclaimed water system of the Town.

~~32.~~ "Request for Alternative Billing (RAB)" means a form signed by the record owner(s) of real property to which wastewater service is provided [or by the agent(s) of such owner(s)] listing a Tenant in whose name the account may be placed and making that Tenant equally responsible for wastewater rates, fees, charges, and penalties with the record owner(s).

~~3334.~~ "Septic Tank Waste" means any sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.

~~3435.~~ "Shall" means mandatory.

~~3536.~~ "Significant Industrial User" means"

a. A User subject to categorical pretreatment standards; or

b. A User that:

(1) Discharges an average of 25,000 gpd or more of process wastewater to the wastewater system (excluding sanitary, noncontact cooling, and boiler blowdown wastewater); or

- (2) Contributes a process waste stream which makes up five percent (5%) or more of the average dry weather hydraulic or organic capacity of the wastewater system treatment plant; or
    - (3) Is designated as such by the Town on the basis that it has a reasonable potential for adversely affecting the wastewater system's operation or for violating any pretreatment standard or requirement.
  - c. Upon a finding that a User meeting the criteria in subparagraph 31(b) has no reasonable potential for adversely affecting the wastewater system's operation or for violating any pretreatment standard or requirement, the Town may at any time, on its own initiative or in response to a petition received from a User [and in accordance with procedures in 40 CFR 403.8(f)(6)] determine that such User should not be considered a Significant Industrial User.
- 3637. "Slug Load" means any discharge at a flow rate or concentration which could cause a violation of the prohibited discharge standards in this Article or any discharge of a nonroutine, episodic nature, including (but not limited to) an accidental spill or a noncustomary batch discharge.
- 3738. "Standard Methods" means the procedure as described in the most current edition of Standards Methods for the Examination of Water and Wastewater, published by the American Health Association, or the most current edition of Manual of Methods for Chemical Analysis of Water and Wastes, published by the U.S. Environmental Protection Agency.
- 3839. "Tenant" means a person entitled under all agreements, written, oral or implied by law, and valid rules and regulations adopted under Arizona Revised Statutes, embodying the terms and conditions concerning the use and occupancy of a dwelling unit and/or other premises to occupy the same to the exclusion of others.
- 3940. "Total Suspended Solids (TSS)" means the total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquid, and which is removable by laboratory filtering.
- 4041. "~~Town~~" ~~means the Town of Prescott Valley and, for purposes of authority, includes its employees and other agents unless expressly reserved to the Town Council.~~ "Town" means the Town of Prescott Valley and, for purposes of authority, includes any of its officers, employees, contractors, and other agents unless express reference is made to the Mayor, the Council, the Manager, or a department head.

4142. "Town Council" or "Council" means the governing body of the Town, comprised of its duly elected or appointed members.
4243. "Town Manager" or "Manager" means the manager of the Town as appointed from time to time by the Town Council, and/or related staff designees.
4344. "Unit" means any room or group of rooms designed for one (1) or more persons to reside, work, or carry on any organized activity as a homogeneous group, and containing or having direct access to at least one (1) accommodation for cooking, domestic water use, reclaimed water use, and/or wastewater disposal.
4445. "User" means any person, partnership, corporation, municipality, political subdivision, or other entity or other organization that occupies any building, unit, structure, designated turf area, or water storage area and receives wastewater service or discharges, causes, or permits any discharge, as defined herein, into the wastewater system.
46. "Utilities Director" means the director of the Utilities Department, as appointed from time to time by the Town Manager, and/or related staff designees.
47. "Utility System" means the domestic water system, wastewater treatment system and the reclaimed water system of the Town, or any portion thereof.
4548. "Wastewater" means all domestic waste, industrial waste, and any other liquid discharged into the wastewater treatment system.
4649. "Wastewater Treatment System" or "Wastewater System" means all components of the wastewater treatment system owned or leased by the Town, including (but not limited to) public sanitary sewer lines, lift stations, treatment facilities, and effluent disposal and recharge facilities.

Note that the use of the singular shall be construed to include the plural and the plural shall include the singular, as indicated by the context of its use.

(Ord. No. 284, Enacted, 10/08/92; Ord. No. 391, Amended, 06/27/96; Ord. No. 510, Amended, 08/23/01; Ord. No. , Amended, 04/28/16)

**SECTION 2.** That Section 9-05-035 "Establishing Wastewater Service" in Article 9-05 "WASTEWATER TREATMENT SERVICE" in Chapter 9 "HEALTH AND SANITATION" of the Town Code is hereby amended to read as follows:

9-05-035      Establishing Wastewater Service.

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- B. Tenant Accounts. Applications by Customers who are Tenants must include a copy of the lease or rental agreement for the property to be served. Tenants applying for service to the leased/rental property shall be responsible to pay all wastewater treatment rates, fees, charges, and penalties applicable to the property. Request for Alternative Billing (RAB) signed by the record owner(s) of real property or the agent(s) of such owner(s). ~~The information required in and the responsibilities related to RABs may be set from time to time by regulations adopted by resolution. By placing their name on accounts under an RAB, Tenants become equally responsible along with record owner(s) of real property to pay all wastewater treatment rates, fees, charges, and penalties applicable to the property.~~ Where residential property buildings, units, structures, designated turf areas, or water storage areas are consisting of five or more units is occupied by multiple Tenants, Tenants may apply for utility service and place their name on accounts only if each Tenant of the property is individually metered for ~~domestic water and/or reclaimed water use~~wastewater treatment services.

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- ~~D. Intergovernmental Agreements. Nothing herein shall preclude the Town from entering into one (1) or more intergovernmental agreements with the District to cooperate in the administration of their respective utility systems, including (but expressly not limited to) combining Town utility billings with District water billing, not approving new service unless all accounts are placed in the same name, restricting new service from one utility because Customers have delinquent accounts in another utility, mutually applying deposits to account delinquencies, etc.~~

- ED. Unauthorized Turn-On, Turn-Off, or Other Tampering. Except in emergency circumstances, it shall be unlawful for any person to physically turn-on or turn-off wastewater treatment service to any building, Unit, or structure, to otherwise tamper with or damage the wastewater system, or to direct, aid, or abet another in so doing without the approval of the Director after compliance with established application requirements. In lieu of criminal prosecution for such a misdemeanor violation, the Director may, at his/her sole discretion, impose a civil penalty for such violation, which penalty shall be set from time to time by resolution. The Director may also waive any per-day aspect of such civil penalty in appropriate circumstances, and provide for set-off of such penalties in return for payment of the actual costs of any damages.

**SECTION 3.** That Section 9-05-040 “Wastewater Treatment Rates, Fees, Charges, and Penalties” in Article 9-05 “WASTEWATER TREATMENT SERVICE” in Chapter 9 “HEALTH AND SANITATION” of the Town Code is hereby amended to read as follows:

**9-05-040 Wastewater Treatment Rates, Fees, Charges, and Penalties.**

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- C. Billing. Billing of residential, commercial and industrial Customers for wastewater treatment services shall be accomplished as set forth from time to time by regulations adopted by resolution.

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~~8. Intergovernmental Agreements. Nothing herein precludes the Town and the District from entering into intergovernmental agreements to, among other things, (a) combine Town utility billings with District water billings, just as the Town combines administration of its utility billings, (b) make failure to pay for District water service a basis for terminating Town utility service (and visa versa), and/or (c) adopt billing cycles or procedures for Town utility service based on the cycles or procedures of District water service.~~

- D. Delinquency Procedures. Procedures to be followed in the event of account delinquencies shall be established from time to time by regulations adopted by resolution. Such procedures shall include such enforcement measures as are available to the Town in law and in equity (including, but expressly not limited to, domestic water service turn-off), and shall provide for such notice to Customers and opportunities for administrative hearings prior to application of enforcement procedures (including, but not limited to, turn-off of domestic water service) as is deemed appropriate under the circumstances and complies with requirements of due process.

~~1. Collection Against Both Owners and Tenants. If the wastewater treatment account was in the name of a Tenant under an RAB, nothing herein shall preclude the Town from requesting payment from the record owner(s) or their agent(s) as listed in the RAB as of the date of such request, and pursuing collection of unpaid wastewater rates, fees, charges, penalties, and taxes against both the record owner(s) and the Tenant whose names are on the account in accordance with regulations adopted from time to time by resolution.~~

21. Payment Agreements. Nothing herein shall preclude the Director from offering to enter into Payment Agreements with Customers who have

delinquent utility accounts at any stage of the enforcement process, as set forth from time to time by regulations adopted by resolution.

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(Ord. No. 284, Enacted, 10/08/92; Ord. No. 389, Amended, 07/11/96; Ord. No. 391, Amended, 06/27/96; Ord. No. 466, Amended, 07/08/99; Ord. No. 510, Amended, 08/23/01; Ord. No. 516, Amended, 12/06/01; Ord. No. 667, Amended, 09/28/06; Ord. No. , Amended, 04/28/16)

**SECTION 4.** That Section 9-05-050 “Wastewater Treatment System Extensions” in Article 9-05 “WASTEWATER TREATMENT SERVICE” in Chapter 9 “HEALTH AND SANITATION” of the Town Code is hereby amended to read as follows:

**9-05-050 Wastewater Treatment System Extensions.**

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D. Subdivisions. Extension of the wastewater system into subdivisions shall be according to Subsections 14-04-040(G) and 14-04-070 of this Code.

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G. Replacement or Repair. Persons or entities that build or cause to be built any extensions of the wastewater system shall pay for any repairs or replacements made necessary as a direct or indirect result of such construction, including (for example) repair or replacement of curbs, gutters, sidewalks, road surfaces, drainage structures, and utilities damaged or disturbed during the building of wastewater line extensions.

(Ord. No. 284, Enacted, 10/08/92; Ord. No. 357, Amended, 03/23/95; Ord. No. 389, Amended, 07/11/96; Ord. No. 510, Amended, 08/23/01; Ord. No. , Amended, 04/28/16)

**SECTION 5.** That Section 9-05-060 “Connections” in Article 9-05 “WASTEWATER TREATMENT SERVICE” in Chapter 9 “HEALTH AND SANITATION” of the Town Code is hereby amended to read as follows:

**9-05-060 Connections.**

A. Wastewater Service Connections Required. Every separate building, Unit, or structure to which wastewater treatment service is supplied shall have its own service connection. Unless otherwise expressly permitted by the Department, it is unlawful for any Customer having a wastewater treatment service connection to supply or permit utility service to be supplied through said connection to any other User, whether gratuitously or for consideration.

In the event that a stub-out has been included in the main line for a particular adjacent lot, parcel or property, then connection to the main line from any building, unit, structure, designated turf area, or water storage area on that lot, parcel or property shall be at that stub-out. If a stub-out has not been constructed in the mainline for a particular adjacent lot, parcel or property, then connection from any building, unit, structure, designated turf area, or water storage area on the property must be at a location specified by the Town and the necessary stub-out must be constructed at the Customer's expense.

- B. Existing Developed Properties. All existing developed properties within the appropriate distances established from time to time in the Town Code shall connect to the wastewater treatment system at the record owner(s) expense within ninety (90) days after the system is operational. If, as part of a specific initial service plan for an area, the Town has assumed the responsibility of providing connections to existing developed properties, this time for connection may be extended until the Town makes (or would have made if the property owner had given his or her timely written consent in a form acceptable to the Town) the connection in conformance with the plan. All connections shall be in accordance with the Town's Engineering Standards as adopted from time to time.

