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**TOWN OF PRESCOTT VALLEY**

*Utility Regulations*

**~~September 14, 2006~~ November \_\_, 2010**

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**PRESCOTT VALLEY  
UTILITY REGULATIONS**

Chapter 1.1.0 DEFINITIONS

- 1) ~~In these Regulations, the definitions set forth in Town Code Article 9-05, Article 9-05a, and Article 9-05b shall apply. Furthermore, unless the context otherwise requires:~~
- a) 1.1 *"Building" and "Building Sewer"* shall be defined as set forth in Section 202 of the International Plumbing Code (IPC), ~~2003~~2006 Edition (or subsequent editions), as adopted by the Town.
- b) ~~"Certified Funds". Cash, money order, cashier's check, or similar instrument.~~
- e) 1.2 *"Customer"*: The (a) record owner(s) of real property to which domestic water services, wastewater services, and/or reclaimed water services are supplied, and (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 payment of water, wastewater, and/or reclaimed water rates, fees, charges, and penalties for such services. While a Customer may also be a User as defined hereinafter, the terms are not necessarily the same.
- d) ~~"Prescott Valley Water District" or "District". 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.~~
- e) 1.3 *"Domestic Water" or "Water"*: All groundwater (including reclaimed water recharged into the underground aquifer) and surface water acquired, treated, stored, or transported by the domestic water system of the Town.
- f) 1.4 *"Domestic Water Service" or "Water Service"*: The acquisition, treatment, storage, transportation and delivery of domestic water by the Town to residential, commercial, or industrial water Users.
- g) 1.5 *"Domestic Water System" or "Water System"*: Any or all components of the domestic water system managed, operated and maintained by the Town 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).
- h) ~~"Improvement District Assessment" is synonymous with "Special Assessment" and "Assessment" as defined in ARS §48-571(A)(1). Furthermore, "Assessment" may mean either the exaction upon individual lots, parcels or properties, or the list of all such exactions recorded in the office of the Street Superintendent, depending on the context. However, "Record of Assessment" (in connection with the "Assessment Diagram") shall refer to the list of all assessments on individual lots, parcels, or properties recorded with the "Warrant" in the office of the Superintendent of Streets.~~

- i) ~~"Improvement District Bonds" is synonymous with "Improvement Bonds" or (where the context so indicates) "Bonds" found in ARS §48-595.~~
- j) 1.6 "*Management Services Director*" or "*Director*": 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.
- k) ~~"Payment Demand Period" and "Cash Collection Period" are synonymous with the phrase "demands for payment of the several assessments" found in ARS §48-590(A).~~
- l) 1.7 "*Person*" shall be defined as set forth in ARS §13-105(23) (as amended).
- m) 1.8 "*Premises*", "*Real Property*" or "*Property*": 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.
- n) 1.9 "*Reclaimed Water*": All effluent discharged from the WWTF after treatment and stored, transported, or recharged into the underground aquifer by the reclaimed water system of the Town.
- o) 1.10 "*Reclaimed Water Service*": The treatment, storage, transportation and delivery of reclaimed water by the Town to commercial and industrial water Users.
- p) 1.11 "*Reclaimed Water System*": Any or all components of the reclaimed water system managed, operated and maintained by the Town 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).
- q) ~~"Request for Alternative Billing (RAB)": A form signed by the record owner(s) of real property to which domestic water service, wastewater service, and/or reclaimed 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, wastewater, and/or reclaimed water rates, fees, charges, and penalties with the record owner(s).~~
- r) ~~"Tenant": 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.~~
- s) 1.12 "*Town Council*" or "*Council*": The governing body of the Town, comprised of its duly elected or appointed members.
- t) 1.13 "*Town Manager*" or "*Manager*": The Manager of the Town as appointed from time to time by the Town Council, and/or related staff designees.
- u) 1.14 "*Town of Prescott Valley*", "*Prescott Valley*" and "*Town*" are synonymous.

- v) 1.15 "Underground Facility" shall be defined as set forth in ARS §40-360.21(13) (as amended).
- w) 1.16 "Unit": A room or group of rooms designed for one (1) or more Persons to reside, work, or carry on any organized activity as a homogenous 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.
- x) 1.17 "User": 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 domestic water service, wastewater service, and/or reclaimed water service thereat from the Town.
- y) 1.18 "Utilities Department" or "Department": Any combination of Town officers and third-party contractors (and their respective personnel) assigned to manage, operate and maintain the domestic water, wastewater and reclaimed water systems for the Town.
- z) ~~"Utilities Service". Domestic water service, wastewater service, and/or reclaimed water service.~~
- aa) 1.19 "Utility System": The Domestic Water System, the Wastewater Treatment System, and the Reclaimed Water System of the Town, or any portion thereof.
- bb) ~~"Verification Code". Any unique combination of letters and numbers no longer than twenty-five (25) characters filed with the Director and modified from time to time by the record owner(s) of real property or their agent(s), against which RABs are checked for authenticity.~~
- ee) 1.20 "Wastewater Treatment System" and "Wastewater System" are synonymous with "Wastewater Collection and Treatment System": Furthermore, "public sanitary sewer lines" and "lift stations" may be designated collectively as the "Wastewater Collection System": Finally, "treatment facilities" may be designated as the "Wastewater Treatment Facility"; or the "WWTF":
- dd) 1.21 "Wastewater Collection and Treatment Facilities" and "Wastewater Facilities" shall be synonymous with "Sewers" as defined in ARS §48-571(A)(16).
- ee) ~~"Wastewater Treatment Fund" is synonymous with "Wastewater Collection and Treatment Fund".~~
- ff) 1.22 "Wastewater Collection and Treatment Services"; "Wastewater Treatment Services"; "Wastewater Services"; and (where the context so indicates) "Services" shall be synonymous.

## Chapter II. Establishing New or Expanded Utility Service

- 1) a) ~~Application. New utility service to any building, unit or structure on real property, or to any designated turf area or water storage area on real property (except water service from a fire hydrant as provided hereinafter), or any increase in the size of a utility service connection to any building, unit, structure, designated turf area, or water storage area, shall be initiated by applications from Customers [or, in the case of the record owner(s) of real property, their agent(s)] on forms established from time to time by the Director. In addition to any other information required on forms or in~~

~~applications under these Regulations, all applicants for utility service shall be required to show valid (i) picture identification, (ii) indication of the applicant's interest in the real property to which utility service is requested, and (iii) mailing address to which all notices should be sent. Falsification of identity or other required information in applications shall be grounds for immediate utility service turn-off. It is the responsibility of Customers [or, in the case of the record owner(s) of real property, their agent(s)] to update as needed the mailing address to which all notices should be sent.~~

- ~~b) Tenant Accounts. Applications by Customers who are Tenants must include a Request for Alternative Billing (RAB) signed by the record owner(s) of real property or the agent(s) of such owner(s). RABs must also include the name, mailing address, telephone number, and Verification Code of the record owner(s) or agent(s) [which information the record owner(s) or their agent(s) are responsible to update from time to time as needed]. 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, wastewater, and/or reclaimed water rates, fees, charges, and penalties applicable to the property. Where buildings, units, structures, designated turf areas, or water storage areas are 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 water and/or reclaimed water use. The record owner(s) of real property remain responsible for (a) informing the Director about any vacancies, changes of Tenants, or transfers of property ownership, and (b) submittal of a new RAB in the case of changes of Tenants. Failure to provide such information or to arrange for submittal of a new RAB shall be grounds for immediate utility service turn-off.~~
- ~~i) In the event the Town enters into one (1) or more intergovernmental agreements with the District to combine Town utility billings with District water billing, applications by Customers who are Tenants to place Town utility accounts in their name will not be approved unless related District water accounts are also placed in the Tenants' name so as to more fully implement such combined billing.~~
- ~~c) Name Changes. Names on accounts may be changed without submittal of new applications or other forms when the name of the record owner(s) of real property, the agent(s) of said owner(s), or the Tenant has changed due to marriage, divorce, or other legal process. The legal documents to be shown as verification of name change shall be determined from time to time by the Director.~~
- ~~d) Location Changes. If a Customer changes locations within the Town, the Director (or designee) shall determine whether a new application must be completed and/or appropriate deposits must be paid, in accordance with written procedures provided from time to time by the Town Manager.~~
- ~~e) Other Account Delinquencies. Except as set forth hereinafter, no new utility service shall be provided in the name of any Customer whose name is on any other delinquent account of the Town. In the event the Town and the District so provide by intergovernmental agreement, except as set forth hereinafter no new utility service shall be provided in the name of any Customer whose name is on any other delinquent account of the District or the Town. Nothing herein shall preclude service to new Tenants of particular real property simply because of prior delinquencies related to that property, so long as a new RAB is submitted and the new Tenants do not have other delinquent accounts in their name.~~

- 2) ~~a) Deposit. Applications for utility service shall be accompanied by a deposit in an amount set from time to time by resolution of the Town Council. Deposits by the record owner(s) of real property shall either be returned after one (1) year of no delinquencies or applied to the record owner(s)' account. Deposits by Tenants shall be held until the account is closed. No interest shall be paid on deposits for the period during which they are held.~~
- ~~b) New Applications Exempt From Deposit. The following shall be exempt from the deposit requirement in Subparagraph 2(a) above for any new utility service applications: (i) Customers who are the record owner(s) of real property who have once qualified for a return of their deposit and who have no current account delinquencies with the Town (and, if so provided by intergovernmental agreement, the District) (expressly including record owners who are temporarily renting property while constructing a new residence), and (ii) Customers who are the record owner(s) of real property and provide evidence that a utility account on which their name is included shows a history of no delinquencies for the most recent twelve (12) month period (in accordance with any written procedures provided from time to time by the Town Manager).~~
- ~~c) Application of Deposits. As set forth hereinafter, account delinquencies shall be satisfied from the deposit on the date of a turn-off order. Also, upon voluntary close-out of accounts, the deposit shall be applied to the account balance and the remainder refunded.~~
- ~~i) In the event the Town and the District provide by intergovernmental agreement for mutual application of utility deposits to account delinquencies, application of District water deposits to delinquent Town utility accounts will only occur after all Town deposits have first been exhausted. Upon payment of delinquencies by Customers, any District deposits from which Town utility account delinquencies have been satisfied shall be the first to be replenished.~~
- ~~d) Deposit After Involuntary Service Turn-Off. Upon involuntary turn-off of utility service, utility service shall not be renewed until the Customer provides in certified funds (a) any balance of Wastewater Treatment Rates, Reclaimed Water Rates, and/or Water Service Rates, owed (plus any Account Delinquencies Charges), (b) full replenishment of all deposits, (c) a Reconnections (DNP) Charge (set from time to time by resolution of the Town Council), and (d) applicable taxes. If older accounts with no deposits or inadequate deposits are involved, utility service will not be renewed until the balance of any Wastewater Treatment Rates, Reclaimed Water Rates, and/or Water Service Rates and related Account Delinquencies Charges, full replenishment of deposits, Reconnections (DNP) Charges, and applicable taxes is provided in certified funds. Non-certified funds will be insufficient for renewing utility service and will be returned.~~
- ~~e) Adequate Assurance After Filing Bankruptcy. In accordance with the provisions of the U.S. Bankruptcy Code, within thirty one (31) days after the Director receives notice that a Customer has filed bankruptcy, said Customer must pay to the Town an additional amount equal to three (3) times the average Wastewater Treatment Rates, Water Service Rates, and/or Reclaimed Water Rates paid per billing period on the account (as estimated by the Director) as "adequate assurance" that future billings will be paid. Failure to timely make such payment shall result in immediate turn-off of water and/or reclaimed water service on and after the thirty-~~

~~first (31<sup>st</sup>) day. The Director shall provide notice of said requirement by regular mail, postage prepaid, addressed as shown in the bankruptcy notice, postmarked no later than the twenty-first (21<sup>st</sup>) day before utility service turn-off.~~

- ~~3) a) Turning On Utility Service. Upon approval of the Director, and after compliance with the above application requirements, Department personnel shall turn-on utility service to the Customer's premises.~~
- ~~b) Unauthorized Turn-On or Other Tampering. It shall be unlawful for any Person to physically turn-on utility service to any building, unit, structure, designated turf area, or water storage area, to otherwise tamper with or damage the utility system, or to direct, aid, or abet another in so doing without the approval of the Director after compliance with the above application requirements. In lieu of criminal prosecution for such a felony 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 of the Town Council. 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.~~
- ~~4) Notice of Turn-Off. Customers desiring to turn-off utility service to any building, unit, structure, designated turf area, or water storage area on real property must submit a timely turn-off request to the Director in accordance with written procedures established by the Director. Although the record owner(s) of real property is/are equally responsible with Tenants for delinquencies on utility accounts in the name of the Tenant under an RAB, the limitations of Arizona landlord/tenant law only permit the Tenant to voluntarily turn-off utility service related to said account.~~
- ~~5) a) Turning Off Utility Service. Upon approval of the Director, after compliance with the above requirements, Department personnel shall turn-off utility service to Customers' premises.~~
- ~~b) Unauthorized Turn-Off of Utility Service or Other Tampering. Except in emergency circumstances, it shall be unlawful for any Person to physically turn-off utility service to any building, unit, structure, designated turf area, or water storage area, to otherwise tamper with or damage the utility system, or to direct, aid, or abet another in so doing without the approval of the Director after compliance with the above application requirements. In lieu of criminal prosecution for such a felony 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 of the Town Council. 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.~~
- ~~6) Owner(s) Service Continuation Requests. Nothing herein shall preclude the Director from providing for continuation of utility service between Tenants for the record owner(s) or their agent(s) who so request, regardless of whether the prior Tenant's account is delinquent, so long as said owner(s) or their agent(s) (a) pay any fee established from time to time by resolution of the Town Council, (b) pay applicable Water Service Rates, Wastewater Treatment Rates, and/or Reclaimed Water Rates in the interim, and (c) otherwise comply with any requirements established by the Director.~~
- ~~7) Construction Accounts. Nothing herein shall preclude the Town Council from establishing from time to time by resolution different Water Service Rates, Wastewater Treatment Rates, and/or Reclaimed Water Rates for temporary utility service for construction purposes.~~

- 8) a) ~~Fire Hydrants for Domestic Water or Reclaimed Water Supply.~~ Customers [or, in the case of the record owner(s) of real property, their agent(s)] may apply for domestic water service or reclaimed water service (where applicable) through a fire hydrant by separate application on forms established from time to time by the Director. Upon approval by the Department and payment of a deposit set from time to time by resolution of the Town Council, a meter shall be installed on the hydrant from which the water or reclaimed water is to be supplied. Such deposit shall only be returned upon return of the meter in operational condition. Customers shall be responsible for paying all applicable Water Service Rates or Reclaimed Water 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 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 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 of the Town Council. 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.

