CITY OF KINGMAN

UTILITY REGULATIONS

Adopted By:

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INTRODUCTION

The purpose of this Manual is to aid developers, designers, right-of-way users and the general public in understanding the policies and procedures which govern the operation of the City of Kingman municipal utility system.

The Regulations are intended to be used in conjunction with the specifications of the Subdivision, Zoning, Floodplain and other appropriate ordinances of the City of Kingman and such other agencies as may have jurisdiction.

GENERAL INFORMATION

All development within the City of Kingman shall comply with all requirements of the City of Kingman Codes and Ordinances. Copies of these documents, with revisions, are on file in the Office of the Clerk of the City of Kingman.

All construction shall be in accordance with the Uniform Standard Details and Specifications published by the Maricopa Association of Governments (MAG) as revised for use in the City of Kingman.

WATER SERVICE POLICY

It is the City's policy that all development within the water system service area shall have an adequate and secure source of water for domestic use and fire protection flows. To this end, the City has developed a comprehensive program for supplying municipal water. Therefore, unless specifically excepted by the Common Council, all developments within the City Municipal Water Service area shall be serviced by the City's potable water system. Further, the developer shall extend said system to and through the development as necessary to insure adequate supply to the development and access to properties beyond the development.

To facilitate the efficient delivery of water, the City of Kingman hereby established a City Municipal Water Service Area which is delineated on the attached map entitled "The City of Kingman Municipal Water Service Area Boundary" (Figure 1).

Any request for water service for a "new subdivision" or an unsubdivided parcel lying within the water service area boundary, or to any property outside the City Municipal Water Service Area Boundary shall require City Council authorization. Prior to City Council action, the applicant for water service shall provide the City Engineer with a preliminary engineering plan of the proposed water system extension, prepared by a Registered Engineer licensed to practice in the State of Arizona. This information will be forwarded to the Municipal Utility Commission for review and recommendation to the City Council. As a minimum, the engineering plan shall include the following:

a. description of the area to be served

b. preliminary layout of the proposed system extension

c. proposed connection point(s) to the existing water system

d. evaluation of the extension's ability to meet the City's flow and pressure requirements for domestic service and fire protection

e. if a new water pressure zone is required, a description of the storage and pumping facilities proposed to accomplish this

In determining whether or not the City should provide water service to a new subdivision, an unsubdivided parcel or to any parcel lying outside of the City Municipal Water Service Area Boundary, or to extend the Water Service Area, the City Council shall take into account the following:

f. the distance the proposed new water service will be from the Water Service Area Boundary

g. whether or not the area proposed to be served by water will require the creation of a new pressure zone

h. the proposed development plan, density, and development standards

i. whether or not the proposed development is in conflict with any development plans inside the Water Service Area Boundary and/or any City Infill Development Program

j. whether or not the area to be served is within the City limits or should be annexed into the City

k. the impact on the proposed development would have on the existing water production, transmission, storage, and distribution systems

l. the relationship the proposed water extension has with the City of Kingman, Arizona, Water Master Plan Report, prepared by John Carollo Engineers, June 1988 [Ord 742, 03/20/1989]

SEWER SERVICE POLICY

It is the City's policy that, unless specifically excepted, all new subdivisions within the City Water Service Boundary shall provide for the discharge of domestic and other liquid waste in the municipal sewerage system. It is intended that no new subdivisions inside or outside the City limits will be granted water service unless they are served by a central sewage collection system. All developers shall be required to extend to and through their project a sewage collection system of a size sufficient to dispose of these wastes to the public system. When deemed appropriate and necessary, the developer shall extend the main trunk and/or collector lines to the upstream extremities of the project so as to provide reasonable access for potential upstream users to the City system. [Ord 1708, 6/7/11]

SANITARY SERVICE POLICY

It is the City's policy to provide residential and commercial sanitation services to all areas within the City limits. Residential pickup is scheduled for twice a week collection. Commercial collection is provided on an as needed schedule to accommodate the requirements of the individual users.

Containers are furnished by the City as part of this service. A trash collection service is also available from the Sanitation Department. This service is provided on an unscheduled basis. Citizens requiring the service need only call the City and arrange for a special pickup.

Contractors and builders should arrange with private haulers to have construction materials hauled from construction sites.

RECLAIMED WATER POLICY

Reclaimed water, or effluent, is the one increasing water source in our state. As our population and water use grows, more treated wastewater will be available. Reclaimed water is treated to a quality that can be used for purposes such as agriculture, golf courses, parks, industrial cooling, or maintenance of wildlife areas.

Direct reuse of reclaimed water recycles treated effluent for beneficial uses, thereby conserving potable water sources for human consumption and domestic uses. Regulations apply to wastewater treatment facilities supplying reclaimed water and to the sites where water is applied or used.

The City of Kingman's upgraded Hilltop Water Reclamation Facility is capable of producing effluent that will meet State regulatory requirements for reclaimed water. The City desires to make beneficial use of the reclaimed water, therefore has developed this Reclaimed Water Policy as a guide for use of this valuable water resource.

The City's Reclaimed Water System has been developed and operated pursuant to established water policies of the Mayor and Council. The main policies relating to the use of reclaimed water are briefly summarized below:

- Priority shall be given to the development of treatment capacity and delivery systems for non-potable water.
- Whenever possible, the use of non-potable water in place of potable water shall be required for landscape irrigation and industrial uses.
- When a reclaimed water main is within 1000 feet of development, and if sufficient volume of reclaimed water is available, new turf facilities and golf course development shall extend service and use effluent or reclaimed water for irrigation purposes.
- The substitution of effluent and reclaimed water for potable source waters is an important element in managing limited water resources. Rate setting for effluent shall be in accordance with the following precepts:
    - Charges for effluent and reclaimed water shall be based on the cost of service whenever possible.
    - To the extent that charges for effluent and reclaimed water that are based on cost of service do not provide an adequate price incentive, the price of reclaimed water shall be based on a market value which encourages its use.

<u>Non-Potable Water</u>

The following shall be considered for potential uses of non-potable water:

- Landscape and golf course irrigation
- Industrial uses
- Construction water / dust control
- Direct recharge
- Agricultural irrigation and livestock watering

The following priorities, from highest to lowest, are established for utilization of non-potable water:

- Direct use to replace an existing use of potable water
- Direct use to replace a new use of potable water
- Discharge by way of infiltration basins or direct surface discharge under appropriate permits for groundwater replenishment
- Direct use for agricultural purposes

The use of non-potable water shall be on a first-come, first-served basis, with additional priority as follows:

- Developers
- Industrial users
- Parks
- Miscellaneous uses such as construction and dust control

Since contractual rights to the use of effluent may result in added value to a user's property, contracts shall recognize that possibility and require waiver of such added value by a property owner contracting for effluent use in the event of purchase or condemnation of the property by the City through negotiation.

The potential for using reclaimed water shall be evaluated and included in all new and existing water and land use plans.

The City shall actively work with new and existing large water users, including golf courses, parks, schools, cemeteries, industrial and multi-family complexes, to provide practical and economic service by the reclaimed water system.

Where feasible reclaimed water will be used by the City for cleaning sewers.

Any conditions of interim use of potable water shall be made a part of water service agreements and other appropriate contracts to assure prompt action converting to the maximum use of effluent or reclaimed water for irrigation purposes. These conditions shall include, but not be limited to:

- the date by which the City is required to have its portion of the system in place;
- requirements for financial participation by the developer in the construction of the project;
- penalties for non-compliance; and
- a surcharge equaling 50% of the potable water rate in addition to the regular rates and charges. This surcharge shall not apply when the continued use of potable water is required solely due to deficiencies in the City's system or delays in City construction.

When private development requires reclaimed water service in advance of the City's construction schedule, developers shall work with the City to formulate a plan of service to be implemented at the sole expense of the developer with facilities to be dedicated to the City upon completion.

When funding is available, the City will finance or participate in the construction of reclaimed water pipelines in the City’s service area to serve customers whose estimated reclaimed water usage is sufficient to justify pipeline construction on the basis of economic feasibility.

<u>Recharge</u>

Groundwater recharge of reclaimed water not able to be reused shall be used as a strategy for augmenting the groundwater and for providing long-term operational flexibility of the City’s supply system.

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ARTICLE I: DEFINITIONS

ARTICLE I: DEFINITIONS

The following words shall have the accompanying meanings:

A. PERTAINING TO GENERAL ADMINISTRATION

l. **Alley**: shall mean a dedicated public right-of-way primarily designed to serve as a secondary vehicular service access to the side or rear of properties whose principal frontage is on some other street.

2. **Applicant**: shall mean a person requesting water, sewer, or sanitation service.

3. **Application**: shall mean the written work order by which a developer or customer applies for a municipal utility service.

4. **City**: shall mean the City of Kingman, Arizona.

5. **City Complex**: shall mean the City offices located at 3l0 North Fourth Street, Kingman, Arizona.

6. **Common Council**: the governing body for the City of Kingman, Arizona.

7. **Customer**: shall mean the person or entity in whose name service is rendered, as evidenced by the signature on the work order application for that service, or by the receipt or payment of bills regularly issued in his name regardless of the identity of the actual user of the service.

8. **Customer, Single-Family Residential**: shall mean any customer whose use of the utility is exclusively for domestic purposes in a private home or individual dwelling unit where not more than one dwelling unit is served through one meter.

9. **Dedication**: shall mean the giving and acceptance of a fee, right-of-way, or an easement of property to the City for a public use.

10. **Division of Water or Water Division**: shall mean the Division of Water for the City, established under Sec. 2.2 of these regulations. [Ord. 1756, 6/18/13]

11. **Division of Wastewater or Wastewater Division**: shall mean the Division of Wastewater for the City, established under Sec. 2.2 of these regulations. [Ord.1756, 6/18/13]

12. **Division of Sanitation or Sanitation Division**: shall mean the Division of Sanitation for the City established under Section 2.2 of these regulations.

13. **Design**: shall mean the conception, planning, execution, or creating of a scheme in which means are laid down for the construction or implementation of improvements, including location, alignment, grade, width, drainage, materials, or any other criteria that lead to the preparation of the final improvements.

14. **Developer**: shall mean any person participating in property development.

15. **Deposit**: shall mean the amount of money required by the City at the time a customer makes application for a utility service.

16. **Exception**: shall mean a permitted deviation from these regulations, exceptions are permitted only after approval by the Common Council of the City, after review by the Municipal Utility Commission.

17. **Facilities**: means pumps, piping, treatment plants or other appurtenances required for the water or sewer system.

18. **Finance Director**: shall mean the chief fiscal officer of the City of Kingman or designee. [Ord 740, 03/06/89]

19. **Frontage**: shall be the actual measurement of distance of a property line, normally expressed in feet. The frontage is measured along the property line that parallels a right-of-way without relation to the front, side or rear of any structure located on the property. Frontage is calculated as follows:

    a. Water or Sewer Line Extensions

       a. Frontage is the measure of the property line which is parallel to the right-of-way where the proposed extension will be constructed.

    b. Payback Agreements [Ord 7l4, 08/01/88]

       (1) For lots or parcels other than those on a corner, the frontage is the measure of the property line which is parallel to the right-of-way where the line subject to payback exists.

       (2) For corner lots, the frontage is calculated in the same manner as (a) if the line subject to payback is in place on only one side. If the lien subject to payback exists on both sides, the frontage shall be the average of the two sides, except that if the City has participated in the line construction pursuant to Section 8.3, the frontage shall be the shortest side.

20. **Good Credit History**: not having more than any one of the following occurrences in the previous 12 months: (1) one returned check (2) four delinquent notices (3) one no-pay disconnect. [Ord 996, 01/18/94; Ord 1027, 02/21/95]

21. **Lot**: shall mean a parcel or portion of land separated from other parcels or portions by description as on a subdivision plat, and intended for occupancy by one principal building or principal use, and having frontage upon a dedicated roadway.

22. **Meter**: shall mean a device for measuring the water use of a customer.

23. **Municipal Utility Commission, Commission, or MUC**: shall mean the commission established pursuant to Section 2.3 of these regulations.

24. **Open Public Utility Easement**: shall mean a public utility easement available to all utilities and subject to the condition that no physical encumbrances or encroachments shall be permitted without first obtaining written consent of the City.

25. **Oversize**: shall mean, in the case of water or sewer lines, lines with a larger diameter than needed to meet the requirements of the development. In the case of other facilities, it shall mean larger capacity than is needed to meet the requirements of the development.

26. **Parcel**: shall mean a separate or distinct part or portion of land other than a lot.

27. **Person**: Any individual, partnership, corporation, association, governmental agency, or other entity.

28. **Premises**: shall mean all of the real property and development employed in a single enterprise on an integral parcel of land undivided by public streets, alleys, or railways.

29. **Residential Use**: Shall mean service to customers using City Utilities for domestic purposes such as personal consumption, water heating, cooking, and other residential uses and including use in apartment buildings, mobile home parks, and other multi-unit residential buildings.

30. **Right-of-Way**: shall mean that area between right-of-way lines dedicated for roadway purposes and other uses not inconsistent therewith to include streets, avenues, alleys, highways, crossings, lanes, roadway easements, intersections, courts, places, and grounds now open or dedicated or hereafter opened or dedicated to the public for use as a public right-of-way.

31. **Rural Residential**: shall mean new single family residential subdivisions consisting of individual lots 40,000 square feet in size or larger where zoning prevents lot splits into parcels smaller than 40,000 square feet. [Ord 8ll, 03/05/90]

32. **Service Area**: shall mean the territory in which a city utility has been extended upon the authorization of the Common Council.

33. **Service Reconnect Charge**: shall mean the charge as specified in these regulations which must be paid by the customer prior to reestablishment of utility service each time the water is disconnected for nonpayment or whenever service is discontinued for failure otherwise to comply with these regulations.

34. **Standard Details and Standard Specifications, MAG**: shall mean the standard specifications for public works construction published for the Maricopa Association of Governments and adopted for use in the City of Kingman.

35. **Superintendent, Sanitation**: shall mean the officer appointed under Section 2.2B of these regulations or his designated agent.

36. **Superintendent,** Water: shall mean the officer appointed under Section 2.2B of these regulations or his designated agent. [Ord. 1756, 6/18/13]

37. **Superintendent, Wastewater**: shall mean the officer appointed under Section 2.2B of these regulations or his designated agent. [Ord. 1756, 6/18/13]

38. **Water System**: shall mean the collection of pipes, pumps, wells, and other appurtenances constituting the City of Kingman Water Utility.

39. **Zone**: shall mean those classifications as described in the City of Kingman Zoning Ordinance No. 135.

B. PERTAINING TO SEWERS

1. **Abut**: shall mean the public sewer is within a public right-of-way or approved easement adjacent to a property line and at an acceptable grade.

2. **Available**: shall mean a public sewer that is located within five hundred (500) feet of a property line of the lot or parcel being improved or developed. The public sewer must be at an elevation that permits extension at the allowable slope and cover, and connection by gravity service from the lot or parcel. [Ord 1041, 5/15/95] [Ord 1820, 10/18/16]

   For existing single family homes that have a failed septic system, Available shall mean a public sewer that is located within two hundred fifty (250) feet of a property line of the lot or parcel in question. The public sewer must be at an elevation that permits extension at the allowable slope and cover, and connection by gravity service from the lot or parcel. [Ord 1820, 10/18/16]

3. **B.O.D. or Biochemical Oxygen Demand**: shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures in five (5) days at twenty (20) degrees C. expressed in terms of weight and concentration (mg/L).

4 **Clean-Out**: shall mean an upturned sewer pipe coming to the surface of the ground so that flexible cleaning rods can be passed through it.

5. **Connection**: A sewer connection is the act of extending the building sewer and connecting into the public sewer main or lateral. A connection is complete when required inspections are made and flows from the building can be discharged into the sewer system. [Ord 902, 01/06/92]

6. **Control Manhole**: shall mean a manhole placed on a building sewer to facilitate observations and sampling of the wastes.

7. **Cooling Tower:** a heat rejection device, which extracts waste heat to the atmosphere through the cooling of a water stream to a lower temperature. [Ord 1792, 01/06/15]

8. **Grease or Fats**: shall mean any material which is extractable from an acidified sample of a waste by hexane or other designated solvent.

9. **Ground Garbage**: shall mean solid wastes from the preparation, cooking, and dispensing of food that has been shredded or comminuted to such a degree that all particles will be carried freely in suspension in public sewers, with no particle greater than one-half inch (1/2") in any dimension.

10. **Haulers**: shall mean any person engaged in the collection, transportation, and disposal of liquid wastes from septic tanks or private sewer systems to a public sewer for disposal.

11. **Industrial Waste**: shall mean any liquid, solid, or gaseous substance or form of energy or combination thereof, resulting from any process of industrial, commercial, governmental, and institutional concerns, manufacturing, business, trade, or research, including the development, recovery, or processing of natural resources.

12. **Lateral**: shall mean a gravity flow sewer line connected to the main sewer line. A lateral sewer many be six (6") inches in size or larger according to the rules and regulations of the State of Arizona Dept. of Environmental Quality. A lateral usually has several building connections tied to it.

13. **Lift Station**: A mechanical device or system for pumping sewage from one elevation to a higher elevation in a sewage collection system. [Ord 853R, 02/04/91]

14. **Main**: shall mean a major gravity sewer line in any specific development, to which one or more lateral sewers may be tributary.

15. **Manhole**: shall mean a common sewer appurtenance, usually circular in shape, with inside dimension sufficient to perform inspecting and cleaning operations without difficulty.

16. **pH**: shall mean the negative logarithm of the effective hydrogen-ion concentration or hydrogen-ion activity in gram equivalents per liter used in expressing both acidity and alkalinity.

17. **Plumbing**: shall mean all pipes, fittings, and appurtenances associated with the transport of sewage in and from a structure, to the public sewer. This includes the building connection, sewer, or drain.

18. **Point of Collection**: shall mean the point where the customer's plumbing connects to the sewer lateral or main.

19. **Private Sewer**: shall mean any sewer or system of sewers, which is not owned by the City. A private sewer system ends at the point of collection.

20. **Public Sewer**: shall mean a sewer which is owned, operated and maintained by the City.

21. **Sampling**: shall mean the periodic collection of sewage for testing.

22. **Septage**: is any waste originating from a private sewer system or septic tank is not directly connected to the city sewer system.

23. **Septic Tank**: shall mean any form of private sewer system not directly connected to the city sewer system.

24. **Sewage**: shall mean wastes from toilets, baths, sinks, lavatories, laundries, and other plumbing fixtures in residences, institutions, public and business buildings, mobile homes, watercraft, and other places of human habitation, employment or recreation.

25. **Sewage Treatment Plant**: shall mean the physical facilities for the treatment of sewage before discharging into the natural environment.

26. **Sewer**: shall mean pipes, conduit or treatment facilities for transportation or disposal of sewage.

27. **Sewer System**: shall mean pipelines or conduits, pumping stations, and force mains, and all other structures, devices, appurtenances, and facilities used for collecting or conducting wastes to an ultimate point of treatment or disposal.

28. **Suspended Solids**: shall mean solids that are in suspension in water, sewage or other liquids, and which are removable by further filtering.

29. **Wastes**: shall mean sewage, industrial wastes, and all other liquid, gaseous, solid, radioactive, or other substance which may pollute or tend to pollute any waters of the State.

30. **Wastewater**: is a term, interchangeable with sewage as defined herein.

C. PERTAINING TO WATER

1. **Backflow Prevention Device**: shall mean a device placed in a water line which prohibits the backflow of water from the user to the municipal water system.

2. **Cross Connection**: shall mean a physical connection through which a supply of potable water could be contaminated or polluted, i.e., a connection between the domestic water supply of the City and an unauthorized supply of unknown potability.

3. **Distribution**: shall mean water lines which are used to serve the utility system with water, excluding transmission mains and service connections.

4. **Extension**: shall mean the extension of a water distribution line beyond existing facilities.

5. **Laterals**: shall mean a pipe normally six (6") inches in diameter used to supply service connections. Water is supplied from service mains with pressure regulated for local service.

6. **Service Mains**: shall mean a pipe normally eight to twelve inches (8-l2") or larger in diameter used to serve large areas. Normally service mains are not used for service connections, but are connected to laterals for local service.

7. **Transmission Main**: Water mains which are designed to convey water over relatively long distances through service areas from supply points to distribution system pressure zones or reservoirs. In most cases, transmission main pressures are not suitable for local distribution. All water mains larger than 12-inches in diameter are considered to be transmission mains. In addition, the following specific lines are considered to be transmission mains:

   - 12-inch in Hualapai Mountain Road (south side) from Eastern to 1.5mg reservoir
   - 12-inch in Airway Avenue from Bank Street to Western
   - 12-inch in Norrie and Thompson Avenue from City Well No. 5 to the intersection of Thompson and Castle Rock Road
   - 12-inch from Long Mountain Well No. 4 to Jagerson Avenue
   - 8-inch between Long Mountain Well No. 6 and Long Mountain Well No. 4
   - 12-inch in Western from Airway Avenue to I-40 [Ord 853R, 02/04/91]

D. PERTAINING TO SOLID WASTE

1. **Construction Waste**: shall mean the materials from construction, remodeling, construction site preparation; including, but not limited to: rocks, trees, debris, dirt, brick, plaster, and all types of scrap building materials, and their wrappings and containers.

2. **Garbage**: shall mean all rubbish, animal, and vegetable kitchen refuse, household waste, bottles, tin or aluminum cans, waste paper, grass cuttings, tree limbs or branches cut up and tied in no larger than three (3') foot long by fifty (50#) pound bundles, weeds, and all other scraps of similar nature as comprise the daily accumulation from residences or business operations, other than prohibited substances or uncontained trash. [Ord 7l0, 07/05/88]

3. **Load**: shall mean a truck load of uncontained trash having a capacity of five (5) cubic yards or less.