~~1. Definition of "Developed". A lot, parcel or property is "developed" if a building, Unit, or structure has been built thereon for which an occupancy permit (temporary or permanent) has been issued by the Town, or which has actually been occupied (whether or not occupancy continues thereafter).~~

21. When Wastewater System is "Operational". A phase or portion of the wastewater treatment system is operational in an area (with regard to individual lots, parcels, or properties) on either a) the date said lots, parcels or properties would have been connected to the phase or portion of the wastewater treatment system had customers reasonably cooperated with the construction contractor in order to be connected (i.e. had provided necessary construction easements, assisted and permitted construction crews to construct necessary service lines, permitted construction crews to actually connect appropriate structures on the lot, parcel, or property to the wastewater system, etc.), or b) the date customers were told in writing was the date appropriate buildings, Units, or structures on the lots, parcels or properties should be connected to the wastewater system.

32. Option for Contractor to Make Connections. If, as part of a specific initial service plan for an area, the construction contractor assumes responsibility for connecting existing developed properties to a phase or portion of the wastewater treatment system during construction [without cost to the Customers], then the time for connection may be

extended until the contractor either makes the connection or would have made the connection if a) the Customers had consented and cooperated as set forth hereinabove, or b) the connection had not been outside the scope of the contractor's contract because of physical barriers (however caused).

43. Default Connection by Customers. If Customers have not so consented and cooperated, or if the connection is outside of the construction contractor's contract (however caused), then said Customers must connect the property at their own expense within the original ninety (90) days of wastewater treatment system availability.
54. Option to Set Later Connection Date. Nothing herein shall preclude Department personnel, upon approval of the Town Council, from setting a later date in writing for Customers to connect to the wastewater treatment system.
65. Abandonment of Private Septic Systems. In the event buildings, Units, or structures on lots, parcels or properties with private sewage disposal systems are connected to a phase or portion of the wastewater treatment system, the private sewage disposal systems must be abandoned within sixty (60) days after such connection, in accordance with rules and regulations promulgated by the Yavapai County Board of Health, the Arizona Department of Health Services, and/or the Arizona Department of Environmental Quality. Failure of Customers to properly abandon private sewage disposal systems within the time specified shall be reported to appropriate State or County agencies, and Department personnel shall cooperate fully with such agencies to abate the nuisance created by such failure.
  - a. Contractor Responsibility. If, as part of a specific initial service plan for an area, the construction contractor assumes responsibility for connecting existing developed properties to the wastewater treatment system during construction (without cost to the Customers), and such plan includes abandoning private sewage disposal systems, then enforcement of this requirement may be "tolled" until the contractor either abandons the private sewage disposal systems in the course of his contract or would have done so if i) the Customers had consented and cooperated by providing necessary construction easements, permitting entry onto property, etc., or ii) the abandonment were not outside the scope of the contractor's contract because of physical barriers (however caused).
  - b. Customer Non-Cooperation. If i) Customers do not so consent and cooperate by the time that a construction contractor is released

from an area by the Town (after having abandoned the other private sewage disposal systems on lots, parcels or properties in the area where permission had been granted and which could reasonably be abandoned pursuant to contract), or ii) the abandonment is outside of the construction contractor's contract (however caused) and Customers do not themselves arrange to abandon their private sewage disposal system in accordance with the regulations within sixty (60) days of connection to the wastewater treatment system, then enforcement shall be sought by the Town as set forth above.

- i. Nothing herein shall preclude Department personnel, upon approval of the Town Council, from setting a later date in writing for Customers to abandon private sewage disposal systems on their lots, parcels or properties, prior to seeking enforcement as set forth above.

76. Nothing herein shall preclude the Town from refunding wastewater rates, fees, charges, penalties and taxes to Customers in the event it is discovered that their particular lots, parcels or properties had not, in fact, been connected to the wastewater treatment system through no failure on the part of said Customers to comply with this Article.

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E. Permits and Inspections. No physical connection shall be made to the wastewater system until a permit for the same has been acquired from the Building Official in accordance with Chapter 7 of the Town Code (as amended from time to time), after payment of all required fees and charges, unless the connection is made by the Department. All connections shall conform to the International Plumbing Code, as adopted and amended by the Town from time to time. In addition to any other inspections, tests, and right-of-way permits that may be required, inspection and approval of wastewater system connections shall be required before any trench or hole is backfilled. Any plan review and inspection fee adopted from time to time by resolution may be waived under an initial service plan where the connection is made by the Town or a contractor that assumes responsibility for connecting existing developed properties during construction without cost to the Customer.~~Plans and Inspections. Plans approved by the Town shall be required for all service lines (including necessary backflow devices) and their connection to the wastewater system, prior to any construction. In addition to any other inspections, tests and right-of-way permits that may be required, inspection and approval of this construction shall be required before any trench or hole is backfilled. Any plan review and inspection fee adopted from time to time by resolution may be waived under an initial service plan where the connection is made by the Town.~~

F. Damage. Any damage done to the wastewater system or to the public right-of-way as a result of construction of a connection or any related construction or excavation activity shall be repaired to the Town's satisfaction at the constructing party's expense. The Town may require a bond of the party doing such construction or excavation prior to the activity being undertaken.

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(Ord. No. 284, Enacted, 10/08/92; Ord. No. 357, Amended, 03/23/95; Ord. No. 389, Amended, 07/11/96; Ord. No. 510, Amended, 08/23/01; Ord. No. 572, Amended, 10/23/03; Ord. No. , Amended, 04/28/16)

**SECTION 6.** That Section 9-05-070 “Restrictions on Discharges” in Article 9-05 “WASTEWATER TREATMENT SERVICE” in Chapter 9 “HEALTH AND SANITATION” of the Town Code is hereby amended to read as follows:

**9-05-070      Restrictions on Discharges.**

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B. Surcharge Factor. The Town shall impose a surcharge factor on wastewater Volume Rates as provided from time to time by resolution, on designated Users who discharge wastes having strength of BOD or TSS greater than twice normal domestic waste. The surcharge factors shall only be applied if the average of BOD and TSS together is greater than 500, and shall only be applied in each case to the parts per million (ppm) above 500.

In determining whether to add the surcharge factors to Volume Rates in particular billings, staff may refer to the typical strengths of BOD and TSS shown in Table A below, in lieu of laboratory analyses. However, Users who so desire may supply analyses from certified laboratories at their own expense as often as may be required in writing by the Utilities Director.

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(Ord. No. 284, Enacted, 10/08/92; Ord. No. 466, Amended, 07/08/99; Ord. No. 510, Amended, 08/23/01; Ord. No. , Amended, 04/28/16)

**SECTION 7.** That Section 9-05-080 “Discharge Prohibitions” in Article 9-05 “WASTEWATER TREATMENT SERVICE” in Chapter 9 “HEALTH AND SANITATION” of the Town Code is hereby amended to read as follows:

**9-05-080      Discharge Prohibitions.**

A. Prohibited Discharge Standards.

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2. Specific Prohibitions. In connection with Article 7-03 of this Code (and except as provided in this Article), no User or other person shall discharge or permit to be discharged any of the following described waters or wastes into the wastewater system:

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e. Any waters or wastes having a pH lower than six (6) or higher than ~~nine and one half (9-1/2)~~eleven (11), or having any other corrosive property capable of causing damage to the structures, equipment, and personnel of the wastewater system;

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D. Local Limits. The following pollutant limits are established to protect against pass through and interference. No person shall discharge wastewater containing in excess of the following (in milligrams per liter):

Total grease, oil, etc.	100.0	Copper	<del>10.0</del> <u>1.6</u>
Dissolved Sulfides	0.5	Cyanide	<u>0.1</u>
Cyanide	<del>0.1</del> <u>1.3</u>	Fluoride	<u>Reserved</u>
Arsenic	<del>0.1</del> <u>0.5</u>	Lead	<del>0.5</del> <u>0.3</u>
Antimony	<u>Reserved</u>	Manganese	<u>0.5</u>
Barium	<del>10.0</del> <u>Reserved</u>	Mercury	<del>0.05</del> <u>0.001</u>
Beryllium	<u>Reserved</u>	Molybdenum	<u>Reserved</u>
Boron	<u>10.0</u>	Nickel	<u>Reserved</u>
Cadmium	0.1	Selenium	<del>0.1</del> <u>0.2</u>
Chromium (total)	<u>3.0</u>	Silver	<u>0.5</u>
Chromium <del>IV</del> <u>VI</u>	<u>Reserved</u> <u>0.5</u>	Thallium	<u>2.2</u>
		Zinc	<del>50.0</del> <u>22.9</u>

The above limits apply at the point where the wastewater is discharged to the wastewater system. All concentrations for metallic substances are for "total" metal unless indicated otherwise. The Town may impose mass limitations in addition to, or in place of, the concentration-based limitations above.

No non-residential User shall discharge wastewater containing restricted substances into the wastewater system in excess of limitations specified in its industrial wastewater pretreatment permit, or adopted by resolution by the Town. The Town shall publish and revise from time to time standards (local limits) for specific restricted substances. These standards shall be developed

in accordance with 40 CFR 403.5 and shall implement the objectives of this Article. Standards published in accordance with this Subsection will be deemed pretreatment standards for the purposes of Section 307(d) of the Act.

The Town may impose mass limitations in addition to or in place of concentration based limitations. The Town may also revise or modify the standards (local limits) as required, or if deemed necessary to comply with the objectives or the general and specific prohibitions in this Article, or to ensure compliance with federal, State, or local law.

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(Ord. No. 284, Enacted, 10/08/92; Ord. No. 391, Amended, 06/27/96; Ord. No. 510, Amended, 08/23/01; Ord. No. , Amended, 04/28/16)

**SECTION 8.** That Section 9-05-090 “Pretreatment of Wastewater” in Article 9-05 “WASTEWATER TREATMENT SERVICE” in Chapter 9 “HEALTH AND SANITATION” of the Town Code is hereby amended to read as follows:

**9-05-090 Pretreatment of Wastewater.**

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**B. Additional Pretreatment Measures.**

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3. Town Authority to Require Grease Interceptors. Grease, oil, and sand interceptors or traps shall be provided by user when, in the opinion of the Town, they are necessary for the proper handling of wastes containing grease in excessive amounts, or any flammable wastes, sand, or other harmful ingredients; except that such interceptors shall not normally be required for a building used for residential purposes. All interceptors shall be of a type and capacity approved by the Town and shall be so located as to be easily accessible for cleaning and inspection. Such interceptors shall regularly be inspected, cleaned, and repaired by the User at the User's expense in order to maintain the same in a continuously operational condition.

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(Ord. No. 391, Enacted, 06/27/96; Ord. No. 510, Amended, 08/23/01; Ord. No. , Amended, 04/28/16)

**SECTION 9.** That Section 9-05-160 “Penalties and Remedies” in Article 9-05 “WASTEWATER TREATMENT SERVICE” in Chapter 9 “HEALTH AND SANITATION” of the Town Code is hereby amended to read as follows:

**9-05-160 Penalties and Remedies.**

...

**B. Responses to Noncompliance.**

...

**4. Administrative Enforcement Remedies.**

...

i. Administrative Review. In the event of a dispute as to liability for wastewater system rates, fees, charges, penalties or taxes (or the amount of same), or the validity of proposed enforcement actions, a User may request an administrative review.

(1) Request for Administrative Review. Requests must be received by the Director at least five (5) business days prior to any deadline set for (i) application of rates, fees, charges, penalties or taxes, or (ii) enforcement actions. Requests may be made in writing, by facsimile transmission, by telephone, by e-mail or in person, directed to the Office of the Director at 7501 E. Civic Circle, Prescott Valley, Arizona 86314, (928) 759-3011 (ph.), (928) 759-5533 (fax), [www.pvaz.net](http://www.pvaz.net) (website).