### Chapter III. Utility Rates, Fees, Charges, and Penalties

- 1) ~~Classification of Users.~~ For the purpose of applying domestic water, wastewater, and reclaimed water rates, fees, charges, and penalties set forth hereinafter, utility system users shall be classified into four (4) categories, as follows:
- a) ~~Single Family Residential.~~ The Single Family Residential classification shall include detached single family dwelling units. A Single Family Residential classification is not lost by reason of a "home occupation" therein pursuant to the Town Code (as amended from time to time) if utility service consumption is not significantly increased because of said home occupation.
- b) ~~Multi-Family Residential.~~ The Multi-Family Residential classification shall include individual dwelling units within multi-family residential structures including, without limitation, duplexes, triplexes, fourplexes, apartments, condominiums, motels and hotels.
- c) ~~Commercial.~~ The commercial classification shall include institutional Users such as government entities, schools, churches, and nonprofit organizations, as well as transient and group quarters (i.e., rooming houses, nursing homes, etc.). A separate or separately metered residential Unit located within a structure utilized for commercial purposes or located on property used for commercial purposes (i.e., mini-storage manager/caretaker residences, etc.) shall be considered a separate

~~commercial User. Each separate or separately metered commercial Unit in a structure or unified complex utilized for commercial purposes shall also be considered a separate commercial User.~~

~~d) Industrial. The industrial classification shall include any entity required to have an industrial wastewater pretreatment permit pursuant to the Town Code (as amended from time to time). Each separate or separately metered industrial Unit in a structure utilized for industrial purposes shall be considered a separate industrial User.~~

~~2) Utility Rates, Fees, Charges, and Penalties. The following utility rates, fees, charges, and penalties shall apply to the various User classifications for utility services:~~

~~a) System Connection Charges.~~

~~i) Wastewater System Connection Charges. Customers shall pay Wastewater System Connection Charges calculated to recover Town construction and system development costs attributable to wastewater service provided to Customers' property, set from time to time by resolution of the Town Council. Wastewater System Connection Charges shall include a "System Capacity Charge". The System Capacity Charge shall apply to all User classifications as follows:~~

~~Single Family Residential users shall be assessed a flat rate based upon the Residential Dwelling Unit Equivalent ("RDE"), which shall be established from time to time by the Town Council.~~

~~Multi-Family Residential users shall be assessed a percentage of the RDE per unit as follows:~~

<del>Duplexes/Triplexes/Fourplexes</del>	<del>0.85 RDE/unit</del>
<del>Apartments/Condominiums</del>	<del>0.80 RDE/unit</del>
<del>Motels/Hotels</del>	<del>0.50 RDE/unit</del>

~~Commercial/Industrial/Institutional users shall be assessed a flat "fixture unit" rate, which shall be established from time to time by the Town Council, for each and every fixture unit within the commercial/industrial/institutional facility.~~

~~The System Capacity Charge is payable at the time development permits are obtained. The System Capacity Charge shall not be applied to (a) alterations of existing buildings, units, structures, designated turf areas, and water storage areas that do not result in an expansion by more than fifty percent (50%) of the total habitable square footage (so long as, in the case of buildings, units or structures the same "occupancy" is retained as defined in the Town of Prescott Valley Administrative Code as adopted and amended from time to time by the Town), (b) replacement of buildings, units or structures with buildings, units or structures that are no more than fifty percent (50%) larger in total habitable square footage (so long as the buildings, units or structures retain the same "occupancy" as defined in the Town of Prescott Valley Administrative Code as adopted and amended from time to time by the Town), or (c) construction of accessory buildings, units or structures [as defined in Town Code Subsection 13-02-010(B) as amended from time to time].~~

~~ii) Water System Connection Charges. Customers shall pay Water System Connection Charges calculated to recover Town construction and water resource development costs attributable to water service provided to Customers' property, set from time to time by resolution of the Town Council. Water System Connection Charges shall include "Meter Charges", a "System Capacity Charge", and a "Water Resource Charge". Meter Charges shall apply to all User classifications based on meter size, and are a one-time charge payable at the time of application to connect to the domestic water system. The System Capacity Charge and the Water Resource Charge shall apply to all User classifications as follows:~~

~~Single Family Residential users shall be assessed a flat rate based upon the Residential Dwelling Unit Equivalent ("RDE"), which shall be established from time to time by the Town Council.~~

~~Multi-Family Residential users shall be assessed a percentage of the RDE per unit as follows:~~

<del>Duplexes/Triplexes/Fourplexes</del>	<del>0.85 RDE/unit</del>
<del>Apartments/Condominiums</del>	<del>0.80 RDE/unit</del>
<del>Motels/Hotels</del>	<del>0.50 RDE/unit</del>

~~Commercial/Industrial/Institutional users shall be assessed a flat "fixture unit" rate, which shall be established from time to time by the Town Council, for each and every fixture unit within the commercial/industrial/institutional facility.~~

~~The System Capacity Charge and the Water Resource Charge are payable at the time development permits are obtained. The System Capacity Charge and the Water Resource Charge shall not be applied to (a) alterations of existing buildings, units, structures, designated turf areas, and water storage areas that do not result in an expansion by more than fifty percent (50%) of the total habitable square footage (so long as, in the case of buildings, units or structures the same "occupancy" is retained as defined in the Town of Prescott Valley Administrative Code as adopted and amended from time to time by the Town), (b) replacement of buildings, units or structures with buildings, units or structures that are no more than fifty percent (50%) larger in total habitable square footage (so long as the buildings, units or structures retain the same "occupancy" as defined in the Town of Prescott Valley Administrative Code as adopted and amended from time to time by the Town), or (c) construction of accessory buildings, units or structures [as defined in Town Code Subsection 13-02-010(B) as amended from time to time].~~

~~A) Customers may apply for a separate "water only" meter limited to irrigation purposes under the same procedures for other service applications set forth in Chapter II above. Upon approval of said application, Customers shall pay any and all Connection Charges, New Account Fees, if any, and any other charges applicable to the "water only" meter including, without limitation, System Capacity Charges and Water Resource Charges. Customers obtaining a separate "water only" meter shall pay the Water Service Rates established from time to time by resolution of the Town Council, which rates shall be paid as set forth hereinabove.~~

- ~~b) New Account Fees:~~
- ~~i) Wastewater Treatment Service. Customers shall pay New Account Fees calculated to recover the administrative costs of establishing new accounts for wastewater treatment service, as set from time to time by resolution of the Town Council. Such New Account Fees shall be paid in accordance with the requirements set forth hereinabove. New Account Fees shall include "Deposits" and shall apply to all User classifications.~~
- ~~ii) Domestic Water Service. Customers shall pay New Account Fees calculated to recover the administrative costs of establishing new accounts for domestic water service, as set from time to time by resolution of the Town Council. Such New Account Fees shall be paid in accordance with the requirements set forth hereinabove. New Account Fees shall include "Deposits", "Water Service Turn-On Fees", "Emergency Turn-On Fees", and "Construction Turn-On Fees". All such fees shall apply to all User classifications.~~
- ~~iii) Reclaimed Water Service. Customers shall pay New Account Fees calculated to recover the administrative costs of establishing new accounts for reclaimed water service, as set from time to time by resolution of the Town Council. Such New Account Fees shall be paid in accordance with the requirements set forth hereinabove. New Account Fees shall include "Deposits", "Reclaimed Water Service Turn-On Fees", "Emergency Turn-On Fees", and "Construction Turn-On Fees". All such fees shall apply to all User classifications.~~
- ~~e) User Rates:~~
- ~~i) Wastewater Treatment Rates. Customers shall pay Wastewater Treatment Rates calculated to recover a pro-rata share of budgeted wastewater treatment system expenditures (minus expenditures covered by other fees, charges and penalties). Such Wastewater Treatment Rates shall be set from time to time by resolution of the Town Council and shall be paid as set forth hereinabove. Wastewater Treatment Rates shall include "Base User Rates" and "Volume Rates". Base User Rates shall apply to all User classifications based on meter size. Volume Rates shall apply to all User classifications based on ninety percent (90%) of average water usage for the months of November—March for residential Users, and actual water usage each billing period for commercial/industrial Users [per thousand (1,000) gallons]. [Note: in the case of residential Users, partial usage history during the period from November—March may be used so long as it constitutes at least three (3) months; otherwise, billing will be at ninety percent (90%) of the user classification average for that period. If actual usage is ever below the average during a billing period, then that lower actual usage is billed.] Volume Rates for commercial/industrial Users may include a Surcharge Factor in amounts set from time to time by resolution of the Town Council applied against discharges of strength greater than normal domestic waste in accordance with Town Code §9-05-070(B).~~
- ~~A) Nothing herein shall preclude the Town from charging estimated Wastewater Treatment Rates to Customers in circumstances where meters cannot be read for a given billing period. Resulting over- or~~

~~under charges shall be accounted for in a subsequent billing period when the meter can be read.~~

~~ii) Water Service Rates. Customers shall pay Water Service Rates calculated to recover a pro-rata share of budgeted domestic water system expenditures as listed hereinafter (minus expenditures covered by other rates, fees, charges, and penalties). Such Water Service Rates shall be set from time to time by resolution of the Town Council and shall be paid as set forth hereinabove. Water Service Rates shall include "Base User Rates" and "Volume Rates". Base User Rates shall apply to all User classifications based on meter size, number of hydrants, number of standpipes, or size of fire sprinkler mains. Volume Rates shall apply to all User classifications based on meter size and water usage during the billing period per thousand (1,000) gallons.~~

~~A) Nothing herein shall preclude the Town from charging estimated Water Service Rates to Customers in circumstances where meters cannot be read for a given billing period. Resulting over- or under-charges shall be accounted for in a subsequent billing period when the meter can be read.~~

~~iii) Reclaimed Water Rates. Customers shall pay Reclaimed Water Rates calculated to recover a pro-rata share of budgeted reclaimed water system expenditures as listed hereinafter (minus expenditures covered by other rates, fees, charges, and penalties). Such Reclaimed Water Rates shall be set from time to time by resolution of the Town Council and shall be paid as set forth hereinabove. Reclaimed Water Rates shall include "Volume Rates". Volume Rates shall apply to all User classifications based on eighty percent (80%) of the average volume rate for domestic water sold by the District (not the Town).~~

~~d) Industrial Wastewater Pretreatment Permit Fees. Customers who are industrial Users shall pay Industrial Wastewater Pretreatment Permit Fees calculated to recover a pro-rata share of the cost of administering a wastewater pretreatment program. Such Industrial Wastewater Pretreatment Permit Fees shall be set from time to time by resolution of the Town Council, based on the permit category of the User, and shall be paid as set forth hereinabove.~~

~~e) Other Charges.~~

~~i) Wastewater Treatment Service. Customers shall pay Other Charges calculated to recover the costs of wastewater treatment service accounts administration and collection, as set from time to time by resolution of the Town Council. Such Other Charges shall be paid in accordance with the requirements herein. Other Charges include "Account Transfers Charges", "Photocopying Charges", "Non-Sufficient Fund Checks Charges", "Account Delinquencies Charges", and "Account Collections Charges". All such charges shall apply to all User classifications.~~

~~ii) Domestic Water Service. Customers shall pay Other Charges calculated to recover the costs of domestic water service accounts administration and collection, as set from time to time by resolution of the Town Council. Such Other Charges shall be paid in accordance with the requirements herein. Other Charges include "Reconnections (DNP) Charges" (after disconnection for nonpayment), "Meter Re-Reading/Testing Charges", "Account Transfers~~

~~Charges", "Photocopying Charges", "Non-Sufficient Fund Checks Charges", "Account Delinquencies Charges", and "Account Collections Charges". All such charges shall apply to all User classifications.~~

~~iii) Reclaimed Water Service. Customers shall pay Other Charges calculated to recover the costs of reclaimed water service accounts administration and collection, as set from time to time by resolution of the Town Council. Such Other Charges shall be paid in accordance with the requirements herein. Other Charges include "Reconnections (DNP) Charges" (after disconnection for nonpayment), "Meter Re-Reading/Testing Charges", "Account Transfers Charges", "Photocopying Charges", "Non-Sufficient Fund Checks Charges", "Account Delinquencies Charges", and "Account Collections Charges". All such charges shall apply to all User classifications.~~

~~f) Violations. Any Customer or Person who obtains utility service fraudulently shall be guilty of a Class 6 felony. For purposes of this Section, a Customer or Person obtains utility service fraudulently if the Customer or Person intentionally does any of the following:~~

~~i) Makes a connection or reconnection with property that is owned or used by the Town to provide utility service without the authorization or consent of the Town.~~

~~ii) Prevents a utility meter or other device that is used to determine the charge for Town services from accurately performing its measuring function.~~

~~iii) Tampers with property that is owned or used by the Town.~~

~~iv) Uses, receives or otherwise diverts Town services without the authorization or consent of the Town if the Customer or Person knows or has reason to know of the unlawful diversion, tampering or connection.~~

~~v) Diverts or causes to be diverted utility services by any means.~~

~~Except for failure to pay wastewater treatment, domestic water and reclaimed water rates, fees, charges and penalties, all other violations of these Regulations shall constitute a class 1 misdemeanor, and any such violation shall constitute a separate offense on each successive day it is continued.~~

~~g) Early Payments. Early payments of utility rates, fees and charges may not be made for the purpose of avoiding anticipated increases in the same. In particular, no payment of System Connection Charges will be accepted prior to the pulling of building permits based on complete building permit applications. In this regard, building permit applications for residential construction are not complete unless a final plat or final development plan has been approved for the area. Moreover, the amount of utility rates, fees, and charges paid for a building permit lapse if the underlying building permits lapse, and if said utility rates, fees or charges are raised in the interim before a new building permit is applied for, the balance must be paid before a new building permit is issued.~~

- 3) ~~a) i) Billing. Utility billings for residential, commercial and industrial Users shall be accomplished by mailing out billing statements for each billing period, which are then to be remitted back to the Director with payments for that period. Such billings shall include the appropriate account number applicable to the particular building, Unit, structure, designated turf area, or water storage area. Where more than one (1) residential, commercial or industrial Unit is located in a structure under single ownership, a single billing shall be mailed to the Customer(s) of record unless a Tenant billing process is used as set forth hereinabove. Billing periods shall be approximately thirty (30) days in length (although billing dates may vary depending on weekends and holidays). Payment is due twenty (20) days after the billing date and unpaid balances shall be subject to penalty twenty-eight (28) days after the billing date.~~
- ~~ii) In addition to the utility rates, fees, charges, and penalties established from time to time by resolution of the Town Council, billings shall include any applicable taxes on the business of domestic water service, wastewater treatment service, and/or reclaimed water service.~~
- ~~b) Time Covered by Rates. With regard to utility rates, fees, charges, penalties, and taxes, any Base User Rates are applied to the current billing period while Volume Rates and all other utility rates, fees, charges, penalties, and taxes are applied to the prior billing period.~~
- ~~c) Delinquency Dates. Utility rates, fees, charges, penalties, and taxes are due on different dates for different Customers based on billing cycles. Such dates shall be specified for each Customer when service begins and shall be set forth in the billings received. Payment is due twenty (20) days after the billing date. Utility rates, fees, charges, penalties, and taxes are delinquent on the twenty-eighth (28<sup>th</sup>) day after the billing date. Nothing herein shall preclude the Director from changing a Customer's billing period, so long as adjustments are made in billings to reflect actual utility usage.~~
- ~~d) Consequences of Account Delinquencies. Account delinquencies in relation to utility rates, fees, charges, penalties, or taxes shall result in an "Active Account Processing Charge", set from time to time by resolution of the Town Council, being applied to the account on the twenty-eighth (28<sup>th</sup>) day after the billing date. Furthermore, utility service will be subject to turn-off on and after the fiftieth (50<sup>th</sup>) day after the billing date (unless emergency circumstances justify immediate turn-off of utility service).~~
- ~~i) Except in the case of partial payments (as set forth hereinafter), nothing herein shall preclude the Director from applying account balances of less than ten dollars (\$10.00) to the following billing period in lieu of the other processes provided herein.~~
- ~~e) Application of Payments. Payments to accounts (including partial payments) shall be applied to the oldest outstanding account balances in equal amounts to the applicable rates, fees, charges, penalties, and taxes. In the event the Town enters into one (1) or more intergovernmental agreements with the District to combine billing of utility services, joint use of deposits, and/or other cooperative efforts, partial payments shall be applied as set forth above unless otherwise provided in said agreements. It is expressly understood that partial payments shall not avoid utility~~

service turn-off nor shall they renew utility service (except as specified in payment agreements provided for hereinafter).