4. **Occupant**: shall mean the customer or person occupying or controlling a residence, store, hotel, office, restaurant, or any other facility or building.

5. **Prohibited Substances**: shall mean solid wastes prohibited in collection containers or an uncontained trash as follows:

   a. Any substances not approved by the Arizona Department of Environmental Quality or the landfill operator for disposal in the public landfill.

   b. Hot ashes or other materials which could cause combustion to occur in sanitation containers or hauling equipment.

   c. Construction waste.

   d. Large building materials, rock, concrete or metal objects which may cause damage to loading devices or compaction units.

   e. Large dead animals.

   f. Hazardous materials or toxic substances in strength or quantity which could cause illness to the public or people operating or repairing sanitation equipment.

g. Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas.

h. Any noxious or malodorous gas or substance capable of creating a public nuisance.

i. Tires from commercial establishments.

j. Industrial waste other than garbage, i.e. sludge from a waste treatment plant. [Ord. 7l0, 07/05/88]

6. **Solid Waste**: shall mean any garbage, trash, rubbish, refuse, sludge from a waste treatment plant, water supply treatment plant or pollution control facility and other discarded material, including solid, liquid, semisolid, or contained gaseous material, but not including domestic sewage or hazardous waste.

7. **Uncontained Trash**: shall mean all wooden boxes or crates, appliances, large items of household furniture, tree trunks, branches and limbs more than three (3') feet in length or weighing more than fifty (50#) pounds, and other items which, by size, shape or weight cannot be placed in City receptacles, but not prohibited substances. [Ord. 7l0, 07/05/88]

ARTICLE II: GENERAL ADMINISTRATION

ARTICLE II: GENERAL ADMINISTRATION

2.1 SCOPE OF AUTHORITY

These provisions shall govern the rendering of utility services, including the connections to and extensions of water and sewer lines. Every applicant, customer or user of the City utility system shall be bound by these regulations.

2.2 DIVISION OF PUBLIC WORKS

A. Creation

1. Water and Sewer Divisions are hereby created in the Public Works Department. These Divisions shall be responsible for the City's Water and Wastewater systems. [Ord.1756, 6/18/13]

2. A Sanitation Division is hereby created in the Public Works Department. This Division shall be responsible for the City's solid waste collection and disposal. [Ord. 1756, 6/18/13]

B. Superintendent

1. The City Manager shall appoint Superintendents to the Water, Wastewater and Sanitation Divisions. All superintendents shall report to the Public Works Director. [Ord. 1756, 6/18/13]

2. The Water Superintendent shall be responsible for the management and operation of the City Water System. [Ord. 1756, 6/18/13]

3. The Wastewater Superintendent shall be responsible for the management and operation of the City Wastewater System. [Ord. 1756, 6/18/13]

4. The Sanitation Superintendent shall be responsible for the management and operation of the City solid waste system. [Ord. 1756, 6/18/13]

2.3 MUNICIPAL UTILITY COMMISSION (MUC) [Ord. 1756, 6/18/13]

A. Creation

A Municipal Utility Commission for the City of Kingman is hereby created, to consist of seven members. [Ord.856 04/01/91; Ord.1756, 6/18/13]

B. Appointment (deleted Ord 856, 04/01/91)

C. Purposes

The commission shall have the following purposes:

1. Recommend to the Common Council one of the commission members to serve as chairman, elect one of its members as vice-chairman. When a vacancy exists on the commission, make a recommendation to the Council for a replacement.

2. To act in an advisory capacity to the City Council concerning policy affecting the planning and development of the City of Kingman's water, sewer and sanitation systems.

3. To act as a review board to study, evaluate, and make recommendations to the Common Council on matters involving exceptions, interpretations, modifications and appeals to the adopted regulations, and proposed capital improvements to the utility systems, bond issues, rate schedules, and system policies.

4. To establish close coordination and maintain effective communication with the City of Kingman Planning and Zoning Commission with regard to utility operations.

5. To review, evaluate and make recommendations to the Common Council on policies pertaining to other public and private utility companies when requested by the Council.

D. Appeals

Whenever these rules allow for Council approval or appeal to Council, the application shall:

1. be heard directly by Council, if there is no dispute between the applicant and the City Staff; or

2. if there is a dispute between the applicant and the City Staff, the appeal application or request shall first be heard by MUC and recommendations shall be forwarded to Council.

As used in these paragraphs, "City Staff" means the City employee or official charged with making the initial determination.

2.4 UTILITY SERVICES

The City of Kingman will provide water, sewer and sanitation services to areas as determined by the Common Council.

2.5 RESTRICTING USE

The City of Kingman reserves the right to, at any time, restrict or prevent the use of any utility service furnished by the City during periods of emergency or circumstances demanding restriction or prevention of use.

2.6 INTERRUPTION OF SERVICE

The City reserves the right to cut off any utility service without notice. When an interruption of service is necessary for the maintenance and improvement of the utility system, affected customers will be notified as circumstances permit. The City is not liable for any damages occurring as a result of interruption in service. Customers who have any operations which require a constant supply of water shall have the responsibility to provide for such water facilities as will prevent any damage to persons or property in case the City water supply is, for any reasons, interrupted or discontinued.

2.7 APPLICATION FOR SERVICE

A potential customer desiring to have premises supplied with initial utility services shall make application with the City Engineering Department. Initial application or application for a new meter connection shall be made in person or in writing. A customer who has established good credit history may make subsequent application via telephone. [Ord.1027, 02/21/95; Ord.1756, 6/18/13]

2.8 TERMS AND CONDITIONS OF APPLICATION

A. Payment of Charges

It shall be unlawful for any person to connect a private water service line or sewer service line to any portion of the City's water or sewer system unless: a proper application for a permit to connect to the system has been made, all fees required to accompany the application have been paid, and the application has been approved by the City Engineer. [Ord. 1756, 6/18/13]

B. Deposits

1. Single Family Deposit: All persons requesting a single family residential utility service shall pay to the City a refundable utility deposit according to Article VI. The refundable utility deposit shall be non-interest bearing and be applied to the customers account or be refunded upon customer request, after 12 months of good credit history beginning 1 July 1994 or be applied against the final utility bill, whichever occurs first. [Ord. 996, 01/18/94]

2. Other Deposits: All persons requesting service other than single family residential shall pay to the City a refundable utility (cash) deposit of two and one-half times (2.5x) the highest estimated monthly utility bill. The difference between two and one-half times (2.5x) the actual use and two and one-half times (2.5x) the estimated use shall be checked at the end of the first year of service. At the end of the first year of service, if actual use is less, a refund of the difference will be made upon application of the customer. The utility deposit shall be non-interest bearing and be applied to the customers account or be refunded upon customer request, after 12 months of good credit history or be applied against the final utility bill, whichever occurs first. [Ord. 996, 1/18/94]

3. Letters of Good Credit/Waiver of Deposit: The Finance Director or designee is authorized to waive required deposits based on customers prior Good Credit History with the City of Kingman. The Finance Director or designee is also authorized to waive deposits based on letters of good credit from former utility companies. [Ord. 996, 1/18/94]

C. Wholesale

Deposits for wholesale water sales shall be as designated by Council according to Contract.

2.9 NO UTILITY SERVICE FURNISHED UNTIL ALL CHARGES PAID

The City of Kingman will not provide municipal utility service to any customer, or resume such service subsequent to a turn-off order until all charges against the customer of any nature whatsoever then due and payable to the City are either paid or a financial payment plan has been approved by the Finance Director.

2.10 BILLING AND PAYMENTS

A. General

1. Joint billing: All bills for water, sewer, and sanitation services, or any combination thereof, shall be billed jointly on one bill on a monthly basis to be known as a utility bill.

2. Due and Payable: Bills for service are due and payable upon mailing, and payment shall be made to the City of Kingman, at 310 North Fourth Street, either in person or by mailing, or at such other place as may be designated by the City.

3. Delinquent Payments: Utility bills become delinquent 20 calendar days after the billing date. The delinquent date shall be the date designated on the bill. The City may discontinue utility service for non-payment of a delinquent bill in accordance with Section 2.11 (B). [Ord. 1013, 10/3/94]

4. Returned Checks: The Finance Director shall assess a fifteen ($15.00) dollar fee for any check returned for insufficient funds, closed account, or no account. [Ord. 740, 03/06/89]

5. Correct Address Required: Customers are responsible for furnishing the City of Kingman with their correct billing address. Failure to receive bills will not be considered an excuse for non-payment nor permit an extension of the date when the amount will be considered delinquent.

6. To Constitute Debt: Every charge or fee levied by or pursuant to this article shall become, from the time it is due and payable, a personal debt of the customer to or for whom such service is supplied and may be collected by action in court instituted in the name of the City by its attorney upon request of the City Finance Director. Such remedy shall be in addition to existing remedies, or those provided by this article.

7. Lien:

   a. If any charge or fee under these regulations is not paid within thirty (30) days after it shall become due and payable, the Finance Director may issue a notice and claim of lien, setting forth the name of the user owing such charge or fee, the amount owed, the penalty accrued, if any, the period of which due, and stating that the City claims a lien therefore, and a description of the property liened.

   b. At such time as such lien is filed, the cost of preparing, processing and releasing such lien shall be added to all charges then due.

   c. Attorney's fees: If consumer defaults in payment of debt for utility service and the assistance of an attorney is required for collection, consumer shall pay reasonable attorney fees and court costs.

B. Billing Cycles

1. The number of utility connections within the City may be divided into one or more billing regions. Each region may be billed in 30-day cycles. [Ord 996, Jan94]

2. Delinquent Notice Fee: A delinquent fee will be assessed when the delinquent notice is printed. The delinquent notice fee will be $3.00 which is due and payable with the delinquent payment. Under special circumstances, and based on good credit history, the Finance Director or designee shall have the authority to waive this fee. Notice of this fee will appear on utility bills. [Ord. 996, 01/18/94; Ord. 1013, 10/03/94]

3. A person who opens or closes any/all utility account(s) will be charged for the beginning or ending month on a prorated basis, for the number of days of service and actual water usage.

C. Budget/Levelized Billing

After a customer has established a 12-month account history, he/she can apply for Levelized Billing, subject to approval by the Finance Director or designee. The levelized billing will be based on an average of the past 12-months usage and any overage/shortage must be settled prior to the beginning of the next Levelized Billing cycle. The due date for all Levelized Billing accounts will carry the same due date as the regular cycled billing accounts. [Ord. 1007, 6/20/94]

2.11 DISCONTINUANCE OF SERVICE

A. Discontinuance of Service at Customer Request

1. A customer, who is also the occupant of the premises being served, may have service discontinued by giving not less than two (2) days advance notice to the City. If a customer has established good credit history or the discontinuance is resulting in a transfer of service, such notice can be made in person, in writing, or via telephone. If a customer has not established good credit history and is not transferring service, such notice shall be in person or in writing. [Ord. 1027, 02/21/95; Ord. 1208, 03/15/99]

2. When such notice is not given, the customer shall be held responsible for all water consumed and shall be required to pay for service until after the City has knowledge that the customer no longer desires utility service and, in the case of water service, the meter is read by City employees.

3. Landlord/Tenant Rule [added Sec. 2.11.A.3. Ord. 1208, 03/15/99]

   a. In situations where service is rendered at an address different from the mailing address of the bill or where the City knows that a Landlord/Tenant relationship exists and that the landlord is the customer of the City, the City shall not disconnect service until the following actions have been taken:

      (1) The customer provides the City with an order of a court of competent jurisdiction granting forcible detainer and returning possession of the premises to the customer or written confirmation that the premises is unoccupied.

      (2) Where such order or written confirmation has not yet been provided, the City shall provide written notice to the tenant or occupant of the premises, by Certified Mail and by Posting, and shall offer the tenant or occupant the opportunity to subscribe for service in his or her own name within ten (10) days from the mailing and posting of the notice. If the occupant then declines or fails, for whatever reason, to so subscribe, the City will disconnect service.

      (3) The customer shall be responsible for all charges up to and including the tenth (10th) day. The City will not attempt to recover from a tenant or occupant, or condition future service to same, with the payment of any outstanding bills or other charges due upon the outstanding account of the landlord.

B. <u>Discontinuance of Service by City</u>

1. The City may discontinue service to any customer for non-payment of bill for service. Service may be discontinued seven (7) days after the bill is delinquent. Prior to discontinuing service, notice shall be mailed to the customer. [Ord. 996, 01/18/94; Ord. 1013, 10/03/94]

2. Service to any customer may be terminated without notice:

   a. Whenever theft of water or sewer service is discovered;

   b. Whenever tampering with regulating and measuring equipment has been discovered;

   c. Where a dangerous condition relating to the water or sewer service is found to exist on the property being served.

3. Service to any customer may be discontinued for a violation of these regulations. Written notice shall be mailed by First Class mail to the customer at the address as shown on the

utility company's records, or personally delivered to the location of service, advising the customer of the specific violation of the rules that exist. The customer will be permitted seventy-two (72) hours from mailing, or forty-eight (48) hours from delivery to correct the violation prior to the discontinuance of service.

4. Notice of delinquency or violation shall advise the customer of the provisions of paragraph B.5.

5. If a customer believes that in fact no violations of regulations or delinquency exists, the customer is entitled to a hearing on the matter with the Water or Wastewater Superintendent. If the customer continues to dispute the violation or delinquency, the customer is entitled to a hearing on the matter, by requesting, in writing, the opportunity to present the appeal to the Municipal Utility Commission and to the Mayor and Common Council. If the Water or Wastewater Superintendent determines that a danger to the system exists, then service shall be discontinued pending appeal. If the customer disputes a portion of his bill, the customer shall pay the remaining portion pending proceeding under this paragraph with respect to the disputed portion. [Ord. 1756, 6/18/13]

C. Renewal of Water Service After Discontinuance Notice

1. If service has been discontinued pursuant to the provisions of Sec. 2.11B, or when a City employee has been dispatched to discontinue service for non-payment, the customer shall pay a non-payment disconnect charge. The charge is due and payable at the time and shall be as designated in Article VI. Under special circumstances, the Finance Director or designee shall have the authority to waive this fee. [Ord. 1007, 06/20/94; Ord. 1253, 05/15/00]

2. In the event the water service is turned on without authorization from the Water Superintendent after it has been discontinued under the provisions of 2.11(B), the service shall again be disconnected until compliance with these regulations is established and the service reconnect charge is paid. [Ord.1756, 6/18/13]

3. If the customer, without authorization from the Water Superintendent, turns on a service or allows or causes it to be turned on after it has been discontinued because of a sanitary hazard or other dangerous condition, the City will remove the meter and not reinstall it until such hazard or condition is abated. In addition to all other charges, the customer shall pay the cost for removal of the meter and to reinstall it prior to restoration of service. [Ord.1756, 6/18/13]

4. If water service is disconnected because the customer has tampered with the meter, the customer will be required to pay the service reconnect charge in accordance with Article VI before water service will be restored. In addition, the customer shall pay the cost of the repairs to the meter.

5. The Finance Director or designee shall have the authority to increase the deposit requirement if a customer has a poor credit history (see Section I: Definition of Good Credit History). The maximum amount a deposit may be increased shall be equal to two and one-half times (2.5x) the highest estimated monthly utility bill. [Ord. 996, 01/18/94]

D. Exceptions

The following accounts shall be exempt from being processed for nonpayment disconnection: Mohave County, State of Arizona, and US Government agencies. 6

2.12 DISPUTED BILLS

A. Corrections

Whenever the correctness of any bill for water, sewer, or garbage service is questioned, the Finance Director will cause an investigation to be made. Any adjustment in the billing shall be authorized by the Finance Director when shown to be proper. The period of adjustment shall not exceed three years preceding the discovery of the error. Any customer who disagrees with the Finance Director's decisions may appeal as provided in 2.11(B) (5). [Ord. 910, 2/3/92; Ord. 1007, 6/20/94; Ord. 1253, 5/15/2000]

B. Meter Accuracy

When the accuracy of a water meter is questioned by the customer, the Water Superintendent, upon request, shall cause an official test to be made. [Ord. 1756, 6/18/13]

1. Customer Request - Deposit Required: Any customer may request the City to test his water meter. A deposit to cover the reasonable cost of the test will be required of the customer in accordance with Article VI.

   The amount so deposited will be returned to the customer if the meter is found, upon test, to register more than two (2%) percent fast under conditions of normal operation, otherwise it will be retained by the City.

2. Test Results: A report giving the name of the customer requesting the test, the date of the request, the location of the premises where the meter has been installed, the type, make, size and number of meter, the date of removal, the date tested, and the result of the test will be supplied to the customer.

3. Adjustment of Bills for Meter Errors

   Fast Meters: When, as a result of any test, a meter is found to be more than two (2%) percent fast, the Finance Director will render a corrected bill for the period in which the meter was in use, not exceeding sixty (60) days, unless it can be shown that the error occurred on a date which can be fixed, in which case the overcharge will be corrected to that date.

C. Special Meter Readings

The Water Superintendent will make special meter readings at the request of the customers for a fee charged pursuant to Article VI. [Ord. 1756, 6/18/13]

D. Special Sewer Tests

The Wastewater Superintendent will make special sewer tests at the request of the customers for a fee charged pursuant to Article VI. [Ord 996, 1/18/94; Ord.1756, 6/18/13]

2.13 ACCESS TO PREMISES

Duly authorized agents and employees of the Department shall have access, at all reasonable hours, to the premises of the customer for the purpose of installing or removing City property; inspecting pipes, appliances, and fixtures; reading or testing meters; or for any other purpose in connection with utility services and facilities.

2.14 CITY LIABILITY EXEMPTION

The City shall not be responsible for negligence of third persons or forces beyond the control of the City, nor shall the City be held liable for any damage that may result from the disruption of turning off or turning on any water supply pipe or main for any purpose whatever, even should no notice have been given, nor for damages caused by any break or leak on any water pipe.

2.15 UNLAWFUL ACTS

A. Meter Tampering

It shall be a misdemeanor for any person to tamper with any City water meter or regulating device.

B. Illegal Connections or Damages

Any user of or connection to any utility supply system of the City of Kingman in violation of these regulations or any act or condition which damages, injures, or threatens to damage or inure the City utility system shall be a misdemeanor.

2.16 PENALTY

Any person who violates any provision of this ordinance declared to be a misdemeanor shall be punished by a fine of not to exceed $1,000.00 or by imprisonment in jail for not more than six months. Each day any violation of this ordinance continues shall constitute a separate offense.

ARTICLE III: WATER SYSTEM

ARTICLE III: WATER SYSTEM

3.1 METERS

A. Property of the City

All meters, when set, shall remain the permanent property of the City.

B. Use

All water sold by the City shall be metered, and meters shall be set and maintained by the Water Superintendent. The customer shall pay for all metered water. [Ord. 1756, 6/18/13]

C. Suitable Placement

The Water Superintendent may install a water meter on the property line or on the customer's property in such location as deemed necessary and which will be conveniently accessible to meter readers. The customer shall provide sufficient and proper space in a suitable location for the installation of the meter. The Water Superintendent is further authorized to install the water meter in an alley, easement, or any adjacent public property. [Ord. 1756, 6/18/13]

D. Single Metering System

Pipes and equipment for water service belonging to the customer shall be so arranged to permit the placing of a single water meter connection for that property. If the pipes and equipment belonging to the customer are not arranged to permit such placement of a meter connection, and additional meters or connections are required, each such additional meter or connection shall be considered as an additional account and shall be so billed.

E. Grouping of Meters

When two or more meters are installed in the same location for different customers, each shall be clearly marked as to which customer it serves.

F. Relocation of Existing Meter

When a meter is relocated at the customer's request, the customer shall pay the costs of the relocation.

G. Customer Damage of Meter

The customer shall exercise reasonable care to prevent meters or other property of the City which may be located on or adjacent to his premises from being damaged or destroyed.

H. Allowable Accuracy

All meters will be pre-certified as to their accuracy prior to being installed. No meter will be placed in service or allowed to remain in service which has an error in registration in excess of two (2%) percent under conditions of normal operation.

3.2 LEAKAGE

Customers are responsible for all damages caused by leaks from the service pipes leading from the customer's side of the meter to the premises served.

3.3 SERVICE CONNECTIONS

A. Conditions

1. No water connection will be made unless, at the time of the request, a complete water connection can be made within sixty (60) days from the date of the request. A complete water connection cannot be made unless an adequate supply line, approved by the Water Superintendent, is in place at the site of the requested water connection, compliance with all provisions of these regulations is shown by the requesting party, and all utility connection fees have been paid. [Ord. 756, 6/18/13]

2. Service connections to transmission mains will not be allowed. [Ord. 853R, 02/04/91]

B. Public Right-of-Way

All connections to the City's water system shall be approved and supervised by the Water Superintendent, and shall [Ord. 1756, 6/18/13]

1. be made in a public right-of-way adjacent to the parcel being served, or

2. in an open public utility easement adjacent to the parcel being served with prior approval of the Water Superintendent. [Ord.1756, 6/18/13]

With prior approval by the Water Superintendent, lots on cul-de-sacs less than 150 feet deep, with no possibility of extension, may be served by connections to a main in the connecting street. [Ord. 840, 8/6/90; Ord. 1756, 6/18/13]

C. Separate Service Lines

1. A separate and independent service line and meter shall be provided to every building or structure. Water service shall be disconnected to any customer who violates this section after the effective date of these regulations.

2. Where one building stands at the rear of another on a lot which cannot be subdivided or split and where no service line is available nor can be constructed to the rear building through an adjoining alley, courtyard or driveway, the service line of the front building may be extended to the rear building and the whole considered as one water service.

3. Properly zoned multi-family, commercial or industrial complexes having more than one building on a single platted lot or parcel owned by one person may have the individual buildings connected to a single common service line until such lot or parcel is subdivided or split, or the buildings become separately owned, in which case independent connections shall be made.