(2) Nature of Hearing. Within five (5) business days of receipt of a request for administrative review, the Director shall arrange to meet with the User or its representative. At the hearing, the User or its representative may present their objection to the proposed rates, fees, charges, penalties, taxes or enforcement action. The Director may schedule additional meetings, if necessary.

(3) Decision. Within five (5) business days after the final meeting with the User or its representative, the Director shall render a decision in the matter, explaining the basis for the decision and the actions that will be taken by the Director. A copy of the decision will be mailed first-class,

postage prepaid, to the User at the address provided by the User on its account application.

(4) Appeal. Within five (5) business days from the date of the Director's decision, the User may appeal the Director's decision to the Town Manager. The Town Manager shall arrange to meet with the User or its representative and the Director. At the hearing, the User or its representative may present their objection to the proposed rates, fees, charges, penalties, taxes or enforcement action. The Town Manager may schedule additional meetings, if necessary. Within five (5) business days after the final meeting with the User or its representative, the Town Manager shall issue a written determination, which shall be final. The application of any rates, fees, charges, penalties, taxes or enforcement action shall be tolled pending the final determination of the Town Manager.

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(Ord. No. 284, Enacted, 10/08/92; Ord. No. 391, Ren&Amd, 06/27/96, 9-05-100; Ord. No. 510, Amended, 08/23/01; Ord. No. , Amended, 04/28/16)

**SECTION 10.** That Section 9-05a-020 "Definitions" in Article 9-05a "DOMESTIC WATER SERVICE" in Chapter 9 "HEALTH AND SANITATION" of the Town Code is hereby amended to read as follows:

**9-05a-020 Definitions.**

In this Article, unless the context otherwise requires:

- A. "Customer" means (a) the record owner(s) of real property to which domestic water services are supplied, and/or (b) any Tenant of real property to which any of said services are supplied, ~~whose name is on an account because of a Request for Alternative Billing signed by the record owner(s) or the agent(s) of the record owner(s).~~ Customers are the person(s) or entity(ies) responsible for the payment of water charges for such services. While a Customer may also be a User as defined hereinafter, the terms are not necessarily the same.
- B. "Department" means any combination of Town officers and third-party contractors (and their respective personnel) assigned to manage, operate and maintain the domestic water system for the Town.
- C. "Developed Properties" means lots, parcels or properties upon which a building, unit, or structure has been built and an occupancy permit (temporary

or permanent) has been issued by the Town, or which has actually been occupied (whether or not occupancy continues thereafter).

- D. "Director" means the director of the department in which the Customer Accounts division of the Town is included, as appointed from time to time by the Town Manager, and/or related staff designees.
- BE. "Domestic Water" or "Water" means all groundwater (including reclaimed water recharged into the underground aquifer) and surface water acquired, treated, stored, or transported by the domestic water system.
- CF. "Domestic Water Service", "Water Service" or "Service" means the acquisition, treatment, storage, transportation and delivery of domestic water by the Town to residential, commercial, or industrial water Users.
- DG. "Domestic Water System", "Water System" or "System" means any or all components of the domestic water system managed, operated and maintained by the Town or through contracts with one (1) or more third-party contractors, including, but not limited to, wells, treatment facilities, pumps, booster stations, storage tanks, storage ponds, water mains, water lines, hydrants, valves, and meters, as well as any public rights-of-way, easements (express or implied) or licenses within which such are located (but expressly not including water service lines and connections thereto located on the Customer side of meters).
- ~~E. "Management Services Director" or "Director" means the director of the department in which the utilities division of the Town is included, as appointed from time to time by the Town Manager, and/or related staff designees.~~
- H. "Person" means any individual, partnership, copartnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity; or their legal representatives, agents, or assigns. This definition includes all federal, State, or local governmental entities.
- I. "Premises," "Real Property" or "Property" means the building, unit, structure, designated turf area, or water storage area (including adjacent areas and appurtenances) to which domestic water service, wastewater service, and/or reclaimed water service is provided.
- ~~F. "Prescott Valley Water District" or "District" means the community facilities district created by Resolution No. 855 of the Town Council on September 24, 1998, which manages, operates and maintains the Prescott Valley Water Company's domestic water system through contracts with one (1) or more third-party contractors.~~

- J. "Reclaimed Water" means all effluent discharged from the wastewater treatment facility after treatment, and stored, transported, or recharged into the underground aquifer by the reclaimed water system of the Town.
- K. "Reclaimed Water System" means any or all components of the reclaimed water system managed, operated and maintained by the Town or through contracts with one (1) or more third-party contractors, including (but not limited to) recharge wells, treatment facilities, pumps, booster stations, storage tanks, storage ponds, reclaimed water mains, reclaimed water lines, hydrants, valves, and meters, as well as any public rights-of-way, easements (express or implied) or licenses within which such are located (but expressly not including reclaimed water service lines and connections thereto located on the Customer side of meters).
- ~~G.~~ "Request for Alternative Billing (RAB)" means a form signed by the record owner(s) of real property to which domestic water service is provided [or by the agent(s) of such owner(s)] listing a Tenant in whose name the account may be placed and making that Tenant equally responsible for water rates, fees, charges, and penalties with the record owner(s).
- H. "Tenant" means a person entitled under all agreements, written, oral or implied by law, and valid rules and regulations adopted under Arizona Revised Statutes, embodying the terms and conditions concerning the use and occupancy of a dwelling unit and/or other premises to occupy the same to the exclusion of others.
- I. "Town" means the Town of Prescott Valley and, for purposes of authority, includes any of its officers, employees, contractors, and other agents unless express reference is made to the Mayor, the Council, the Manager, or a department head.
- J. "Town Council" or "Council" means the governing body of the Town, comprised of its duly elected or appointed members.
- K. "Town Manager" or "Manager" means the manager of the Town as appointed from time to time by the Town Council, and/or related staff designees.
- L. "Unit" means any room or group of rooms designed for one (1) or more persons to reside, work, or carry on any organized activity as a homogeneous group, and containing or having direct access to at least one (1) accommodation for cooking, domestic water use, reclaimed water use, and/or wastewater disposal.
- Q. "Utilities Director" means the director of the Utilities Department, as appointed from time to time by the Town Manager, and/or related staff designees.

R. “Utility System” means the domestic water system, wastewater treatment system and the reclaimed water system of the Town, or any portion thereof.

~~MS.~~ “User” means any person, partnership, corporation, municipality, political subdivision or other entity or organization that occupies any building, Unit, structure, designated turf area, or water storage area and receives water service ~~thereat~~ from the domestic water system.

~~N.~~ ~~“Water Department” or “Department” means any combination of in-house and contract personnel, including personnel in other Town departments, assigned to operate and maintain the domestic water system.~~

(Ord. No. 386, Enacted, 07/11/96; Ord. No. 510, Amended, 08/23/01; Ord. No. \_\_\_\_\_, Amended, 04/28/16)

**SECTION 11.** That Section 9-05a-030 “Domestic Water Fund Administration” in Article 9-05a “DOMESTIC WATER SERVICE” in Chapter 9 “HEALTH AND SANITATION” of the Town Code is hereby amended to read as follows:

**9-05a-030 Domestic Water Fund Administration.**

A. Establishment. A Domestic Water Fund is hereby established to account for all revenues and expenditures of the ~~Water Department~~ in the operation of the domestic water system. Nothing herein limits the authority of the Town, in conformance with standard accounting and good financial management practices, to establish other funds, subfunds, or accounts (i.e., debt service, replacement, etc.) and to transfer monies between them and the water fund for water service purposes and system administration purposes, or to make interfund loans as allowed by law and approved by the Town Council.

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(Ord. No. 386, Enacted, 07/11/96; Ord. No. 510, Amended, 08/23/01; Ord. No. \_\_\_\_\_, Amended, 04/28/16)

**SECTION 12.** That Section 9-05a-040 “Establishing Water Service” in Article 9-05a “DOMESTIC WATER SERVICE” in Chapter 9 “HEALTH AND SANITATION” of the Town Code is hereby amended to read as follows:

**9-05a-040 Establishing Water Service.**

• • •

B. Tenant Accounts. Applications by Customers who are Tenants must include a copy of the lease or rental agreement for the property to be served. Tenants applying for domestic water service to the leased/rental property shall be responsible to pay all domestic water rates, fees, charges, and penalties applicable to the property.~~Request for Alternative Billing (RAB) signed by the record owner(s) of real property or the agent(s) of such owner(s). The information required in and the responsibilities related to RABs may be set from time to time by regulations adopted by resolution. By placing their name on accounts under an RAB, Tenants become equally responsible along with record owner(s) of real property to pay all domestic water rates, fees, charges, and penalties applicable to the property. Where residential property consisting of five or more units/buildings, Units, structures, designated turf areas, or water storage areas are/is occupied by multiple Tenants, Tenants may apply for utility service and place their name on accounts only if each Tenant of the property is individually metered for domestic water, and/or reclaimed water use.~~

...

~~D. Intergovernmental Agreements. Nothing herein shall preclude the Town from entering into one (1) or more intergovernmental agreements with the District to cooperate in the administration of their respective utility systems, including (but expressly not limited to) combining Town utility billings with District water billing, not approving new service unless all accounts are placed in the same name, restricting new service from one utility because Customers have delinquent accounts in another utility, mutually applying deposits to account delinquencies, etc.~~

ED. Unauthorized Turn-On, Turn-Off, or Other Tampering. Except in emergency circumstances, it shall be unlawful for any person to physically turn-on or turn-off domestic water service to any building, Unit, structure, designated turf area, or water storage area, to otherwise tamper with or damage the domestic water system, or to direct, aid, or abet another in so doing without the approval of the Director after compliance with established application requirements. In lieu of criminal prosecution for such a misdemeanor violation, the Director may (at his/her sole discretion) apply a civil penalty for such violation, which penalty shall be set from time to time by resolution. The Director may also waive any per-day aspect of such civil penalty in appropriate circumstances, and provide for set-off of such penalties in return for payment of the actual costs of any damages.

(Ord. No. 386, Enacted, 07/11/96; Ord. No. 456, Amended, 03/25/99; Ord. No. 510, Amended, 08/23/01; Ord. No. , Amended, 04/28/16)

**SECTION 13.** That Section 9-05a-045 “Water Conservation” in Article 9-05a “DOMESTIC WATER SERVICE” in Chapter 9 “HEALTH AND SANITATION” of the Town Code is hereby amended to read as follows:

**9-05a-045 Water Conservation.**

A. The Mayor and the Town Manager are hereby authorized to declare Water Conservation Levels, as set forth hereinafter, which shall have the effect of restricting usage of water produced by the Town's domestic and reclaimed water systems. Such Water Conservation Levels shall be based upon the Water Resource Status Levels determined by the ~~Public Works~~Utilities Director (or his designee) which, in turn, are based upon the ~~Public Works~~Utilities Director's assessment of the relationship between water demand and safe water production capability. Safe water production capability is defined as ninety percent (90%) of the total water resources that can reasonably be produced through either the domestic water system or the reclaimed water system, based upon distribution components, storage reserves, weather conditions, and historic data.

...

C. Water Conservation Levels are established as follows:

...

3. Conservation Level III (Water Emergency): water use is prohibited or restricted as follows -

...

d. Non-emergency use of fire hydrants is prohibited unless written approval is first given by the ~~Public Works~~Utilities Director for essential commercial purposes.

e. Irrigation of landscaped areas is prohibited.

f. Operation of ornamental fountains is prohibited.

Water Conservation Level III may only be declared by the Mayor.