- f) ~~Non-Sufficient Fund Checks.~~ In the event checks used to make payments are returned for non-sufficient funds (or for any other reason), the account shall become subject to a Non-Sufficient Fund Checks Charge set from time to time by resolution of the Town Council. In such event, payment to redeem the returned check will only be accepted in certified funds. If checks are returned after the delinquency date, the account shall become delinquent and subject to the Active Account Processing Charge and other delinquent account enforcement processes set forth herein (including immediate disconnection). Nothing herein shall preclude the Director from using alternate collection procedures for non-sufficient fund checks, including (but expressly not limited to) participating in the Yavapai County Attorney's collection program, using a collection service, and providing information directly to credit reporting services.
  - g) ~~Payments Designating Incorrect Accounts.~~ In the event an account becomes delinquent because Customers have identified the incorrect account when making payments, the Active Account Processing Charge and other enforcement processes may apply as determined by the Director based on all of the circumstances. Designated staff will endeavor to correctly post any improperly made payments to the correct account and provide such reimbursements and new billings as are reasonably permitted by applicable law.
  - h) ~~Prepayments.~~ As limited hereinabove, Customers may prepay utility rates, fees, charges, penalties, and taxes. If prepayments result in account balances upon closing of accounts, said balances may be transferred to Customers' new accounts or refunded. However, balances of less than five dollars (\$5.00) shall not be refunded.
  - i) ~~Customer Inquiry Required.~~ Failure of a Customer to receive any monthly utility billing or other communication from the Director with regard to utility rates, fees, charges, penalties, or taxes shall expressly not excuse the Customer from paying utility rates, fees, charges, penalties, or taxes due.
  - j) ~~Coordination Between Utility Accounts.~~ Nothing herein precludes the Town and the District from entering into intergovernmental agreements to, among other things, (i) combine Town utility billings with District water billings, just as the Town combines administration of its utility billings, (ii) make failure to pay for District water service a basis for terminating Town utility service (and visa versa), and/or (iii) adopt billing cycles or procedures for Town utility service based on the cycles or procedures of District water service.
- 4) a) ~~Notice of Utility Account Delinquency/Service Turn-Off.~~ In addition to any account delinquency information in monthly billings, a separate notice of utility account delinquency shall be placed in the U.S. mail, first class, postage prepaid, on the fortieth (40<sup>th</sup>) day after the billing date [or on the first (1<sup>st</sup>) business day thereafter if the 40<sup>th</sup> day falls on a weekend or holiday]. Said notice shall be addressed to the name and location listed in the utility account as of the date the notice is issued. In the event that the account is in the name of a Tenant under an RAB, a duplicate utility account delinquency notice shall be mailed to the record owner(s) or their agent(s) as listed at the time in the RAB. Although intended to reach Customers, actual receipt of this notice is not required for further enforcement proceedings. Notice of utility service turn-off will be attached to the premises as a door hanger prior to actual turn-off. Every effort shall be made to provide this notice five (5) to

seven (7) calendar days prior to turn-off. However, actual receipt of this notice is not required for further enforcement proceedings.

- b) ~~Contents of Notices.~~ The separately mailed utility account delinquency notice shall indicate that an Active Account Processing Charge has been applied to the account and that utility service will be subject to turn-off on or after the fiftieth (50<sup>th</sup>) day after the billing date. The hand-delivered utility service turn-off notice shall indicate the actual date on or after which utility service will be turned off. Both notices shall include instructions for requesting a Due Process Hearing prior to turn-off. If requested at least three (3) calendar days before the actual utility turn-off date (not counting legal holidays), a Due Process Hearing time prior to actual turn-off will be offered.
  
- e) ~~Due Process Hearing.~~ Requests for a Due Process Hearing 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 East Civic Circle, Prescott Valley, Arizona, 86314, (928) 759-3011 (ph.), (928) 759-5533 (fax), [www.pvaz.net](http://www.pvaz.net) (web site). If the request is made no later than three (3) calendar days before the actual service turn-off date (not counting legal holidays), the Director shall arrange to meet with the Customers involved or their representatives at the Civic Center. When held, the meeting shall be informal and Customers (or their representatives) shall be afforded a reasonable opportunity to present and discuss their positions or concerns with regard to the utility account delinquencies. Additional meetings may be set by the Director, as needed. Within five (5) business days after the final meeting, the Director shall issue a decision in writing which explains the basis therefore and the actions that will be taken by the Director. A copy of the decision shall be mailed first-class, postage prepaid, to the Customers at the address to which the utility account delinquency/turn-off notice was mailed (unless the Customers have provided another address). Actual receipt of the decision is not required for further enforcement proceedings.
  
- 5) a) ~~Utility Account Delinquency Enforcement Procedures.~~ Utility account delinquencies are subject to vigorous enforcement procedures. In addition to the utility service turn-off described hereinabove, such procedures may include all those available to the Town in law and equity. Such procedures may be conducted by any authorized Department personnel.
  - i) ~~In addition to issuing a utility service turn-off order on or after the fiftieth (50<sup>th</sup>) day after the billing date, the Director shall—~~
    - ~~A) Apply at the beginning of each billing period an Inactive Account Processing Charge set from time to time by resolution of the Town Council against the entire delinquent utility account balance, beginning the following billing period;~~
  
    - ~~B) Use such means of collecting the delinquencies from the Person named on the utility account as are available, for one hundred twenty (120) days after the due date. Such means shall include (but are expressly not limited to) turning the account over to a collection agency, in which case an additional Collection Agency Referrals Charge as set from time to time by resolution of the Town Council may be applied to the account;~~

- ~~———— C) ——— If the utility account was in the name of a Tenant under an RAB and an account delinquency remains after 120 days, request payment in writing within fifteen (15) additional calendar days from the record owner(s) or their agent(s) as listed in the RAB as of the date of such request; and~~
- ~~———— D) ——— Charge off unpaid utility account delinquencies after these time periods to one (1) or more credit agencies, reduce unpaid utility account delinquencies to court judgments and liens, or reduce unpaid utility account delinquencies to statutory liens (at the option of the Director) against both the record owner(s) and the Tenant whose names are on the account. In the event the Director seeks a court judgment, an additional Judicial Hearing Preparation and Attendance Charge set from time to time by resolution of the Town Council may be applied to the account on the day prior to each court hearing.~~
- ~~———— E) ——— The Director shall not pursue account enforcement procedures beyond the applicable statute of limitations.~~
- ~~———— b) ——— Record of Tenants with Outstanding Delinquencies. The Director shall maintain a record of names of Tenants from whom delinquencies could not be collected, and shall make the same available to the public upon request (after payment of any fees set from time to time by resolution of the Town Council).~~
- ~~e) ——— Waiving Utility Rates, Fees, Charges, or Penalties. In the course of utility account delinquency enforcement, the Director may waive any utility rates, fees, charges, and penalties reasonably necessary to effect collection of account delinquencies, but only in accordance with written procedures provided from time to time by the Town Manager.~~
- ~~———— d) ——— Emergency Turn-Off of Utility Service. Nothing herein precludes the Director from taking action to discontinue utility service without notice, in the event of fraudulent, careless, negligent or unlawful use of utility services, or where a dangerous condition is found on the premises in relation to utility services.~~
- ~~e) ——— Assisting Indigent Customers. Nothing herein precludes the Director from assisting indigent Customers to participate in government or private programs designed to help them pay utility bills, including the Town's utility rates, fees, charges, penalties, and taxes (e.g. the Arizona Utility Assistance Fund, ARS §46-731, and any similar Town program).~~
- ~~f) ——— Payment Agreements. Nothing herein precludes the Director from offering to enter into Payment Agreements with Customers who have delinquent utility accounts at any stage of the enforcement process. However, Payment Agreements shall only be used in circumstances set forth from time to time in writing by the Town Manager. Such Payment Agreements may not extend beyond one (1) year and shall carry an interest rate set from time to time by resolution of the Town Council. Such Payment Agreements shall make payments due on or before the fifteenth (15<sup>th</sup>) day of the applicable billing period and shall provide that strict compliance with the payment schedule is required to keep further enforcement actions in abeyance. In the event of any non-compliance with Payment Agreements, the Director shall be free to pursue all available enforcement actions without additional notice. Payment Agreements shall include a clause authorizing the Director to collect any account delinquencies~~

~~from proceeds from any sale of the property related to the utility account. The Director is hereby authorized to sign Payment Agreements on behalf of the Town.~~

- ~~6) a) Administrative Review. In addition to the Due Process Hearing provided for hereinabove, an administrative review shall be available to Customers [including the record owner(s) or their agent(s) where an account is in the Tenant's name under an RAB] in the event of a dispute as to liability for utility rates, fees, charges, penalties, or taxes (or the amount of the same), or the validity of proposed collection actions. However, the procedures provided hereinafter for administrative reviews shall not apply to Due Process Hearings related to utility account delinquency/turn-off notices.~~
- ~~b) Requests For Administrative Review. Such requests for administrative review must be received by the Director at least five (5) business days prior to any deadline set for (i) application of utility rates, fees, charges, penalties, or taxes, or (ii) collection 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 East Civic Circle, Prescott Valley, Arizona, 86314, (928) 759-3011 (ph.), (928) 759-5533 (fax), [www.pvaz.net](http://www.pvaz.net) (web site).~~
- ~~c) Meeting With Director. Within five (5) business days after such requests, the Director shall arrange to meet with the Customers, or their representatives. At such meeting, the Customers or their representatives shall be afforded an opportunity to present and discuss their positions or concerns on the issues. Additional meetings may be set by the Director, as needed.~~
- ~~d) Director's Conclusion. Within five (5) business days after the final meeting, the Director shall reach a conclusion as to the validity of the Customers' positions or concerns. Said conclusion shall be in writing and shall explain the basis therefor and the actions that will be taken by the Director. A copy of said writing shall be mailed first-class, postage prepaid, to the Customers at the address in the account application or RAB (as applicable) as of the date of such conclusion.~~
- ~~e) Appeal to Town Manager. If the conclusion is that (i) utility rates, fees, charges, penalties, or taxes, and/or(ii) collection actions are justified, then the Customers shall have five (5) business days to appeal said conclusion to the Town Manager following the same procedure as followed for appeal to the Director. The determination in writing of the Town Manager shall be final. Upon said determination by the Town Manager, the Customers shall be given a final, reasonable period of time to come into compliance prior to action being taken. In that regard, any deadline for application of utility rates, fees, charges, penalties, or taxes, or for a collection action shall be "tolled" during the period of time that the Town Manager is making a determination.~~
- ~~f) Enforcement Prior to Administrative Review. Nothing herein shall preclude the Director from taking action prior to such an administrative review or without notice after such administrative review in the event of fraudulent, careless, negligent or unlawful use of utility services related to the account, or where a dangerous condition is found on the premises in relation to utility services.~~
- ~~7) a) Procedure When Retrofitting Wastewater or Reclaimed Water System. With regard to wastewater treatment and reclaimed water service, during the initial start-up period for any phase or portion of the wastewater system or the reclaimed water system (whether or not constructed by the Town through an improvement district), Customers on already-developed lots, parcels or properties included within such~~

~~phase or portion shall be responsible for payment of applicable rates, fees, charges, penalties, and taxes for the full billing period after the month following the date that the phase or portion of the wastewater or reclaimed water system is operational.~~

- ~~i) In this context, the wastewater system or the reclaimed water system is considered "operational" in an area (with regard to individual lots, parcels or properties) on i) the date said lots, parcels, or properties are connected to the phase or portion of the system by the construction contractor, ii) the date said lots, parcels or properties would have been connected to the phase or portion of the 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 system, etc.) or iii) the date Customers were told in writing was the date appropriate structures on the lots, parcels or properties should be connected by them to the system.~~
  - ~~ii) Nothing herein precludes Department personnel, upon approval of the Town Council, from setting a later date for Customers to be responsible for wastewater and/or reclaimed water rates, fees, charges, penalties, and taxes when those Customers' lots, parcels or properties have not actually been connected to the system, but only in conjunction with a final written notice to said Customers requiring that appropriate structures on their lots, parcels or properties be connected by them to the system by a date certain.~~
  - ~~iii) Nothing herein shall preclude the Town from applying wastewater and/or reclaimed water rates, fees, charges, penalties, and taxes to Customers and their particular lots, parcels or properties, simply because an improvement district assessment or other development charge has been applied to the property for purposes of financing initial construction of a phase or portion of the wastewater or reclaimed water system.~~
  - ~~iv) Furthermore, nothing herein shall preclude the Town from refunding wastewater and/or reclaimed water 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 system or the reclaimed water system, through no failure on the part of said Customers to comply with these Utility Regulations.~~
- ~~8) When Record Owner(s) Fail to Pay Rates and Tenants are Willing to Pay. Nothing herein precludes the Town from entering into special agreements with Tenants to continue providing utility service to particular premises in the event the Customer (who has not placed the account in the Tenants' name under an RAB) fails to pay utility rates, fees, charges, penalties or taxes and the Tenants tender payment in advance or otherwise guarantee payment. In such cases, the Town shall not be liable to reimburse the Tenants for any fees paid and any reimbursement shall be a matter solely between the Tenants and record owner(s).~~
- ~~9) Affect of Reclaimed Water Agreements. Nothing herein shall preclude the Town from entering into agreements with developers with regard to reclaimed water rates, fees, charges, penalties, and taxes, or with regard to other aspects of reclaimed water service. Where they conflict, the provisions in such agreements shall supercede these Regulations.~~

## Chapter IV. Utility Funds Administration

- 1) ~~Standards Applicable to Administration of Utility Funds.~~ Town Code Articles 9-05, 9-05a, and 9-05b, any revenue bond resolutions and other commitments related to the domestic, wastewater treatment, and reclaimed water systems, and the Town Financial Policy (as adopted and amended from time to time by resolution of the Town Council) shall apply to the administration of the utility funds.
- 2) ~~Authorization for Utility Funds to Reimburse General Fund.~~ Consistent with applicable revenue bond resolutions and the Town Financial Policy, the Town may apply a percentage of revenues obtained from utility rates, fees, charges, penalties, and taxes towards general administrative costs of the Town to reimburse the General Fund for administrative support of the utility system, as well as to reimburse the General Fund for any construction advances and other advances to the utility system.
- 3) ~~Requirements for Administering Improvement District Funds.~~ In addition to the requirements of any improvement district bond resolutions related to expansion of the utility system and the Town Financial Policy and other adopted policies and procedures, the following requirements shall apply to administration of any improvement district funds:
  - a) ~~Special Improvement District Funds.~~ All sums collected from improvement district assessments on individual lots, parcels or properties for purposes of constructing any phase or portion of the utility system shall be placed in a special improvement district fund and shall be used for no other purpose than payment of the principal and interest of improvement district bonds issued to represent the cost and expense of the work or improvements constructed.
  - b) ~~Sums Include Town Payments.~~ These sums include amounts appropriated from the general fund to pay either full assessments or delinquent installments when property is struck off to the Town after a sale per ARS §48-603(C) [as amended].
  - c) ~~Sums Include Redemptions of Property Struck Off to Town.~~ These sums also include amounts received from redemption or sale of property struck off to the Town, less the amount theretofore paid for the property from the general fund, per ARS §48-603(D) [as amended]. Such sums shall be paid into the special fund until the fund is sufficient to pay all outstanding bonds.
  - d) ~~Town Ability to Make Good Any Deficiency.~~ If there is a deficiency in the sums collected from improvement district assessments needed to pay an installment of principal or interest to bondholders, the Town may make good the deficiency by a temporary loan from some other fund then reimburse itself from the installments when they are received. It is not obligated to do so by statute, but it has obligated itself to do so by Resolution with regard to specific bond issues.
  - e) ~~Town Option to Pay Deficit from General Fund.~~ If there is a partial deficit in a special fund from which improvement district bonds are paid because some or all improvement district assessments are adjudged void for any reason, rather than impose a new assessment sufficient to provide for the payment of principal and interest on all bonds then unpaid (pursuant to ARS §48-610), the Town Council is authorized to pay the deficit from the general fund.