4. Any pre-existing service connections in violation of this paragraph C, which remain after the effective date of these regulations, shall be deemed a piggyback connection and payment for water service will be at the rate provided in Article VI. These pre-existing piggybacks may remain until abandoned by the property owner or an adequate supply line is within 300' of the property in which case a line extension, meter and service line shall be obtained by the owner of the piggyback property.

D. Frontage

No properties shall be served with a water connection until a water distribution main extends the entire frontage of the parcel being served. This provision does not apply to properties at the Kingman Airport Industrial Park.

E. Service to Unsubdivided Parcel

No unsubdivided property, lot, or parcel will be served with a water connection without prior approval of the Common Council, after application and review through the Municipal Utility Commission. [Ord. 1756, 6/18/13]

F. Service to Properties Outside City's Municipal Water Service Area

No properties lying outside of the City's Municipal Water Service Area Boundary, as described in the City's Water Service Policy, shall be provided with City water service without prior approval of the Common Council, after review by the Municipal Utility Commission. The Common Council may require annexation of properties proposed to be served with City Water, prior to authorizing water service to the property. [Ord. 742, 3/20/89]

3.4 CUSTOMER SERVICE

A. Service Application

The customer will make application for a service connection as specified in these regulations. The application shall specify the size of service connection desired, the property to be served and the type of use with any special requirements.

B. Service Line

The Water Superintendent will direct the installation of the service line and meter from the water distribution line to the customer's property line. The size and location of such service line and meter will be determined by the Water Superintendent based upon the anticipated peak flow requirements of the customer. [Ord. 1756, 6/18/13]

C. Connecting

The customer is responsible for connecting his piping to the service line installed by the City at the service connection discharge side of the water meter.

D. Installation

All service lines and meter connections installed by the City pursuant to this Section will be constructed by employees of the Public Works Department or by licensed Contractors authorized by the City.

3.5 BACKFLOW PROTECTION

A. Where it is possible that a public health hazard may be created by a water customer because of a cross-connection or backflow, the Water Superintendent shall evaluate the potential hazard and require the customer to install a backflow prevention device. The type of device shall be in the Superintendent's discretion based on the system and the potential hazard. [Ord. 1756, 6/18/13]

The backflow prevention device shall be located at the property line and shall be protected from freezing and/or physical damage. The minimum level of protection for commercial fire sprinkler systems shall be a double check valve assembly. [Ord. 853R, 02/04/91]

B. Backflow prevention devices required by this section shall be tested by the customer annually. A copy of the test results shall be sent to the Water Superintendent. [Ord. 1756, 6/18/13]

C. All costs for the installation and testing of backflow prevention devices shall be paid by the customer.

D. If a customer, required to install or maintain a backflow prevention device by this section fails to install or maintain the device, the customer's service shall be terminated without notice.

3.6 BUILDING SPRINKLER SYSTEM

C. Permits

A Fire Service Connection Permit shall be obtained prior to making any connection to the water system for a fire service line. There will be no separate fee for this permit, however, the applicant shall submit a plan showing the size and location of the connection, service line and backflow protection device (if required) and information on the type and water supply requirements of the fire sprinkler system. Necessary right-of-way permits must be obtained prior to making the connection. [Ord. 1181, 8/03/98]

D. Design and Installation

Fire service lines shall have a shut off valve with valve box at the connection to the City's water main and a post indicator valve or other approved indicating valve when installed above ground shall be provided at the property line. Within the right-of-way or public utility easement, the line shall be constructed in accordance with current City specifications for public water lines. When accepted, the City will be responsible for maintenance of the segment between the City's distribution main and the property line. [Ord. 1181, 8/03/98; Ord. 1202, 1/04/99]

C. Costs

All costs for a private fire service connection will be at the expense of the applicant.

D. Inspection

The entire private fire service system on the customer's premises shall be subject to the inspection, test, and approval of the City before the service connection is made effective, and at such time thereafter as may be deemed necessary by the City.

E. Fire Purpose Use Only

All fire service lines shall be used exclusively for fire fighting and no connection for any other use may be made.

F. System

The customer is responsible for verifying that the water system is adequate for his fire sprinkler system needs, and, if not adequate, for improving the system at his own expense.

3.7 PUBLIC FIRE HYDRANTS

A. Installation and Maintenance

All public fire hydrants within the City shall be maintained by the City Fire Chief.

1. Properties Outside the City Limits: At the time of water line construction, hydrants shall be installed as required by Section 3.7A3. In addition, at the request of a fire district within the water service area, the City will install hydrants at locations designated by the fire district; the fire district will be charged the actual cost of each installation.

2. Properties Inside the City Limits: Fire hydrants, as required by Section 3.7A3 shall be installed by the City at locations and times designated by the Fire Chief. A developer shall install fire hydrants at the time of development construction in location as directed by the Fire Chief. If the development is for a single family residence and requires a water line extension of less than 75 feet, the fire hydrant shall be installed by the City. [Ord 7l4, 8/l/88]

3. Fire Hydrant Spacing: Fire hydrants shall be located as to be readily accessible, plainly visible, and shall be located at intersections when possible. Hydrant spacing shall be in accordance with the following guidelines: [Ord 70l 4/4/88; Ord. 7l4 8/l/88]

Industrial Zone	300 feet
Commercial Zone	300 feet
Residential Zone	600 feet
Rural Residential	800 feet

Final approval of fire hydrant spacing and location shall be based on favorable field inspection and prior plan review by the City of Kingman Fire Department. [Ord. 70l, 4/4/88]

B. Use of Hydrants

It shall be a misdemeanor for any person, except for the purpose of extinguishing fires, to open any fire hydrant without the consent of the Water Superintendent. [Ord. 1756, 6/18/13]

C. On-Site Fire Hydrants

On-Site fire hydrants and lines feeding on-site fire hydrants will normally be designed and constructed as part of the public water system and provisions of Article VII will apply. These lines shall be located so they are readily accessible for maintenance and appropriate public utility easement shall be created to allow access for operation and testing of the hydrants and maintenance of the lines. [Ord 1181, 8/3/98]

3.8 WATER LINE DEVELOPMENT FEE

[Ord 701, 4/4/88 Para C; Ord 7l4, 8/l/88 Sec 3.8 repealed]

ARTICLE IV: WASTE WATER SYSTEM

4.1 GENERAL PROVISIONS

[Ord. 1764, 8/13/13 with the exception of IV 4.2 G&H]

A. Purpose and Policy

These Regulations set forth uniform requirements for Users of the Publicly Owned Treatment Works for the City and enable the City to comply with all applicable State and Federal laws, including the Clean Water Act (33 United States Code § 1251 et seq.) and the General Pretreatment Regulations (40 Code of Federal Regulations [CFR] Part 403). The objectives of these Regulations are:

1. To prevent the introduction of Pollutants into the Publicly Owned Treatment Works that will interfere with its operation;

2. To prevent the introduction of Pollutants into the Publicly Owned Treatment Works that will pass through the Publicly Owned Treatment Works, inadequately treated, into receiving waters, including the aquifer, or otherwise be incompatible with the Publicly Owned Treatment Works;

3. To protect both Publicly Owned Treatment Works Personnel who may be affected by wastewater and sludge in the course of their employment and the general public;

4. To promote reuse and recycling of Industrial Wastewater and sludge from the Publicly Owned Treatment Works;

5. To provide for fees for the equitable distribution of the cost of operation, maintenance, and improvement of the Publicly Owned Treatment Works; and

6. To enable the City to comply with its Arizona Pollutant Discharge Elimination System permit and Aquifer Protection Permit conditions, sludge use and disposal requirements, and any other Federal or State laws to which the Publicly Owned Treatment Works is subject.

7. To prevent the introduction of Pollutants into the Publicly Owned Treatment Works in amounts that could cause or contribute to a sanitary sewer overflow.

These Regulations shall apply to all Users of the Publicly Owned Treatment Works. These Regulations authorize the issuance of wastewater discharge permits; provide for monitoring, compliance, and enforcement activities; establish administrative review procedures; require User reporting; and provide for the setting of fees for the equitable distribution of costs resulting from the program established herein.

B. Administration

Except as otherwise provided herein, the Wastewater Superintendent shall administer, implement, and enforce the provisions of these Regulations. Any powers granted to or duties imposed upon the Wastewater Superintendent may be delegated by the Wastewater Superintendent to other city personnel.

C. Abbreviations

The following abbreviations, when used in these Regulations, shall have the designated meanings:

APP – Aquifer Protection Permit
AZPDES – Arizona Pollutant Discharge Elimination System
B.O.D. – Biochemical Oxygen Demand
BMP – Best Management Practice

CFR – Code of Federal Regulations
EPA – United States Environmental Protection Agency
FSF – Food Service Facility
gpd – gallons per day
IU – Industrial User
ug/L – micrograms per liter
mg/L – milligrams per liter
MSDS – Material Safety Data Sheet
POTW – Publicly Owned Treatment Works
SIU – Significant Industrial User
U.S.C. – United States Code
VSF – Vehicle Service Facility

D. Definitions

Unless a provision explicitly states otherwise, the following terms and phrases, as used in these Regulations, shall have the meanings hereinafter designated.

1. Act: shall mean The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. section 1251 et seq.

2. Approval Authority: shall mean Arizona Department of Environmental Quality (ADEQ).

3. Authorized or Duly Authorized Representative of the User: shall mean

a. If the User is a corporation:

(1) The president, secretary, treasurer, or a vice president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision making functions for the corporation; or

(2) The manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions that govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for individual wastewater discharge permit or general permit requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

b. If the User is a partnership or sole proprietorship: a general partner or proprietor, respectively.

c. If the User is a Federal, State, or local governmental facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.

d. The individuals described in paragraphs 1 through 3, above, may designate a Duly Authorized Representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall

responsibility for environmental matters for the company, and the written authorization is submitted to the City.

4. Best Management Practices, or BMPs: shall mean schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in 40 CFR 403.5(a) (1) and (b). BMPs include treatment requirements, operating procedures, and practices to control plant site runoff, spillage, or leaks, sludge or waste disposal, or drainage from raw materials storage. BMPs also include alternative means (i.e., management plans) of complying with, or in place of certain established Categorical Pretreatment Standards and effluent limits.

5. B.O.D. or Biochemical Oxygen Demand: shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures in five (5) days at twenty (20) degrees C. expressed in terms of weight and concentration (mg/L).

6. Categorical Industrial User or CIU: shall mean an Industrial User subject to a Categorical Pretreatment Standard or Categorical Standard.

7. Categorical Pretreatment Standard or Categorical Standard: shall mean any regulation containing Pollutant discharge limits promulgated by United States Environmental Protection Agency (EPA) in accordance with sections 307(b) and (c) of the Act (33 U.S.C. § 1317) which apply to a specific category of Users and which appear in 40 CFR Chapter I, Subchapter N, Parts 405-471 and are incorporated in this chapter by reference.

8. Chemical Oxygen Demand or COD: shall mean a measure of the oxygen required to oxidize all compounds, both organic and inorganic, in water.

9. City: shall mean the City of Kingman, Arizona.

10. Class I User: shall mean a Significant Industrial User (SIU).

11. Class II User: shall mean:

    a. A zero process discharge User; or

    b. An Industrial User, for which the Wastewater Superintendent develops Best Management Practices (BMPs) or requires additional Pretreatment measures, either by ordinance, in an individual wastewater discharge permit, or in a general permit, to implement Local Limits and the requirements of 40 CFR 403.5 (a)(1) and (b).

12. Composite Sample: shall mean a combination of individual samples obtained at regular intervals over a specified time period. The volume of each individual sample shall be either proportional to the flow rate during the sample period (flow composite) or constant and collected at equal time intervals during the composite period (time composite) as defined in the permit.

13. Control Authority: shall mean the City

14. Daily Maximum: shall mean the arithmetic average of all effluent samples for a Pollutant collected during a calendar day.

15. Daily Maximum Limit: shall mean the maximum allowable discharge limit of a Pollutant during a calendar day. Where Daily Maximum Limits are expressed in units of mass, the daily Discharge is the total mass discharged over the course of the day. Where Daily

Maximum Limits are expressed in terms of a concentration, the daily Discharge is the arithmetic average measurement of the Pollutant concentration derived from all measurements taken that day.

16. Environmental Protection Agency or EPA: shall mean the U.S. Environmental Protection Agency or, where appropriate, the Regional Water Management Division Director, the Regional Administrator, or other duly authorized official of said agency.

17. Existing Source: shall mean any source of discharge that is not a "New Source."

18. Food Service Facility, or FSF: shall mean a User belonging to one of the Standard Classifications: Bakery Facility, Hotel/Motel With Dining, Market with Garbage Disposal, or Restaurant under Section 6.3A.1.c of these Regulations; or any other facility that processes, prepares, and/or serves food, including private and public institutions, such as schools, hospitals, churches, day-care and residential facilities with common food preparation and dining areas, but excluding private dwellings.

19. Grab Sample: shall mean a sample which is taken from a waste stream without regard to the flow or time of day in the waste stream and over a period of time not to exceed fifteen (15) minutes.

20. Grease or Fats: shall mean any material which is extractable from an acidified sample of a waste by hexane or other designated solvent.

21. Ground Garbage: shall mean solid wastes from the preparation, cooking, and dispensing of food that has been shredded or comminuted to such a degree that all particles will be carried freely in suspension in public sewers, with no particle greater than one-half inch (l/2") in any dimension.

22. Indirect Discharge or Discharge: shall mean the introduction of Pollutants into the Publicly Owned Treatment Works (POTW) from any nondomestic source regulated under section 307(b), (c), or (d) of the Act.

23. Industrial Waste: shall mean any liquid, solid, or gaseous substance or form of energy or combination thereof, resulting from any process of industrial, commercial, governmental, and institutional concerns, manufacturing, business, trade, or research, including the development, recovery, or processing of natural resources.

24. Instantaneous Limit: shall mean the maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composited sample collected, independent of the industrial flow rate and the duration of the sampling event.

25. Interference: shall mean a discharge that, alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the POTW, its treatment processes or operations or its sludge processes, use or disposal; and therefore, is a cause of a violation of the City's AZPDES permit or APP or the prevention of sewage sludge use or disposal in compliance with any of the following statutory/regulatory provisions or permits issued thereunder, or any more stringent State or local regulations: section 405 of the Act; the Solid Waste Disposal Act, including Title II, commonly referred to as the Resource Conservation and Recovery Act (RCRRA); any State regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the Solid Waste Disposal Act; the Clean Air Act; and the Toxic Substances Control Act.

26. Local Limits: shall mean specific discharge limits developed and enforced by the City upon industrial or commercial facilities to implement the general and specific discharge prohibitions listed in 40 CFR 403.5(a)(1) and (b).

27. Medical Waste: shall mean isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.

28. Monthly Average: shall mean the sum of all "daily discharges" measured during a calendar month divided by the number of "daily discharges" measured during that month.

29. Monthly Average Limit: shall mean the highest allowable average of "daily discharges" over a calendar month, calculated as the sum of all "daily discharges" measured during a calendar month divided by the number of "daily discharges" measured during that month.

30. New Source: shall mean

    a. Any building, structure, facility, or installation from which there is (or may be) a discharge of pollutants, the construction of which commenced after the publication of proposed Pretreatment Standards under section 307(c) of the Act that will be applicable to such source if such Standards are thereafter promulgated in accordance with that section, provided that:

        (1) The building, structure, facility, or installation is constructed at a site at which no other source is located; or

        (2) The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an Existing Source; or

        (3) The production or wastewater generating processes of the building, structure, facility, or installation are substantially independent of an Existing Source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the Existing Source, should be considered.

    b. Construction on a site at which an Existing Source is located results in a modification rather than a New Source if the construction does not create a new building, structure, facility, or installation meeting the criteria of Section a(1) or (2) above but otherwise alters, replaces, or adds to existing process or production equipment.

    c. Construction of a New Source as defined under this paragraph has commenced if the owner or operator has:

        (1) Begun, or caused to begin, as part of a continuous onsite construction program,

            (a) any placement, assembly, or installation of facilities or equipment; or

            (b) significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or

facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or

(2) Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.

31. Noncontact Cooling Water: shall mean water used for cooling that does not come into direct contact with any raw material, intermediate product, waste product, or finished product.

32. Pass Through: shall mean a discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the City's AZPDES permit or APP, including an increase in the magnitude or duration of a violation.

33. Person: shall mean any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity; or their legal representatives, agents, or assigns. This definition includes all Federal, State, and local governmental entities.

34. pH: shall mean the negative logarithm of the effective hydrogen-ion concentration or hydrogen-ion activity in gram equivalents per liter used in expressing both acidity and alkalinity.

35. Pollutant: shall mean dredged spoil, solid waste, incinerator residue, filter backwash, Sewage, garbage, biosolids, munitions, Medical Wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, municipal, agricultural and Industrial Wastes, and certain characteristics of wastewater (e.g., fats, oils, grease, pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, or odor).

36. Pretreatment: shall mean the reduction of the amount of Pollutants, the elimination of Pollutants, or the alteration of the nature of Pollutant properties in wastewater prior to, or in lieu of, introducing such Pollutants into the POTW. This reduction or alteration can be obtained by physical, chemical, or biological processes; by process changes; or by other means, except by diluting the concentration of the Pollutants unless allowed by an applicable Pretreatment standard.

37. Pretreatment Requirements: shall mean any substantive or procedural requirement related to Pretreatment imposed on a User, other than a Pretreatment Standard.

38. Pretreatment Standard or Standards: shall mean prohibited discharge standards, Categorical Pretreatment Standards, and Local Limits.

39. Prohibited Discharge Standards or Prohibited Discharges: shall mean absolute prohibitions against the discharge of certain substances; these prohibitions appear in Section 4.2A of this Article.

40. Publicly Owned Treatment Works or POTW: shall mean a treatment works, as defined by section 212 of the Act (33 U.S.C. section 1292), which is owned by the City. This definition includes any devices or systems used in the collection, storage, treatment,

recycling, and reclamation of sewage or Industrial Wastes of a liquid nature and any conveyances, which convey wastewater to a Treatment Plant.

41. Regulations: shall mean the City of Kingman Utility Regulations, adopted by Ordinance No. 682 and revised from time to time.

42. Septage: shall mean any waste originating from a private sewer system or Septic Tank that is not directly connected to the City Sewer System.

43. Septic Tank: shall mean any form of private sewer system not directly connected to the City Sewer System.

44. Septic Tank Waste: shall mean any sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.

45. Sewage: shall mean wastes from toilets, baths, sinks, lavatories, laundries, and other plumbing fixtures in residences, institutions, public and business buildings, mobile homes, watercraft, and other places of human habitation, employment or recreation.

46. Sewage Treatment Plant or Treatment Plant: shall mean the physical facilities for the treatment of sewage before discharging into the natural environment.

47. Sewer: shall mean pipes, conduit or treatment facilities for transportation or disposal of sewage.

48. Sewer System: shall mean pipelines or conduits, pumping stations, and force mains, and all other structures, devices, appurtenances, and facilities used for collecting or conducting wastes to an ultimate point of treatment or disposal.

49. Significant Industrial User: shall mean, except as provided in paragraphs (3) and (4) of this Section:

    a. An Industrial User subject to Categorical Standards; or

    b. An Industrial User that:

        (1) Discharges an average of twenty-five thousand (25,000) gallons per day (gpd) or more of process wastewater to the POTW (excluding sanitary, noncontact cooling and boiler blowdown wastewater);

        (2) Contributes a process waste stream that makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of the POTW Treatment Plant; or

        (3) Is designated as such by the City on the basis that it has a reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standard or Requirement.

50. Slug Load or Discharge: shall mean any discharge at a flow rate or concentration that could cause a violation of the prohibited discharge standards in Section 4.2A of this Article. A Slug Discharge is any Discharge of a non-routine, episodic nature, including but not limited to an accidental spill or non-customary batch Discharge that has a reasonable potential to cause Interference or Pass Through, or in any other way violate the POTW's Regulations, Local Limits, or permit conditions.

51. Standard Classification: shall mean a group of Users as listed in Section 6.3A.1.c of these Regulations.

52. Storm Water: shall mean any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snowmelt.

53. Wastewater Superintendent: shall mean the person designated by the City under Section 2.2B.2 of these Regulations to supervise the operation of the POTW, and who is charged with certain duties and responsibilities by this Article. The term also means a Duly Authorized Representative of the Wastewater Superintendent.

54. Total Suspended Solids or Suspended Solids: shall mean the total suspended matter that floats on the surface of, or is in suspension in water, sewage or other liquids, and that is removable by further filtering.

55. User or Industrial User: shall mean a source of Indirect Discharge.

56. Vehicle Service Facility, or VSF: shall mean a User belonging to one of the Standard Classifications: Auto Steam Clean, Car Wash, or Repair Shop/Service Station under Section 6.3A.1.c of these Regulations; or any other facility that conducts one or more of the following operations with respect to vehicles or components of vehicles: vehicle repair, fuel dispensing, vehicle fluid replacement, engine and parts cleaning, body repair, vehicle salvage and wrecking, or vehicle washing, but excluding private dwellings.

57. Wastes: shall mean sewage, industrial wastes, and all other liquid, gaseous, solid, radioactive, or other substance which may pollute or tend to pollute any waters of the State.

58. Wastewater: shall mean liquid and water-carried Industrial Wastes and Sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, which are contributed to the POTW.

59. Wastewater Treatment Plant or Treatment Plant: shall mean that portion of the POTW which is designed to provide treatment of municipal sewage and industrial waste.