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(Ord. No. 523, Enacted, 05/09/02; Ord. No. \_\_\_\_\_, Amended, 04/28/16)

**SECTION 14.** That Section 9-05a-050 "Domestic Water Rates, Fees, Charges, and Penalties" in Article 9-05a "DOMESTIC WATER SERVICE" in Chapter 9 "HEALTH AND SANITATION" of the Town Code is hereby amended to read as follows:

**9-05a-050 Domestic Water Rates, Fees, Charges, and Penalties.**

...

- C. Billing. Billing of residential, commercial and industrial Customers for domestic water services shall be accomplished as set forth from time to time by regulations adopted by resolution.

...

~~8. Intergovernmental Agreements. Nothing herein precludes the Town and the District from entering into intergovernmental agreements to, among other things, (a) combine Town utility billings with District water billings, just as the Town combines administration of its utility billings, (b) make failure to pay for District water service a basis for terminating Town utility service (and visa versa), and/or (c) adopt billing cycles or procedures for Town utility service based on the cycles or procedures of District water service.~~

- D. Delinquency Procedures. Procedures to be followed in the event of account delinquencies shall be established from time to time by regulations adopted by resolution. Such procedures shall include such enforcement measures as are available to the Town in law and in equity (including, but expressly not limited to, domestic water service turn-off), and shall provide for such notice to Customers and opportunities for administrative hearings prior to application of enforcement procedures (including, but not limited to, turn-off of domestic water service) as is deemed appropriate under the circumstances and complies with requirements of due process.

~~1. Collection Against Both Owners and Tenants. If the domestic water account was in the name of a Tenant under an RAB, nothing herein shall preclude the Town from requesting payment from the record owner(s) or their agent(s) as listed in the RAB as of the date of such request, and pursuing collection of unpaid water rates, fees, charges, penalties, and taxes against both the record owner(s) and the Tenant whose names are on the account in accordance with regulations adopted from time to time by resolution.~~

21. Payment Agreements. Nothing herein shall preclude the Director from offering to enter into Payment Agreements with Customers who have delinquent utility accounts at any stage of the enforcement process, as set forth from time to time by regulations adopted by resolution.

**SECTION 15.** That Section 9-05a-070 “Connections” in Article 9-05a “DOMESTIC WATER SERVICE” in Chapter 9 “HEALTH AND SANITATION” of the Town Code is hereby amended to read as follows:

**9-05a-070 Connections.**

- A. Water Service Connections Required. Every separate building, Unit, structure, designated turf area, and water storage area to which domestic water service is supplied shall have its own service connection. Unless otherwise expressly permitted by the Department, it is unlawful for any Customer having a domestic water service connection to supply or permit utility service to be supplied through said connection to any other User, whether gratuitously or for consideration. Domestic water supplied as part of utility service shall only be delivered through meters supplied by the Town ~~or~~(by and through its third-party contractors).

For commercial properties, if a service connection has been included in the main line for a particular adjacent lot, parcel or property, then connection to the main line from any building, unit, structure, designated turf area, or water storage area on that lot, parcel or property shall be at that service connection. If a service connection has not been constructed in the mainline for a particular adjacent lot, parcel or property, then connection from any building, unit, structure, designated turf area, or water storage area on the property must be at a location specified by the Town and the necessary service connection must be constructed at the Customer’s expense.

1. Incidental Entry on Private Property. Department personnel are expressly authorized at all reasonable times to incidentally enter upon private property for the purpose of installing, reading, maintaining, and disconnecting meters, and for the purpose of repairing and maintaining all components of the domestic water system and for turning-on and turning-off domestic water service.
- B. Existing Developed Properties. All existing developed properties within the appropriate distances established from time to time in the Town Code shall connect to the Town's domestic water system at the record owner(s) expense within ninety (90) days after the system is operational. If, as part of a specific initial service plan for an area, the Town has assumed the responsibility of providing connections to existing developed properties, this time for connection may be extended until the Town makes (or would have made if the property owner had given his or her timely written consent in a form acceptable to the Town) the connection in conformance with the plan. All connections shall be in accordance with the Town's Engineering Standards as adopted from time to time.

- ~~1.~~ Definition of "Developed". A lot, parcel or property is "developed" if a building, Unit, or structure has been built thereon for which an occupancy permit (temporary or permanent) has been issued by the Town, or which has actually been occupied (whether or not occupancy continues thereafter).
  
21. When Water System is "Operational". A phase or portion of the domestic water system is operational in an area (with regard to individual lots, parcels, or properties) on either a) the date said lots, parcels or properties would have been connected to the phase or portion of the domestic water system had customers reasonably cooperated with the construction contractor in order to be connected (i.e. had provided necessary construction easements, assisted and permitted construction crews to construct necessary service lines, permitted construction crews to actually connect appropriate structures on the lot, parcel, or property to the water system, etc.), or b) the date customers were told in writing was the date appropriate buildings, Units, or structures on the lots, parcels or properties should be connected to the water system.
  
32. Option for Contractor to Make Connections. If, as part of a specific initial service plan for an area, the construction contractor assumes responsibility for connecting existing developed properties to a phase or portion of the domestic water system during construction [without cost to the Customers], then the time for connection may be extended until the contractor either makes the connection or would have made the connection if a) the Customers had consented and cooperated as set forth hereinabove, or b) the connection had not been outside the scope of the contractor's contract because of physical barriers (however caused).
  
43. Default Connection by Customers. If Customers have not so consented and cooperated, or if the connection is outside of the construction contractor's contract (however caused), then said Customers must connect the property at their own expense within the original ninety (90) days of domestic water system availability.
  
54. Option to Set Later Connection Date. Nothing herein shall preclude Department personnel, upon approval of the Town Council, from setting a later date in writing for Customers to connect to the domestic water system.
  
65. Abandonment of Private Water Systems. In the event buildings, Units, or structures on lots, parcels or properties with private water systems are connected to a phase or portion of the domestic water system, the private water systems must be abandoned within sixty (60) days after such connection, in accordance with rules and regulations promulgated

by the Yavapai County Board of Health, the Arizona Department of Health Services, and/or the Arizona Department of Water Resources. Failure of Customers to properly abandon private water systems within the time specified shall be reported to appropriate State or County agencies, and Department personnel shall cooperate fully with such agencies to abate the nuisance created by such failure.

...

...

- D. Permits and Inspections. No physical connection shall be made to the domestic water system until a permit for the same has been acquired from the Building Official in accordance with Chapter 7 of the Town Code (as amended from time to time), after payment of all required fees and charges, unless the connection is made by the Department. All connections shall conform ~~with~~to the International Plumbing Code, as adopted and amended by the Town from time to time. In addition to any other inspections, tests, and right-of-way permits that may be required, inspection and approval of water system connections shall be required before any trench or hole is backfilled. Any plan review and inspection fee adopted from time to time by resolution may be waived under an initial service plan where the connection is made by the Town or a contractor that assumes responsibility for connecting existing developed properties during construction without cost to the Customer.

As part of any connection, an approved water meter must be installed by the Department. The meters supplied may be changed from time to time as technological advances provide for greater efficiency in domestic water delivery and meter reading. Unless otherwise expressly permitted by the Department, all such meters shall be located within an adjacent public right-of-way, easement or license, and installed in accordance with the Engineering Standards adopted from time to time by the Town. Such meters and meter boxes shall not be obstructed in such a way as to prevent them from being accessed by Department personnel for reading, maintenance and other purposes. Such water meters are and remain part of the water system and are therefore property of the Town.

- E. Damage. Any damage done to the domestic water system or to the public right-of-way as a result of construction of a connection or any related construction or excavation activity shall be repaired to the Town's satisfaction at the constructing party's expense. The Town may require a bond of the party doing such construction or excavation prior to the activity being undertaken.

It is unlawful for any person to intentionally break, deface, tamper with or damage any meter, hydrant, valve, line, pipe or other water system appliance or fixture, or in any other manner to interfere with the operation of any part of

the domestic water system. Furthermore, it is unlawful for any person, with intent to injure or defraud, to connect any pipe, line, tube or other instrument with any water main, water line, or service line, whether or not part of the water system, for conducting water supplied by the Town for the purpose of taking such water without permission and/or payment.

. . .

(Ord. No. 386, Enacted, 07/11/96; Ord. No. 510, Amended, 08/23/01; Ord. No. 590, Amended, 03/25/04; Ord. No. , Amended, 04/28/16)

**SECTION 16.** That Section 9-05a-080 “Fire Hydrants” in Article 9-05a “DOMESTIC WATER SERVICE” in Chapter 9 “HEALTH AND SANITATION” of the Town Code is hereby amended to read as follows:

**9-05a-080 Fire Hydrants.**

- A. Fire Hydrants for Domestic Water Supply. Customers [or, in the case of the record owner(s) of real property, their agent(s)] may apply for domestic water service through a fire hydrant by separate application on forms established from time to time by the Director. Upon approval by the ~~Water~~ Department and payment of a deposit set from time to time by resolution, a meter shall be installed on the hydrant from which the water is to be supplied. Such deposit shall only be returned upon return of the meter in operational condition. Customers shall thereafter be responsible for paying all applicable Water Service Rates. No domestic water service shall be obtained through fire hydrants without use of backflow preventers approved by applicable state or county agencies, and as set forth hereinafter in Chapter VIII, Section 8.
- B. Hydrant Locks. Hydrant meters are assigned to specific fire hydrants and may not be moved to other hydrants without the permission of the Utilities Director. Therefore, locks are placed upon hydrant meters for security purposes and breaking of the same except by emergency services personnel in times of emergency constitutes unauthorized tampering and is prohibited.
- C. Unauthorized Tampering. Except in emergency circumstances, it shall be unlawful to tamper with or damage a fire hydrant or hydrant meter, or to direct, aid, or abet another in so doing without the approval of the Utilities Director after compliance with the above application requirements. In lieu of criminal prosecution for such a misdemeanor violation, the Director may (at his/her sole discretion) impose a civil penalty for such violation, which penalty shall be set from time to time by resolution. The Director may also waive any per-day aspect of such civil penalty in appropriate circumstances, and provide for set-off of such penalties in return for payment of the actual costs of any damages.

**SECTION 17.** That Section 9-05a-090 “Cross-Connection Control Program” in Article 9-05a “DOMESTIC WATER SERVICE” in Chapter 9 “HEALTH AND SANITATION” of the Town Code is hereby amended to read as follows:

**9-05a-090 Cross-Connection Control Program.**

A. Coordination with International Plumbing Code and the Arizona Administrative Code. In addition to the applicable provisions of the International Plumbing Code (as adopted and amended from time to time in Chapter 7 "BUILDING" of the Town Code) and Title 18, Chapter 4 of the Arizona Administrative Code, the provisions of this Section shall constitute a Cross-Connection Control Program for the Town. In the event of a conflict between the provisions of this Section and those of the International Plumbing Code and/or the Arizona Administrative Code, the provisions of this Section shall apply.

...

C. Program Implementation. This cross-connection control program shall be implemented as follows:

1. New Construction. With the adoption of this cross-connection control program, all commercial/industrial new construction, additions, remodeling, or tenant improvements on any property shall be evaluated to determine if a backflow prevention device assembly (BFPDA) or air gap is required. ~~The table located in Subsection (H) hereinafter sets forth the criteria to be used for such evaluation.~~ If it is determined that the property requires a BFPDA or air gap, construction thereof shall be in accordance with the engineering standards adopted from time to time in Article 16-01 of the Town Code.