## Chapter V.2.0 CONNECTIONS TO UTILITY SYSTEM

4) 2.1 Utility Service Connections Required. Every separate building, unit, structure, designated turf area, or water storage area to which utility service is supplied shall have its own service connection. Unless otherwise expressly permitted by the Department, it is unlawful for any Customer having a utility service connection to supply or permit utility service to be supplied through said connection to any other User, whether gratuitously or for consideration.

2) ~~2)~~ 2.1.1 Meters. Domestic water and/or 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). The meters supplied may be changed from time to time as technological advances provide for greater efficiency in domestic water/reclaimed 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 meters are and remain part of the system and are therefore property of the Town.

b) 2.1.2 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 turning-on and turning-off utility service.

3) 2.2 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 and/or the domestic water system at the record owner(s) expense within ninety (90) days after either system is operational. If, as part of a specific initial service plan for an area, the Town has assumed the responsibility of providing such connections for 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.

a) 2.2.1 Definition of "Developed". A lot, parcel or property is "developed" if a building, unit, structure, designated turf area, or water storage area 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).

b) 2.2.2 When Utility System is "Operational". A phase or portion of the utility system is operational in an area (with regard to individual lots, parcels, or properties) on either i) the date said lots, parcels or properties would have been connected to the phase or portion of the utility 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 utility system, etc.), or ii) the date customers were told in writing was the date appropriate buildings, units, structures, designated turf areas, and water storage areas on the lots, parcels or properties should be connected to the utility system.



iii) 2.5.3 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 main line 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 Customers' expense).

iv) 2.5.4 If a connection requires construction in the public right-of-way, then a Town right-of-way permit must also be obtained. In addition to any construction and inspection requirements related to such permits, any damage to the public right-of-way (including damage to roadway surfaces) must be repaired at the Customers' expense.

v) 2.5.5 Any damage to the utility system or to the public right-of-way resulting from the Customers' connection to the utility system, must be repaired to the satisfaction of the Town's engineer at the Customers' expense. The Town reserves the right to require Customers (or their contractors) to post a surety bond, in an amount determined by the Town's engineer to cover the cost of potential damage to the utility system and to the public right-of-way, prior to approval of a connection plan if the Customers (or their contractors) have previously damaged the utility system and/or the public right-of-way without properly repairing the same.

vi) 2.5.6 Nothing herein shall preclude the Town from waiving plan review and inspection fees for such connections if they are part of a specific initial service plan for an area where the construction contractor assumes responsibility for connecting existing developed properties to a phase or portion of the utility system during construction without cost to the Customers.

7) 2.6 Connection of Industrial and Certain Commercial Users to Wastewater Treatment System. All connections of industrial lots, parcels or properties (or commercial lots, parcels or properties required to have an Industrial Wastewater Discharge Permit) to the wastewater treatment system shall include installation of an inspection manhole, built to Town engineering standards, which permits Department personnel to measure flows and conduct necessary testing.

8) 2.7 Abandonment of Private Septic Systems as Condition of Connecting to Wastewater Treatment System.

a) 2.7.1 *Customer Responsibility.* 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.

b) 2.7.2 *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).

⇒ 2.7.3 *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.

⇒ 2.7.3.1 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.

⇒ 2.7.4 *Criminal Violation.* The requirement that buildings, units and structures on lots, parcels or properties be connected to the wastewater treatment system (as set forth herein) is subject to vigorous enforcement by all equitable and legal means available, including civil and criminal actions against Customers. In this regard, failure to connect to the wastewater treatment system as set forth herein is expressly declared to be a violation of Town Code Article 9-05, and therefore constitutes a class 1 misdemeanor (with each separate day being a separate offense).

⇒ 2.7.4.1 However, deferred enforcement or non-enforcement of this requirement by the Town should not be construed as a waiver of future enforcement with regard to the particular Customers and lots, parcels or properties involved.

⇒ 2.7.5 *Customer Agreements to Maintain Non-Gravity-Flow Facilities.* In the event individual Customers, the record owner(s), contractors, or developers either cannot or choose not to develop particular lots, parcels or properties so as to connect to the wastewater treatment system by gravity flow, a building permit will only issue if said Customers, record owners, contractors, or developers enter into a binding agreement with the Town to construct and maintain at their sole expense any non-gravity flow facilities, including lengthy service lines, needed to connect to the wastewater treatment system

9) 2.8 Notice of Fire Sprinkler System Installations. The Town shall enter into one (1) or more intergovernmental agreements with the Central Yavapai Fire District (or its successor) to inform the Director about when fire sprinkler systems are installed in buildings, units, or structures so that appropriate Water Service Rates may be charged to the appropriate Customers.

10) 2.9 Unlawful Acts. It is unlawful for any Person to intentionally break, deface, tamper with or damage any meter, hydrant, valve, line, pipe or other utility system appliance or fixture, or in

any other manner to interfere with the operation of any part of the utility 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 utility main, utility line, or service line, whether or not part of the utility system, for the purpose of taking utility service without permission and/or payment.

### Chapter VI.3.0 UTILITY SYSTEM EXTENSIONS

1) 3.1 Approval. The Town shall approve the design of and conduct inspections of all construction of components that are to be attached to the utility system. No such construction shall commence until the required permits have been obtained from the Town.

2) — a) 3.1.1 Design and Construction. The design and construction of all components to be attached to the utility system must conform with good engineering practice, including all state and federal standards as well as the engineering standards adopted and amended from time to time in the Town Code.

b) 3.1.2 Authority to Require Off-Site or Upsized Improvements. Inasmuch as it is often in the public interest to extend public capital improvements or infrastructure to undeveloped areas, or for one (1) development to size certain public capital improvements or infrastructure larger than would otherwise be necessary for the development itself (so as to better accommodate nearby development), the Town Manager is authorized in accordance with the provisions of the Town Code to specify that subdividers either extend certain improvements off-site to connect with existing improvements or "upsized" certain on- or off-site improvements (at subdividers' cost) so as to facilitate connection thereto by other developments.

3) — a) 3.1.3 Subdivisions. Extensions of the utility system into new subdivisions shall be regulated by the respective technical building, planning, zoning, and subdivision codes (including, but expressly not limited to, any General and Specific Plans) of the Town.

4) 3.2 Replacement or Repair. Persons or entities that build or cause to be built any extensions of the utility 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 utility system extensions.

5) — a) 3.2.1 No Discharge Prior to Inspection. No discharge into the utility system shall occur from a new subdivision or other multiple-lot development prior to final inspection and approval of the utility facilities in the subdivision or development, unless otherwise expressly authorized in writing by the Town's engineer.

b) 3.2.2 Acceptance of Utility Facilities Requires Separate Writing. It is expressly understood that plat approval by the Town Council (whereby dedications of public rights-of-way and public utility easements are accepted), do not constitute acceptance of utility facilities, roadways, etc. by the Town for purposes of ownership, operation and maintenance. Such acceptance and approval shall only be by separate writing, signed by the Town's engineer.

### Chapter VII.4.0 UTILITY SYSTEM MAINTENANCE

#### 1)4.1 Facilities Included in Utility System.

a)4.1.1 *Facilities Included in Wastewater Treatment System.* The wastewater treatment system includes the "trunk system" and the "collector system". The "trunk system" includes all pipe larger than eight inches (8") in diameter. The "collector system" includes all pipe 8" or less in diameter, including the "service tap" between the main line and the property line. However, the collector system does not include service lines from the building sewer or private sewer out to the property line.

b)4.1.2 *Facilities Included in Domestic Water System.* The domestic water system includes (but is expressly not limited to) wells, treatment facilities, pumps, booster stations, storage tanks, storage ponds, water mains, water lines, fire hydrants, valves, and meters, as well as any public rights-of-way, easements (express or implied), or licenses within which they are located (but expressly not including water service lines and connections thereto located on the Customer side of meters). "Water mains" include all pipe larger than six inches (6") in diameter and "service taps" between such pipes and meters. The domestic water system expressly does not include water service lines and connections thereto from buildings, units, structures, designated turf areas, or water storage areas out to water meters, or any private easements or rights-of-way in which they may be located.

c)4.1.3 *Facilities Included in Reclaimed Water System.* The reclaimed water system includes (but is expressly not limited to) recharge wells, treatment facilities, pumps, booster stations, storage tanks, storage ponds, mains, lines, fire hydrants, valves, and meters, as well as any public rights-of-way, easements (express or implied), or licenses within which they are located (but expressly not including service lines and connections thereto located on the Customer side of meters). "Mains" include all pipe larger than six inches (6") in diameter and "service taps" between such pipes and meters. The reclaimed water system expressly does not include service lines and connections thereto from buildings, units, structures, designated turf areas, or water storage areas out to meters, or any private easements or rights-of-way in which they may be located.

#### 2)4.2 Responsibility for Maintenance of Utility Facilities.

a)4.2.1 *Wastewater Treatment System.* The Department is generally responsible for the care and maintenance of the wastewater treatment system from manhole to manhole, including any emergency responses. Unless otherwise expressly provided for by written contract, Customers are responsible for the care and maintenance of service lines and service taps serving their lots, parcels or properties.

i)4.2.1.1 All Users of the wastewater treatment system shall abide by the discharge requirements of applicable federal, state and local statutes, regulations, permits, and ordinances (including these Regulations) in order to avoid sewage stoppages in the wastewater treatment system and/or upsets in the WWTF.

ii)4.2.1.2 Grease, oil, and sand interceptors or traps shall be provided by Customers for particular lots, parcels or properties when the Town's engineer reasonably determines that they are necessary for proper handling of wastes containing grease in excessive amounts, flammable wastes, sand, or other harmful ingredients. All such interceptors shall be of a type and

capacity approved by the Town's engineer, and shall be installed so as to be readily accessible for cleaning and inspection. Such grease, oil, and sand interceptors shall be maintained in a continuously operational condition at the customers' expense. Such interceptors shall not be required for buildings used for residential purposes except in circumstances involving unusual waste discharges.

iii) 4.2.1.3 In the event a stoppage occurs in a service line or service tap, the Customers shall promptly take steps necessary to remove such blockage, including (but not limited to) employing licensed professionals and contractors, and obtaining necessary permits (including public right-of-way permits).

iv) 4.2.1.4 If Customers conclude after inquiry that their service line or service tap is not the source of a sewage stoppage, said Customers may call the Department at the designated phone numbers in order to inform the Town of the stoppage. In the event such a call is made after regular business hours (8:00 am to 5:00 pm, Monday through Friday, except holidays), it shall be directed to the Town's Police Department.

v) 4.2.1.5 If, upon investigation, it is determined by the Department that the sewage stoppage is, in fact, located in a service line or service tap, the Customers will be so informed and advised to take necessary action as described above.

vi) 4.2.1.6 In the event of a continuing dispute as to the actual location of a sewage stoppage, the Department shall dispatch an investigator within a reasonable time to conduct a formal investigation and prepare a written report identifying A) the apparent cause of the stoppage, B) the actions that must be taken to remove or permanently resolve the stoppage, and C) the Persons or entities responsible for removing or paying the cost of removing or permanently resolving the stoppage. Upon completion of the report, a copy thereof shall be provided to the Customers.

vii) 4.2.1.7 Based upon the report, either the Customers or the Town shall take the necessary actions to remove or permanently resolve the stoppage.

b) 4.2.2 *Domestic Water System.* The Department is generally responsible for the care and maintenance of the domestic water system, including meters and all pipes, lines and other facilities on the street side or right-of-way side of the meters. However, Customers are responsible for the care and maintenance of their service lines (and connections thereto), any private easements or rights-of-way in which they may be located, and any internal water lines serving their properties.

c) 4.2.3 *Reclaimed Water System.* The Department is generally responsible for the care and maintenance of the reclaimed water system, including meters and all pipes, lines and other facilities on the street side or right-of-way side of the meters. However, Customers are responsible for the care and maintenance of their service lines (and connections thereto), any private easements or rights-of-way in which they may be located, and any internal lines serving their properties.

3) — a) 4.3 Requirements Prior to Excavations. No Customer, User, or Person shall make or begin any excavation in any public street, alley, right-of-way dedicated to public use, utility

easement, or express or implied private property utility easement included in the utility system without first (i) determining whether utility system facilities (above-ground or underground) will be encountered (and, if so, where they are located), and ii) taking measures for control of the facilities in a careful and prudent manner. No Person shall begin excavating before the location of said facilities is marked or he or she is notified that marking is unnecessary.

b) — i)4.3.1 *Town And Excavator Responsibilities.* The Town shall file with the Yavapai County Clerk and Recorder the job title, address, and telephone number of the Person or Persons from whom the above information may be obtained. Such Person or Persons shall be readily available during established business hours. The information on file shall also include the name, address, and telephone number of each "one-call notification center" to which the Town belongs. Upon receipt of an inquiry or notice from an excavator, the Town shall respond as promptly as practicable [but in no event later than two (2) working days] by marking the facilities with stakes, paint or in some customary manner.

ii) 4.3.2 In responding to an inquiry or notice from an excavator, the Town shall comply with the requirements of ARS §40-360.22(D), (F), (H), (I) & (J); and §40-360.23(C) & (D) (as amended). At the same time, excavators shall comply with the requirements of ARS §40-360.22(C), (G) & (H); and §40-360.23(A), (B) & (D) (as amended). However, it is understood that the Town has no statutory obligation to locate service lines in express or implied private property utility easements.

iii) 4.3.3 Furthermore, the Town shall prepare, keep and refer to installation records for the utility system when complying with the requirements of ARS §40-360.22 (as amended). Such records need not include service lines in express or implied private property utility easements. However, such records must include (A) field notes or other indications by the installer of the underground facilities that the installation involved deviations or changes from installation standards, instructions or designs, and (B) corrections of any inaccuracies found as a result of locating or marking said facilities. They shall also show if all or part of the facilities have been abandoned. Such records are for internal use by the Town in locating underground facilities and are not intended to be relied on by others. Information in such records shall be made available in a timely manner and on a need-to-know basis to authorized Persons who submit a written request and who are engaged in design of construction projects involving excavation in public streets, alleys or rights-of-way (but not in express or implied private property utility easements).

iv) 4.3.4 The Town shall become a member of a "one-call" notification center serving Yavapai County, as required by ARS §40-360.32(A) (as amended).

e) — i)4.3.5 *Cooperation from Permitting Jurisdictions.* Any excavation, connection or other construction which is reasonably expected to involve disruption of utility service to other Customers shall be indicated on any application to the appropriate jurisdiction for the permit necessary for such excavation, connection or other construction. Such permit shall not be granted by said jurisdiction until approval of the same has been given by designated Department personnel and any conditions set forth on the permit. If approved, such disruption shall only be according to the conditions set forth on the permit. Furthermore, a reminder that such disruption will occur shall be communicated to the Town Manager

at least forty-eight (48) hours prior to such disruption. Thereupon, the Town shall take reasonable steps to notify the affected Customers of such disruption and to ensure that applicable health regulations are observed.

ii) 4.3.6 If work to be done by Department personnel is reasonably expected to involve disruption of utility services to other Customers, the appropriate Department personnel shall take reasonable steps to notify the affected Customers of such disruption and to ensure that applicable health regulations are observed.

d) 4.4 Procedure in the Event of Damage. In the event of any damage to or dislocation of any facilities (above-ground or underground) of the utility system (in connection with any connection, excavation, or other construction), the Person responsible for such construction shall immediately notify the Town and shall not attempt any repair (except temporary emergency repairs) to the damaged facilities. Instead, the construction shall be left open until the arrival of Department personnel. Upon receipt of notice, the Town shall promptly dispatch such Department personnel [but in no event later than two (2) working days] to examine said facilities. After examination, such Department personnel shall either effect necessary repairs or require the Person(s) responsible to effect the repairs under the supervision of Department personnel.

e) 4.5 Liability for Damage. If any facilities (above-ground or underground) of the utility system are damaged by any Person as a result of Persons failing to obtain information as to the location of said facilities, failing to take measures for protection of the facilities, or failing to connect, excavate or otherwise construct in a careful and prudent manner as required by law, such Person is liable to the Town for the total cost of repairing the facilities. However, Persons connecting, excavating or constructing in express or implied utility easements across their own property are not liable to the Town if the damaged underground facilities are not buried or placed below ground in accordance with applicable standards, if the underground facilities are not located within the easements, or if the Persons engaged in the construction have complied with the requirements of ARS §40-360.22 [as amended].