4.2 GENERAL SEWER USE REQUIREMENTS

A. Prohibited Discharge Standards

1. General Prohibitions.

a. No User shall introduce or cause to be introduced into the POTW any Pollutant or wastewater which causes Pass Through, Interference, or violation of any recharge requirement; or any water or wastes containing a substance in sufficient quantity to constitute a hazard to humans or animals or create any hazard in the waters or lands receiving the effluent of the POTW Treatment Plant. These general prohibitions apply to all Users of the POTW whether or not they are subject to Categorical Pretreatment Standards or any other National, State, or local Pretreatment Standards or requirements.

b. It shall be a misdemeanor, for any person to deposit, in an unsanitary manner upon public or private property within the city, or any area under the jurisdiction of the City, any human excrement, sewage, industrial wastes or contaminated water, except where suitable treatment has been provided in accordance with this Article.

c. Except as provided in this Article, it shall be a misdemeanor for any person to construct or maintain within the City, any privy, privy fault, septic tank, cesspool, or other facility intended or used for the disposal of sewage.

2. Specific Prohibitions. No User shall introduce or cause to be introduced into the POTW the following Pollutants, substances, or wastewater:

a. Any gasoline, benzene, naptha, fuel oil, or other flammable or explosive liquid, solid, or gas, or any pollutants which create a fire or explosive hazard in the POTW, including, but not limited to, waste streams with a closed-cup flashpoint of less than 140°F (60°C) using the test methods specified in 40 CFR 261.21.

b. Any water or wastes having a pH lower than five and one-half (5 1/2) or higher than nine (9) or having any other corrosive property capable of causing damage or hazard to structures, equipment or personnel of the POTW.

c. Any ashes, cinders, sand, mud, straw, shavings, metal, rags, feathers, tar, plastics, wood, paunch manure, glass grits, such as brick, cement, onyx, carbides, or any other solid or viscous substances capable of causing obstruction to the flow in sewers or other Interference with the proper operation of the POTW.

d. Pollutants, including oxygen-demanding pollutants (B.O.D., etc.), released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause Interference with the POTW.

e. Wastewater having a temperature greater than 110 °F (43.3 °C), 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°F (40°C).

f. Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin, in amounts that will cause Interference or Pass Through.

g. Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems.

h. Trucked or hauled pollutants, except at discharge points designated by the Wastewater Superintendent in accordance with Section 4.3D of this Article.

i. Any noxious or malodorous gas, liquid, solid, or other substance that, either singly of by interaction with other wastes, is sufficient to create a public nuisance or a hazard to life, or to prevent entry into the sewers for maintenance or repair.

j. Wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts color to the Treatment Plant's effluent, thereby violating the City's AZPDES permit.

k. Wastewater containing any radioactive wastes or isotopes except in compliance with applicable State or Federal Regulations.

l. Storm Water, surface water, ground water, roof runoff, or subsurface drainage to any sanitary sewer. No rain spout, roof drain or other form of surface drainage and no foundation drainage or sump pump shall be connected to, or discharge into, any sanitary sewer.

m. Sludges, screenings, or other residues from the Pretreatment of Industrial Wastes.

n. Medical Wastes, except as specifically authorized by the Wastewater Superintendent in a wastewater discharge permit.

o. Wastewater causing, alone or in conjunction with other sources, the Treatment Plant's effluent to fail a toxicity test.

p. Detergents, surface-active agents, or other substances which may cause excessive foaming in the POTW.

q. Wastewater causing two readings on an explosion hazard meter at the point of discharge into the POTW, or at any point in the POTW, of more than five percent (5%) or any single reading over ten percent (10%) of the Lower Explosive Limit of the meter.

r. Any vegetable or organic food material that is not ground garbage.

s. Any other substance prohibited by Federal or State law.

3. Discharges Requiring Approval. No Person or User shall admit into the public sewers without prior approval of the Wastewater Superintendent:

a. Any water or wastes having a five (5) day biological oxygen demand (B.O.D.) greater than three hundred (300) parts per million by weight.

b. Any water or wastes having more than three hundred fifty (350) parts per million by weight of Suspended Solids.

c. Approval of the connection for Users in Standard Classifications listed in 6.3A.1.c of these Regulations constitutes approval to discharge higher strength wastewater.

B. National Categorical Pretreatment Standards

Users must comply with the Categorical Pretreatment Standards found at 40 CFR Chapter I, Subchapter N, Parts 405-471.

1. Where a Categorical Pretreatment Standard is expressed only in terms of either the mass or the concentration of a Pollutant in wastewater, the Wastewater Superintendent may impose equivalent concentration or mass limits in accordance with 40 CFR 403.6(c).

2. When the limits in a Categorical Pretreatment Standard are expressed only in terms of mass of Pollutant per unit of production, the Wastewater Superintendent may convert the limits to equivalent limitations expressed either as mass of Pollutant discharged per day or effluent concentration for purposes of calculating effluent limitations applicable to individual IUs.

3. When wastewater subject to a Categorical Pretreatment Standard is mixed with wastewater not regulated by the same Standard, the Wastewater Superintendent shall impose an alternate limit using the combined waste stream formula in 40 CFR 403.6(e).

4. {CIU net/gross adjustment}[Reserved]

5. {Equivalent mass limits}[Reserved]

6. {Equivalent concentration limits}[Reserved]

7. {Compliance with equivalent limits}[Reserved]

8. {Use of production/flow figure}[Reserved]

9. {Changes in production level}[Reserved]

C. State Pretreatment Standards

State Pretreatment Standards located at Arizona Administrative Code R18-9-A905 (A) (8) (b) are hereby incorporated.

D. Local Limits

1. The Wastewater Superintendent is authorized to establish Local Limits pursuant to 40 CFR 403.5(c).

2. The following Pollutant concentration limits are established to protect against Pass Through and Interference. Each User who discharges an Indirect Discharge to the POTW and is designated as a Class I User by the Wastewater Superintendent shall not discharge or cause to be discharged at any entry point to the POTW any wastewater containing in excess of the following Daily Maximum Limits:

Parameter	Maximum Allowable Headworks Loading (pounds per day)	Daily Maximum Limit (micrograms per liter, except where otherwise noted)	Sample Type
Arsenic	0.13	61	Composite
Cadmium	0.028	8.7	Composite
Chromium, hexavalent	0.16	76	Composite
Chromium, total	3.8	2,400	Composite
Copper	0.54	User-Specific	Composite
Cyanide	0.11	57	Grab
Lead	0.21	110	Composite
Mercury	0.00033	User-Specific	Composite
Molybdenum	0.21	User-Specific	Composite
Nickel	1.2	750	Composite
Selenium	0.021	User-Specific	Composite
Silver	0.31	190	Composite
Zinc	2.8	1,100	Composite
BOD_5	2,500	User-Specific	Composite
TSS	2,600	User-Specific	Composite
Total Nitrogen	490	User-Specific	Composite
Oil and grease	-	50 mg/L	Grab

a. The above limits apply at the point where the wastewater is discharged to the POTW. All concentrations for metallic substances are for total metal unless indicated otherwise.

b. The Daily Maximum Limit shall be the maximum allowable concentration permitted in a discharge as measured, where feasible and appropriate for the given parameter, in a 24-hour Composite Sample obtained by flow-proportional sampling techniques. If the Wastewater Superintendent determines that flow-proportional sampling is not feasible, the Wastewater Superintendent may allow or conduct composite sampling by time-proportional techniques or by the compositing or averaging of one or more Grab Samples.

3. The Wastewater Superintendent may impose mass limitations in addition to the concentration-based limitations above.

4. The Wastewater Superintendent may incorporate local limits on a User-specified basis into wastewater discharge permits where necessary to meet Maximum Allowable Headworks Loading limitations. Any violation of a User-specific pollutant limitation as may be set forth by the Wastewater Superintendent shall subject the User to the same administrative actions, penalties, and enforcement actions as would be available for any other violation of these Utility Regulations.

5. The Wastewater Superintendent may develop Best Management Practices (BMPs), by ordinance or in individual wastewater discharge permits or general permits, to implement Local Limits and the requirements of 40 CFR 403.5 (a) (1) and (b).

The Wastewater Superintendent has the authority to require any individual User or any User belonging to a standard classification of Users to implement any BMP for any pollutant as required by the Wastewater Superintendent.

E. City's Right of Revision

The City reserves the right to establish, by ordinance or in individual wastewater discharge permits or general permits, more stringent Standards or requirements on Discharges to the POTW consistent with the purpose of these Regulations. The Wastewater Superintendent may establish additional standards not specifically referred to in this Section. Said standards shall be published and shall be made available to any Person requesting a copy of said standards.

F. Dilution

No User shall ever increase the use of process water, or in any way attempt to dilute a Discharge, as a partial or complete substitute for adequate treatment to achieve compliance with a discharge limitation unless expressly authorized by an applicable Pretreatment Standard or requirement. The Wastewater Superintendent may impose mass limitations on Users who are using dilution to meet applicable Pretreatment Standards or requirements or in other cases when the imposition of mass limitations is appropriate.

G. Connections

1. Permit. No connection shall be made to the sewer system unless a Sewer Connection Permit has been issued and applicable fees, pursuant to Article VI have been paid. Connection permits will only be issued for existing buildings or for new buildings with a valid building permit. For new buildings, the term of the Connection Permit shall correspond with the building permit. [Ord. 902, 1/6/92]

For existing buildings, connections shall be completed within 180 days from the date the

Sewer Connection Permit is issued, or the permit shall become void and a renewal shall be required. A non-refundable $25.00 fee shall be charged for renewals. Only one permit renewal shall be allowed per address. [Ord. 902, 1/6/92]

a. Each lot or parcel serviced shall have a separate connection.[Ord. 1756 6/18/13]

2. Connection Required When Sewer Available.

a. At any time after a public sewer abuts a property and inspection of a septic tank located on the property by an officer of the Mohave County Health Department shows that the septic tank needs servicing, a direct connection of the property's plumbing shall be made to the public sewer and the septic tank shall be filled according to the plumbing code adopted in Chapter 5 of the Kingman Code.

b. After the public sewer abuts a property, no permits shall be issued nor work permitted to alter or improve any septic tank located on the property.

c. After a public sewer is available, no permits shall be issued to construct any private sewage disposal system.

d. After a public sewer is available, development on a previously undeveloped property or redevelopment of a previously developed property shall be connected to the Public Sewer System. [Ord. 1430, 4/6/04]

3. Sewer Connection Design. New connections shall be designed and constructed in accordance with the latest edition of the "Uniform Standard Specifications" and "Uniform Standard Details" for Public Works Construction, sponsored and distributed by the Maricopa Association of Governments, as adopted and amended for use in the City of Kingman. [Ord. 927, 6/15/92]

4. Maintenance of Sewer Connection. The property owner is responsible for his sewer service from its connection to the sewer main to the building including the portion within City right-of-way and the tap itself. This responsibility includes, but is not necessarily limited to maintenance, cleaning, and replacement. The City is responsible only for the main itself. [Ord. 837, 7/2/90]

5. Building Plumbing Where Sewer is Not Available. In areas where sewer is not available, new buildings shall be plumbed so they can be connected to the sewer when it becomes available. Drain piping shall exit at the front or side of the building. If it is likely the eventual sewer would be in a rear alley, a rear drain exit may be considered. [Ord. 1012, 8/15/94]

H. Operation of Private Sewer Systems

1. Where a public sanitary sewer is not available within the City or in any area under the jurisdiction of the City, the building sewer shall be connected to a private sewage disposal system. The private sewage disposal system shall comply with all laws and regulations of the state, county, and city.

2. Such private sewage disposal system shall be constructed, maintained, and operated at all times in a sanitary manner. Construction, alterations, and maintenance shall be performed in conformance with regulations of the Arizona Department of Environmental Quality.

3. Septage shall only be allowed to be discharged into the City sewer system in quantities, at times, and in specific locations upon written permit issued by the Utility Superintendent. Haulers shall obtain a permit and pay user charges in accordance with Article VI.

Discharge of septage into the City sewer system without a written permit or in violation of a written permit, constitutes a misdemeanor. [Ord. 927, 6/15/92]

4.3 PRETREATMENT OF WASTEWATER

A. Pretreatment Facilities

1. Where necessary in the opinion of the Wastewater Superintendent, the owner shall provide, at his expense, such Pretreatment as may be necessary to:

   a. Reduce objectionable characteristics or constituents to within maximum limits provided for in Sections 4.2B and 4.2D of this Article.

   b. Control the quantities and the rate of discharge of such waters or wastes.

   c. Comply with these Regulations.

2. Users shall achieve compliance with all Categorical Pretreatment Standards; effluent limits based on applicable Pretreatment Standards, such as Local Limits; and/or requirements for BMPs within the time limitations specified by EPA, the State, or the Wastewater Superintendent, whichever is more stringent. Any facilities necessary for compliance shall be provided, operated, and maintained at the User's expense.

3. Plans, specifications and any other pertinent information relating to proposed Pretreatment facilities shall be submitted for review by and the approval of the Wastewater Superintendent as well as ADEQ and County boards of health. No such construction of such facilities shall be commenced until such approvals are obtained in writing. The completed facilities shall not be placed in service until they have been inspected for conformance to the approved plans and the final construction approved by the Wastewater Superintendent. The approval of the plans and inspection of construction shall not relieve the owner from complying with, and achieving, discharge limitations set forth in this chapter. The review of such plans and operating procedures shall in no way relieve the User from the responsibility of modifying such facilities as necessary to produce a Discharge acceptable to the City under the provisions of these Regulations.

4. Federal Pretreatment regulations shall be enforced as applicable. No Discharge may cause the POTW to exceed its AZPDES permit or APP limitations.

B. Additional Pretreatment Measures

1. The Wastewater Superintendent may require Users to restrict their Discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate Sewage waste streams from Industrial Waste streams, and such other conditions as may be necessary to protect the POTW and determine the User's compliance with the requirements of these Regulations.

2. The Wastewater Superintendent may require any Person discharging into the POTW to install and maintain, on his property and at his expense, a suitable storage and flow-control facility to ensure equalization of flow. A wastewater discharge permit may be issued solely for flow equalization.

3. The Wastewater Superintendent may require additional Pretreatment measures of any Industrial User. The Wastewater Superintendent requires that where Pretreatment devices are installed:

a. All Pretreatment devices shall be of a type and capacity approved by the City Engineer, and shall be located as to be readily and easily accessible for cleaning and inspection; substantially constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature; and provided with water-tight vaults and covers. Covers shall be easily removable, and traffic-rated where appropriate. When bolted covers are required, they shall be gas-tight and water-tight.

b. The owner/operator, at his expense, shall maintain all pretreatment devices in continuously efficient operation at all times.

c. The owner/operator shall keep written records and documentation of all cleaning, repair, calibration, and maintenance required, demonstrating compliance with this chapter. Where proper operation of the Pretreatment device or system requires disposal of grease or other waste materials, a hauler approved by the Wastewater Superintendent must remove and dispose of the waste material. Records shall include copies of manifests indicating the point of discharge for each load. Such records shall be available for inspection by the Wastewater Superintendent upon request.

d. The owner/operator shall keep records at the facility for a minimum of three years and shall make records available to the Wastewater Superintendent upon request.

4. The Wastewater Superintendent may require a grease, oil, sand, or lint interceptor, separator, or other Pretreatment device when it is necessary for the proper handling of wastewater containing excessive amounts of grease and oil, sand, or lint, except that such devices shall not be required for private single family living quarters.

a. When deemed necessary by the Wastewater Superintendent, the owner/operator of every newly constructed, remodeled, or converted Vehicle Service Facility, Food Service Facility, or other facility with one or more grease-generating activities shall install, or cause to be installed, a grease removal Pretreatment device of a size equal to or greater than the minimum size required by the plumbing code adopted by the City. Said standards shall be published and shall be made available to any Person requesting a copy of said standards. The Wastewater Superintendent may elect to impose mandatory BMPs in lieu of this requirement.

b. When deemed necessary by the Wastewater Superintendent and upon notification by the Wastewater Superintendent, the owner/operator of every facility with one or more grease-generating activities that is serviced by a sewer line found to have (1) a grease blockage, (2) a history of grease blockage, or (3) accelerated line maintenance from grease disposal shall install or cause to be installed a grease removal Pretreatment device. If a grease removal Pretreatment device is already installed, then the Wastewater Superintendent may require the owner/operator to install a new grease removal Pretreatment device. The Wastewater Superintendent may elect to impose mandatory BMPs in lieu of this requirement.

c. The owner/operator shall be responsible for removing the contents of all grease removal Pretreatment devices periodically as necessary to prevent violations of this chapter. At a minimum, the entire contents shall be removed every six months or more frequently as needed to prevent carryover of grease into the POTW unless it can be demonstrated to the satisfaction of the Wastewater Superintendent that the pumping frequency can be extended past the six-month

period.

d. Any User utilizing biological or chemical additives for treatment remains responsible for maintaining grease removal Pretreatment devices so that they remain effective. Any User utilizing biological or chemical additives must notify the Wastewater Superintendent and provide a Material Safety Data Sheet for each additive.

(1) Exclusive use of biological or chemical additives is not considered an acceptable maintenance practice. Their use cannot be employed as the sole method of treating or maintaining the facility's discharge to the POTW.

(2) Emulsifiers are prohibited from use in grease removal devices.

5. Users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.

6. When the nature or quantity of wastes, other than waste generated by residential use, creates a potential for violations of this article, the customer shall install a suitable control manhole in the private sewer to facilitate observation and samplings of the wastes. Such manhole when required shall be accessible and safely located, and shall be constructed in accordance with plans approved by the Wastewater Superintendent. The manhole shall be installed by the owner or occupier at his expense, and shall be maintained by him.

C. Accidental Discharge/Slug Discharge Control Plans

The Wastewater Superintendent shall evaluate whether each SIU needs an accidental Discharge/Slug Discharge control plan. The Wastewater Superintendent may require any User to develop, submit for approval, and implement such a plan. Alternatively, the Wastewater Superintendent may develop such a plan for any User. An accidental Discharge/Slug Discharge control plan shall address, at a minimum, the following:

1. Description of discharge practices, including non-routine batch Discharges;

2. Description of stored chemicals;

3. Procedures for immediately notifying the Wastewater Superintendent of any accidental or Slug Discharge, as required by Section 4.6F of this Article; and

4. Procedures to prevent adverse impact from any accidental or Slug Discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic Pollutants, including solvents, and/or measures and equipment for emergency response.

D. Hauled Wastewater

1. The Wastewater Superintendent may allow septic tank waste to be introduced into the POTW. Such waste shall not violate Section 4.2 of this Article or any other requirements established by the City.

2. The Wastewater Superintendent shall require haulers of septic tank waste to obtain wastewater discharge permits. Septic tank waste may be introduced into the POTW only at locations designated by the Wastewater Superintendent, and at such times as are

established by the Wastewater Superintendent. The Wastewater Superintendent may collect samples of each hauled load to ensure compliance with applicable Standards. The Wastewater Superintendent may require the septic tank waste hauler to provide a waste analysis of any load prior to discharge.

3. Septic tank waste haulers must provide a completed City waste-tracking form for every load. This form shall include, at a minimum, the name and address of the septic tank waste hauler, permit number, truck identification, names and addresses of sources of waste, and volume and characteristics of waste. Septic Tank Waste haulers shall maintain records of all waste-tracking forms for at least three (3) years.

4. Septic tank waste haulers shall not discharge loads of grease or mixed loads of septic tank waste and grease or mixed loads of septic tank waste and any other type of waste.

4.4 WASTEWATER DISCHARGE PERMITS

A. Wastewater Analysis

When requested by the Wastewater Superintendent, a User must submit information on the nature and characteristics of its wastewater within forty-five (45) days of the request. The Wastewater Superintendent is authorized to prepare a form for this purpose and may periodically require Users to update this information.

B. Wastewater Discharge Permit Requirement

1. No Significant Industrial User shall discharge wastewater into the POTW without first obtaining a wastewater discharge permit from the City Engineer except that a Significant Industrial User that has filed a timely application pursuant to Section 4.4C of this Article may continue to discharge for the time period specified therein.

2. The City Engineer may require other Users to obtain individual wastewater discharge permits as necessary to carry out the purposes of this Article. The City Engineer may also elect to issue a general permit, which applies to all individual Users in a particular category, or set general requirements, including implementation of Pretreatment and BMPs, which apply to all individual Users in a particular category, as set out in Section 4.4F of this Article.

3. Any violation of the terms and conditions of a wastewater discharge permit shall be deemed a violation of this Article and subjects the wastewater discharge permittee to the sanctions set out in Sections 4.10 through 4.12 of this Article. Obtaining a wastewater discharge permit does not relieve a permittee of its obligation to comply with all Federal and State Pretreatment Standards or Requirements or with any other requirements of Federal, State, and local law.

C. Wastewater Discharge Permitting: Existing Connections

Any User required to obtain a wastewater discharge permit who was discharging wastewater into the POTW prior to the effective date of this Article and who wishes to continue such discharges in the future, shall, within thirty (30) days after said date, apply to the City Engineer for a wastewater discharge permit in accordance with Section 4.4E of this Article, and shall not cause or allow discharges to the POTW to continue after thirty (30) days of the effective date of this Article except in accordance with a wastewater discharge permit issued by the City Engineer.

D. Wastewater Discharge Permitting: New Connections

Any User required to obtain a wastewater discharge permit who proposes to begin or recommence

discharging into the POTW must obtain such permit prior to the beginning or recommencing of such discharge. An application for this wastewater discharge permit, in accordance with Section 4.4E of this Article, must be filed at least thirty (30) days prior to the date upon which any discharge will begin or recommence.

E. Wastewater Discharge Permit Application Contents

1. All Users required to obtain a wastewater discharge permit must submit a permit application. Users that are eligible may request a general permit under 4.4F of this Article. The City Engineer may require Users to submit all or some of the following information as part of a permit application:

a. Identifying Information.

(1) The name and address of the facility, including the name of the operator and owner.

(2) Contact information, description of activities, facilities, and plant production processes on the premises;

b. Environmental Permits. A list of any environmental control permits held by or for the facility.

c. Description of Operations.