2. Retrofit of Existing Construction. ~~At such time as the Town's domestic water system is expanded to include areas already supplied with water by other systems, a detailed survey of existing water Users shall identify potential problems that may exist with regard to cross-connection control. Upon completion of the survey, a priority list of users needing BFPDs and a corresponding implementation schedule shall be developed. The priority list shall begin with the most potentially hazardous situations and continue down to the least potentially hazardous. This User survey and priority listing shall be completed within six (6) months after expansion of the domestic water system to include the areas already supplied with water. Thereupon, approximately 1/2 of the identified retrofits shall be completed each year until all are completed. Retrofits shall be completed at customers' cost, and must be carried out by licensed contractors. If the Town is alerted, by any means, to~~

potential backflow hazards involving existing properties, the Customer shall install a BFPA or air gap in accordance with the cross-connection control program. Retrofits shall be completed by a certified and licensed contractor approved by the Town within 3 months from the date the Town notifies the Customer. Customers are responsible to pay all costs for labor and materials incurred to complete a retrofit.

3. Secondary Source of Water. If a secondary water supply is connected to a customer system that is also served by the Town's domestic water system, the secondary connection shall be mechanically disconnected or, in the alternative, a BFPA shall be installed. In the event the Customer fails to disconnect the secondary water supply or install a BFPA, the Town shall discontinue the domestic water service to the customer until such time as the secondary water supply has been disconnected or a BFPA has been installed. The Customer shall pay any and all charges associated with disconnecting and/or reconnecting to the domestic water system.
4. Branching. Assemblies on a metered service shall be located downstream of the meter before branching. On non-metered service, assembly shall be located downstream of any branching.
5. Submergence. Assemblies shall be located above ground in an area free from submergence or flood potential.
6. Concrete Enclosure Pad. The concrete pad shall be constructed above final grade to help prevent eroded soil from obstructing enclosure drains.
7. Costs. All costs to purchase, install, operate, maintain, replace and test BFPAs and air gaps are the responsibility of the customer.
8. Water Pressure and Volume. Any water pressure drop or loss of volume caused by the installation of a BFPA or air gap is not the responsibility of the Department.
9. Permits. Building permits will not be issued until all BFPAs and/or air gaps have been specified and located on a plan approved by the Water Department.
10. Prohibited Locations. Assemblies must not be located in traffic visibility triangles or where utility devices are prohibited by Town Code.

D. Responsibilities. The following responsibilities are involved in the program:

1. Water Department ("The Department"). The ~~Water~~ Department is vested with authority and responsibility for implementing and administering this cross-connection control program, ~~including the phased retrofitting of existing connections~~. No domestic water service connection to premises of a type specified in this program shall be installed or maintained unless the domestic water supply is protected as required herein.
  
  2. Cross-Connection Control Program Administration. ~~BFPD Testers~~. ~~One (1) or more BFPD testers shall be assigned by t~~The Department may to enforce, monitor, maintain and/or modify this program. ~~Testers' duties shall include:~~
    - ~~a. performance of the initial user survey;~~
    - ~~b. performance of construction inspections on new installations;~~
    - ~~c. maintenance of program records showing yearly testing of BFPD's;~~
    - ~~d. spot testing of installations; and~~
    - ~~e. testing and maintenance of BFPDs.~~
  
  3. Users. Users shall not allow any pollutants or contaminants to enter into the domestic water system or premise/in-premise systems from the point of delivery. Users shall, at their own expense, install, operate, test, replace, and maintain approved BFPAs or air gaps~~backflow preventive assemblies~~ as required by the ~~Water~~ Department.
- E. Definitions. The following definitions shall apply to this cross-connection control program:
1. "Air Gap" means 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 said vessel. An approved air-gap shall be at least double the diameter of the supply pipe, measured vertically, above the overflow rim of the vessel, and in no case less than one (1) inch.
  2. ~~"Approved" means accepted by the Water Department as meeting applicable specifications, and as suitable for the proposed use.~~
  3. ~~"Auxiliary Water Supply" means any water supply on or available to the premises other than the domestic water supply including, but not limited to, water from another potable water supply, reclaimed water, waste waters, or industrial fluids.~~

~~42. "Backflow" means the reversal of the normal flow of water caused by either backpressure or backsiphonage. a reverse flow condition that causes water or mixtures of water and other liquids, gases, or substances to flow back into the distribution system. Backflow can be created by a difference in water pressure (backpressure), a vacuum or partial vacuum (backsiphonage), or a combination of both.~~

~~53. "Backflow Prevention Device (BFPD)" means an assembly or means designed to prevent the reversal of the normal flow of water caused by either backpressure or backsiphonage. "Backflow Prevention Assembly (BFPA)" means an assembly or means designed to prevent the reversal of the normal flow caused by either backpressure or backsiphonage.~~

~~6. "Backpressure" means 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 the intended source.~~

~~7. "Backsiphonage" means the flow of water or other liquids, mixtures or substances into the distribution pipes of a potable water supply from any source other than its intended source caused by a reduction of pressure in the domestic water supply system.~~

~~84. "BFPDBFPA Tester" means any person who has proven his/her competency to the satisfaction of the Water Department, is certified to install, make competent tests or to repair, overhaul and make reports on backflow prevention assemblies, and who is conversant with applicable laws, rules and regulations, has had experience in plumbing or pipe fitting, or has other qualifications which are equivalent in the opinion of the Department.~~

~~9. "Contamination" means an impairment of the quality of the potable water by sewage, industrial fluids or 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.~~

~~10. "Cross-Connection" means any physical connection or arrangement of piping or fixtures between two (2) otherwise separate piping systems, one of which contains potable water and the other non-potable water or industrial fluids through which, or because of which, backflow may occur into the potable water system. This includes any temporary connections such as swing connections, removable sections, four-way plug valves, spools, dummy sections of pipe, swivel or change-over devices, or sliding multiport tubes.~~

415. "Double Check Valve Assembly" means an assembly of two (2) independently operating, approved check valves with tightly closing shut-off valves on each end of the check valves, plus properly located test cocks for the testing of each check valve. The entire assembly must meet the design and performance specifications ~~determined by a recognized laboratory and approved by the Water Department for backflow prevention of the Foundation for Cross-Connection Control and Hydraulic Research of the University of Southern California and the American Water Works Association (A.W.W.A.). To be approved, such devices must be readily accessible for in-line testing and maintenance.~~
426. "Pollution" means the presence of any foreign substance (organic, inorganic, or biological) in the water which tends to degrade its quality so as to constitute a hazard or impair its usefulness or quality to a degree which does not create an actual hazard to the public health but does adversely and unreasonably affect it for domestic use.
437. "Pressure Breaker Assembly" means 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 must be equipped with properly located test cocks and tightly closing shut-off valves located at each end of the assembly. The entire assembly must meet the specifications and standards of the University of Southern California Foundation for Cross-Connection Control and Hydraulic Research.
448. "Reduced Pressure Principle Backflow Assembly" means an assembly of two (2) independently acting, approved check valves together with a hydraulically operating, mechanically independent differential pressure relief valve located between the check valves and below the first check valve. The unit shall include properly located test cocks and tightly closing shut-off valves at each end of the assembly. The entire device must meet the design and performance specifications determined by the Foundation for Cross-Connection Control and Hydraulic Research of the University of Southern California and the American Water Works Association (A.W.W.A.), ~~a recognized laboratory and approved by the Water Department for backflow prevention assemblies. To be approved, the device must be readily accessible for in-line testing and maintenance.~~
- ~~15. "User" means any person, partnership, corporation, municipality, political subdivision or other organization or entity that occupies any building, Unit, structure, designated turf area, or water storage area and receives water service thereat from the domestic water system.~~

~~16. "Water (Non-Potable)" means any water which is not safe for human consumption.~~

~~179.~~ "Water (Potable)" means any water which, according to standards recognized by the Town of Prescott Valley, is safe for human consumption.

~~1810.~~ "Water Service Connection" means the terminal end of the service connection from the domestic water system at its point of delivery to the User's plumbing fixtures. Inasmuch as one (1) or more meters are installed at the end of the service connection, then the service connection means the downstream end of the meter. Service connections include water service connections from fire hydrants and all other ~~water service~~ temporary or emergency service connections from the domestic water system. [Note that unprotected takeoffs from service lines will not be permitted upstream of any meter or any BFPDA located at the point of delivery to the User's plumbing fixtures.]

F. ~~Approval. Each BFPDA backflow preventive assembly~~ required hereunder shall be approved by the ~~Water~~ Department prior to installation, and shall be installed by and at the expense of the User. Approved backflow assemblies must ~~have received approval from~~ meet the specification and performance standards of the Foundation for Cross-Connection Control and Hydraulic Research of the University of Southern California, and the American Water Works Association (A.W.W.A.). Assemblies must be specified and located on construction plans for all new buildings, all additions with new services, and all changes of use of existing buildings as required hereinafter. Approval of such assemblies must be obtained prior to issuance of building permits.

G. Installation of BFPDAs. With regard to installation of BFPDAs and air gaps:

1. Types of Backflow Prevention Allowed. The Town has approved the following four (4) types of backflow prevention:

a. Double Check Valve Assembly (DCVA)

b. Reduced Pressure Principle Backflow (RPBA)

c. Pressure Vacuum Breaker Assembly (PVBA)

d. Air Gap (AG)

Backflow assemblies or air gaps may not be installed in pits, vaults or underground.

All firelines, whether commercial or residential, shall conform to the BFPA requirements under this cross-connection control program.

2. USC Approved BFPAs. Approved assemblies shall include those manufactured in conformance with the standards established by the American Water Works Association (AWWA) and the Foundation for Cross-Connection Control and Hydraulic Research of the University of Southern California.

3. Testing Frequency. BFPAs and air gaps must be inspected for proper installation and tested for proper operation:

a. At the time of installation;

b. Annually after installation (minimum frequency);

c. After a backflow incident;

d. After a BFPAs or air gap is repaired, reinstalled, relocated, re-plumbed (for air gaps); and

e. At the request of the Utilities Director.

4. Backflow Assemblies - Outside Installation (RPBA and DCVA). Backflow assemblies installed outside shall:

a. Be placed in an ASSE 1060 Class I enclosure that is electrically heated and situated on a concrete base slab. Upon approval by the Department, where electric heating is not possible, freeze protection may be accomplished by using an insulated blanket with a minimum R30 insulation rating inside an ASSE 1060 Class I enclosure.

b. Be placed on private property and before the first branch line leading off of the service line.

c. Be located in an accessible location approved by the Department.

d. Be placed as close as practically possible to the water meter or the adjacent public private point of separation.

e. Provide test cocks located at such points in the assembly to enable testing equipment to be connected and detect the pressure in each pressure zone.

f. Be installed above ground.

g. Be installed and oriented as approved by the manufacturer.

- h. Provide adequate drainage for RPBA's discharge water. The drainage system shall be of adequate capacity to accommodate intermittent discharge, a full port discharge or a full catastrophic failure of the relief valve.
  - i. Have at least the same cross-sectional area as the service and/or meter.
  - j. Have sufficient clearance provided to permit testing in place, maintenance, repair or replacement and be installed no less than twelve (12) inches or more than twenty-four (24) inches above grade level.
  - k. Provide two (2) sets of BFPAs installed in parallel if the water supply cannot be temporarily interrupted for the testing of assemblies.
  - l. Not include a bypass installed around BFPAs.
  - m. For all commercial irrigation uses, provide an RPBA separate from the domestic water system.
5. Backflow Assemblies - Inside Installation for Fire Sprinkler Systems (RPBA and DCVA). Inside installation of backflow assemblies shall be allowed for fire sprinkler systems only. The assemblies shall:
- a. Be located in a NFPA freeze protected environment.
  - b. Be placed in a fire riser room unless otherwise approved by the Town. Fire riser rooms shall have an access door to the exterior of the building and signage on the door designating Fire Riser Room.
  - c. Not be further away than 150 feet from the property line adjacent to the public main.
  - d. Be installed and oriented as approved by the manufacturer.
  - e. Provide adequate drainage for discharge water. The drainage system shall be of adequate capacity to accommodate intermittent discharge, a full port discharge or a full catastrophic failure of the relief valve.
  - f. Provide test cocks located at such points in the assembly to enable testing equipment to be connected and detect the pressure in each pressure zone.
  - g. Have sufficient clearance provided to permit testing in place, maintenance, repair or replacement and be installed no less than twelve (12) inches or more than twenty-four (24) inches above grade level.