4) — a) 4.6 Prohibition Against Damaging Utility System. No Customer, User, or Person shall knowingly or negligently damage the utility system (including, but expressly not limited to, damage caused by unlawful discharge to the utility system, improper connection to the utility system, and negligent excavation or other construction in, on, or around the utility system).

b) 4.7 Enforcement Options. Knowing or negligent damage to the utility system is subject to vigorous pursuit of any and all remedies available to the Town, including (but expressly not limited to) injunction, abatement, discontinuation of service, actions for damages, civil penalties, and criminal penalties. [Note: exemption from civil penalty or liability for gardening or tilling with hand tools on own property; ARS §40-360.28(D)(3)]

5) — a) — i) 4.7.1 Procedures for Discontinuing Utility Services. In the event the Town chooses to discontinue utility services to any Customers, Users, or properties for creating stoppages in or otherwise damaging the utility system (or for any related violation of these Regulations), the procedures shall be the same as those set forth hereinabove for account delinquencies.

ii) 4.7.2 Nothing herein shall preclude the Town from taking action to discontinue utility services without notice in the event of fraudulent, careless, negligent or unlawful use of utility services, or where a dangerous condition is found on the premises in relation to utility services.

6) ~~a)4.8~~ a)4.8 **Administrative Review.** In the event of a dispute as to (i) responsibility for stoppage in a utility service line, stoppage in a service tap, stoppage elsewhere in the utility system or other damage to the utility system, (ii) or validity of any enforcement action proposed to be taken as a result thereof, Customers may request an administrative review of such alleged responsibility or the validity of such proposed action as set forth hereinabove.

b) 4.9 **Enforcement Prior to Administrative Review.** Nothing herein shall preclude the Town from taking action prior to such an administrative review or without notice after such administrative review in the event of fraudulent, careless, negligent or unlawful use of utility services related to the account, or where a dangerous condition is found on the premises in relation to utility services.

## Chapter VIII.5.0      **SPECIAL RESTRICTIONS AS TO USE OF UTILITY SYSTEM**

### 1)5.1 **Regulation of Discharges Into Wastewater Treatment System.**

a) 5.1.1 *No Discharges Which Damage Wastewater Treatment System.* No Customer, User, or Person may discharge any waste into the wastewater treatment system which is likely to obstruct flows in the system; interfere with the proper operation of the system; damage the system, its component parts, the personnel that operate it, or the reclaimed water that is generated by it; or otherwise create or cause the system to become a public nuisance.

1) 5.1.1.1 With regard to the above, Customers, Users and Persons shall not discharge the following into the wastewater treatment system:

A) 5.1.1.1.1 drainage waters [as defined in Town Code Article 7-03 and Article 9-05(as amended)];

B) 5.1.1.1.2 liquids or vapors having a temperature higher than 120 degrees Fahrenheit or which will inhibit biological activity in the treatment plant resulting in interference, but in no case wastewater which causes the temperature at the introduction into the treatment plant to exceed 104 degrees Fahrenheit;

C) 5.1.1.1.3 waste which may contain more than 100 parts per million by weight of fat, oil or grease;

D) 5.1.1.1.4 any gasoline, benzene, naphtha, fuel or other flammable or explosive liquid, solid, or gas;

E) 5.1.1.1.5 any garbage that has not been properly shredded;

F) 5.1.1.1.6 any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, paunch manure, abrasives such as brick, cement, onyx, carbide, or any other solid or viscous substance capable of causing obstruction to flows in the wastewater treatment system or other interference with the proper operation of the system;

~~G)5.1.1.1.7~~any waters or wastes having a ph lower than 6 or higher than 9 1/2, or having any other corrosive property capable of causing damage to the structures, equipment, and personnel of the wastewater treatment system;

~~H)5.1.1.1.8~~any waters or wastes containing a toxic, radioactive, or poisonous substance that injures or interferes with any wastewater treatment process, constitutes a hazard to humans, or creates a hazard in utilizing the reclaimed water from the wastewater treatment system;

~~I)5.1.1.1.9~~ any waters or wastes containing dissolved or suspended solids of such character and quantity that unusual attention or expense is required to handle such materials in the wastewater treatment system (unless permitted by an industrial wastewater Pretreatment Permit per Town Code Article 9-05, as amended);

~~J)5.1.1.1.10~~any noxious or malodorous gas or substance capable of creating a public nuisance;

~~K)5.1.1.1.11~~any pollutant, including oxygen demanding pollutants (BOD, etc.), released in such volume or strength as to interfere with the wastewater treatment system; or

~~L)5.1.1.1.12~~any water or wastes with substances in amounts (in milligrams per liter) greater than those listed in Town Code Article 9-05 (as amended).

~~b)5.1.2~~ *Corrective Measures.* Customers, Users, or Persons that discharge into the wastewater treatment system unauthorized wastes of excessive strength, unusual character, or that contain prohibited substances or non-permissible quantities of substances shall take any corrective measures prescribed by the Town's engineer to prevent further unauthorized discharges.

~~e)5.1.3~~ *Discharges Requiring Written Approval.* No Customer, User, or Person shall discharge wastewater having one (1) or more of the following attributes into the wastewater treatment system without first obtaining written approval from the Town's engineer after application on forms provided by the Town:

~~A)5.1.3.1~~ a 5-day BOD greater than 300 milligrams per liter by weight;

~~B)5.1.3.2~~ SS of more than 350 milligrams per liter of weight; or

~~C)5.1.3.3~~ An average daily flow of greater than 50,000 gallons.

Any such approval from the Town's engineer (or designated department head) shall be in the form of an Industrial Wastewater Pretreatment Permit with terms and conditions including, but not limited to, monitoring requirements and fees.

~~d)5.1.4~~ *Limitations on Discharge of Septage.* No Customer, User, or Person shall discharge septage into the wastewater treatment system except as follows:



amended) because of high BOD, high SS, or high average daily flows;

B)5.1.5.1.2 Whose discharge would exceed the Standard Classification strengths for BOD and SS set out in Town Code Article 9-05 (as amended) for various commercial and industrial uses;

C)5.1.5.1.3 That cannot meet the discharge requirements of the wastewater treatment system without pretreatment of the wastewater; and

D)5.1.5.1.4 Whose discharge would require special handling or extraordinary monitoring by Department personnel.

F)5.1.5.2 *Prohibited to Omit Pertinent Information From Application.* No Customer, User or Person shall knowingly misrepresent or omit any pertinent information from any application or from any report required by Town Code Article 9-05 (as amended) or required in or for any Industrial Wastewater Pretreatment Permit.

G)5.1.5.3 *Compliance With National Pretreatment Standards.* Inasmuch as the WWTF does not yet have a design flow of greater than 5 million gpd, the Town need not establish and administer its own local pretreatment program with standards no less stringent than the National Pretreatment Standards. However, all industrial Users within the Town must still comply with the National Pretreatment Standards found in 33 U.S.C. §§1314(g) and 1317(b)-(c), and 40 C.F.R. Part 403 (as amended).

H) 5.1.6 *Violations.* It is a violation for Customers, Users, or Persons to -

A)5.1.6.1 Exceed quantity discharge limitations set forth in Town Code Article 9-05 (as amended) or in any Industrial Wastewater Pretreatment Permit;

B)5.1.6.2 Discharge or permit the discharge of excessive concentrations of substances limited by Town Code Article 9-05 (as amended) or any Industrial Wastewater Pretreatment Permit, into the wastewater treatment system;

C)5.1.6.3 Discharge or permit the discharge of any substance prohibited by Town Code Article 9-05 (as amended) or in any Industrial Wastewater Pretreatment Permit, into the wastewater treatment system; or

D)5.1.6.4 Knowingly misrepresent or omit any pertinent information from any application or from any report required by Town Code Article 9-05 (as amended) or required in or for any Industrial Wastewater Pretreatment Permit.

ii) 5.1.7 As a consideration for receiving wastewater treatment services through the wastewater treatment system, Department personnel may inspect the premises of any Customer, User or Person at any reasonable and necessary time in order to determine the quantity or quality of wastewater

discharge from a lot, parcel, property, building, unit, structure, dwelling, or business.

iii) 5.1.7.1 If upon inspection it is reasonably apparent that discharges of prohibited substances [or other violations of Town Code Article 9-05 (as amended) or of an Industrial Wastewater Pretreatment Permit with regard to wastewater discharge from a lot, parcel, property, building, unit, structure, dwelling or business] have occurred, then the Town may require construction of an inspection manhole or of additional inspection manholes on the premises within a specified period, pursuant to Town Code Article 9-05 (as amended), at the expense of the Customers, Users or Persons.

iv) 5.1.8 No Customer, User, or Person shall commit a violation of Town Code Article 9-05 (as amended) or of any Industrial Wastewater Pretreatment Permit with regard to the discharge of wastewater into the wastewater treatment system.

v) 5.1.8.1 Such violations are subject to vigorous pursuit of any and all remedies available to the Town, including (but expressly not limited to) injunction, abatement, discontinuation of service, actions for damages, civil penalties, and criminal penalties.

i) — 5.1.9 *Procedures for Discontinuing Wastewater Service.* In the event the Town chooses to discontinue wastewater treatment services to any Customers, Users, or properties for creating stoppages in or otherwise damaging the wastewater treatment system (or for any related violation of these Regulations), the procedures shall be the same as those set forth hereinabove for account delinquencies.

ii) 5.1.10 Nothing herein shall preclude the Town from taking action to discontinue wastewater treatment services without notice in the event of fraudulent, careless, negligent or unlawful use of wastewater treatment services, or where a dangerous condition is found on the premises in relation to wastewater treatment services.

iii) 5.1.11 *Administrative Review.* In the event of a dispute as to discharges by Customers, Users or Persons into the wastewater treatment system, Customers, Users or Persons may request an administrative review of the same as set forth hereinabove.

iv) 5.1.11.1 *Enforcement Prior to Administrative Review.* Nothing herein shall preclude the Town from taking action prior to such an administrative review or without notice after such administrative review in the event of fraudulent, careless, negligent or unlawful use of wastewater treatment services related to the account, or where a dangerous condition is found on the premises in relation to wastewater treatment services.

## 2)5.2 Cross-Connection Control Program for the Domestic and Reclaimed Water Systems.

a) 5.2.1 *Coordination with International Plumbing Code.* In addition to the provisions of International Plumbing Code (IPC) (as adopted and amended from time to time by the Town), with regard to "Cross Connection Control", these provisions shall

constitute a Cross-Connection Control Program for the Town. In the event of a conflict between these provisions and those of the IPC, these provisions shall apply.

b) 5.2.2 Program Goal. The goal of the Cross-Connection Control Program is to protect the supply of the domestic and reclaimed water systems from the possibility of contamination or pollution by isolating within Users' systems such contaminants or pollutants as might backflow into the public systems. The program shall provide for the monitoring and enforcement of a continuing program of backflow prevention designed to prevent the contamination or pollution of the two (2) systems.

c) 5.2.3 Program Implementation. This Cross-Connection Control Program shall be implemented as follows:

i) 5.2.3.1 New Construction. With the adoption of this Cross-Connection Control Program, all new construction on any property shall be evaluated to determine if a backflow prevention device (BFPD) is required. The table located hereinafter sets forth the criteria to be used for such evaluation. If it is determined that the property requires a BFPD, construction thereof shall be in accordance with the Engineering Standards adopted from time to time in the Town Code.

ii) 5.2.3.2 Retrofit of Existing Construction. At such time as the domestic and reclaimed water systems are determined to include areas already supplied with domestic and/or reclaimed water that may not have adequate cross-connection control, a detailed survey of existing Users shall identify potential problems that may exist. 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 the determination is first made. Thereupon, approximately one half (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.

d) 5.2.4 Responsibilities. The following responsibilities are involved in the program:

i) 5.2.4.1 Department. The Department is vested with authority and responsibility for implementing this Cross-Connection Control Program, including the phased retrofitting of existing connections. No domestic or reclaimed water service connection to premises of a type specified in this program shall be installed or maintained unless the public system is protected as required herein.

ii) 5.2.4.2 BFPD Testers. One (1) or more BFPD testers shall be assigned by the Department to this program. Testers' duties shall include:

A) 5.2.4.2.1 Performance of the initial User survey;

B) 5.2.4.2.2 Performance of construction inspections on new installations;

C) 5.2.4.2.3 Maintenance of program records showing yearly testing of BFPDs;

Đ) 5.2.4.2.4 Spot testing of installations; and

Е) 5.2.4.2.5 Testing and maintenance of BFPDs.

iii) 5.2.4.3 *Users*. Users shall not allow any pollutants or contaminants to enter into either system from the point of delivery. Users shall, at their own expense, install, operate, test, and maintain approved backflow preventive assemblies as required by the Department.

е) 5.2.5 *Definitions*. The following definitions shall apply to this Cross-Connection Control Program:

i) 5.2.5.1 *"Air Gap"*. The unobstructed vertical distance through the free atmosphere between the lowest opening from any pipe or faucet supplying water to a tank, plumbing fixture, or other device, and the flood level rim of 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.

ii) 5.2.5.2 *"Approved"*. Accepted by the Department as meeting applicable specifications, and as suitable for the proposed use.

iii) 5.2.5.3 *"Auxiliary Water Supply"*. Any water supply on or available to the premises other than the public supply including, but not limited to, domestic and/or reclaimed water from another supply, waste waters, or industrial fluids.

iv) 5.2.5.4 *"Backflow"*. The reversal of the normal flow caused by either backpressure or backsiphonage.

v) 5.2.5.5 *"Backflow Prevention Device (BFPD)"*. An assembly or means designed to prevent the reversal of the normal flow caused by either backpressure or backsiphonage.

vi) 5.2.5.6 *"Backpressure"*. The flow of water, reclaimed water, or other liquids, mixtures or substances under pressure into the distribution pipes of a supply system from any source or sources other than the intended source.

vii) 5.2.5.7 *"Backsiphonage"*. The flow of water, reclaimed water, or other liquids, mixtures or substances into the distribution pipes of a supply from any source other than its intended source caused by a reduction of pressure in the supply system.

viii) 5.2.5.8 *"BFPD Tester"*. Any Person who has proven his/her competency to the satisfaction of the Department, certified to 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.

ix) 5.2.5.9 *"Contamination"*. An impairment of the quality of domestic or reclaimed 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.