(1) A brief description of the nature, average rate of production (including each product produced by type, amount, processes, and rate of production), and standard industrial classifications of the operation(s) carried out by such User. This description should include a schematic process diagram, which indicates points of discharge to the POTW from the regulated processes. Copies of MSDSs shall be provided to the City Engineer upon his request.

(2) Types of wastes generated, and a list of all raw materials and chemicals used or stored at the facility which are, or could accidentally or intentionally be, discharged to the POTW;

(3) Number and type of employees, days of operation, and proposed or actual hours of operation;

(4) Type and amount of raw materials processed (average and maximum per day);

(5) Site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, floor drains, and appurtenances by size, location, and elevation, and all points of discharge;

d. Time and duration of discharges;

e. The location for monitoring all wastes covered by the permit;

f. Flow Measurement. Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined wastestream formula set out in Section 4.2.B.3 of this Article (40 CFR 403.6(e)).

g. Measurement of Pollutants.

(1) The categorical Pretreatment Standards applicable to each regulated process and any new categorically regulated processes for Existing Sources.

(2) The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the Standard or by the City Engineer, of regulated pollutants in the discharge from each regulated process.

(3) Instantaneous, Daily Maximum, and long-term average concentrations, or mass, where required, shall be reported.

(4) The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in Section 4.6J of this Article. Where the Standard requires compliance with a BMP or pollution prevention alternative, the User shall submit documentation as required by the City Engineer or the applicable Standards to determine compliance with the Standard.

(5) Sampling must be performed in accordance with procedures set out in Section 4.6K of this Article.

h. {Request for monitoring waiver}[Reserved]

i. Any request to be covered by a general permit based on Section 4.4F of this Article.

j. Any other information as may be deemed necessary by the City Engineer to evaluate the permit application.

2. Incomplete or inaccurate applications will not be processed and will be returned to the User for revision.

F. <u>Wastewater Discharge Permitting: General Permits</u>

1. At the discretion of the City Engineer, the City Engineer may use general permits to control SIU discharges to the POTW if the following conditions are met. All facilities to be covered by a general permit must:

a. Involve the same or substantially similar types of operations;

b. Discharge the same types of wastes;

c. Require the same effluent limitations;

d. Require the same or similar monitoring; and

e. In the opinion of the City Engineer, are more appropriately controlled under a general permit than under individual wastewater discharge permits.

2. To be covered by the general permit, the SIU must file a written request for coverage that identifies its contact information, production processes, the types of wastes generated, the location for monitoring all wastes covered by the general permit, any requests in

accordance with Section 4.5D.2 of this Article for a monitoring waiver for a pollutant neither present nor expected to be present in the Discharge, and any other information the POTW deems appropriate. A monitoring waiver for a pollutant neither present nor expected to be present in the discharge is not effective in the general permit until after the City Engineer has provided written notice to the SIU that such a waiver request has been granted in accordance with Section 4.5D.2 of this Article.

3. The City Engineer will retain a copy of the general permit, documentation to support the POTW's determination that a specific SIU meets the criteria in Section 4.4F.1.a through e of this Article and applicable State regulations, and a copy of the User's written request for coverage for three (3) years after the expiration of the general permit.

4. The City Engineer may not control an SIU through a general permit where the facility is subject to production-based categorical Pretreatment Standards or categorical Pretreatment Standards expressed as mass of pollutant discharged per day or for IUs whose limits are based on the Combined Wastestream Formula (Section 4.2B.3).

G. Application Signatories and Certifications

1. All wastewater discharge permit applications, User reports and certification statements must be signed by an Authorized Representative of the User and contain the certification statement in Section 4.6N.1 of this Article**.**

2. If the designation of an Authorized Representative is no longer accurate because a different individual or position has responsibility for the overall operation of the facility or overall responsibility for environmental matters for the company, a new written authorization satisfying the requirements of this section must be submitted to the City Engineer prior to or together with any reports to be signed by an Authorized Representative.

3. {Non-Significant Categorical Industrial User certification requirement}[Reserved]

H. Wastewater Discharge Permit Decisions

The City Engineer will evaluate the data furnished by the User and may require additional information. Within thirty (30) days of receipt of a complete permit application, the City Engineer will determine whether to issue a wastewater discharge permit. The City Engineer may deny any application for a wastewater discharge permit.

4.5 WASTEWATER DISCHARGE PERMIT ISSUANCE

A. Wastewater Discharge Permit Duration

A wastewater discharge permit shall be issued for a specified time period, not to exceed five (5) years from the effective date of the permit. A wastewater discharge permit may be issued for a period less than five (5) years, at the discretion of the City Engineer. Each wastewater discharge permit will indicate a specific date upon which it will expire.

B. Wastewater Discharge Permit Contents

A wastewater discharge permit shall include such conditions as are deemed reasonably necessary by the City Engineer to prevent Pass Through or Interference, protect the quality of the water body receiving the Treatment Plant's effluent, protect worker health and safety, facilitate sludge management and disposal, and protect against damage to the POTW.

1. Wastewater discharge permits must contain:

a. A statement that indicates the wastewater discharge permit issuance date, expiration date and effective date;

b. A statement that the wastewater discharge permit is nontransferable without prior notification to the City in accordance with Section 4.5E of this Article, and provisions for furnishing the new owner or operator with a copy of the existing wastewater discharge permit;

c. Effluent limits, including Best Management Practices, based on applicable Pretreatment Standards;

d. Self monitoring, sampling, reporting, notification, and record-keeping requirements. These requirements shall include an identification of pollutants (or best management practice) to be monitored, sampling location, sampling frequency, and sample type based on Federal, State, and local law.

e. {Monitoring waiver process}[Reserved]

f. A statement of applicable civil and criminal penalties for violation of Pretreatment Standards and Requirements, and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by applicable Federal, State, or local law.

g. Requirements to control Slug Discharge, if determined by the City Engineer to be necessary.

h. {Monitoring waiver condition}[Reserved]

2. Wastewater discharge permits may contain, but need not be limited to, the following conditions:

a. Limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization;

b. Requirements for the installation of pretreatment technology, pollution control, or construction of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of pollutants into the treatment works;

c. Requirements for the development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or non-routine discharges;

d. Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW;

e. The unit charge or schedule of User charges and fees for the management of the wastewater discharged to the POTW;

f. Requirements for installation and maintenance of inspection and sampling facilities and equipment, including flow measurement devices;

g. A statement that compliance with the wastewater discharge permit does not relieve the permittee of responsibility for compliance with all applicable Federal and State Pretreatment Standards, including those which become effective during the term of the wastewater discharge permit; and

h. Other conditions as deemed appropriate by the City Engineer to ensure compliance with this Article, and State and Federal laws, rules, and regulations.

C. {Permit Issuance Process} [Reserved]

D. Wastewater Discharge Permit Modification

1. The City Engineer may modify an individual wastewater discharge permit for good cause, including, but not limited to, the following reasons:

   a. To incorporate any new or revised Federal, State, or local Pretreatment Standards or Requirements;

   b. To address significant alterations or additions to the User's operation, processes, or wastewater volume or character since the time of the individual wastewater discharge permit issuance;

   c. A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;

   d. Information indicating that the permitted discharge poses a threat to [the City's] POTW, City personnel, the receiving waters, or beneficial sludge use;

   e. Violation of any terms or conditions of the individual wastewater discharge permit;

   f. Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting;

   g. Revision of or a grant of variance from categorical Pretreatment Standards pursuant to 40 CFR 403.13;

   h. To correct typographical or other errors in the individual wastewater discharge permit; or

   i. To reflect a transfer of the facility ownership or operation to a new owner or operator where requested in accordance with Section 4.5E of this Article.

2. The City Engineer may modify a general permit for good cause, including, but not limited to, the following reasons:

   a. To incorporate any new or revised Federal, State, or local Pretreatment Standards or Requirements;

   b. A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;

   c. To correct typographical or other errors in the individual wastewater discharge permit; or

   d. To reflect a transfer of the facility ownership or operation to a new owner or operator where requested in accordance with Section 4.5E of this Article.

E. Wastewater Discharge Permit Transfer

Individual wastewater discharge permits or coverage under general permits may be transferred to a new owner or operator only if the permittee gives at least sixty (60) days advance notice to the City Engineer and the City Engineer approves the individual wastewater discharge permit or the general permit coverage transfer. The notice to the City Engineer must include a written certification by the new owner or operator which:

1. States that the new owner and/or operator has no immediate intent to change the facility's operations and processes;

2. Identifies the specific date on which the transfer is to occur; and

3. Acknowledges full responsibility for complying with the existing wastewater discharge permit.

Failure to provide advance notice of a transfer renders the individual wastewater discharge permit or coverage under the general permit void as of the date of facility transfer.

F. Wastewater Discharge Permit Revocation

The City Engineer may revoke an individual wastewater discharge permit or coverage under a general permit for good cause, including, but not limited to, the following reasons:

1. A. Failure to notify the City Engineer of significant changes to the wastewater prior to the changed discharge;

2. B. Failure to provide prior notification to the City Engineer of changed conditions pursuant to Section 4.6E of this Article;

3. C. Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application;

4. D. Falsifying self-monitoring reports and certification statements;

5. E. Tampering with monitoring equipment;

6. F. Refusing to allow the City Engineer timely access to the facility premises and records;

7. G. Failure to meet effluent limitations;

8. H. Failure to pay fines;

9. I. Failure to pay sewer charges;

10. J. Failure to meet compliance schedules;

11. K. Failure to complete a wastewater survey or the wastewater discharge permit application;

12. L. Failure to provide advance notice of the transfer of business ownership of a permitted facility; or

13. M. Violation of any Pretreatment Standard or Requirement, or any terms of the wastewater discharge permit or this Article.

Individual wastewater discharge permits or coverage under general permits shall be voidable upon cessation of operations or transfer of business ownership. All wastewater discharge permits issued to a User are void upon the issuance of a new wastewater discharge permit to that User.

G. Wastewater Discharge Permit Reissuance

A User with an expiring wastewater discharge permit shall apply for wastewater discharge reissuance by submitting a complete permit application, in accordance with Section 4.4E of this Article, a minimum of thirty (30) days prior to the expiration of the User's existing wastewater discharge permit.

H. {Regulation of Waste Received from Other Jurisdictions} [Reserved]

4.6 REPORTING REQUIREMENTS

A. Baseline Monitoring Reports

1. Within either one hundred eighty (180) days after the effective date of a categorical Pretreatment Standard, or the final administrative decision on a category determination under 40 CFR 403.6(a)(4), whichever is later, existing Categorical Industrial Users currently discharging to or scheduled to discharge to the POTW shall submit to the Wastewater Superintendent a report which contains the information listed in paragraph 2, below. At least ninety (90) days prior to commencement of their discharge, New Sources, and sources that become Categorical Industrial Users subsequent to the promulgation of an applicable categorical Standard, shall submit to the Wastewater Superintendent a report which contains the information listed in paragraph 2, below. A New Source shall report the method of pretreatment it intends to use to meet applicable categorical Standards. A New Source also shall give estimates of its anticipated flow and quantity of pollutants to be discharged.

2. Users described above shall submit the information set forth below.

a. All information required in Section 4.4E.1.a, Section 4.4E.1.b, Section 4.4E.1.c(1), and Section 4.4E.1.f of this Article.

b. Measurement of pollutants.

(1) The User shall provide the information required in Section 4.4E.1.g(1) through (4) of this Article.

(2) The User shall take a minimum of one representative sample to compile that data necessary to comply with the requirements of this paragraph.

(3) Samples should be taken immediately downstream from pretreatment facilities if such exist or immediately downstream from the regulated process if no pretreatment exists. If other wastewaters are mixed with the regulated wastewater prior to pretreatment the User should measure the flows and concentrations necessary to allow use of the combined wastestream formula in 40 CFR 403.6(e) to evaluate compliance with the Pretreatment Standards. Where an alternate concentration or mass limit has been calculated in accordance with 40 CFR 403.6(e) this adjusted limit along with supporting data shall be submitted to the Control Authority;

(4) Sampling and analysis shall be performed in accordance with Section 4.6J of this Article;

(5) The Wastewater Superintendent may allow the submission of a baseline report which utilizes only historical data so long as the data provides information sufficient to determine the need for industrial pretreatment measures;

(6) The baseline report shall indicate the time, date and place of sampling and methods of analysis, and shall certify that such sampling and analysis is representative of normal work cycles and expected pollutant Discharges to the POTW.

c. Compliance Certification. A statement, reviewed by the User's Authorized Representative and certified by a qualified professional, indicating whether Pretreatment Standards are being met on a consistent basis, and, if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required to meet the Pretreatment Standards and Requirements.

d. Compliance Schedule. If additional pretreatment and/or O&M will be required to meet the Pretreatment Standards, the shortest schedule by which the User will provide such additional pretreatment and/or O&M must be provided. The completion date in this schedule shall not be later than the compliance date established for the applicable Pretreatment Standard. A compliance schedule pursuant to this Section must meet the requirements set out in Section 4.6B of this Article.

e. Signature and Report Certification. All baseline monitoring reports must be certified in accordance with Section 4.6N.1 of this Article and signed by an Authorized Representative.

B. Compliance Schedule Progress Reports

The following conditions shall apply to the compliance schedule required by Section 4.6A.2.d of this Article:

1. The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the User to meet the applicable Pretreatment Standards (such events include, but are not limited to, hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, and beginning and conducting routine operation);

2. No increment referred to above shall exceed nine (9) months;

3. The User shall submit a progress report to the Wastewater Superintendent no later than fourteen (14) days following each date in the schedule and the final date of compliance including, as a minimum, whether or not it complied with the increment of progress, the reason for any delay, and, if appropriate, the steps being taken by the User to return to the established schedule; and

4. In no event shall more than nine (9) months elapse between such progress reports to the Wastewater Superintendent.

C. Reports on Compliance with Categorical Pretreatment Standard Deadline

Within ninety (90) days following the date for final compliance with applicable categorical Pretreatment Standards, or in the case of a New Source following commencement of the introduction of wastewater into the POTW, any User subject to such Pretreatment Standards and Requirements shall submit to the Wastewater Superintendent a report containing the information described in Section 4.4E.1.f and g and 4.6A.2.b of this Article. For Users subject to equivalent mass or concentration limits established in accordance with the procedures in Section 4.2B of this ARticle this report shall contain a reasonable measure of the User's long-term production rate. For all other Users subject to categorical Pretreatment Standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the User's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with Section 4.6N.1 of this Article. All sampling will be done in conformance with Section 4.6K of this Article.

D. Periodic Compliance Reports

1. SIUs and other Users as may be designated by the Wastewater Superintendent shall provide, at their own expense, sampling and analyses at least twice each year (June and December), according to 40 CFR 403.12. If any sample that is taken by the Significant Industrial User or the City is not within the limits of this chapter or the Federal Categorical Standards, then the User will be required to perform the sampling and analyses as often as is determined by the City to be necessary.

2. All Significant Industrial Users and other Users as may be designated by the Wastewater Superintendent must, at a frequency determined by the Wastewater Superintendent submit no less than twice per year (June and December) reports indicating the nature, concentration of pollutants in the discharge which are limited by Pretreatment Standards and the measured or estimated average and maximum daily flows for the reporting period. In cases where the Pretreatment Standard requires compliance with a Best Management Practice (BMP) or pollution prevention alternative, the User must submit documentation required by the Wastewater Superintendent or the Pretreatment Standard necessary to determine the compliance status of the User.

3. {Sampling reduction}[Reserved}

4. {Periodic compliance report frequency reduction}[Reserved]

5. All periodic compliance reports must be signed and certified in accordance with Section 4.6N.1 of this Article.

6. All wastewater samples must be representative of the User's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of a User to keep its monitoring facility in good working order shall not be grounds for the User to claim that sample results are unrepresentative of its discharge.

7. If a User subject to the reporting requirement in this Section monitors any regulated pollutant at the appropriate sampling location more frequently than required by the Wastewater Superintendent, using the procedures prescribed in Section 4.6K of this Article, the results of this monitoring shall be included in the report.

8. {Submittal of electronic (digital) documents}[Reserved]

E. Reports of Changed Conditions

Each User must notify the Wastewater Superintendent of any significant changes to the User's operations or system which might alter the nature, quality, or volume of its wastewater at least

forty-five (45) days before the change.

1. The Wastewater Superintendent may require the User to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application under Section 4.4E of this Article.

2. The Wastewater Superintendent may issue a wastewater discharge permit under Section 4.5G of this Article or modify an existing wastewater discharge permit under Section 4.5D of this Article in response to changed conditions or anticipated changed conditions.

3. For purposes of this requirement, significant changes include, but are not limited to, flow increases of twenty percent (20%) or greater, and the Discharge of any previously unreported Pollutants.

F. Reports of Potential Problems

1. In the case of any discharge, including, but not limited to, accidental discharges, discharges of a nonroutine, episodic nature, a noncustomary batch discharge, a Slug Discharge or Slug Load, that might cause potential problems for the POTW, the User shall immediately telephone and notify the Wastewater Superintendent of the incident. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the User.

2. Within five (5) days following such discharge, the User shall, unless waived by the Wastewater Superintendent, submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the User to prevent similar future occurrences. Such notification shall not relieve the User of any expense, loss, damage, or other liability which might be incurred as a result of damage to the POTW, natural resources, or any other damage to person or property; nor shall such notification relieve the User of any fines, penalties, or other liability which may be imposed pursuant to this Article**.**

3. A notice shall be permanently posted on the User's bulletin board or other prominent place advising employees who to call in the event of a discharge described in paragraph 1, above. Employers shall ensure that all employees, who could cause such a discharge to occur, are advised of the emergency notification procedure.

4. Significant Industrial Users are required to notify the Wastewater Superintendent immediately of any changes at its facility affecting the potential for a Slug Discharge.

G. Reports from Unpermitted Users

All Users not required to obtain a wastewater discharge permit shall provide appropriate reports to the Wastewater Superintendent as the Wastewater Superintendent may require.

H. Notice of Violation/Repeat Sampling and Reporting

If sampling performed by a User indicates a violation, the User must notify the Wastewater Superintendent within twenty-four (24) hours of becoming aware of the violation. The User shall also repeat the sampling and analysis and submit the results of the repeat analysis to the Wastewater Superintendent within thirty (30) days after becoming aware of the violation. Resampling by the Industrial User is not required if the City performs sampling at the User's facility at least once a month, or if the City performs sampling at the User between the time when the initial sampling was conducted and the time when the User or the City receives the results of this sampling, or if the City has performed the sampling and analysis in lieu of the Industrial User.

I. Notification of the Discharge of Hazardous Waste

1. Any User who commences the discharge of hazardous waste shall notify the POTW, the EPA Regional Waste Management Division Director, and State hazardous waste authorities, in writing, of any discharge into the POTW of a substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR Part 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the User discharges more than one hundred (100) kilograms of such waste per calendar month to the POTW, the notification also shall contain the following information to the extent such information is known and readily available to the User: an identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the wastestream discharged during that calendar month, and an estimation of the mass of constituents in the wastestream expected to be discharged during the following twelve (12) months. All notifications must take place no later than one hundred and eighty (180) days after the discharge commences. Any notification under this paragraph need be submitted only once for each hazardous waste discharged. However, notifications of changed conditions must be submitted under Section 4.6E of this Article. The notification requirement in this Section does not apply to pollutants already reported by Users subject to categorical Pretreatment Standards under the self-monitoring requirements of Sections 4.6A, 4.6C, and 4.6D of this Article.

2. Dischargers are exempt from the requirements of paragraph A, above, during a calendar month in which they discharge no more than fifteen (15) kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e). Discharge of more than fifteen (15) kilograms of nonacute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e), requires a one-time notification. Subsequent months during which the User discharges more than such quantities of any hazardous waste do not require additional notification.

3. In the case of any new regulations under section 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the User must notify the Wastewater Superintendent, the EPA Regional Waste Management Waste Division Director, and State hazardous waste authorities of the discharge of such substance within ninety (90) days of the effective date of such regulations.

4. In the case of any notification made under this Section, the User shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.

5. This provision does not create a right to discharge any substance not otherwise permitted to be discharged by this Article, a permit issued thereunder, or any applicable Federal or State law.

J. Analytical Requirements

1. All pollutant analyses, including sampling techniques, to be submitted as part of a wastewater discharge permit application or report shall be performed in accordance with the techniques prescribed in 40 CFR Part 136 and amendments thereto, unless otherwise specified in an applicable categorical Pretreatment Standard. If 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, or where the EPA determines that the Part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analyses shall be performed by using validated analytical methods or any other applicable sampling and analytical procedures, including

procedures suggested by the Wastewater Superintendent or other parties approved by EPA.

2. In order to be considered for compliance with the requirements of this Article, analysis of all samples must be conducted by a laboratory licensed by the State of Arizona (A.R.S. 36-495, et seq).

K. Sample Collection

Samples collected to satisfy reporting requirements must be based on data obtained through appropriate sampling and analysis performed during the period covered by the report, based on data that is representative of conditions occurring during the reporting period.

1. Except as indicated in Sections 2 and 3 below, the User must collect wastewater samples using 24-hour flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by the Wastewater Superintendent. Where time-proportional composite sampling or grab sampling is authorized by the City, the samples must be representative of the discharge. Using protocols (including appropriate preservation) specified in 40 CFR Part 136 and appropriate EPA guidance, multiple grab samples collected during a 24-hour period may be composited prior to the analysis as follows: for cyanide, total phenols, and sulfides the samples may be composited in the laboratory or in the field; for volatile organics and oil and grease, the samples may be composited in the laboratory. Composite samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by the City, as appropriate. In addition, grab samples may be required to show compliance with Instantaneous Limits.

2. Samples for oil and grease, temperature, pH, cyanide, total phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques.