- h. Not be bypassed.
  - i. Be installed with a tamper switch that detects a closed valve or with valves that can be locked in the open position. The method shall be approved by the Central Yavapai Fire District (CYFD).
  - j. Include an alarm system if required by CYFD.
6. Backflow Pressure Vacuum Backflow Assemblies (PVBA). Use of PVBA's is only allowed under the following conditions.
- a. Use is restricted to low hazard backflow protection of single family residential and irrigation systems.
  - b. No additives, fertilizers, etc. may be used utilized in the system.
  - c. No external or internal pumps may be connected to the system.
  - d. Assemblies shall be equipped with gate valves on both the upstream and the downstream side of the assembly.
  - e. Test cocks shall be provided and located so that test equipment may be connected to the assembly at such points that the pressure in each pressure zone may be detected.
  - f. One of the test cocks shall be located upstream of the upstream gate valve, as close as possible to said assembly.
  - g. Assemblies shall be placed on private property.
  - h. The location of the assemblies shall be accessible as approved by the Department.
  - i. All assemblies shall be installed and oriented per manufacturer specifications.
  - j. Assemblies must have sufficient clearance provided to permit testing in place, maintenance, repair or replacement and must be installed at least twelve (12) inches above all downstream piping and outlets.
  - k. No bypass may be installed around a PVBA.
7. Air Gaps. An "approved air gap" (AG) shall be at least twice the diameter of the supply pipe measured vertically above the overflow rim of the receiving vessel; in no case less than 1 inch (2.54 cm). For AG installation, all piping between the user's connection and tank shall be entirely visible unless otherwise approved in writing by the Utilities Director.
8. Civil / Utility / Construction Plans. All constructions plans for new structures, additions with new service and the change of use for existing structures must contain specifications and illustrations for all BFPAs or air gaps to be installed and shall include the information set forth below.

Construction plans will not be approved unless they comply with this subsection.

a. Vicinity and Location. Show and illustrate vicinity and location.

b. Size. Specify the size in inches.

c. Type. Specify the type of assembly required, i.e., RPBA, DCVA, or air gap.

d. Orientation. Specify and illustrate BFPA mounting orientation per USC code, i.e. vertical or horizontal.

e. Special Conditions. Identify all special conditions, i.e., use of additives or antifreeze or, in the alternative, a dry system.

f. Manufacturer. Provide identity of manufacturer.

g. Model. Provide full name of model of BFPA, as listed or specified on USC list.

h. Code. For fire sprinkler applications, provide the citation to the fire code applicable to the type of option approved by CYFD (i.e., tamper switch or locking). If the code citation is not available, specify the option being used (tamper switch or locking).

i. Freeze Protection Outdoors. If located outdoors, specify the type of freeze protection being utilized (i.e., BFPA shall be electrically heated in an enclosure per ASSE 1060 Class I).

j. Freeze Protection Indoors. If located indoors, state that the BFPA shall be freeze protected per NFPA regulations.

k. Drainage. If a RPBA is installed indoors, illustrate the drainage plan and state that the drainage capacity is sized properly to safely handle any and all discharge. If RPBA is installed outdoors, state that the drainage has been designed properly to safely handle any and all discharge.

l. Plan must state build in accordance with applicable Prescott Valley standard detail.

~~1. Assemblies Generally. Assemblies may be installed at the service connection or near the property line or, in the case of fire systems, in the fire riser room. However, in all cases, assemblies must be installed before the first branch line leading off of the service line and in an accessible location approved by the water department. Backflow preventive assemblies shall have at least the same cross-sectional area as the water service and/or meter. In those instances where a~~

~~continuous water supply is necessary, two (2) sets of backflow preventive assemblies shall be installed in parallel if the water supply cannot be temporarily interrupted for the testing of assemblies. No bypass may be installed around backflow preventive assemblies.~~

- ~~2. Double Check Valve Assemblies. Double check valve assemblies may be installed below ground in a vault or in the fire riser room. Double check valve assemblies shall have sufficient clearance provided to permit testing in place or removal for maintenance, as prescribed in the Town's Engineering Standards as adopted and amended from time to time in the Town Code.~~
- ~~3. Reduced Pressure Backflow Preventive Assemblies. A reduced pressure principle backflow preventive assembly must be installed above ground and as close to the water meter as possible. However, with regard to fire systems the assemblies may be located inside building fire riser rooms, or outside the building adjacent to fire riser rooms. The assembly must be protected from freezing. Assemblies installed must be accessible for testing in such a way as not to endanger the tester. Under no condition, except as provided for herein, may backflow prevention assemblies be installed less than twelve (12) inches or more than twenty four (24) inches above grade level. (Note: These devices discharge water. Owners shall be responsible for providing any necessary drains and protection to interior building walls and floors.)~~
- ~~4. Pressure Type Backflow Preventive Assemblies. All pressure type backflow preventive assemblies which are designed for periodic field testing shall be equipped with gate valves on both the upstream and the downstream side of the assembly. In addition, test cocks shall be provided and located so that test equipment may be connected to the assembly at such points that the pressure in each pressure zone may be detected. In addition, a test cock shall be located upstream of the upstream gate valve, as close as possible to said valve.~~

H. Premises or Systems Requiring Approved Backflow Preventive Devices. An approved backflow preventive assembly of the type specified in this Subsection shall be the minimum installation of each service connection (whether from a fire hydrant, temporary, regular or other water service connection) to the following type of premises or systems:

1. Minimum type of backflow prevention:

**Table 1 - Minimum Type of Backflow Prevention Based on Hazard**

<u>Premises Requiring Backflow Prevention</u>	<u>Type of Backflow Prevention Required</u>
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	<u>DCVA</u>	<u>RPBA</u>	<u>PVBA</u>	<u>Air Gap</u>
<u>Any Very High Risk Hazard*</u>				<u>X</u>
<u>Any High Risk Hazard*</u>		<u>X</u>		
<u>Any Low Risk Hazard*</u>	<u>X</u>			
<u>Auxiliary Water Systems, Infrastructure, Pumps or Reservoirs on Property</u>		<u>X</u>		
<u>Buildings Greater than Three (3) stories or Thirty-Four Feet (34') in Height</u>	<u>X</u>			
<u>Commercial / Government / Institutional / Industrial Facilities</u>		<u>X</u>		
<u>Fire Lines With Antifreeze or Additives</u>		<u>X</u>		
<u>Fire Lines With no Antifreeze or Additives</u>	<u>X</u>			
<u>Fire Lines With Compressors / Dry Systems</u>		<u>X</u>		
<u>Commercial Class 1 and 2 Fire Systems</u>	<u>X</u>			
<u>Commercial Class 3-6 Fire Systems</u>		<u>X</u>		
<u>Commercial or Industrial Irrigation</u>		<u>X</u>		
<u>Multifamily Larger than Fourplex</u>		<u>X</u>		
<u>Radioactive Materials Processing</u>				<u>X</u>
<u>Intricate Internal Plumbing Arrangements</u>		<u>X</u>		
<u>Any Premise with Access to Reclaimed Water</u>		<u>X</u>		
<u>Wastewater - Plants, Lift Stations, Pumping Stations, Dump Stations</u>		<u>X</u>		
<u>Mobile Homes, Storage Yards or RV Parks Served with Master Meter(s)</u>		<u>X</u>		
<u>Water Trucks. Sewer, Reclaimed Water or Storm Cleaning Equipment</u>				<u>X</u>
<u>Temporary Construction Use (fire hydrant or auxiliary connection)</u>		<u>X</u>		<u>X</u>

\*Hazards not defined elsewhere in this Table. The Town has sole discretion to determine what constitutes a hazard.

2. Single family residential units (used solely for residential purposes) requiring a fire sprinkler system shall not be required to install a backflow assembly, provided:

a. The system is constructed using approved potable water piping and materials.

b. The system does not contain anti-freeze or other chemicals.

c. The system is connected to the customer's side of the water meter.

PREMISES REQUIRING APPROVED BACKFLOW PREVENTIVE DEVICES	TYPE OF ASSEMBLY REQUIRED			
	DOUBLE CHECK	REDUCED PRESSURE	AIR GAP	PRESSURE VACUUM BREAKER
Aircraft and missile plants		——✓		
Animal clinics, animal grooming shops		——✓		
Automotive repair with steam and/or acid cleaning equipment or solvent facilities		——✓		
Auxiliary water systems (interconnected)		——✓		
Auxiliary water systems (non-interconnected)	——✓			
Beverage bottling plants	——✓			
Breweries	——✓			
Buildings greater than three (3) stories or thirty-four feet (34') in height	——✓			
Buildings with house pumps or potable water storage	——✓			
Buildings with sewer ejectors (inadequate on-site protection)		——✓		
Buildings with sewer ejectors (adequate on-site protection)	——✓			
Canneries, packing houses and reduction plants		——✓		
Car wash facilities		——✓		
Centralized heating and air conditioning plants		——✓		
Chemical plants		——✓		
Chemically treated potable or non-potable water systems		——✓		
Civil works (government-owned or operated facilities not open for inspection by the Water Department)		——✓		
Commercial laundries		——✓		
Dairies and cold storage plants	——✓			
Dye works		——✓		

PREMISES REQUIRING APPROVED BACKFLOW PREVENTIVE DEVICES	TYPE OF ASSEMBLY REQUIRED			
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	DOUBLE CHECK	REDUCED PRESSURE	AIR GAP	PRESSURE VACUUM BREAKER
Film processing labs		_____✓		
Food processing	_____✓			
High schools and colleges	_____✓			
Holding tank disposal stations		_____✓		
Hospitals and mortuaries		_____✓		
Medical and dental buildings	_____✓			
Sanitariums, rest and convalescent homes	_____✓			
Irrigation systems [premises having non-potable piping one inch (1") and larger]		_____✓		
Irrigation systems (premises having separate systems)		_____✓		
Labs using contaminating materials		_____✓		
Manufacturing, processing and fabricating plants using contaminating materials		_____✓		
Mobile home parks	_____✓			
Motion picture studios		✓		
Oil and gas production facilities		_____✓		
Planting plants		_____✓		
Power plants		_____✓		
Radioactive materials processing		_____✓		
Restricted, classified or other closed facilities		_____✓		
Rubber plants		_____✓		
Sand and gravel plants		_____✓		
Sewage and storm drainage facilities		_____✓		
Shopping centers	_____✓			

PREMISES REQUIRING APPROVED BACKFLOW PREVENTIVE DEVICES	TYPE OF ASSEMBLY REQUIRED			
	DOUBLE CHECK	REDUCED PRESSURE	AIR GAP	PRESSURE VACUUM BREAKER
Any premises where a cross-connection is maintained		_____✓		
Water trucks, hydraulic sewer cleaning equipment		_____✓	_____✓	
Any premises where water supplied		_____✓		

by the Town is subject to deterioration in sanitary quality and its entry into the domestic water system				
Direct connection from domestic water system (non-contaminating)	_____✓			
Direct connection from domestic water system (contaminating)		_____✓		
With pump and/or storage tank		_____✓		
With auxiliary supply	_____✓	_____✓		

- I. Approved Backflow Preventive Devices Assemblies. As designated in Subsection (H) above, the standard installation at each service connection to premises of each system requiring an approved backflow preventive assembly shall be a model and size approved by the Water Department. Approved assemblies shall include those manufactured in conformance with the standards established by the American Water Works Association, A.W.W.A. C506 publication "Standards for Reduced Pressure Principle and Double Check Valve Backflow Prevention Assemblies", and the specifications of backflow prevention assemblies -- Section 10, 8th Edition of the MANUAL OF CROSS-CONNECTION CONTROL, University of Southern California, Foundation for Cross-Connection Control and Hydraulic Research (FCCHR). Approved assemblies shall be limited to those manufactured in conformance with the standards established by the American Water Works Association (AWWA) and approved by the University of Southern California Foundation for Cross-Connection Control and Hydraulic Research (USC-FCCCHR).