- x) 5.2.5.10 *"Cross-Connection"*. Any physical connection or arrangement of piping or fixtures between two (2) otherwise separate piping systems, one (1) of which contains domestic or reclaimed water and the other non-potable water or industrial fluids through which, or because of which, backflow may occur into the domestic or reclaimed 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.
- xi) 5.2.5.11 *"Double Check Valve Assembly"*. 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 Department for backflow prevention assemblies. To be approved, such devices must be readily accessible for in-line testing and maintenance.
- xii) 5.2.5.12 *"Pollution"*. The presence of any foreign substance (organic, inorganic, or biological) in the domestic or reclaimed 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 or reclaimed water use.
- xiii) 5.2.5.13 *"Pressure Breaker Assembly"*. An assembly containing an independently operating loaded check valve and an independently operating loaded air inlet valve located on the discharge side of the check valve. The assembly must be equipped with properly located test cocks and tightly closing shut-off valves located at each end of the assembly.
- xiv) 5.2.5.14 *"Reduced Pressure Principle Assembly"*. 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 a recognized laboratory and approved by the Department for backflow prevention assemblies. To be approved, the device must be readily accessible for in-line testing and maintenance.
- xv) 5.2.5.15 *"User"*. 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 domestic or reclaimed water service thereat from the respective systems.
- xvi) 5.2.5.16 *"Water (Non-Potable)"*. Any water which is not safe for human consumption.

xvii) 5.2.5.17 "Water (Potable)". Any water which, according to standards recognized by the Town, is safe for human consumption (equivalent to domestic water).

xviii) 5.2.5.18 "Water Service Connection". The terminal end of the service connection from the public system at its point of delivery to the User's plumbing fixtures. Inasmuch as one 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 service connections from fire hydrants and all other temporary or emergency service connections from the public system. [Note that unprotected takeoffs from service lines will not be permitted upstream of any meter or any BFPD located at the point of delivery to the User's plumbing fixtures.]

¶ 5.2.6 Approval. Each backflow preventive assembly required hereunder shall be approved by the Department prior to installation, and shall be installed by and at the expense of the User. Approved backflow assemblies must have received approval from the Foundation for Cross-Connection Control and Hydraulic Research of the University of Southern California, 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.

¶ 5.2.7 Installation of BFPDs. With regard to installation of BFPDs:

¶ 5.2.7.1 Assemblies Generally. Assemblies must be installed at the service connection or near the property line but, in all cases, before the first branch line leading off of the service line and in an accessible location approved by the Department. Backflow preventive assemblies shall have at least the same cross-sectional area as the service and/or meter. In those instances where a continuous supply is necessary, two (2) sets of backflow preventive assemblies shall be installed in parallel if the supply cannot be temporarily interrupted for the testing of assemblies. No bypass may be installed around backflow preventive assemblies.

¶ 5.2.7.2 Double Check Valve Assemblies. Double check valve assemblies must be installed below ground in a vault. Double check valve assemblies installed in vaults 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.

¶ 5.2.7.3 Reduced Pressure Backflow Preventive Assemblies. A reduced pressure principle backflow preventive assembly must be installed above ground and as close to the meter as possible. 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.

¶ 5.2.7.4 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) 5.2.8 Premises or Systems Requiring Approved Backflow Preventive Devices. An approved backflow preventive assembly of the type specified herein shall be the minimum installation of each service connection (whether from a fire hydrant, temporary, regular or other service connection) to the following type of premises or systems:

PREMISES REQUIRING APPROVED BACKFLOW PREVENTIVE DEVICES	TYPE OF ASSEMBLY REQUIRED			
	DOUBLE CHECK	REDUCED PRESSURE	AIR GAP	PRESSURE VACUUM BREAKER
Aircraft and missile plants		<input type="checkbox"/>		
Animal clinics, animal grooming shops		<input type="checkbox"/>		
Automotive repair with steam and/or acid cleaning equipment or solvent facilities		<input type="checkbox"/>		
Auxiliary water systems (interconnected)		<input type="checkbox"/>		
Auxiliary water systems (non-interconnected)	<input type="checkbox"/>			
Beverage bottling plants	<input type="checkbox"/>			
Breweries	<input type="checkbox"/>			
Buildings greater than three (3) stories or thirty-four feet (34') in height	<input type="checkbox"/>			
Buildings with house pumps or potable water storage	<input type="checkbox"/>			
Buildings with sewer ejectors (inadequate on-site protection)		<input type="checkbox"/>		
Buildings with sewer ejectors (adequate on-site protection)	<input type="checkbox"/>			
Canneries, packing houses and reduction Plants		<input type="checkbox"/>		
Car wash facilities		<input type="checkbox"/>		
Centralized heating and air conditioning plants		<input type="checkbox"/>		
Chemical plants		<input type="checkbox"/>		

Chemically-treated potable or non-potable water systems		<input type="checkbox"/>		
Civil works (government-owned or operated facilities not open for inspection by the Department)		<input type="checkbox"/>		
Commercial laundries		<input type="checkbox"/>		
Dairies and cold storage plants	<input type="checkbox"/>			
Dye works		<input type="checkbox"/>		

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

facilities				
Rubber plants		<input type="checkbox"/>		
Sand and gravel plants		<input type="checkbox"/>		
Sewage and storm drainage facilities		<input type="checkbox"/>		
Shopping centers	<input type="checkbox"/>			

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		<input type="checkbox"/>		
Water trucks, hydraulic sewer cleaning equipment		<input type="checkbox"/>	<input type="checkbox"/>	
Any premises where water supplied by the Company is subject to deterioration in sanitary quality and its entry into the public water system		<input type="checkbox"/>		
Direct connection from public water system (non-contaminating)	<input type="checkbox"/>			
Direct connection from public water system (contaminating)		<input type="checkbox"/>		
With pump and/or storage tank		<input type="checkbox"/>		
With auxiliary supply	<input type="checkbox"/>	<input type="checkbox"/>		

i) ~~5.2.8.1~~ 5.2.8.1 *Approved Backflow Preventive Devices.* As designated hereinabove, 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 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).

ii) 5.2.8.2 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 Department).

j) ~~5.2.9~~ 5.2.9 *Maintenance, Testing and Records.* Users must maintain accurate records of tests and repairs made to BFPDs and must provide the Department with copies of such records. The records shall be on forms approved by the Department and shall include the list of materials or replacement parts used. Testing, maintenance and repairs to such devices shall be made at Users' expense by a BFPD tester 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 see that tests are made 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.

ii) 5.2.9.1 Within ten (10) days following completion of any repairs, re-piping, overhauls, or relocations of any assembly, Users must have the assembly inspected by the Department and tested by a BFPD tester.

k) 5.2.10 *Inspections.* Users' systems must be open for inspection at all reasonable times (including during all emergencies) by authorized representatives of the 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) 5.2.11 *Discontinuation of Service.* Domestic and/or reclaimed water service to any premises may be turned-off by the 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.

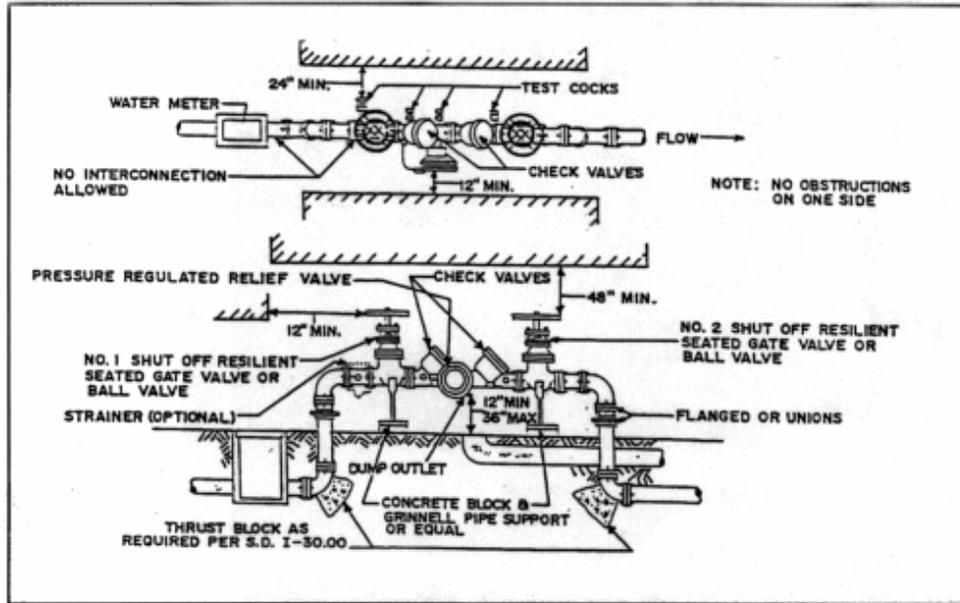
m) 5.2.12 *Existing Devices and Users.* If the Department determines that a User's backflow preventive assembly does not meet the applicable Engineering Standards, the User shall retrofit the assembly so that it meets the standards. Whenever it is determined by the Department that a domestic or reclaimed water service poses an actual or potential threat to the physical properties of the respective system, a device complying with this program must be installed. The cost of installation, testing and maintenance shall be borne by the User.

n) 5.2.13 *Disclaimer of Liability.* This Cross-Connection Control Program shall not create any duty or liability on the part of the Town, its officers, employees, agents, successors and assigns.



**TOWN OF PRESCOTT VALLEY  
PUBLIC WORKS DEPARTMENT  
STANDARD DETAIL 3-19  
REDUCED PRESSURE ASSEMBLY INSTALLATION**

APPROVED \_\_\_\_\_ DATE \_\_\_\_\_  
TOWN ENGINEER



A CORRECT REDUCED PRESSURE BACKFLOW ASSEMBLY (RPA) INSTALLATION IS SHOWN ABOVE. THERE MUST NOT BE ANY CONNECTIONS ON THE SERVICE LINE BETWEEN THE RPA AND THE WATER METER. PROTECTIVE CAGES ARE OPTIONAL, AND WHEN INSTALLED, MUST MEET CLEARANCE REQUIREMENTS IN ADDITION TO PROVIDING SIDE AND TOP ACCESS. CAGES MUST NOT RETAIN WATER.

THE ASSEMBLY MUST BE ACCESSIBLE AT ALL TIMES. THE RPA MUST BE INSTALLED ABOVE GROUND, AND AS CLOSE TO THE WATER METER AS POSSIBLE. THE ASSEMBLY MUST BE PROTECTED FROM FREEZING.

DISTANCE FROM THE BOTTOM OF PRESSURE RELIEF VALVE TO THE DRAIN OPENING MUST BE A MINIMUM OF TWICE THE DIAMETER OF THE ASSEMBLY PIPING.

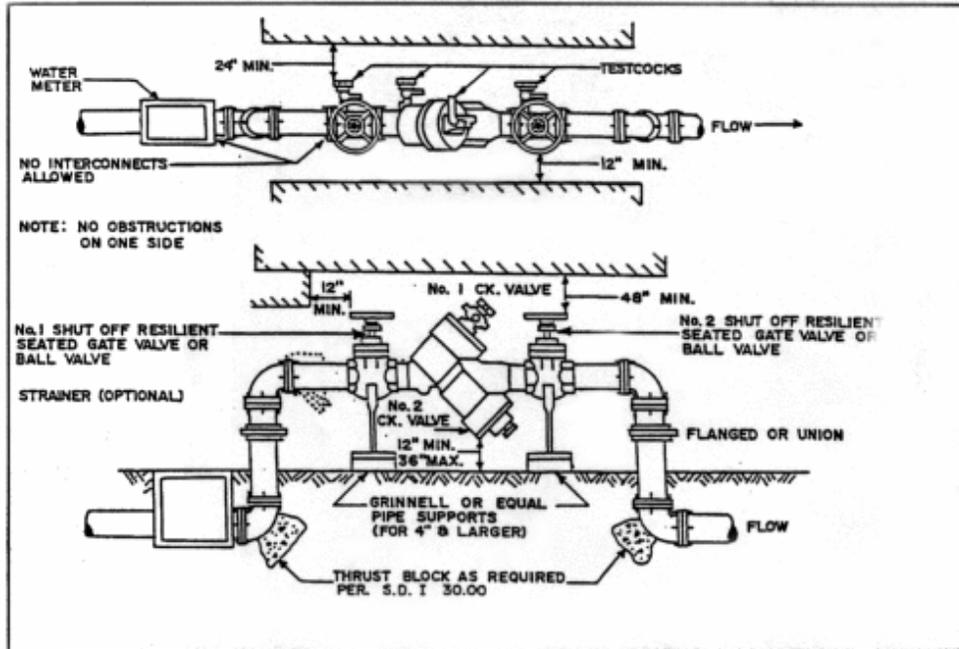
INSTALLATION MUST MEET UNIFORM PLUMBING CODES IN ADDITION TO THESE STANDARD DETAILS. INSTALLATION MUST BE LEFT EXPOSED UNTIL INSPECTED AND APPROVED BY PRESCOTT VALLEY PERSONNEL. IN CASES WHERE WATER SUPPLY MAY NOT BE INTERRUPTED DURING NORMAL WORKING HOURS, TWO ASSEMBLIES INSTALLED IN PARALLEL WILL BE REQUIRED. THE ASSEMBLY MUST BE APPROVED BY THE TOWN. FOR AN UPDATED LIST OF APPROVED ASSEMBLIES CONTACT THE WATER DEPARTMENT. THREE SETS OF PLANS SHALL BE SUBMITTED TO THE TOWN FOR APPROVAL BY SIGNATURE PRIOR TO INSTALLATION. ADDITIONAL QUESTIONS MAY BE ADDRESSED TO THE WATER DEPARTMENT