3. For sampling required in support of baseline monitoring and 90-day compliance reports required in Section 4.6A and 4.6C of this Article (40 CFR 403.12(b) and (d)), a minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical sampling data are available, the Wastewater Superintendent may authorize a lower minimum. For the reports required by paragraphs Section 4.6D of this Article(40 CFR 403.12(e) and 403.12(h)), the Industrial User is required to collect the number of grab samples necessary to assess and assure compliance by with applicable Pretreatment Standards and Requirements.

L. Date of Receipt of Reports

Written reports will be deemed to have been submitted on the date postmarked. For reports, which are not mailed, postage prepaid, into a mail facility serviced by the United States Postal Service, the date of receipt of the report shall govern.

M. Recordkeeping

Users subject to the reporting requirements of this Article shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this Article, any additional records of information obtained pursuant to monitoring activities undertaken by the User independent of such requirements, and documentation associated with Best Management Practices established under Section 4.2D.5 of this Article. Records shall include the date, exact place, method, and time of sampling, and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall remain available

for a period of at least three (3) years. This period shall be automatically extended for the duration of any litigation concerning the User or the City, or where the User has been specifically notified of a longer retention period by the Wastewater Superintendent.

N. Certification Statements

1. Certification of Permit Applications, User Reports and Initial Monitoring Waiver—The following certification statement is required to be signed and submitted by Users submitting permit applications in accordance with Section 4.4G of this Article; Users submitting baseline monitoring reports under Section 4.6A.2.e of this Article; Users submitting reports on compliance with the categorical Pretreatment Standard deadlines under Section 4.6C of this Article; and Users submitting periodic compliance reports required by Section 4.6D.1 through 4 of this Article. The following certification statement must be signed by an Authorized Representative:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

2. {Annual Certification for Non-Significant Categorical Industrial Users}[Reserved]

3. {Certification of Pollutants Not Present}[Reserved]

4.7 COMPLIANCE MONITORING

A. Right of Entry: Inspection and Sampling

The Wastewater Superintendent shall have the right to enter the premises of any User to determine whether the User is complying with all requirements of this Article and any wastewater discharge permit or order issued hereunder. Users shall allow the Wastewater Superintendent ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties.

1. Where a User has security measures in force which require proper identification and clearance before entry into its premises, the User shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, the Wastewater Superintendent shall be permitted to enter without delay for the purposes of performing specific responsibilities.

2. The Wastewater Superintendent shall have the right to set up on the User's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the User's operations.

3. The Wastewater Superintendent may require the User to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the User at its own expense. All devices used to measure wastewater flow and quality shall be calibrated annually to ensure their accuracy.

4. Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the User at the written or verbal

request of the Wastewater Superintendent and shall not be replaced. The costs of clearing such access shall be borne by the User.

5. Unreasonable delays in allowing the Wastewater Superintendent access to the User's premises shall be a violation of this Article. Unreasonable delays are defined in the City's Enforcement Response Plan, as described in Section 4.10I of this Article.

6. The City may sample randomly and analyze for any Pollutants that would be anticipated in the effluent of a Significant Industrial User or other User as may be designated by the Wastewater Superintendent. The City may designate an independent laboratory to conduct the sampling and analyses, and the staff of the designated laboratory shall be allowed to enter the premises of any User to sample any Discharge that may enter the wastewater collection system.

7. The User will be financially responsible for any sampling and analysis done by the City that is not routine as provided for in this Section.

B. Search Warrants

If the Wastewater Superintendent has been refused access to a building, structure, or property, or any part thereof, and is able to demonstrate probable cause to believe that there may be a violation of this Article, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program of the City designed to verify compliance with this Article or any permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, the Wastewater Superintendent may seek issuance of a search warrant from a court of competent jurisdiction.

4.8 CONFIDENTIAL INFORMATION

Information and data on a User obtained from reports, surveys, wastewater discharge permit applications, wastewater discharge permits and monitoring programs, and from the Wastewater Superintendent's inspection and sampling activities, shall be available to the public without restriction, unless the User specifically requests, and is able to demonstrate to the satisfaction of the Wastewater Superintendent, that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets under applicable State law. Any such request must be asserted at the time of submission of the information or data. When requested and demonstrated by the User furnishing a report that such information should be held confidential, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available immediately upon request to governmental agencies for uses related to the applicable APP or AZPDES program or pretreatment program, and in enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics and other effluent data, as defined at 40 CFR 2.302 shall not be recognized as confidential information and shall be available to the public without restriction.

4.9 PUBLICATION OF USERS IN SIGNIFICANT NONCOMPLIANCE

The Wastewater Superintendent shall publish annually, in a newspaper of general circulation that provides meaningful public notice within the jurisdictions served by the POTW, a list of the Users which, at any time during the previous twelve (12) months, were in Significant Noncompliance with applicable Pretreatment Standards and Requirements. The term Significant Noncompliance shall be applicable to all Significant Industrial Users (or any other Industrial User that violates paragraphs 3, 4 or 8 of this Section) and shall mean:

1. Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of all the measurements taken for the same pollutant parameter taken during a six- (6-) month period exceed (by any magnitude) a numeric

Pretreatment Standard or Requirement, including Instantaneous Limits as defined in Section 4.2 of this Article;

2. Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of wastewater measurements taken for each pollutant parameter during a six- (6-) month period equals or exceeds the product of the numeric Pretreatment Standard or Requirement including Instantaneous Limits, as defined by Section 4.2 of this Article multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH);

3. Any other violation of a Pretreatment Standard or Requirement as defined by Section 4.2 of this Article (Daily Maximum, long-term average, Instantaneous Limit, or narrative standard) that the Wastewater Superintendent determines has caused, alone or in combination with other discharges, Interference or Pass Through, including endangering the health of POTW personnel or the general public;

4. Any discharge of a pollutant that has caused imminent endangerment to the public or to the environment, or has resulted in the Wastewater Superintendent's exercise of its emergency authority to halt or prevent such a discharge;

5. Failure to meet, within ninety (90) days of the scheduled date, a compliance schedule milestone contained in a wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;

6. Failure to provide within forty-five (45) days after the due date, any required reports, including baseline monitoring reports, reports on compliance with categorical Pretreatment Standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules;

7. Failure to accurately report noncompliance; or

8. Any other violation(s), which may include a violation of Best Management Practices, which the Wastewater Superintendent determines will adversely affect the operation or implementation of the local pretreatment program.

4.10 ADMINISTRATIVE ENFORCEMENT REMEDIES

Notification of Violation

When the Wastewater Superintendent finds that a User has violated, or continues to violate, any provision of this Article, a wastewater discharge permit or order issued hereunder, or any other Pretreatment Standard or Requirement, the Wastewater Superintendent may serve upon that User a written Notice of Violation. Within ten (10) days of the receipt of such notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the User to the Wastewater Superintendent. Submission of such a plan in no way relieves the User of liability for any violations occurring before or after receipt of the Notice of Violation. Nothing in this Section shall limit the authority of the Wastewater Superintendent to take any action, including emergency actions or any other enforcement action, without first issuing a Notice of Violation.

A. Consent Orders

The Wastewater Superintendent may enter into Consent Orders, assurances of compliance, or other similar documents establishing an agreement with any User responsible for noncompliance. Such documents shall include specific action to be taken by the User to correct the noncompliance within a time period specified by the document. Such documents shall have the same force and

effect as the administrative orders issued pursuant to Sections 4.10D and 4.10E of this Article and shall be judicially enforceable.

B. Notice to Show Cause

The Wastewater Superintendent may issue a Notice to Show Cause to a User which has violated, or continues to violate, any provision of this Article, a wastewater discharge permit or order issued hereunder, or any other Pretreatment Standard or Requirement, to appear before the Wastewater Superintendent and show cause why the proposed enforcement action should not be taken. A Show Cause meeting provides the User with the opportunity to present information to the Wastewater Superintendent about why a proposed enforcement action should not be taken. Notice shall be served on the User specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action, and a request that the User show cause why the proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) days prior to the hearing. Such notice may be served on any Authorized Representative of the User as defined in Section 1.4C and required by Section 4.4.G of this Article. A show cause meeting shall not be a bar against, or prerequisite for, taking any other action against the User.

C. Compliance Orders

When the Wastewater Superintendent finds that a User has violated, or continues to violate, any provision of this Article, a wastewater discharge permit or order issued hereunder, or any other Pretreatment Standard or Requirement, the Wastewater Superintendent may issue an order to the User responsible for the discharge directing that the User come into compliance within a specified time. If the User does not come into compliance within the time provided, sewer service may be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. Compliance orders also may contain other requirements to address the noncompliance, including additional self-monitoring and management practices designed to minimize the amount of pollutants discharged to the sewer. A compliance order may not extend the deadline for compliance established for a Pretreatment Standard or Requirement, nor does a compliance order relieve the User of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking any other action against the User.

D. Cease and Desist Orders

When the Wastewater Superintendent finds that a User has violated, or continues to violate, any provision of this Article, a wastewater discharge permit or order issued hereunder, or any other Pretreatment Standard or Requirement, or that the User's past violations are likely to recur, the Wastewater Superintendent may issue an order to the User directing it to cease and desist all such violations and directing the User to:

1. Immediately comply with all requirements; and

2. Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge. Issuance of a cease and desist order shall not be a bar against, or a prerequisite for, taking any other action against the User.

E. Administrative Fines

1. When the Wastewater Superintendent finds that a User has violated, or continues to violate, any provision of this Article, a wastewater discharge permit or order issued hereunder, or any other Pretreatment Standard or Requirement, the Wastewater Superintendent may fine such User in an amount not to exceed twenty-five thousand

dollars ($25,000) per day. Such fines shall be assessed on a per-violation, per-day basis. In the case of monthly or other long-term average discharge limits, fines shall be assessed for each day during the period of violation.

2. Unpaid charges, fines, and penalties shall, after thirty (30) calendar days, be assessed an additional penalty of ten percent (10%) of the unpaid balance, and interest shall accrue thereafter at a rate of one percent (1%) per month. A lien against the User's property shall be sought for unpaid charges, fines, and penalties.

3. Users desiring to dispute such fines must file a written request for the Wastewater Superintendent to reconsider the fine along with full payment of the fine amount within fifteen (15) days of being notified of the fine. Where a request has merit, the Wastewater Superintendent may convene a hearing on the matter. In the event the User's appeal is successful, the payment, together with any interest accruing thereto, shall be returned to the User. The Wastewater Superintendent may add the costs of preparing administrative enforcement actions, such as notices and orders, to the fine.

4. Issuance of an administrative fine shall not be a bar against, or a prerequisite for, taking any other action against the User.

5. Each and every day any violation continues shall be deemed and considered a separate offense. Any person, firm or corporation violating any provisions of this Article shall become liable to the City for any expense, loss or damage occasioned by the City by reason of such violation.

6. The fines set forth above shall be cumulative and nonexclusive. In addition to those fines set forth herein, the City may institute any other remedies available, including, but not limited to, a civil action to recover any and all monies due the City.

F. Emergency Suspensions

The Wastewater Superintendent may immediately suspend a User's discharge, after informal notice to the User, whenever such suspension is necessary to stop an actual or threatened discharge, which reasonably appears to present, or cause an imminent or substantial endangerment to the health or welfare of persons. The Wastewater Superintendent may also immediately suspend a User's discharge, after notice and opportunity to respond, that threatens to interfere with the operation of the POTW, or which presents, or may present, an endangerment to the environment.

1. Any User notified of a suspension of its discharge shall immediately stop or eliminate its contribution. In the event of a User's failure to immediately comply voluntarily with the suspension order, the Wastewater Superintendent may take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. The Wastewater Superintendent may allow the User to recommence its discharge when the User has demonstrated to the satisfaction of the Wastewater Superintendent that the period of endangerment has passed, unless the termination proceedings in Section 4.10H of this Article are initiated against the User.

2. A User that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful contribution and the measures taken to prevent any future occurrence, to the Wastewater Superintendent prior to the date of any show cause or termination hearing under Section 4.10.C or 4.10.H of this Article.

Nothing in this Section shall be interpreted as requiring a hearing prior to any Emergency Suspension under this Section.

G. Termination of Discharge

In addition to the provisions in Section 4.5F of this Article, any User who violates the following conditions is subject to discharge termination:

1. Violation of wastewater discharge permit conditions;

2. Failure to accurately report the wastewater constituents and characteristics of its discharge;

3. Failure to report significant changes in operations or wastewater volume, constituents, and characteristics prior to discharge;

4. Refusal of reasonable access to the User's premises for the purpose of inspection, monitoring, or sampling; or

5. Violation of the Pretreatment Standards in Section 4.2 of this Article.

Such User will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under Section 4.10C of this Article why the proposed action should not be taken. Exercise of this option by the Wastewater Superintendent shall not be a bar to, or a prerequisite for, taking any other action against the User.

H. Enforcement Response Plan

The administrative enforcement procedures and remedies identified in Sections 4.10 A through H of this Article shall be carried out by the Wastewater Superintendent as such procedures and remedies are more particularly described in the City's Enforcement Response Plan. The City's Enforcement Response Plan is promulgated and adopted by the City pursuant to statutory requirements set forth in the Federal Water Pollution Control Act, as amended by the Clean Water Act of 1977. The Enforcement Response Plan is incorporated into this Article by reference. A copy of the Enforcement Response Plan is available through a public records request submitted to the City Clerk.

4.11 JUDICIAL ENFORCEMENT REMEDIES

A. Injunctive Relief

When the Wastewater Superintendent finds that a User has violated, or continues to violate, any provision of this Article, a wastewater discharge permit or order issued hereunder, or any other Pretreatment Standard or Requirement, the Wastewater Superintendent may petition the Superior Court of Arizona, Mohave County, through the City's Attorney for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the wastewater discharge permit, order, or other requirement imposed by this Article on activities of the User. The Wastewater Superintendent may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the User to conduct environmental remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against a User.

B. Civil Penalties

1. A User who has violated, or continues to violate, any provision of this Article, a wastewater discharge permit or order issued hereunder, or any other Pretreatment Standard or Requirement shall be liable to the City for a maximum civil penalty of up to twenty-five thousand dollars ($25,000) per violation, per day. In the case of a monthly or

other long-term average discharge limit, penalties shall accrue for each day during the period of the violation.

2. The Wastewater Superintendent may recover reasonable attorneys' fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the City.

3. In determining the amount of civil liability, the Court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration of the violation, any economic benefit gained through the User's violation, corrective actions by the User, the compliance history of the User, and any other factor as justice requires.

4. Filing a suit for civil penalties shall not be a bar against, or a prerequisite for, taking any other action against a User.

C. Criminal Prosecution

1. A User who willfully or negligently violates any provision of this Article, a wastewater discharge permit or order issued hereunder, or any other Pretreatment Standard or Requirement shall, upon conviction, be guilty of a misdemeanor, punishable by a fine of not more than two thousand five hundred dollars ($2,500) per violation, per day, or imprisonment for not more than six (6) months, or both.

2. A User who willfully or negligently introduces any substance into the POTW which causes personal injury or property damage shall, upon conviction, be guilty of a Class I misdemeanor and be subject to a penalty of at least two thousand five hundred dollars ($2,500), or be subject to imprisonment for not more than six (6) months, or both. This penalty shall be in addition to any other cause of action for personal injury or property damage available under State law.

3. A User who knowingly makes any false statements, representations, or certifications in any application, record, report, plan, or other documentation filed, or required to be maintained, pursuant to this Article, wastewater discharge permit or order issued hereunder, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this Article shall, upon conviction, be punished by a fine of not more than two thousand five hundred dollars ($2,500) per violation, per day, or imprisonment for not more than six months, or both.

D. Remedies Nonexclusive

The remedies provided for in this Article are not exclusive. The Wastewater Superintendent may take any, all, or any combination of these actions against a noncompliant User. Enforcement of pretreatment violations will generally be in accordance with [the City's] enforcement response plan. However, the Wastewater Superintendent may take other action against any User when the circumstances warrant. Further, the Wastewater Superintendent is empowered to take more than one enforcement action against any noncompliant User.

4.12 SUPPLEMENTAL ENFORCEMENT ACTION

A. Penalties for Late Reports

A fine shall be assessed to any User for each day that a report required by this Article, a permit or order issued hereunder is late, beginning five days after the date the report is due. Actions taken by the Wastewater Superintendent to collect late reporting penalties shall not limit the Wastewater

Superintendent's authority to initiate other enforcement actions that may include penalties for late reporting violations.

B. Performance Bonds

The Wastewater Superintendent may decline to issue or reissue a wastewater discharge permit to any User who has failed to comply with any provision of this Article, a previous wastewater discharge permit or order issued hereunder, or any other Pretreatment Standard or Requirement, unless such User first files a satisfactory bond, payable to the City, in a sum not to exceed a value determined by the Wastewater Superintendent to be necessary to achieve consistent compliance.

C. Liability Insurance

The Wastewater Superintendent may decline to issue or reissue a wastewater discharge to any User who has failed to comply with any provision of this Article, a previous wastewater discharge permit or order issued hereunder, or any other Pretreatment Standard or Requirement, unless the User first submits proof that it has obtained financial assurances sufficient to restore or repair damage to the POTW caused by its discharge.

D. Payment of Outstanding Fees and Penalties

The Wastewater Superintendent may decline to issue or reissue a wastewater discharge permit to any User who has failed to pay any outstanding fees, fines or penalties incurred as a result of any provision of this Article, a previous wastewater discharge permit or order issued hereunder.

E. Water Supply Severance

Whenever a User has violated or continues to violate any provision of this Article, a wastewater discharge permit or order issued hereunder, or any other Pretreatment Standard or Requirement, water service to the User may be severed. Service will recommence, at the User's expense, only after the User has satisfactorily demonstrated its ability to comply.

F. Public Nuisances

A violation of any provision of this Article, a wastewater discharge permit or order issued hereunder, or any other Pretreatment Standard or Requirement is hereby declared a public nuisance and shall be corrected or abated as directed by the Wastewater Superintendent. Any person(s) creating a public nuisance shall be subject to the provisions of the Kingman Municipal Code, Chapter 7, Article IV governing such nuisances, including reimbursing the City for any costs incurred in removing, abating, or remedying said nuisance.

G. Informant Rewards

The Wastewater Superintendent may pay up to five hundred dollars ($500) for information leading to the discovery of noncompliance by a User.

H. Contractor Listing

Users which have not achieved compliance with applicable Pretreatment Standards and Requirements are not eligible to receive a contractual award for the sale of goods or services to the City. Existing contracts for the sale of goods or services to the City held by a User found to be in Significant Noncompliance with Pretreatment Standards or Requirements may be terminated at the discretion of the Wastewater Superintendent.

4.13 AFFIRMATIVE DEFENSES TO DISCHARGE VIOLATIONS

A. Upset

1. For the purposes of this Section, upset means an exceptional incident in which there is unintentional and temporary noncompliance with categorical Pretreatment Standards because of factors beyond the reasonable control of the User. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

2. An upset shall constitute an affirmative defense to an action brought for noncompliance with categorical Pretreatment Standards if the requirements of paragraph 3, below, are met.

3. A User who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

   a. An upset occurred and the User can identify the cause(s) of the upset;

   b. The facility was at the time being operated in a prudent and workmanlike manner and in compliance with applicable operation and maintenance procedures; and

   c. The User has submitted the following information to the Wastewater Superintendent within twenty-four (24) hours of becoming aware of the upset [if this information is provided orally, a written submission must be provided within five (5) days]:

      (1) A description of the indirect discharge and cause of noncompliance;

      (2) The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue; and

      (3) Steps being taken and/or planned to reduce, eliminate, and prevent recurrence of the noncompliance.

4. In any enforcement proceeding, the User seeking to establish the occurrence of an upset shall have the burden of proof.

5. Users shall have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with categorical Pretreatment Standards.

6. Users shall control production of all discharges to the extent necessary to maintain compliance with categorical Pretreatment Standards upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails.

B. Prohibited Discharge Standards

A User shall have an affirmative defense to an enforcement action brought against it for noncompliance with the general prohibitions in Section 4.2A.1 of this Article or the specific prohibitions in Sections 4.2A.2.c through q of this Article if it can prove that it did not know, or have reason to know, that its discharge, alone or in conjunction with discharges from other

sources, would cause Pass Through or Interference and that either:

1. A Local Limit exists for each pollutant discharged and the User was in compliance with each limit directly prior to, and during, the Pass Through or Interference; or

2. No Local Limit exists, but the discharge did not change substantially in nature or constituents from the User's prior discharge when the City was regularly in compliance with its APP and AZPDES permit, and in the case of Interference, was in compliance with applicable sludge use or disposal requirements.

C. Bypass

1. For the purposes of this Section,

   a. Bypass means the intentional diversion of wastestreams from any portion of a User's treatment facility.

   b. Severe property damage means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

2. A User may allow any bypass to occur which does not cause Pretreatment Standards or Requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of paragraphs 3 and 4 of this Section.

3. Bypass Notifications,

   a. If a User knows in advance of the need for a bypass, it shall submit prior notice to the Wastewater Superintendent, at least ten (10) days before the date of the bypass, if possible.

   b. A User shall submit oral notice to the Wastewater Superintendent of an unanticipated bypass that exceeds applicable Pretreatment Standards within twenty-four (24) hours from the time it becomes aware of the bypass. A written submission shall also be provided within five (5) days of the time the User becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass. The Wastewater Superintendent may waive the written report on a case-by-case basis if the oral report has been received within twenty-four (24) hours.

4. Bypass

   a. Bypass is prohibited, and the Wastewater Superintendent may take an enforcement action against a User for a bypass, unless

      (1) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

      (2) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or

maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and

(3) The User submitted notices as required under paragraph 3 of this Section.

b. The Wastewater Superintendent may approve an anticipated bypass, after considering its adverse effects, if the Wastewater Superintendent determines that it will meet the three conditions listed in paragraph 4.a of this Section.