~~Backflow preventive assemblies which may be subject to backpressure or backsiphonage that have been fully tested and have been granted a certificate of approval by FCCHR shall be listed on the current list of approved backflow prevention assemblies (available upon request to the Water Department).~~

- J. Maintenance, Testing and Records. Users must maintain accurate records of BFPA tests, and repairs and/or replacements made to BFPDs and must provide the Water Department with copies of such records within thirty (30) days of the tests, repairs and/or replacements. The records shall be on forms approved by the Department and shall include the list of materials or replacement parts used. Testing, maintenance, replacements, and repairs to such devices/assemblies shall be made at Users' expense by a BFPD "General Tester" certified by the Arizona State Environmental Technical Training Center (ASETT) and included on the Town's list for certified backflow prevention assembly testers. ~~approved by the Department or any other agency designated by the Department to prescribe test methods or to certify or approve persons to conduct tests.~~ Users must arrange forsee that tests are madeto be completed at the time of the initial installation and at least once a year thereafter on the anniversary date of the initial inspection. ~~Users must also notify the Department at least fifteen (15) calendar days in advance of annual tests that~~

~~Department personnel may witness the tests if so desired.~~ Following the installation of any assembly, Users must have the assembly inspected by the Department before a certificate of occupancy is issued.

Within ten (10) days following completion of any retrofits, repairs, repiping, overhauls, replacements, or relocations of any assembly, Users must have the assembly inspected ~~by the Department and tested by a BFPD tester as set forth herein.~~

- K. Inspections. Users' systems must be open for inspection at all reasonable times (including during all emergencies) by authorized representatives of the ~~Water~~ Department in order to determine whether cross-connections or other structural or sanitary hazards exist (including violations of this program). If such hazards are found, the Department may deny or immediately discontinue service to the premises by providing a physical break in the service line until the User has corrected the condition in conformance with this program.
- L. Discontinuation of Service. Water service to any premises may be turned-off by the ~~Water~~ Department if a backflow preventive assembly required by this program is not installed, tested and maintained; if it is found that a backflow preventive assembly has been removed or bypassed; or if a cross-connection exists on the premises. Service shall not be restored until such conditions or defects are corrected.
- M. Existing Devices and Users. If the ~~Water~~ Department determines that a User's backflow preventive assembly does not meet applicable Engineering Standards, the User shall retrofit, replace or repair the assembly so that it meets the standards. Whenever it is determined by the Department that a water service poses an actual or potential threat to the physical properties of the domestic water system or to the potability of the water system, an assembly device complying with this program must be installed. The cost of installation, testing and maintenance shall be borne by the User.
- N. Disclaimer of Liability. This cross-connection control program shall not create any duty or liability on the part of the Town of Prescott Valley, its officers, employees, agents or successors.

(Ord. No. 386, Enacted, 07/11/96; Ord. No. 510, Amended, 08/23/01; Ord. No. 590, Amended, 03/25/04; Ord. No. 654, Amended, 03/09/06; Ord. No. \_\_\_\_\_, Amended, 04/28/16)

**SECTION 18.** That Section 9-05a-100 "Penalties and Remedies" in Article 9-05a "DOMESTIC WATER SERVICE" in Chapter 9 "HEALTH AND SANITATION" of the Town Code is hereby amended to read as follows:

**9-05a-100 Penalties and Remedies.**

...

C. Administrative Review. In the event of a dispute as to liability for domestic water system rates, fees, charges, penalties or taxes (or the amount of same), or the validity of proposed enforcement actions, a User may request an administrative review.

1. Request for Administrative Review. Requests must be received by the Director at least five (5) business days prior to any deadline set for (i) application of rates, fees, charges, penalties or taxes, or (ii) enforcement actions. Requests may be made in writing, by facsimile transmission, by telephone, by e-mail or in person, directed to the Office of the Director at 7501 E. Civic Circle, Prescott Valley, Arizona 86314, (928) 759-3011 (ph.), (928) 759-5533 (fax), www.pvaz.net (website).

2. Nature of Hearing. Within five (5) business days of receipt of a request for administrative review, the Director shall arrange to meet with the User or its representative. At the hearing, the User or its representative may present their objection to the proposed rates, fees, charges, penalties, taxes or enforcement action. The Director may schedule additional meetings, if necessary.

3. Decision. Within five (5) business days after the final meeting with the User or its representative, the Director shall render a decision in the matter, explaining the basis for the decision and the actions that will be taken by the Director. A copy of the decision will be mailed first-class, postage prepaid, to the User at the address provided by the User on its account application.

4. Appeal. Within five (5) business days from the date of the Director's decision, the User may appeal the Director's decision to the Town Manager. The Town Manager shall arrange to meet with the User or its representative and the Director. At the hearing, the User or its representative may present their objection to the proposed rates, fees, charges, penalties, taxes or enforcement action. The Town Manager may schedule additional meetings, if necessary. Within five (5) business days after the final meeting with the User or its representative, the Town Manager shall issue a written determination, which shall be final. The application of any rates, fees, charges, penalties, taxes or enforcement action shall be tolled pending the final determination of the Town Manager.

**SECTION 19.** That Section 9-05b-020 "Definitions" in Article 9-05b "RECLAIMED WATER SERVICE" in Chapter 9 "HEALTH AND SANITATION" of the Town Code is hereby amended to read as follows:

**9-05b-020 Definitions.**

In this Article, unless the context otherwise requires:

- A. "Customer" means (a) the record owner(s) of real property to which reclaimed water services are supplied, and/or, (b) any Tenant of real property to which any of said services are supplied, ~~whose name is on an account because of a Request for Alternative Billing signed by the record owner(s) or the agent(s) of the record owner(s).~~ Customers are the person(s) or entity(ies) responsible for the payment of water charges for such services. While a Customer may also be a User as defined hereinafter, the terms are not necessarily the same.
- B. ~~"Department" means any combination of in-house and contract personnel, including personnel in other Town departments, assigned to operate and maintain the reclaimed water system.~~ "Department" means any combination of Town officers and third-party contractors (and their respective personnel) assigned to manage, operate and maintain the reclaimed water system for the Town.
- C. ~~"Management Services Director" or "Director" means the director of the department in which the Customer Accounts division of the Town is included, as appointed from time to time by the Town Manager, and/or related staff designees.~~
- D. "Person" means any individual, partnership, copartnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity; or their legal representatives, agents, or assigns. This definition includes all federal, State, or local governmental entities.
- E. "Premises," "Real Property" or "Property" means the building, unit, structure, designated turf area, or water storage area (including adjacent areas and appurtenances) to which domestic water service, wastewater service, and/or reclaimed water service is provided.
- D. ~~"Prescott Valley Water District" or "District" means the community facilities district created by Resolution No. 855 of the Town Council on September 24, 1998, which manages, operates and maintains the Prescott Valley Water Company's domestic water system through contracts with one (1) or more third-party contractors.~~

- EF. "Reclaimed Water" means all effluent discharged from the wastewater treatment facility after treatment, and stored, transported, or recharged into the underground aquifer by the reclaimed water system of the Town.
- FG. "Reclaimed Water Service" means the treatment, storage, transportation and delivery of reclaimed water by the Town to commercial and industrial water Users.
- GH. "Reclaimed Water System" means any or all components of the reclaimed water system managed, operated and maintained by the Town or through contracts with one (1) or more third-party contractors, including (but not limited to) recharge wells, treatment facilities, pumps, booster stations, storage tanks, storage ponds, reclaimed water mains, reclaimed water lines, hydrants, valves, and meters, as well as any public rights-of-way, easements (express or implied) or licenses within which such are located (but expressly not including reclaimed water service lines and connections thereto located on the Customer side of meters).
- ~~H.~~ ~~"Request for Alternative Billing (RAB)" means a form signed by the record owner(s) of real property to which domestic water service is provided [or by the agent(s) of such owner(s)] listing a Tenant in whose name the account may be placed and making that Tenant equally responsible for water rates, fees, charges, and penalties with the record owner(s).~~
- IJ. "Tenant" means a person entitled under all agreements, written, oral or implied by law, and valid rules and regulations adopted under Arizona Revised Statutes, embodying the terms and conditions concerning the use and occupancy of a dwelling unit and/or other premises to occupy the same to the exclusion of others.
- JJ. "Town" means the Town of Prescott Valley and, for purposes of authority, includes any of its officers, employees, contractors, and other agents unless express reference is made to the Mayor, the Council, the Manager, or a department head.
- KK. "Town Council" or "Council" means the governing body of the Town, comprised of its duly elected or appointed members.
- LL. "Town Manager" or "Manager" means the manager of the Town as appointed from time to time by the Town Council, and/or related staff designees.
- MM. "Unit" means any room or group of rooms designed for one (1) or more persons to reside, work, or carry on any organized activity as a homogeneous group, and containing or having direct access to at least one (1) accommodation for cooking, domestic water use, reclaimed water use, and/or wastewater disposal.

NN. "User" means any person, partnership, corporation, municipality, political subdivision or other entity or organization that occupies any building, Unit, structure, designated turf area, or water storage area and receives water service ~~thereat~~ from the domestic water system.

O. "Utilities Director" means the director of the Utilities Department, as appointed from time to time by the Town Manager, and/or related staff designees.

P. "Utility System" means the domestic water system, wastewater treatment system and the reclaimed water system of the Town, or any portion thereof.

(Ord. No. 510, Enacted, 08/23/01; Ord. No.     , Amended, 04/28/16)

**SECTION 20.** That Section 9-05b-040 "Establishing Reclaimed Water Service" in Article 9-05b "RECLAIMED WATER SERVICE" in Chapter 9 "HEALTH AND SANITATION" of the Town Code is hereby amended to read as follows:

**9-05b-040 Establishing Reclaimed Water Service.**

...

B. Tenant Accounts. Applications by Customers who are Tenants must include a copy of the lease or rental agreement for the property to be served. Tenants applying for service to the leased/rental property shall be responsible to pay all reclaimed water service rates, fees, charges, and penalties applicable to the property. Request for Alternative Billing (RAB) signed by the record owner(s) of real property or the agent(s) of such owner(s). The information required in and the responsibilities related to RABs may be set from time to time by regulations adopted by resolution. By placing their name on accounts under an RAB, Tenants become equally responsible along with record owner(s) of real property to pay all wastewater treatment rates, fees, charges, and penalties applicable to the property. Where residential property buildings, units, structures, designated turf areas, or water storage areas are consisting of five or more units is occupied by multiple Tenants, Tenants may apply for utility service and place their name on accounts only if each Tenant of the property is individually metered for domestic water and/or reclaimed water use reclaimed water service.

...