**TOWN OF PRESCOTT VALLEY  
PUBLIC WORKS DEPARTMENT  
STANDARD DETAIL 3-20**

**DOUBLE CHECK VALVE ASSEMBLY INSTALLATION**

APPROVED \_\_\_\_\_ DATE \_\_\_\_\_  
TOWN ENGINEER



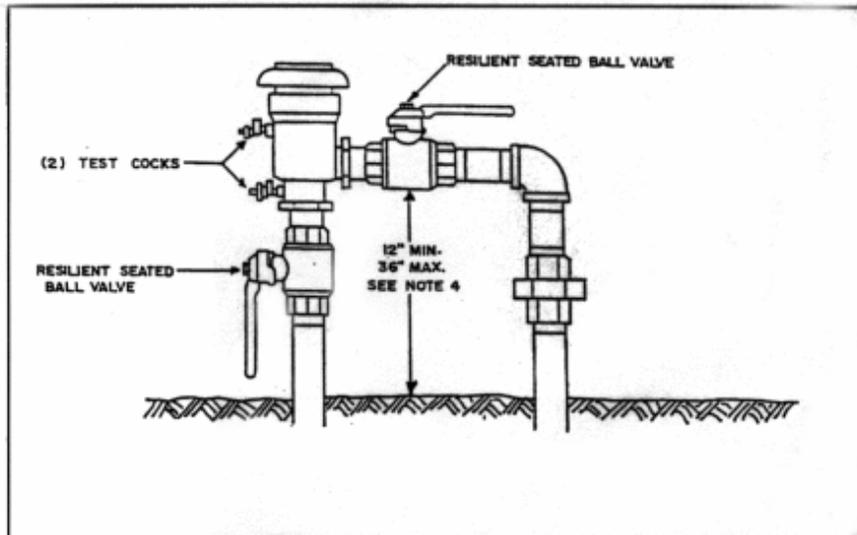
A CORRECT DOUBLE CHECK VALVE ASSEMBLY (DCVA) INSTALLATION IS SHOWN ABOVE. THERE MUST NOT BE ANY CONNECTIONS ON THE SERVICE LINE BETWEEN THE DCVA AND THE WATER METER. THE ASSEMBLY MUST BE SERVICEABLE IN LINE. PROTECTIVE CAGES ARE OPTIONAL AND WHEN INSTALLED MUST MEET CLEARANCE REQUIREMENTS IN ADDITION TO PROVIDING BOTH SIDE AND TOP ACCESS. CAGES MUST NOT RETAIN WATER. THE ASSEMBLY MUST BE ACCESSIBLE AT ALL TIMES. THE DCVA MUST BE INSTALLED ABOVE GROUND, AND AS CLOSE TO THE WATER METER AS POSSIBLE. THE ASSEMBLY MUST BE PROTECTED FROM FREEZING. INSTALLATION MUST MEET THE UNIFORM PLUMBING CODE IN ADDITION TO THESE STANDARD DETAILS. IN CASES WHERE WATER MAY NOT BE INTERRUPTED DURING NORMAL WORKING HOURS, TWO ASSEMBLIES INSTALLED IN PARALLEL ARE REQUIRED. INSTALLATION MUST BE LEFT EXPOSED UNTIL INSPECTED AND APPROVED BY PRESCOTT VALLEY PERSONNEL. THE ASSEMBLY MUST BE APPROVED BY THE TOWN PRIOR TO INSTALLATION. FOR AN UPDATED LIST OF APPROVED ASSEMBLIES CONTACT THE WATER DEPARTMENT.

THREE SETS OF PLANS SHALL BE SUBMITTED TO THE TOWN DEPARTMENT FOR APPROVAL BY SIGNATURE PRIOR TO INSTALLATION.



**TOWN OF PRESCOTT VALLEY  
PUBLIC WORKS DEPARTMENT  
STANDARD DETAIL 3-21  
PRESSURE VACUUM BREAKER ASSEMBLY  
INSTALLATION**

APPROVED \_\_\_\_\_ DATE \_\_\_\_\_  
TOWN ENGINEER



1. CONTACT THE TOWN OF PRESCOTT VALLEY WATER DEPARTMENT FOR THE LATEST APPROVED LIST OF BACKFLOW PREVENTOR ASSEMBLIES.
2. TWO TEST COCKS SHALL BE INSTALLED AS PER U.S.C.
3. SHUT OFF BALL VALVES MUST BE INSTALLED AS PER U.S.C.
4. ASSEMBLY MUST BE INSTALLED 23 INCHES ABOVE THE HIGHEST OUTLET ON THE SYSTEM. IF THIS DISTANCE EXCEEDS 36 INCHES, A REDUCED PRESSURE BACKFLOW PREVENTION ASSEMBLY MUST BE UTILIZED.
5. ASSEMBLY MUST BE PROTECTED FROM FREEZING.
6. 3 SETS OF PLANS SHALL BE SUBMITTED TO THE TOWN FOR APPROVAL BY SIGNATURE PRIOR TO INSTALLATION.
7. ALL BALL VALVES MUST BE RESILIENT SEATED BALL VALVES.
8. ALL SHUT OFF VALVES MUST BE RESILIENT SEATED.

**NOTE:** U.S.C. IS UNIVERSITY OF SOUTHERN CALIFORNIA (FOUNDATION FOR CROSS-CONNECTION CONTROL AND HYDRAULIC RESEARCH)

## Chapter IX. Improvement District Administration

- 1) ~~a) Engineer to Determine Assessments. If construction of a phase or portion of the utility system is financed through the creation of an improvement district pursuant to ARS §48-576 et seq., then the engineer hired by the Town to design that phase or portion of the utility system shall also determine the improvement district assessments related thereto for particular lots, parcels or properties in the district. In the case of already-platted lots or parcels, the engineer shall also determine whether such lots or parcels should be combined or split for purposes of the assessments.~~
- ~~b) Factors for Combining Lots for Assessment Purposes. While combinations of lots or parcels in the Office of the Yavapai County Assessor for ad valorem tax purposes may be a preliminary indicator of whether already-platted lots or parcels should be combined for improvement district assessment purposes, it is not solely determinative. Rather, the determining factor is whether the lots or parcels will or are likely to receive i) a single benefit, or ii) multiple benefits from the improvement.~~
- ~~c) Factors for Not Applying Assessments. In determining the benefits that already-platted lots or parcels will receive from an improvement, the assumption shall be that each lot or parcel shall be separately benefited and, therefore, shall be separately assessed unless it meets one of the following tests:~~
  - ~~i) It has been combined with another lot or parcel and is intended to be used as a single living space or home site as evidenced by the construction of one (1) or more substantial improvements on each of the combined lots or parcels, which represent a substantial investment and thereby indicate that the lots or parcels will not be split in the future;~~
  - ~~ii) It has been combined with another lot or parcel and is intended to be used as one (1) lot or parcel as evidenced by the construction of a substantial building across the common lot line;~~
  - ~~iii) It has been combined with another lot or parcel such that if they are divided in the future, the result will be that one (1) or more of the lots or parcels will be unbuildable in accordance with the Town's current codes; or~~
  - ~~iv) It is a remnant lot or parcel, or is otherwise unbuildable in accordance with the Town's current codes.~~
- ~~d) Application of In-Lieu-Of-Assessment Fee. In the event that already-platted lots or parcels combined for improvement district assessment purposes are later "split" so that one (1) or more may be separately sold or developed, then such separated lots or parcels shall have an in-lieu-of-assessment charge imposed thereon as described hereinabove, prior to a building permit or other permit being issued for development.~~
- 2) a) ~~Engineer to Determine If Lots in Floodplains are Buildable. Inasmuch as there are significant limitations on the ability to build structures and install utilities in designated floodplains [particularly where federal loans and grants are part of the financing for a phase or portion of the utility system (e.g. RD loans and grants)], the engineer hired to design a phase or portion of the utility system, to help create an improvement district to finance the same, and to establish the improvement district assessment related thereto, shall also determine whether particular lots, parcels or~~

properties impacted by a designated floodplain are "buildable" and therefore will receive a benefit from the improvement.

- ~~b) Methodology for Determining if Floodplain Lots are Buildable. In determining whether lots, parcels, or properties are "buildable" for improvement district assessment purposes, the engineer shall
  - ~~i) Refer to the Town Zoning Code to determine for each zoning district the minimum square footage for a structure or use permitted in the district (keeping in mind the possibility of multiple floors);~~
  - ~~ii) Refer to the official Federal Emergency Management Authority (FEMA) floodplain maps to obtain the estimated floodplain impact by square footage on individual lots, parcels or properties in the improvement district (keeping in mind the FEMA regulations that permit certain types of encroachments so long as flood levels are not increased more than a certain amount);~~
  - ~~iii) Establish an icon or icons for each of the zoning districts showing one (1) or more standard building footprints with the appropriate minimum square footage; and~~
  - ~~iv) Apply the icon or icons to the floodplain maps (using the same scale) in order to arrive at a solid estimation as to whether impacted lots, parcels or properties are "buildable" and therefore susceptible to an assessment.~~~~
- ~~c) Notice to Owners of Whether Lots are Buildable. Upon making a determination that particular lots, parcels or properties are either buildable or non-buildable, the engineer shall notify the owners of record in writing by first-class mail, postage prepaid, as to the determination. Such notice shall be provided in sufficient time to permit the owners to reasonably seek informal administrative review of such determination with the Town Manager. The determination of the Town Manager after such review shall be final.~~
- 3) Assessments in Addition to Rates, Fees, Charges, Penalties, and Taxes. The fact that improvement district assessments may be applied to lots, parcels or properties to finance initial construction of phases or portions of the utility system does not preclude a requirement that customers pay utility rates, fees, charges, penalties, and taxes for utility services to said lots, parcels or properties.
- 4) a) Assessments are Lien. Improvement district assessments, when recorded in the Office of the Superintendent of Streets, are a first (1<sup>st</sup>) lien on the lots, parcels or properties assessed (subject only to the lien for general property taxes and prior special assessments) for a period terminating on the date the assessment is paid in full. Such recording of the assessment shall be notice to all interested Persons of the contents of the record.
- b) Vesting of Assessment Lien. Note that, in the event of a property sale because of a delinquent installment payment on an assessment (per ARS §48-603, as amended), and upon filing a copy of the Certificate of Sale in the office of the Superintendent of Streets, the lien of the assessment shall vest in the purchaser and will only be divested by a redemption of the property.
- 5) a) Cash Collection Period. Improvement district assessments may be paid in cash in an "initial amount" during the 30-day payment demand period (cash collection period).

Assessments not paid during the cash collection period are shown as "unpaid" in the Town Treasurer's "return" to the Superintendent of Streets.

- ~~b) Collection of Assessment. If bonds are not to be sold to provide the remaining financing for an improvement, then the Superintendent of Streets shall record the return in the "record of assessment" and shall take whatever steps are necessary (including bringing a civil action) to collect the remaining assessments in the initial amounts. However, if bonds are to be sold, then the Superintendent of Streets shall record the return in the record of assessment, then shall certify a list of unpaid assessments over twenty-five dollars (\$25.00) to the Town Clerk. At the same time, he shall mark each unpaid assessment as "certified" on the record of assessment. Thereupon, all such assessments officially cease to be payable in cash at the initial amount.~~
- ~~c) Authorization to Sell Bonds. The Town Clerk presents the certified list to the Town Council at its next meeting (regular or special). At any time thereafter, the Council may direct by resolution that improvement district bonds be issued in an amount not to exceed the amount of the unpaid assessments as shown on the certified list (which assessments may include capitalized interest). The due date of such bonds shall be January 1 of each year, and they shall bear interest at a rate no higher than that specified in the earlier Resolution of Intention (with semi-annual interest coupons payable January 1 and July 1 each year). All certified, unpaid assessments then become payable in equal annual installments on December 1 each year, with semi-annual interest payments at the bond interest rate on June 1 and December 1 of each year.~~
- ~~d) Redemption Premium. Nothing precludes the Town from providing in the form of bond for "redemption" prior to maturity upon the giving of such notice as is reasonable, and for payment of a "premium at redemption" if the Town determines it to be advisable for purposes of lower interest rates, etc. Thus, after the sale of bonds, assessments may still be paid in a lump sum but only upon payment of a proportionate share of the "premium" required for early redemption of bonds.~~
- ~~e) Interim Acceptance of Estimated Lump-Sum Payments. During the period of time between certification of unpaid assessments and actual issuance of bonds, some flexibility remains for accepting lump-sum payments of assessments. For example, if bonds can be preliminarily advertised in the bond market at a higher amount than will actually be sold (without penalizing the Town as to interest rates or other terms of sale), then lump-sum assessment payments at the initial amount may reasonably continue to be accepted for a period. However, at some point prior to sale the exact amount of bonds to be sold must be established. At that point, it is unreasonable to accept lump-sum assessment payments at the initial amount. Still, for an additional short period the exact amount of any redemption premium might be unknown. Therefore, nothing should preclude the Town from entering into agreements with individual owners of lots, parcels, or properties who insist on paying off their assessments during such a period to pay an "estimated" amount that is provided to the Town by bond counsel. In that event the lien would be released as provided by law, without regard to whether the amount paid is more or less than the amount that will subsequently be established. No refund should be granted in such case, nor should any deficiency be sought from the owner.~~
- 6) Deficiency Made Good by Town. If there is a deficiency in the funds collected from special assessments, the Town may make good the deficiency by a temporary loan from some other fund, then reimburse itself from the installments when they are received. It should be noted

that making good such deficiencies is not required by statute, but it is often required per contract as set forth in improvement bond resolutions.

- ~~7) a) New Levy if Assessments Adjudged Void. If some or all improvement district assessments are adjudged void for any reason, the Town Council shall cause to be levied and assessed upon the particular lots involved a new assessment sufficient to provide for the payment of principal and interest on all bonds then unpaid. The reassessment shall be made as nearly as practicable in the same manner, and with like effect, as the original assessment.~~
- ~~b) Town Payment of Partial Deficit. However, nothing precludes the Town Council from paying a partial deficit in any special fund from which improvement district bonds are paid, from the general fund.~~
- ~~8) Amendments of Record of Assessment and Diagram. Events such as subsequent property transactions, redistribution of assessment liens between multiple lots held by a single owner, discovered errors, etc. may require that the record of assessment (and possibly the underlying diagram) be amended. Any such amendments shall be ordered by resolution of the Town Council, and carried out by the Superintendent of Streets.~~
- ~~9) Plan to Collect Installments in Partial Payments. The Town shall have the option of establishing by resolution a plan whereby the annual installments on an assessment may be collected in partial payments prior to the time the installment is due.~~
- ~~10) Procedure for Collecting Installments. The Superintendent of Streets shall promptly collect all installments of principal and interest on assessments certified as unpaid to the Town Clerk and for which bonds have been sold. The procedure shall be essentially as follows:~~
  - ~~a) Newspaper Notice. Before any installment of principal or interest becomes due, the Superintendent of Streets shall publish a notice twice in the "Daily Courier". Said notice shall be in substantially the form set out in ARS §48-600(B) (as amended), although the Superintendent has the option of publishing a more detailed notice. In any event, the notice heading shall not be in smaller than 18 point type. The first publication of the notice shall be at least thirty (30) days before the installment is payable.~~
  - ~~b) Mailed Notice. In addition, the Superintendent of Streets shall mail the notice by first-class mail, postage prepaid, to every interested Person who has filed his/her name and address with the Superintendent. Nothing herein precludes the Superintendent from mailing additional notices in an effort to increase voluntary payment of installments.~~
  - ~~c) Record of Installment Payments. When an installment of principal or interest is paid, the Superintendent of Streets shall so note in the Record of Assessment (showing the date and the name of the Person by whom or for whom paid). The Superintendent shall give a receipt therefor upon request.~~
  - ~~d) Delinquent Installment Payments. Any installments remaining unpaid the day following the due date become "delinquent". This shall be so marked and certified on the Record of Assessment and a five percent (5%) penalty shall be added to the installment. [Note that payments are "unpaid" if full payments are not received at the Civic Center on or before the due date, or do not arrive having been post-marked by Post Office stamp on or before the due date. Note also that uncollected installments of either principal or interest may be added to succeeding installments and, together~~

with interest, penalties, and costs are payable therewith. However, nothing herein precludes vigorous collection of installments (principal or interest), penalties and costs when due as set forth hereinafter.]