4.14 WASTEWATER TREATMENT RATES - [RESERVED]

4.15 MISCELLANEOUS PROVISIONS

A. Pretreatment Charges and Fees

The City may adopt reasonable fees for reimbursement of costs of setting up and operating the City's Pretreatment Program, which may include:

1. Fees for wastewater discharge permit applications including the cost of processing such applications;

a. Fees for monitoring, inspection, and surveillance procedures including the cost of collection and analyzing a User's discharge, and reviewing monitoring reports and certification statements submitted by Users;

b. Fees for reviewing and responding to accidental discharge procedures and construction;

c. Fees for filing appeals;

d. Fees to recover administrative and legal costs associated with the enforcement activity taken by the Wastewater Superintendent to address IU noncompliance; and

e. Other fees as the City may deem necessary to carry out the requirements contained herein. These fees relate solely to the matters covered by this Article and are separate from all other fees, fines, and penalties chargeable by the City.

B. Severability

If any provision of this Article is invalidated by any court of competent jurisdiction, the remaining provisions shall not be affected and shall continue in full force and effect.

4.16 EFFECTIVE DATE

This Article shall be in full force and effect thirty days following its passage, approval, and publication, as provided by law.

ARTICLE V: SANITATION

ARTICLE V: SANITATION

5.1 GENERAL PROVISIONS

A. Jurisdiction and Authority

The City adopts these rules and regulations regarding solid waste collection and recycling in accordance with Title 49, Chapter 4, Articles 3 and 4 of the Arizona Revised Statutes and with the rules and regulations promulgated by the Arizona Department of Environmental Quality (ADEQ) under Title 18, Chapter 13, Article of the Arizona Administrative Code. [Ord. 1217, 5/3/99; Ord.1678, 7/6/10]

B. Penalties

Except as otherwise provided in this article, it shall be a misdemeanor, chargeable and punishable pursuant to Section 1-8 of the City's Code of Ordinances, for a person to throw, deposit, or cause to accumulate any solid waste on any public place or private premises, whether owned by such person or not, OR to otherwise store, collect or dispose of any solid waste except as provided in this article. [Ord. 710, 7/5/88; Ord. 1217, 5/03/99]

E. Definitions

In addition to the definitions set forth in Article I, Subsection D, the following definitions shall apply to this section:

1. "Contractor" means a private garbage collection company contracted by the city pursuant to subsection 5.4 of this article.

2. "Licensee" means a private garbage collection or recycling company licensed by the city pursuant to section 5.3 of this article for commercial collection and recycling services. [Added Ord. 1217, 05/03/99]

5.2 RESPONSIBILITIES

A. City

1. Except as otherwise provided in this Article, it shall be the sole responsibility of the City Sanitation Department to collect and convey garbage through the streets or alleys of the City for a fee.

2. Except where services are being rendered by a commercial licensee pursuant to Section 5.3, the City shall provide city-owned containers approved by the Sanitation Superintendent to occupants for the placement of garbage. The containers shall be distributed and positioned as scheduled by the Sanitation Superintendent. [Ord. 710, 7/5/88; Ord 716, 9/6/88; Ord. 1217, 05/03/99]

B. Occupants

1. It shall be the responsibility of each and every occupant to:

a. Place or cause to be placed all garbage, except as provided in this Article, in containers provided by the city, or by private licensees pursuant to Section 5.3, as approved by the Sanitation Superintendent, in or adjacent to a designated public right-of-way or alley so that the same is readily accessible for emptying. [Ord. 1217, 05/03/99]

b. In the case of residential occupants, place an individual 90-gallon container serving one residence at the location scheduled by the Sanitation Superintendent at or before 6:00 AM on the day scheduled for collection, but not prior to 6:00

PM on the day preceding the day of collection; such containers shall otherwise be kept on the occupant's property. [Ord. 1217, 05/03/99]

c. Securely wrap in paper or plastic bags and place in approved containers all wet garbage and liquid wastes. [Ord. 1217, 05/03/99]

d. Remove all prohibited substances by means other than provided containers and City forces or city contractors, within seven (7) days after it is generated. [Ord. 710, 7/5/88; Ord. 1217, 05/03/99]

e. Give 24-hour notice to the sanitation superintendent or city contractor of all requests for collection of uncontained trash and place uncontained trash for special collection in the alley at the rear or side of his property or, if there is no alley, at the curbline of the street fronting his property, or as directed by the Sanitation Superintendent on the day scheduled for its collection. [Ord. 1217, 05/03/99]

2. It shall be a misdemeanor, chargeable and punishable pursuant to Section 1-8 of the City's Code of Ordinances, for any person to:

a. Place prohibited substances in a container or for collection as uncontained trash. [Ord. 710, 7/5/88; Ord. 1217, 05/03/99]

b. Place or cause to be placed refuse in a container not provided, authorized or designated for use by that person. [Ord 1217, 05/03/99]

c. Burn, destroy, vandalize or otherwise damage any City-owned container. [Ord. 1217, 05/03/99]

d. Remove, or cause to be removed, any City-owned container from the location designated by the Sanitation Superintendent except as provided in this Article. [Ord. 1217, 05/03/99]

e. Remove, haul, or cause to be removed or hauled, any solid waste on or along any City right-of-way, street, or alley, unless the same is so loaded as to prevent any such refuse from falling, leaking, or spilling. [Ord 1217, 05/03/99]

3. If a City-owned trash container is destroyed or damaged by the intentional or negligent acts of the occupant, or because prohibited substances were placed in the container by the occupant, the cost of repair or replacement shall be added to the next utility bill. [Ord. 710, 7/5/88; Ord. 1217, 05/03/99]

5.3 COMMERCIAL AND RECYCLING LICENSEES [added Ord. 716, 9/6/88; Ord. 1217, 05/03/99]

A. <u>Licenses</u>

1. Collection of garbage and trash from commercial establishments may be conducted by a commercial licensee, licensed with a City of Kingman business license per Kingman code 8-123. [Ord. 1618, 4/21/08; Ord. 1678, 7/6/10]

2. Collection of garbage from businesses for the purpose of recycling may be conducted for a fee by a private recycler licensed by the City to perform such work. [Ord. 744, 6/5/89; Ord. 1217, 5/3/99; Ord. 1678, 7/16/10]

3. Commercial licensee does not extend to multifamily housing. [Ord. 1678, 7/6/10]

B. <u>License Issuance</u>

Annual Business Licenses will be issued by the City under the following conditions:

1. Collections by commercial licensees must be by covered roll-off compactors, or covered containers. All containers used for refuse and recycling collection within the city must be in compliance with Mohave County Environmental Health and the ADEQ. [Ord. 1678, 7/6/10]

2. Recycle collections must be made with covered containers. [Ord. 1678, 7/6/10]

3. In order to obtain a business license or annual renewal, the applicant shall provide a copy of their annual Mohave County refuse hauler permit. [Ord. 1678, 7/6/10]
4. Ord. 682, 10/19/87; Ord. 1217, 05/03/99; Ord. 1618, 4/21/08, Ord. 1634 Sec 5.3 B 4 repealed)

Each licensee shall submit a monthly report, no later than the fifteen (15) days after the end of the month, listing current customers. The report shall include the name and address of the owner or operator of the collection location, number and size of refuse containers, number and size of recycling containers and the days of collection. [Ord. 1634, 11/03/08; Ord. 1678, 7/6/10]

5. Temporary bin/rolloff, not deemed for ordinary residential, commercial, or industrial refuse shall be excluded from reporting. [Ord.1634 ,11/03/08]
(Ord. 682, 10/19/87; Ord. 1217, 05/03/99; Ord. 1618, 4/21/08, Ord. 1634 Sec 5.3 B 5 repealed)

6. The business license application shall include the information required by Section 8-123 of the Kingman Code and shall be accompanied by the current fees. The license may be denied, suspended, or revoked in accordance to section 8-128 of the Kingman code upon failure or refusal of a licensee to comply with this Article. The license shall be nontransferable. [Ord. 682, 10/19/87; Ord. 1217, 05/03/99; Ord. 1618, 4/21/08; Ord.1678, 7/6/10]

7. Business licenses shall run for the calendar year. Annual business license may be renewed by paying the annual business license fee, additionally an annual commercial hauling fee of $100 and by submitting a completed renewal application on forms prescribed by the City Clerk before January 31 of each year. (8-124). Any late renewal applications shall be treated as a new business application and shall pay all fees required. Kingman code of ordinances (8-123, 8-124, 8-125(c)). (Ord. 682, 10/19/87; Ord. 1618, 4/21/08; Ord. 1634, 11/03/08)

8. Any person who is refused a license, has a license suspended or canceled, or has received a notice in connection with the enforcement of this section may appeal. Per Kingman code section 8-128(g). [Ord. 1618, 04/21/08]

C. <u>Vehicles</u>

All vehicles used for refuse collection within the City must be inspected and approved by Mohave County Environmental Health and Arizona Department of Transportation. [Ord. 1678, 7/16/10]

1. All vehicles used by Commercial Haulers must be in good condition and repair. The bodies shall be of readily cleanable construction, watertight and metal lined to the full width and height of the body, with all seams welded.

2. Vehicles shall be maintained and operated in a clean and neat manner so as to prevent refuse from spilling, leaking and blowing. [Ord. 682. 10/19/87; Ord. 1678, 07/06/13]

3. The outside of each vehicle must be clearly identified by the business name and truck number, telephone number of the licensee operating the vehicle. [Ord. 744, 6/5/89]

D. Containers

Standard refuse containers, roll off bodies and refuse compactors may be supplied by the licensee. All containers, roll off bodies and refuse compactors shall be painted and maintained in a clean, neat and sanitary manner at all times and shall have the name of the licensee identified legibly thereon.

It shall be the joint responsibility of both the licensee and the occupant to keep and maintain sufficient containers to accommodate the refuse disposal needs of the establishment.

All garbage to be collected under this section shall be placed in standard refuse containers or compactors which shall be placed in an inconspicuous place and shall be relocated if so directed by the Sanitation Superintendent. [Ord. 744, 6/5/89]

E. Inspection

The Sanitation Superintendent will periodically inspect container locations to ensure compliance with requirements relative to refuse containers and the sanitary containment of refuse. Notice of violation shall be given to the owner, occupant or operator using licensee services by means of tagging a defective container with a red violation tag. If a violation is not remedied within ten (10) days of the tagging of a container or receipt of the aforesaid written notice, the Sanitation Superintendent may have the defective container removed and disposed of. [Ord. 744, 6/5/89]

F. Collection

1. Commercial licensees shall collect garbage from each establishment at least twice each week in accordance with Mohave County Environmental Health and the ADEQ Per Arizona Administrative Code Title 18, Chapter 13, Article 3, section R18-13-308 [Ord. 1678, 7/6/10]

2. Garbage shall not be collected from property within 1,000 feet of residences (single family or multifamily) between the hours of 6:00 PM and 6:00 AM.

3. Refuse shall not be allowed to collect accumulate on any property in unsanitary quantities. The contractor licensee, within eight (8) working hours of a telephone request by the City, shall service containers at specified locations. Should the contractor licensee fail to respond to the above request and the City elects to empty the containers and otherwise collect the refuse, the contractor licensee shall reimburse the City at double the rates established in this Code and amendments thereto for such service.

G. Notice of Service

The contractor licensee shall provide the City with written notice of intent to service any location pursuant to this section prior to commencing service. The notice shall include the name and address of the owner or operator of the collection location, number and size of refuse containers and the days of collection. The contractor licensee shall provide the City with the written notice of intent to service any existing commercial establishment being serviced by the City at least thirty (30) days before commencing service. The contractor licensee shall provide the City and the location owner or operator with thirty (30) days' written notice before discontinuance of service.

Licensees must provide customers a thirty (30) day cancellation option. [Ord. 744, 6/5/89; Ord. 1678, 7/6/10]

H. Insurance

Contractors licensees shall obtain, keep in force and maintain public liability and property damage insurance in the sum of One Million ($1,000,000.00) Dollars for personal injury to any one person, One Million ($1,000,000.00) Dollars for personal injuries sustained by all persons in any one accident, and Five Hundred Thousand ($500,000.00) with respect to property damage arising from any single occurrence, to indemnify the contractor licensee for loss by virtue of any disability arising from his collection, hauling and disposal activities within the City. Contractor licensee shall provide the City with a Certificate of Insurance. Evidence of such insurance shall be furnished to the City at the time of license application. [Ord. 1618, 4/21/08 SEC 5.3 H repealed]

5.4 ANNEXATION

Upon annexation of an area and when deemed necessary and in the best interests of the residents of the newly annexed area and the city as a whole, the Mayor and Common Council, at their sole discretion, may authorize short-term contracts with one or more private companies, so long as levels of service, billing processes and rates charged remain equal and consistent throughout the City. All contractors and occupants shall remain subject to City rules and regulations and applicable state laws and regulations. “Short term” means a period of sixty (60) months or less. All contracts with private companies shall be subject to competitive bidding pursuant to an approved request for proposals. The Mayor and Common Council may reject any or all proposals based upon criteria deemed material to the provision of essential services, including but not limited to, price, costs of contract administration and oversight and qualifications of submitting companies. [Ord. 901, 01/06/91, Ord. 1217, 05/03/99]

ARTICLE VI: RATES AND CHARGES

ARTICLE VI: FEES---RATES AND CHARGES

6.l PHILOSOPHY FOR SETTING RATES

A. All sewer and water utility rates for the City of Kingman, Arizona, shall be set according to the following policies:

1. Purpose

It is the policy of the City of Kingman that the City water, sewer, and sanitation utilities be self-sufficient and that all costs and expenses of the water, sewer, and sanitation systems be paid from user fees and other revenues generated by the water, sewer, and sanitation systems.

The Common Council of the City of Kingman recognizes that formal guidelines are useful in setting fees for municipal utilities and that any comprehensive policy should include statements concerning:

(a) Operating and Maintenance Expenses

(b) Net Income

(c) Rate Requirements

(d) Reserve Requirements

2. Definition

The following definitions are used in this article:

(a) **"CAPITAL COSTS"** include normal replacement, system improvements and system expansions.

(b) **"CAPITAL RENEWAL"** means the refurbishment or replacement of water and/or wastewater facilities and the components as they approach the end of their life. [Ord 1792, 3/1/15]

(c) **"DEBT"** means the bonded indebtedness of the municipal sewer and water systems.

(d) **"DEPRECIATION"** means the loss of system value due to use and time.

(e) **"EXPANSION"** means enlarging or extending.

(f) **"IMPROVEMENTS"** means upgrading and increasing the efficiency of the water and sewer systems.

(g) **"MAINTENANCE AND OPERATION"** means the expenses of the system except capital costs.

(h) **"NET INCOME"** means all system revenues after maintenance and operating expenses, debt reserves, depreciation reserves and debt interest are deducted.

(i) **"RATES"** means all user fees and revenues for the municipal water and sewer systems.

(j) **"SHORT TERM CAPITAL OUTLAYS"** shall mean equipment purchases that are not part of the physical water or sewer infrastructure.

(k) **"SYSTEM"** means the water and sewer systems of the City of Kingman. [Ord 744, 6/5/89]

3. Revenues

Sufficient revenues shall be collected annually to provide a net income equal to at least one and one-third (1 1/3) times the highest combined interest and principal bond payments for the succeeding fiscal year.

(a) There are hereby established the following funds; an Operating and Maintenance Fund, a Debt Revenue Fund, a Capital Renewal Fund, and a System Expansion Fund.

(b) Monies shall be collected annually from system revenues and maintained in the Debt Reserve Fund in an amount as required by the resolution authorizing any outstanding bond issues.

(c) Monies shall be collected annually from system revenues and maintained in the Capital Renewal Fund in an amount equal to the system capital renewal expense. In order to collect revenues for the capital renewal fund without an unusually large rate increase, this fund will be reviewed no less than on an annual basis in conjunction with the development of the annual budget and shall be subject to an annual increase of no less than the Consumer Price Index for all urban consumers (CPI-U) December to December unless the CPI increase is otherwise determined inappropriate by the Common Council Annual evaluation of the utility user fees and fixed monthly charges may result in additional rate adjustments, increases or decreases as determined with a written report supporting additional fee adjustment. [Ord. 1493, 91/1/05]

(d) Monies shall be collected annually from system revenues and maintained in the System Expansion Fund in an amount as set by the Common Council of the City of Kingman.

4. Expenses

(a) Administration, operation, and maintenance costs shall be paid out of system revenues. Administration costs shall include l/3 of the City Manager's, the Administrative Services', the City Attorney's, General City appropriations, and the City Council's budgets, excluding capital expenditures. [Ord. 744, 6/5/89]

(b) All bond interest payments shall be paid out of system revenues and in accordance with the resolutions authorizing outstanding issues.

(c) Normal system component replacement expenses may be paid out of the Capital Renewal Fund.

(d) System improvements may be paid out of the Capital Renewal Fund or debt financed with the annual debt service to be paid by system revenues.

(e) System expansion may be financed from the System Expansion Fund or from contributions in aid of construction including bonds, grants, the General Fund or other funding sources.

(f) Any or all capital costs may be financed with federal or state grants.

B. Sanitation

Monies raised from rates charged from sanitation service shall be l00% of the sanitation system costs. [Ord 744, 6/5/89]

C. The city shall not be charged for Sanitation services. [Ord. 927, 06/15/92; Ord. 744, 6/5/89; Ord. 772, 11/20/89; Ord. 943, 10/05/92; Ord. 996, 01/18/94]

6.2 WATER

A. Deposits

Single Family Residential $100.00(applies to any or all services) [Ord. 996, 1/18/94; Ord.1027, 02/21/95]

B. Rates

1. Inside (Residential) City Limits:

Base Service Charge Fee	$7.21
Capital Renewal Fee	3.75
0-10,000 gallons, per thousand gallons	1.93
10,001-45,000 gallons, per thousand gallons	2.42
Over 45,000 gallons, per thousand gallon	3.64

[Ord. 744, 06/05/89; Ord. 760, 08/21/89; Ord. 1439, 08/16/04; Ord. 1493, 9/1/05; Ord. 1565, 2/1/07; Ord. 1641, 2/1/09; Ord. 1665, 1/1/10; Ord. 1692, 1/1/11; Ord. 1752, 4/19/13; Ord. 1792 3/1/15]

2. Outside (Residential) City Limits:

Base Service Charge Fee	$9.64
Capital Renewal Fee	3.75
0-10,000 gallons, per thousand gallons	2.60
10,001-45,000 gallons, per thousand gallons	3.28
Over 45,000 gallons, per thousand gallons	4.91

[Ord. 744, 06/05/89; Ord. 760, 08/21/89; Ord. 1439, 08/16/04; Ord. 1493, 9/1/05; Ord. 1565, 2/1/07; Ord. 1641, 2/1/09; Ord. 1665, 1/1/10; Ord. 1692, 11/16/10; Ord. 1752, 4/19/13]

3. Inside (Non Residential) City Limits:

Base Service Charge Fee	$7.21
Capital Renewal Fee	3.75
All Usage gallons, per thousand gallons	2.18

[Ord. 1493 9/1/05; Ord. 1565, 2/1/07; Ord. 1641, 2/1/09; Ord. 1665, 1/1/10; Ord. 1692, 1/1/11; Ord. 1752, 4/19/13]

4. Outside (Non Residential) City Limits:

Base Service Charge Fee	$9.64
Capital Renewal Fee	3.75
All usage gallons, per thousand gallons	

2.95

[Ord. 1493, 9/1/05; Ord. 1565, 2/1/07; Ord. 1641, 2/1/09; Ord. 1665, 1/1/10; Ord. 1692, 1/1/11; Ord.1752, 4/19/13]

5. Inside (Irrigation) City Limits:

Base Service Charge Fee	$7.21
Capital Renewal Fee	3.75
0-200,000 gallons, per thousand gallons	2.42
Over 200,000 gallons, per thousand gallons	3.64

[Ord.1493 9/1/05; Ord. 1565 2/1/07; Ord. 1641 2/1/09; Ord. 1665 11/16/09; Ord. 1/1/11; Ord. 1752, 4/19/13]

6. Outside (Irrigation) City Limits:

Base Service Charge Fee	$9.64
Capital Renewal Fee	3.75
0-200,000 gallons, per thousand gallons	3.28
Over 200,000 gallons, per thousand gallons	4.91

[Ord. 1493, 9/1/05; Ord. 1565, 2/1/07; Ord. 1641, 2/1/09; Ord. 1665, 1/1/10; Ord. 1692, 11/16/10; Ord. 1752, 4/19/13]

7. Special Meter Reading Rates

$25.00 for all customer requested special readings. The first reading will be a courtesy inspection at no charge; all subsequent readings within the next 12 months will be charged. Customers will be notified of the charge at the time a special reading is requested. [Ord 996, 01/18/94]

If, however, the special reading discloses that the meter reading was in error, there will be no charge.