~~D. Intergovernmental Agreements. Nothing herein shall preclude the Town from entering into one (1) or more intergovernmental agreements with the District to cooperate in the administration of their respective utility systems, including (but expressly not limited to) combining Town utility billings with District water billing, not approving new service unless all accounts are placed in the same~~

~~name, restricting new service from one utility because Customers have delinquent accounts in another utility, mutually applying deposits to account delinquencies, etc.~~

ED. Unauthorized Turn-On, Turn-Off, or Other Tampering. Except in emergency circumstances, it shall be unlawful for any person to physically turn-on or turn-off reclaimed water service to any building, Unit, structure, designated turf area, or water storage area, to otherwise tamper with or damage the reclaimed water system, or to direct, aid, or abet another in so doing without the approval of the Utilities Director after compliance with established application requirements. In lieu of criminal prosecution for such a misdemeanor violation, the Director may (at his/her sole discretion) apply a civil penalty for such violation, which penalty shall be set from time to time by resolution. The Director may also waive any per-day aspect of such civil penalty in appropriate circumstances, and provide for set-off of such penalties in return for payment of the actual costs of any damages.

(Ord. No. 510, Enacted, 08/23/01; Ord. No. \_\_\_\_\_, Amended, 04/28/16)

**SECTION 21.** That Section 9-05b-045 “Water Conservation” in Article 9-05b “RECLAIMED WATER SERVICE” in Chapter 9 “HEALTH AND SANITATION” of the Town Code is hereby amended to read as follows:

**9-05b-045 Water Conservation.**

A. The Mayor and the Town Manager are hereby authorized to declare Water Conservation Levels, as set forth hereinafter, which shall have the effect of restricting usage of water produced by the Town's reclaimed and domestic water systems. Such Water Conservation Levels shall be based upon the Water Resource Status Levels determined by the ~~Public Works~~Utilities Director (or his designee) which, in turn, are based upon the ~~Public Works~~Utilities Director's assessment of the relationship between water demand and safe water production capability. Safe water production capability is defined as ninety percent (90%) of the total water resources that can reasonably be produced through either the reclaimed water system or the domestic water system, based upon distribution components, storage reserves, weather conditions, and historic data.

...

C. Water Conservation Levels are established as follows:

...

3. Conservation Level III (Water Emergency): water use is prohibited or restricted as follows -

...

- d. Non-emergency use of fire hydrants is prohibited unless written approval is first given by the ~~Public Works~~Utilities Director for essential commercial purposes.

...

...

(Ord. No. 523, Enacted, 05/09/02; Ord. No. \_\_\_\_\_, Amended, 04/28/16)

**SECTION 22.** That Section 9-05b-050 “Reclaimed Water Rates, Fees, Charges, and Penalties” in Article 9-05b “RECLAIMED WATER SERVICE” in Chapter 9 “HEALTH AND SANITATION” of the Town Code is hereby amended to read as follows:

**9-05b-050 Reclaimed Water Rates, Fees, Charges, and Penalties.**

...

- C. Billing. Billing of residential, commercial and industrial Customers for reclaimed water services shall be accomplished as set forth from time to time by regulations adopted by resolution.

...

~~8. Intergovernmental Agreements. Nothing herein precludes the Town and the District from entering into intergovernmental agreements to, among other things, (a) combine Town utility billings with District water billings, just as the Town combines administration of its utility billings, (b) make failure to pay for District water service a basis for terminating Town utility service (and visa versa), and/or (c) adopt billing cycles or procedures for Town utility service based on the cycles or procedures of District water service.~~

- D. Delinquency Procedures. Procedures to be followed in the event of account delinquencies shall be established from time to time by regulations adopted by resolution. Such procedures shall include such enforcement measures as are available to the Town in law and in equity (including, but expressly not limited to, reclaimed water service turn-off), and shall provide for such notice to Customers and opportunities for administrative hearings prior to application of enforcement procedures (including, but not limited to, turn-off of reclaimed water service) as is deemed appropriate under the circumstances and complies with requirements of due process.

~~1. Collection Against Both Owners and Tenants. If the reclaimed water account was in the name of a Tenant under an RAB, nothing herein shall preclude the Town from requesting payment from the record owner(s) or their agent(s) as listed in the RAB as of the date of such request, and pursuing collection of unpaid reclaimed water rates, fees, charges, penalties, and taxes against both the record owner(s) and the Tenant whose names are on the account in accordance with regulations adopted from time to time by resolution.~~

21. Payment Agreements. Nothing herein shall preclude the Director from offering to enter into Payment Agreements with Customers who have delinquent utility accounts at any stage of the enforcement process, as set forth from time to time by regulations adopted by resolution.

(Ord. No. 510, Enacted, 08/23/01; Ord. No. 516, Amended, 12/06/01; Ord. No. 667, Amended, 09/28/06; Ord. No. , Amended, 04/28/16)

**SECTION 23.** That Section 9-05b-070 “Connections” in Article 9-05b “RECLAIMED WATER SERVICE” in Chapter 9 “HEALTH AND SANITATION” of the Town Code is hereby amended to read as follows:

**9-05b-070 Connections.**

A. Reclaimed Water Service Connections Required. Every separate building, Unit, structure, designated turf area, and water storage area to which reclaimed water service is supplied shall have its own service connection. Unless otherwise expressly permitted by the Department, it is unlawful for any Customer having a reclaimed water service connection to supply or permit utility service to be supplied through said connection to any other User, whether gratuitously or for consideration. Reclaimed water supplied as part of utility service shall only be delivered through meters supplied by the Town (by and through its third-party contractors).

1. Incidental Entry on Private Property. Department personnel are expressly authorized at all reasonable times to incidentally enter upon private property for the purpose of installing, reading, maintaining, and disconnecting meters, and for the purpose of repairing and maintaining all components of the reclaimed water system and for turning-on and turning-off reclaimed water service.

B. Permits and Inspections. No physical connection shall be made to the reclaimed water system until a permit for the same has been acquired from the Building Official in accordance with Chapter 7 of the Town Code (as amended from time to time), after payment of all required fees and charges, unless the connection is made by the Department. All connections shall conform with to

the International Plumbing Code, as adopted and amended by the Town from time to time. In addition to any other inspections, tests, and right-of-way permits that may be required, inspection and approval of reclaimed water system connections shall be required before any trench or hole is backfilled.

As part of any connection, an approved reclaimed water meter must be installed by the Department. The meters supplied may be changed from time to time as technological advances provide for greater efficiency in domestic water delivery and meter reading. Unless otherwise expressly permitted by the Department, all such meters shall be located within an adjacent public right-of-way, easement or license, and installed in accordance with the Engineering Standards adopted from time to time by the Town. Such meters and meter boxes shall not be obstructed in such a way as to prevent them from being accessed by Department personnel for reading, maintenance and other purposes. Such reclaimed water meters are and remain part of the reclaimed water system and are therefore property of the Town.

- C. Damage. Any damage done to the reclaimed water system or to the public right-of-way as a result of construction of a connection or any related construction or excavation activity shall be repaired to the Town's satisfaction at the constructing party's expense. The Town may require a bond of the party doing such construction or excavation prior to the activity being undertaken.

It is unlawful for any person to intentionally break, deface, tamper with or damage any meter, hydrant, valve, line, pipe or other reclaimed water system appliance or fixture, or in any other manner to interfere with the operation of any part of the reclaimed water system. Furthermore, it is unlawful for any person, with intent to injure or defraud, to connect any pipe, line, tube or other instrument with any reclaimed water main, reclaimed water line, or service line, whether or not part of the reclaimed water system, for conducting reclaimed water supplied by the Town for the purpose of taking such reclaimed water without permission and/or payment.

- D. Related Assessments, Fees and Charges. In areas previously included within improvement districts created to extend the reclaimed water system to such areas, if an assessment has not been previously paid to the Town to make the reclaimed water system available to a property (or if the assessment paid for that property was not in proportion to payments made for other similar properties, e.g. because of a property split, increased intensity of development, etc.), a separate in-lieu of assessment fee, calculated to be equivalent to the original assessment, may be imposed by the Town as a condition of developing the property. Such in-lieu of assessment fee may be established from time to time by resolution. Furthermore, development fees pursuant to ARS §9-463.05 and Article 7-11 of the Town Code (all as amended from time to time) and reclaimed water system connection charges may be imposed as a condition of developing the property. However, any such

assessments, fees and charges shall be subject to mutual offset, in whole or in part, in accordance with law.

(Ord. No. 510, Enacted, 08/23/01; Ord. No. 590, Amended, 03/25/04; Ord. No. \_\_\_\_\_, Amended, 04/28/16)

**SECTION 24.** That Section 9-05b-090 “Hydrants” in Article 9-05b “RECLAIMED WATER SERVICE” in Chapter 9 “HEALTH AND SANITATION” of the Town Code is hereby amended to read as follows:

**9-05b-090 Hydrants.**

. . .

- B. Hydrant Locks. Hydrant meters are assigned to specific hydrants and may not be moved to other hydrants without the permission of the Utilities Director. Therefore, locks are placed upon hydrant meters for security purposes and breaking of the same except by emergency services personnel in times of emergency constitutes unauthorized tampering and is prohibited.
- C. Unauthorized Tampering. Except in emergency circumstances, it shall be unlawful to tamper with or damage a hydrant or hydrant meter, or to direct, aid, or abet another in so doing without the approval of the Utilities Director after compliance with the above application requirements. In lieu of criminal prosecution for such a misdemeanor violation, the Director may (at his/her sole discretion) impose a civil penalty for such violation, which penalty shall be set from time to time by resolution. The Director may also waive any per-day aspect of such civil penalty in appropriate circumstances, and provide for set-off of such penalties in return for payment of the actual costs of any damages.

(Ord. No. 510, Enacted, 08/23/01; Ord. No. \_\_\_\_\_, Amended, 04/28/16)

**SECTION 25.** That Section 9-05b-100 “Penalties and Remedies” in Article 9-05b “RECLAIMED WATER SERVICE” in Chapter 9 “HEALTH AND SANITATION” of the Town Code is hereby amended to read as follows:

**9-05b-100 Penalties and Remedies.**

. . .

- C. Administrative Review. In the event of a dispute as to liability for reclaimed water system rates, fees, charges, penalties or taxes (or the amount of same), or the validity of proposed enforcement actions, a User may request an administrative review.

- 1. Request for Administrative Review. Requests must be received by the Director at least five (5) business days prior to any deadline set for (i)

application of rates, fees, charges, penalties or taxes, or (ii) enforcement actions. Requests may be made in writing, by facsimile transmission, by telephone, by e-mail or in person, directed to the Office of the Director at 7501 E. Civic Circle, Prescott Valley, Arizona 86314, (928) 759-3011 (ph.), (928) 759-5533 (fax), www.pvaz.net (website).

2. Nature of Hearing. Within five (5) business days of receipt of a request for administrative review, the Director shall arrange to meet with the User or its representative. At the hearing, the User or its representative may present their objection to the proposed rates, fees, charges, penalties, taxes or enforcement action. The Director may schedule additional meetings, if necessary.

3. Decision. Within five (5) business days after the final meeting with the User or its representative, the Director shall render a decision in the matter, explaining the basis for the decision and the actions that will be taken by the Director. A copy of the decision will be mailed first-class, postage prepaid, to the User at the address provided by the User on its account application.

4. Appeal. Within five (5) business days from the date of the Director's decision, the User may appeal the Director's decision to the Town Manager. The Town Manager shall arrange to meet with the User or its representative and the Director. At the hearing, the User or its representative may present their objection to the proposed rates, fees, charges, penalties, taxes or enforcement action. The Town Manager may schedule additional meetings, if necessary. Within five (5) business days after the final meeting with the User or its representative, the Town Manager shall issue a written determination, which shall be final. The application of any rates, fees, charges, penalties, taxes or enforcement action shall be tolled pending the final determination of the Town Manager.