- ~~e) Newspaper Publication of Delinquency List. No later than twenty (20) days after an installment of principal or interest becomes delinquent, the Superintendent of Streets shall publish a list of the assessments on which any installments are delinquent. The list shall contain a description of each parcel opposite the name of the owner as shown on the Record of Assessment (usually the word "unknown" shall be used), along with the amount of the delinquent installment (including the penalty, a proportionate share of the cost of advertising, and any other applicable costs).~~
- ~~f) Notice Appended to List. Appended to the list shall be a notice that unless the delinquent installments (including the penalties and costs) are paid, the whole amount of the assessments will be declared due and the properties on which the assessments are a lien will be sold at public auction at a specified date and place. The specified date of sale shall not be less than five (5) days nor more than ten (10) days after the last publication (see infra). The place of sale shall be the Magistrate Court in the Civic Center. [Note: if the Town has so provided by ordinance, the notice shall also explain that the Town is willing to sell properties to purchasers for just the amount of delinquent installments (plus penalties and costs), rather than for entire assessments (plus penalties and costs) as would normally be the case. In such case, the properties will be sold subject to a continuing lien for payment of the assessments (leaving the properties subject to sale if installments again become delinquent).]~~
- ~~g) Timing of List and Notice Publication. This list (with its notice) shall be published in two (2) issues of the "Daily Courier", with eight (8) calendar days intervening between the first and the last publication.~~
- ~~h) Mailing Notices and Recouping Costs. Before the date fixed for the public auction (or before the date to which the public auction may have been postponed), the Superintendent of Streets shall obtain a record search that shows the names and addresses of record of all lien claimants on, and other Persons with an interest in, all lots, parcels or properties on which an installment of the assessment is delinquent. The costs of a record search may be added to the assessment and is deemed to be a portion of the delinquent installment. At least ten (10) days before the public auction date (or before the date to which the public auction may have been postponed), the Superintendent shall serve by first class mail a notice of the date and place of the public auction to the owner and to each of the lien claimants and other Persons with an interest as shown by the search of records. The notice shall state the date of the public auction, the amount of the delinquent installments including penalties, costs of advertisement and costs of the record search, shall state either that the whole amount of the assessment and costs and penalties or, if the Town has provided for the sale of the amount of the delinquent assessment, that the amount then delinquent and costs and penalties are due at the time of the sale and shall state that, unless redeemed within the time allowed by law, a Superintendent's deed will be delivered to the purchaser and the Superintendent's deed shall convey title to the lands described therein free and clear of all interests and liens, except for the lien for general property taxes and prior special assessments. In addition to the published notice and these mailed notices, the Superintendent may provide additional notices in an effort to encourage voluntary payment of delinquent installments, penalties, and costs. Said additional notices may establish payment deadlines and indicate which costs will be added to delinquent assessment accounts if payments are not made as required. If the~~

payment deadlines are missed, the specified costs shall be added to the assessment account and must be paid with delinquent installments and penalties in order to avoid sale of the property. [Note that nothing herein precludes the Superintendent from adding unpaid costs to future installments and not selling property if all delinquent installments and penalties have been paid and unpaid costs are twenty-five dollars (\$25.00) or less prior to the sale date.]

- ~~i) Delinquency Payments Prior to Sale. Any time prior to the day and time of the sale, any Person may pay the delinquent installment, together with the penalty and costs. Thereupon, the Superintendent shall enter payment in the record of assessment (including the date, the name by or for whom the payment was made, and the amount). [Note that payments received during the five (5) calendar days before the date of sale, and on the sale date (prior to 10:00 a.m.), must be in cash, by money order, or by certified funds.]~~
  
- ~~j) Application of Partial Payments. Payments received shall be applied to the oldest delinquent account balances first, in the following order: i) principle, ii) interest, iii) penalties, and iv) costs (in order incurred).~~
  
- ~~k) Providing Current Sales List for Review. Approximately two (2) to three (3) weeks prior to the sale date, the Superintendent of Streets shall make available for review during regular business hours at the Civic Center a current sales list with sufficient property information to allow bidders to research the property with regard to location, ownership, encumbrances, and the amount of the unpaid assessment. The Superintendent shall endeavor to update said list from time to time (to the extent reasonably possible) up to the date of the sale. Copies may be made upon request, subject to copying charges established from time to time by Council resolution.~~
  
- ~~l) Authorization to Postpone Initial Sale. The Superintendent of Streets (or his/her designee) is hereby authorized to postpone the initial sale to a time certain. Normally such postponement will be announced at the time and place of the initial sale. Thereafter, the Superintendent may provide such additional notice of the postponed sale by publication and/or mail as he/she may deem appropriate. The reasonable cost of any additional notices and related administrative actions shall be added to each delinquent assessment account and must be paid along with other costs in order to avoid sale of the property. The final sale shall not be held until the Superintendent has at least provided notice by mail as prescribed in Subparagraph 10(h) hereinabove to all lien claimants discovered in the search of records. That mailing may occur either before the date originally set for the public auction or before the date of any postponed public auction, and only one mailing and one record search is required.~~
  
- ~~m) Timing and Procedure of Sale. The sale shall begin at 10:00 a.m. or at any time thereafter to which the sale may be adjourned. Each Person wishing to actively bid shall be assigned a bidder's number, and all bids shall be made by calling out the assigned number. The Superintendent of Streets (or his/her designee) shall begin the sale commencing at the head of the list for each improvement district and continuing in numerical order until all lots, parcels or properties are sold. [Note that nothing herein precludes the Superintendent (or his/her designee) from moving particular lots, parcels or properties to the end of the list at his/her discretion.] The sale may be continued from day to day until all the property is sold. All assessed lots, parcels or properties shall be offered for sale separately or in groups, depending upon whether they have a separate or group assessment number.~~

- ~~n) Bidding Off Lineal Feet if More than One Bidder. Sale shall be for the entire amount of the assessment (including delinquent installments), plus penalties and costs (including \$0.50 for a Certificate of Sale). The lots, parcels or properties shall be sold to the purchaser willing to take the least quantity of land who pays by 5:00 p.m. on the day of the sale. However, if the Town has so provided by ordinance (and there is no purchaser other than the Town who will pay the entire amount of the assessment plus penalties, interest, and the \$0.50), the sale shall be to the Person who will take the least amount of land and pay by 5:00 p.m. on the day of the sale the amount of the assessment then delinquent (plus penalties and costs, including \$0.50 for the Certificate of Sale). Payment will only be accepted in cash, by money order, or by certified funds. Personal or third party checks will not be accepted. [Note that, in the event there is more than one (1) bid for the property under a particular assessment number, the Superintendent (or his/her designee) may ask if any bidders wish to withdraw their bid. If more than one (1) bid still remains, the property may be moved to the end of the list. If more than one bid remains when the property is called the second time, the Superintendent (or his/her designee) shall ask each bidder to indicate how many lineal feet off of either or both side lot, parcel or property lines the bidder will bid off. The bid with the most lineal feet bid off shall be accepted (subject to the above payment requirements).]~~
- ~~o) Striking Lot Off to Town if No Purchaser. If there is no purchaser for a particular lot, parcel or property (or if a bid has been accepted but payment is not received as set forth above by 5:00 p.m. on the day of sale) it shall be struck off to the Town as the purchaser. The Town Council shall then either appropriate from the general fund the amount needed to pay off the remainder of the assessment, or shall direct the Town Treasurer to pay only the sum required for the installment then due. If the Council chooses the latter course, the Town shall become obligated to pay from the general fund the succeeding installments and interest on the bonds related to each assessment. [Note: if the Town chooses to pay the bond installments and interest as they become due on a lot, parcel or property, then the lien of the assessment shall not be extinguished for nonpayment of general taxes or prior special assessments, and the annual installments of principal and interest of the assessment shall constitute a first lien on the respective lot, parcel or property, coequal with the lien for general taxes. If the assessment lien has not been extinguished prior to the property being struck off to the State on a tax sale, it shall be extinguished upon sale of the property pursuant to ARS §42-471 (sale under tax deed held by the State). However, the Town shall then share pro rata in the proceeds of such sale to the extent of the delinquent assessment.]~~
- ~~p) Contents of Certificate of Sale. Upon payment of the sale price as set forth above, the Superintendent of Streets shall execute (in duplicate) a Certificate of Sale which includes i) a description of the property sold, ii) the name of the owner as listed in the record of assessment, iii) a statement that the property was sold for a delinquent assessment, iv) a description of the improvement for which the assessment was imposed, v) the amount for which the property was sold, vi) the date of sale, vii) the name of the purchaser, and viii) the time when the purchaser will be entitled to apply for a deed. The Superintendent shall then file one (1) copy of the Certificate in his office, and shall deliver the other copy to the purchaser (or, if the Town is the purchaser, shall deliver the other copy to the Town Clerk).~~
- ~~q) Record of Certificate of Sale. Upon issuance of the Certificate of Sale, the Superintendent of Streets shall also enter on the Record of Assessment a description of the portion of each lot sold, the amount for which it was sold, the date of sale, and the name of the purchaser.~~

- ~~r) Redemption Schedule and Terms. Any party having an interest in a lot, parcel or property may redeem the same at any time before the execution and delivery of a deed therefor, by paying to the Superintendent of Streets the amount for which the property was sold and an additional i) five percent (5%) if paid within three (3) months from the date of sale, ii) ten percent (10%) if paid within six (6) months of sale, iii) twelve percent (12%) if paid within nine (9) months of sale, iv) fifteen percent (15%) if paid within twelve (12) months of sale, or v) twenty percent (20%) if paid after twelve (12) months from sale.~~
  
- ~~s) Handling of Redemption Payments. When redemption is made, the Superintendent of Streets shall note that fact on the duplicate Certificate of Sale in his/her office, and shall deposit the amount paid with the Town Treasurer. The Treasurer shall then credit the purchaser named in the Certificate of Sale with the amount, and shall pay that amount to the purchaser or his/her assignee upon the surrender of the Certificate of Sale.~~
  
- ~~t) Redemption by Town. If the Town is the purchaser, the Treasurer shall notify the Town Clerk of the redemption and the Clerk shall then cancel the copy of the Certificate of Sale in the Treasurer's office.~~
  
- ~~u) Requirements for Purchaser to Apply for Superintendent's Deed. If the property has not been redeemed after twelve (12) months from the date of sale, a purchaser or his/her assignee may apply for a deed to the property from the Superintendent of Streets, if he or she has complied with the following:~~
  - ~~i) At least thirty (30) days before applying for a deed, the purchaser or his/her assignee has served by first class mail to the owner or owners of record of the property, all lien claimants of record, all Persons of record with an interest in the property and, if occupied, the occupant of the property, a written notice describing the property and stating that it has been sold for a delinquent assessment. The notice must specify the improvement for which the assessment was imposed, the amount for which the property was sold, the amount necessary to redeem the property as of the date of the notice, the time when the purchaser (or assignee) will apply to the Superintendent for a deed to the property, and that, on issuance of the deed, all interest in the property, whether of record before or after the assessment lien, will be extinguished, except for the lien for general property taxes and prior special assessments. If the owners, interest holders, or occupants cannot be found after due diligence, the notice shall be posted in a conspicuous place upon the property at least thirty (30) days before the time stated in the notice when a deed will be applied for; and~~
  
  - ~~ii) The purchaser or his/her assignee has filed with the Superintendent of Streets an affidavit showing that such notice of the application has been given (and, if the owners, interest holders or occupants could not be found, that due diligence was used to find such owners, interest holders or occupants).~~
  
- ~~v) Contents of Superintendent's Deed. Any deed to the property shall recite substantially the matters contained in the Certificate of Sale, any assignment thereof, and that no Person has redeemed the property. Unless the Town is the purchaser, the purchaser or his/her assignee shall pay the Superintendent one dollar (\$1.00) for making the deed.~~

- ~~w) Penalty for Redemption after Application for Superintendent's Deed. [Note: if redemption of the property is made after an affidavit is filed by the purchaser and more than eleven (11) months after the date of sale, the Person making redemption shall pay three dollars (\$3.00) for the service of notice and the making of the affidavit.]~~
- ~~x) Superintendent's Deed is Prima Facie Evidence: [Note also: the deed of the Superintendent of Streets shall be prima facie evidence of the truth of all matters recited therein, of the regularity of all proceedings prior to the execution thereof, and of title in the grantee. The deed of the Superintendent shall convey to the purchaser fee title to the lands described therein, free and clear of all interests, liens, claims and encumbrances whether of record before or after the assessment lien, except for the lien for general property taxes and prior special assessments.]~~
- ~~y) Town's Ability to Sell if No Redemption. If the property has not been redeemed after twelve (12) months from the date of sale and the purchaser was the Town, the Town may sell any lot so purchased at public or private sale. However, if an owner of property advertised for such sale has previously made partial payments on an installment of principal or interest (under a plan established by the Town), then such property will still not be sold if the owner pays the balance due on the installment (plus penalties and costs) prior to sale. If such owner does not pay the balance of the installment, and the property is sold for the full amount of the assessment, the Superintendent shall refund to the owner all money received by way of partial payments.~~
- ~~z) Town's Ability to Assign its Interest. [Note: nothing appears to preclude the Town from assigning its interest as purchaser, and letting the assignee go through the process of applying for a deed after the time for redemption has passed.]~~
- 11) ~~Appointment of Superintendent of Streets. A Superintendent of Streets shall be designated by resolution for each improvement district created by action of the Town Council. As a rule, the Town Manager is best suited to act as Superintendent of Streets, although other Town officials may be more suitable in particular circumstances. The designated Superintendent of Streets shall keep the records required by Article 2 "General Public Improvements and Improvement Bonds", Chapter 4 "Municipal Improvement Districts", Title 48 "Special Taxing Districts", Arizona Revised Statutes (ARS §48-571 et seq.) (as amended) in his/her office and such records shall be open to inspection during regular office hours.~~

## Chapter X.6.0 GENERAL ENFORCEMENT OF REGULATIONS

- 1)6.1 Priority in Case of Conflicting Provisions. The provisions of Town Code Article 9-5 (as amended) are intended to be supplementary to other provisions of the Town Code. Where conflicts arise (or when additional requirements are in one provision and not in another), the stricter provision shall apply.
- 2)6.2 Enforcement Options Unlimited. Although not all provisions in Town Code Article 9-05 (and related provisions in the Town Code and the Arizona Revised Statutes) (as amended) are susceptible to all enforcement actions [e.g. non-payment of utility rates, fees, charges, penalties, and taxes may not be enforced by criminal charges], nothing in those provisions or in these Regulations should be interpreted as limiting the ability of the Town to vigorously

pursue one (1) or more enforcement options at the same time in order to remedy a violation (unless such a limitation is expressly set forth by statute or court ruling).

3)6.3 Wastewater Authority Includes Governmental Power. Because in Arizona the operation and maintenance of a sewage system by a municipality is a governmental function (being an exception to the general rule that in the operation of a public utility a municipality acts in a proprietary capacity), contract law is not the only basis for analyzing the authority of the Town and the responsibility of customers. It is therefore appropriate to require such things as mandatory connections, abandonment of septic tanks, private maintenance of the service line and service tap, payment by developers to extend the wastewater treatment system, and limited discharges into the system.

4)6.4 Authority to Refrain from Enforcement. Except as otherwise expressly limited by contract, resolution, ordinance, statute, code, rule or regulation, nothing shall preclude the Town (in the sole discretion of its Town Council) from refraining to enforce specific violations of these Regulations and related provisions of the Town Code and Arizona Revised Statutes (as amended), or from establishing a policy of refraining to enforce such violations for charitable or other articulated public policy reasons.