8. Testing Deposit

The deposit for covering the costs of testing the meter shall be $50.00

9. Piggybacking:

a. A minimum monthly charge for each unmetered connection $9.64
and a capital renewal fee for each unmetered connection 3.75

b. Water rate for total gallons flowing through the one meter:

0-10,000 gallons, per thousand gallons	$2.60
10,001-45,000 gallons, per thousand gallons	3.28
Over 45,000 gallons, per thousand gallons	4.91

[Ord. 744, 6/5/89; Ord 760, 8/21/89; Ord 1439, 8/16/04; Ord. 1493, 9/1/05; Ord. 1565 2/1/07; Ord. 1641 2/1/09; Ord.1665 11/16/09; Ord. 1692 11/16/10; Ord. 1752, 4/19/13]

10. Wholesale Rate

Upon approval of the Common Council, the City may enter into a wholesale contract for the sale of water outside the service area of the water system and at a particular meter within the City water system. The contract may be as beneficial to the City as the Common Council deems desirable. In no case, however, shall water be sold under a contract for less than the wholesale rate. The wholesale rate shall be as follows:

Minimum Fee	$159.04
All Usage gallons, per thousand gallons	2.95

[Ord. 744, 06/05/89; Ord. 760, 08/21/89, 04/15/93 (corrected typo on minimum rate from $25.00 to $74.00); Ord. 1439, 08/16/04; Ord. 1493, 9/1/05; Ord. 1565, 2/1/07; Ord. 1641, 2/1/09; Ord. 1665, 11/16/09; Ord. 1692, 11/16/10; Ord. 1752, 4/19/13]

11. Capital Renewal Funds [Ord. 1792, 3/1/2015]

The proceeds equal to $3.75 from each minimum monthly charge shall be placed in a Capital Renewal Fund and shall be used to pay for projects replacing and improving parts of the water system. [Ord 1439 08/16/04; Ord. 1493 9/1/05; Ord. 1565 2/1/07; Ord. 1641, 2/1/09; Ord. 1665, 1/01/10; Ord.1692, 1/01/11]

12. City Use

The City of Kingman shall not be charged for water use.

C. Connection Fees

For all types of water service connections, both within and outside the City Limits, the connection fee shall be collected by the Municipal Water System at the time the application for water service is made. [Ord. 996, 01/18/ 94]

STANDARD SIZE (INCHES)	CITY LIMITS	OUTSIDE CITY LIMITS	COMPOUND METER (INCHES)	CITY LIMITS	OUTSIDE CITY LIMITS	TURBO METERS (INCHES)	CITY LIMITS	OUTSIDE CITY LIMITS
5/8" by 3/4"	2500.00	2,625.00	2" cost/materials	28,340.00	28,785.00	2" cost/materials plus	28,340.00	28,785.00
1"	9,405.00	9,710.00	3" cost/materials plus	56,500.00	57,345.00	3" cost/materials plus	56,725.00	57,645.00
1 1/2"	18,550.00	18,965.00	4" cost/materials plus	82,563.00	\83,858.00	4" cost/materials plus	86,313.00	88,858.00
2" Cost/materials plus	29,210.00	29,655.00	6" Cost/materials plus	176,180.00	178,725.00	6" cost/materials plus	183,680.00	188,725.00
						10" cost/materials plus	428,980.00	442,775.00

For residential and industrial or commercial connections within the City Limits, the connection fee shall be collected by the Municipal Water System, at the time the building permit is issued. For industrial or commercial connections inside or outside the City Limits and for residential connections outside the City Limits, the connection fee shall be collected by the Municipal Water System before the connection is made. [Ord. 1718, 01/01/12; Ord. 1792 3/1/15]

Within subdivisions where water service pre-taps were installed and paid for by the private developer, the above fees for water meter connections will be reduced by two hundred ($200.00) dollars for 5/8" by 3/4" meters.

Pre-taps consist of the complete water service from the main to the meter box per the Uniform Standard Detail for Public Works Construction No. C.O.K. 344-1 to include the saddle, corp stop, pipe, angle meter stop, meter box and associated items.

The connection fees required by this Section shall be refunded without interest, in full, if after the fee is paid, the water connection is not made. Application for refund must be made to the City Engineering Department. [Ord.837, 07/02/90; Ord.1756, 6/18/13]

D. (**WATER INVESTMENT FEES** repealed Ord. 1718, 01/01/12]

DEVELOPMENT INVESTMENT FEE was repealed by [Ord. 1718, 01/01/12]

E. Service Charges

The service charge for water service (excluding new connections and service reconnect charges) shall be as follows:

1.	Premises Inside City Limits:	$10.50
2.	Premises Outside City Limits:	$15.50

[Ord. 692, 11/16/87]

F. Service Reconnect Charge

The charge for collection of a delinquent bill or restoration of service shall be:

8:00 AM - 3:30 PM Mon-Fri	$26.00
3:30 PM - 8:00 AM Mon-Fri	$31.00

G. Fire Protection Connection Fee

The City shall levy a monthly charge for each unmetered fire protection connection to premises whose other usages are metered, at the rate of one ($1.00) dollar per diameter inch or fraction thereof measured at the point of connection per month.

H. Portable Fill Stands

Fees for Portable Fill Stands shall be as follows:

1. For coin-operated meters, twenty-five (0.25) cents for fifty (50) gallons. [Ord 7l4, 08/0l/88, Ord 744, 06/05/89]

2. For City-operated, per month (for 1,000 gallons or more tank capacity):

Base Service Charge Fee	$9.64
Capital Renewal Fee	3.75
0-200,000 gallons, per thousand gallons	3.28
Over 200,000 gallons, per thousand gallons	4.91

[Ord. 1439, 08/16/04; Ord. 1493 9/1/05; Ord. 1565, 2/1/07; Ord. 1641, 2/1/09; Ord.1665, 11/16/09, Ord. 1692, 11/16/11; Ord. 1752, 4/19/13]

3. For special-user meter or standpipes, the gallonage fee shall be the current outside city gallonage fee for irrigation per one thousand (1,000) gallons, with a base service charge of $11.64 plus the capital renewal fee. In addition, the customer must deposit $1,000.00 with the City as a guarantee for the return of the device in good condition. [Ord. 1641, 2/1/09; Ord. 1665, 11/16/09; Ord.1692,11/16/10; Ord.1752, 4/19/13]

I. Material and Labor Charges

Charges for material and labor for broken water lines and meters will be billed to the responsible party. The responsible party shall also be billed for lost water caused by the broken water line or meter.

J. Hualapai II Tank Fee [Ord 783, 12/4/89]

1. Terms used in this section shall be defined as follows:
   a. Hualapai II Tank: The 0.5 million gallon water tank located in the southeast corner of Section 2l, T2lN, Rl6W, G.&.S.R.B.&.M., which was relocated from Section 20, T2lN, Rl6W, G.&.S.R.B.&.M.

   b. Hualapai II Tank Pressure Zone: That area where water distribution system pressures are governed by the Hualapai II Tank.

   c. Developer: Any person desiring to connect to the water system in the Hualapai II Tank Pressure Zone.

2. In addition to all other fees and regulations, there shall be a charge of $l75.00 per dwelling unit or connection, whichever is greater, assessed to the developer. [Ord. 1300, 7/16/01]

   The fee charged in this section applies even when the developer must use additional pumping facilities to obtain minimum required water pressures. This fee does not apply when necessary water storage facilities are included in the proposed development. The funds collected by this fee shall be deposited in the Water System Expansion Reserve Fund.

3. The fee required by this Section shall be collected from the developer at the time of request for a water meter connection.

4. Properties which were included in the Agreement executed by the City of Kingman on July l3, 1988 for the relocation of the Hualapai II tank shall be exempt from the fee charged in this Section. [Ord. 783, 12/4/89]

6.3 SEWER [Ord. 927, 6/15/92]

A. Rates

1. Sewer Base Rate

   Occupants of all dwellings and buildings using both the City's water and sewer systems shall pay a Sewer Base Rate of $26.803 per month per account. In addition to the base rate, users of the sewer system shall pay a monthly Capital Renewal /Expansion Fee and Sewer User Charge. [Ord 1439, 8/16/04; Ord. 1493, 9/1/05; Ord. 1565, 2/1/07; Ord. 1641, 2/1/09; Ord. 1665, 11/16/09; Ord. 1742, 11/20/12 Ord. 1792, 3/1/15]

2. **CAPITAL RENEWAL/EXPANSION FEE**

   The proceeds equal to $1.00 from each minimum monthly charge shall be placed in a Capital Renewal/Expansion Fund and shall be used to pay for projects replacing and improving parts or expansion of the wastewater system. [Ord. 1792, 3/1/15]

3. Sewer User Charge:

The commercial Sewer User Charge is computed based on the actual monthly metered volume of water used by the customer and the expected wastewater strength based on data published by the Arizona Department of Environmental Quality. The residential Sewer User Charge is computed based on the actual monthly metered volume of water used by that customer and the expected wastewater strength based on data published by the Arizona Department of Environmental Quality during December, January and February (billed in January, February and March) and based on the winter quarter average consumption for all other months. In the event the actual monthly consumption is less than the winter quarter average consumption, then the actual consumption will be used. A residential customer who has not established a winter quarter average shall pay a Sewer User Charge equal to the average of other users of that class. This user charge is intended to distribute the costs of operation and maintenance (including replacement) of the sewer system to users in direct proportion to use. Rates and costs will be reviewed at least once per year to insure these user charge criteria are met. The formula for computing sewer charge rates is as follows: Rates and costs will be reviewed at least once per year to insure these user charge criteria are met. The formula for computing sewer charge rates is as follows: [Ord. 1127, 4/21/97]

Sewer User Charge Rate = Total Cost of Flow/Total Flow + Total Costs of BOD/Total BOD + Total Cost of SS/Total SS

The current list of User Charge Rates for various user categories is contained in Table A (which follows):

4. System Expansion Fee:
(SEWER EXPANSION FEE repealed by [Ord. 1493, 9/1/05]

5. Monthly Billing
The formula for the monthly sewer bill is as follows:

Monthly Charge = Base Rate + Capital Renewal/Expansion Fee + Users Contribution x Sewer User Charge Rate. [Ord. 1058, 10/16/95; Ord. 1493, 9/1/05, Ord. 1792, 3/1/15]

Billing for sewer service for a new connection shall begin no later than 90 days after the water meter is installed. [Ord. 1007, 06/20/94, Ord. 1792, 3/1/15]

6. *Private Well Users:* Occupants of all dwellings and buildings using the City's sewer system, but not the City's water system shall pay a monthly charge of $26.803 (Base Rate) plus a $1.00 Capital Renewal/Expansion fee plus a Sewer User Charge equal to the average of other users of that class. [Ord. 1493, 9/1/05; Ord. 1565, 2/1/07; Ord. 1641, 2/1/09; Ord. 1665, 1/16/10; Ord. 1718, 11/15/11; Ord. 1742, 11/20/12, Ord. 1792, 3/1/15]

7. *Septage Haulers:* shall pay a monthly basis for the volume of septage discharged to the sewer system based on the appropriate rate from Table A. Volume shall be established from the weekly manifests submitted to the City by each hauler.

8. *Cooling Tower Water Users*: Commercial users who utilize cooling towers shall pay a monthly base rate, capital renewal/expansion fee plus a commercial sewer user charge which is computed based on the actual monthly metered volume of water used through the meter that provides water to the cooling tower and the expected wastewater strength during December, January and February (billed in January, February and March) and based on the winter quarter average consumption for all other months. A commercial user who utilizes cooling towers and has not yet established a winter quarter average shall pay a monthly base rate, capital renewal/expansion fee plus a sewer user charge based on the actual monthly metered volume of water used and the expected wastewater strength until such winter quarter average can be determined. Sewer base rates, capital renewal/expansion fees and user charge rates will be based on the appropriate rate from Table A. [Ord. 1792, 3/1/15]

9. *Financial Management System:* The City shall maintain a financial management system that will account for revenues and expenditures of the sewer system. The system shall accurately account for O & M revenues and expenditures associated with the treatment works. The accounting system shall segregate O & M revenue and expenditures from other wastewater revenue and expenditures to assure adequate revenue to properly operate and maintain the treatment works. All revenues collected for operation and maintenance (including replacement) shall be deposited in a separate fund. This fund shall have 2 accounts, one for O & M and one for replacement.

10. *Notification:* Each user shall be notified, at least once a year, of their user charge rate. Users may request that their rate or estimated contribution be reviewed by the Municipal Utility Commission. Any recommended adjustment would be referred to the Common Council.

11. *Wastewater Treatment By-Products:* All revenue from the sale of treatment related by-products shall be used to offset the cost of operation and maintenance. User Charges shall be proportionally reduced for all users. Total annual revenues received from the sale of a by-product shall be credited to the treatment works O & M cost no later than the fiscal year immediately following their receipt.

12. *Precedence:* This user charge shall take precedence over any terms or conditions of agreements or contracts which are inconsistent with the requirements of the system.

TABLE A
SEWER USER CHARGE RATES

	CHARACTER/STRENGTH			COST PER 1000 GALLONS		
STANDARD CLASSIFICATIONS	BOD, ppm	SS, ppm	FLOW	BOD	SS	TOTAL
RESIDENTIAL	187.5	187.5	$2.748	$1.418	$1.497	$5.663
AUTO STEAM CLEAN	1150	1250	$2.748	$8.736	$9.981	$21.466
BAKERY WHOLESALE	1000	600	$2.748	$7.597	$4.784	$15.129
BARS WITHOUT DINING	200	200	$2.748	$1.509	$1.600	$5.856
CAR WASH	20	150	$2.748	$0.144	$1.198	$4.090
DEPARTMENT/RETAIL STORES	150	150	$2.748	$1.131	$1.198	$5.077
HOSPITAL/CONVALESCENT	250	100	$2.748	$1.896	$0.803	$5.446
HOTEL/MOTEL WITH DINING	500	600	$2.748	$3.785	$4.796	$11.329
HOTEL/MOTEL WITHOUT DINING	310	120	$2.748	$2.350	$0.955	$6.053
INDUSTRIAL LAUNDRY	670	680	$2.748	$5.095	$5.426	$13.269
LAUNDROMAT	150	110	$2.748	$1.131	$0.882	$4.761
COMMERCIAL LAUNDRY	450	240	$2.748	$3.413	$1.913	$8.074
MARKET W/ GARBAGE DISPOSAL	800	800	$2.748	$6.073	$6.393	$15.214

STANDARD CLASSIFICATIONS	BOD, ppm	SS, ppm	FLOW	BOD	SS	TOTAL
MORTUARIES	800	800	$2.748	$6.073	$6.393	$15.214
PROFESSIONAL OFFICE	130	80	$2.748	$0.984	$0.633	$4.365
REPAIR SHOP/SERVICE STATION	180	280	$2.748	$1.362	$2.229	$6.340
RESTAURANT	1100	600	$2.748	$8.344	$4.799	$15.891
SCHOOL/COLLEGE	130	100	$2.748	$0.984	$0.791	$4.523
SOFT WATER SERVICE	3	55	$2.748	$0.026	$0.442	$3.217
GOVERNMENT/PUBLIC BUILDINGS	130	80	$2.748	$0.984	$0.633	$4.365
CHURCHES	130	100	$2.748	$0.984	$0.791	$4.523
APARTMENTS	200	200	$2.748	$1.509	$1.600	$5.856
MOBILE HOME PARKS	200	200	$2.748	$1.509	$1.600	$5.856
STORAGE, WHOLESALE	150	150	$2.748	$1.131	$1.198	$5.077
INDUSTRIAL MANUFACTURING	200	200	$2.748	$1.509	$1.600	$5.856
JAIL SEPTAGE	500	600	$2.748	$3.785	$4.796	$11.329
SEPTAGE	5400	12000	$2.748	$41.054	$95.936	$139.74

($2.50 per month fee for sewer availability repealed [Ord. 1047, 6/5/95; Ord 1439, 08/16/04; Ord. 1493, 9/1/05; Ord. 1565, 2/1/05; Ord. 1641, 2/1/09; Ord. 1665, 11/16/09; Ord. 1692, 11/16/10; Ord. 1718, 11/15/11; Ord. 1742, 11/20/12]

B. Sewer Connection Fees

There will be no sewer connection fee where existing pretapped sewer service lines are in place, as recorded by the City, from the sewer main in existing right-of-way or utility easement to the property line. The fee for connection to the public sewer in all other cases shall be as follows:

The fee for each single building connection to any sewer of the City shall be the sum of fifty dollars ($50.00) for those buildings within the City Limits and one hundred dollars ($100.00) for buildings outside the City Limits. The fee shall be collected at the time the permit is issued. [Ord. 807, 02/05/90]

(**SEWER DEVELOPMENT FEE** repealed[Ord. 7l4, 08/0l/88]

C. Sewer System Investment Fee (Ord.909, Feb92)

The Sewer System Investment Fee shall be paid prior to making a connection to the sewer system or constructing an addition to a building already connected to the sewer system. In addition the following will apply: (1) within the City limits the fee will be paid at the time the building permit is obtained for both new construction and additions or remodels involving additional drainage fixture units (2) outside the City limits the fee shall be paid at the time a water meter application is made. The amount of this fee shall be $91.00 per Drainage Fixture Unit for the building or facility to be connected. The number of drainage fixture units shall be determined using Table 709.1 of the

International Plumbing Code, with the following amendment; (a) Water closets in private installations that have a rated output of 2.0 gallons per flush or less (as listed by IAPMO), shall be counted as two fixture units (b) Recreational Vehicle Parks, 6 fixture units per space (3" trap) [Ord. 922, 05/04/92; Ord, 954, 01/04/93; Ord. 1118, 02/03/97; Ord. 1439, 08/16/04; Ord. 1495, 12/1/05; Ord. 1643, 03/02/09]

Payment of the Sewer System Investment Fee is required for all connections made after March 20, 1992.

Revenues from the Sewer System Investment Fee shall be used solely for expansion and upgrading of the sewer system (including debt repayment for capital improvement projects).

For existing single-family residences utilizing on-site wastewater disposal systems, the Sewer Investment Fee will be waived if a sewer connection is made within the first 12-months after a sewer main abutting the property is constructed and is accepted for service by the City. [Ord. 1071, 02/05/96]

The Sewer Investment Fee will also be waived for existing single-family residence using on-site wastewater disposal systems which connect to the sewer system no later than March 31, 1997. [Ord 1071, 02/05/96]

A periodic review of all investment fees shall occur as deemed necessary to ensure each investment fee continues to be assessed in a nondiscriminatory manner, results in a beneficial use to the developments which must pay the fees and bears a reasonable relationship to the
burden imposed upon the City to provide additional necessary public services to those developments. Each year, fees shall be adjusted to most recent data from the Engineering News Record construction Cost Index or the consumer Price Index for All Urban Consumers (CPI-U) December to December, as applicable. A written report shall be provided to the Common Council not less than once every five years evaluating the proper level of each development fee collected by the City, recommending new, increased or reduced investment fees and providing any other information deemed appropriate. [Ord. 1495, 12/1/05]

D. Septage Fee [Ord. 927, 6/15/92]

1. Septage haulers must have permit to allow discharge of septage to the sewer system. The cost of this permit will be $2,188.86 per year, to be billed on a monthly basis of $182.41. [Ord. 1058, 10/16/95; Ord. 1565, 2/1/07; Ord. 1641, 2/1/09; Ord. 1665, 11/16/09; Ord. 1692, 11/16/10; Ord. 1718, 11/15/11; Ord. 1742, 11/20/12]

2. Permits shall be issued for a twelve-month period, beginning on the first day of the month of application. Ceasing business for a portion of the year and then reapplying does not relieve the septage hauler from the annual liability. Reapplication within a twelve (l2) month period from cessation of business shall require retroactive payments for the interim months. Retroactive payments shall be paid as a lump sum prior to reissuance of permit.

3. Permits shall not be transferred or assigned. [Ord. 705, 05/02/88; Ord 806, 02/05/90]

E. Special Sewer Tests (Ord. 996, 01/18/94)

$25.00 for all customer requested tests. The first test will be a test inspection at no charge;
all subsequent tests for the life of the account will be charged. Customers will be notified of the charge at the time a special test is requested. There will be no charge to the customer if the test results prove the City to be in error.

6.4 SANITATION.

A. Rates

All City residences, churches, schools, hospitals, public buildings, multiple dwellings and any other residential, business or industrial location within the Kingman City limits shall pay monthly garbage rates according to the following schedule:

1. Residential, monthly charge for single-family dwellings or housekeeping units, two (2) collections weekly $19.78 [Ord. 710, 7/05/88; Ord.728, 12/19/88; Ord. 744, 06/05/89; Ord. 852-R 01/07/91; Ord. 866, 06/17/91; Ord 1024, 1/17/95; Ord. 1278, 02/05/01; Ord. 1493 9/1/05; Ord. 1565, 2/1/07]

2. Commercial & industrial locations, per pickup, minimum of two (2) collections weekly. [Ord. 930, 08/03/92; Ord. 1024, 01/17/95; Ord. 1047, 06/05/95; Ord. 1278, 02/05/01]

Table 3
Sanitation Rates (effective Jan 1, 2011)

Container Size	Collections Per Week				
	2	3	4	5	6
90 gal	12.36	18.54	24.72	30.90	37.08
300 gal 1.5 Cu Yd	40.80	61.20	81.60	102.00	122.40
300 gal 1.5 Cu Yd Shared 2X	20.54	30.81	41.08	51.35	61.62
300 gal 1.5 Cu Yd Shared 3X	12.36	18.54	24.72	30.90	37.08
3.0 Cu Yd	82.84	124.26	165.68	207.10	248.52
3.0 Cu Yd Shared 2X	40.80	61.20	81.60	102.00	122.40
3.0 Cu Yd Shared 3X	27.60	41.40	55.20	69.00	82.80
4.0 Cu Yd	110.40	165.60	220.80	276.00	331.20
5.0 Cu Yd	138.00	207.00	276.00	345.00	414.00
6.0 Cu Yd	165.60	248.40	331.20	414.00	496.80
8.0 Cu Yd	220.80	331.20	441.60	552.00	662.40

[Ord. 710, 7/5/88; Ord. 728, 12/19/88; Ord. 744, 6/5/89; Ord. 745, 07/17/89; Ord. 852-R, 1/7/91; Ord. 866 06/17/91, Ord.1024, 1/17/95; Ord. 1278, 02/05/01; Ord. 1493, 9/1/05; Ord. 1565, 2/1/07 Ord. 1678, 07/06/10; Ord. 1692, 11/16/10]

3. Governmental agencies may make other arrangements through governmental agreements subject to Council approval. [Ord. 716, 9/6/88]

4. Council may provide for community clean-up days and allow a waiver of fees for those days. [Ord. 716, 9/6/88]

5. For special events held under City of Kingman Parks Reservation Permits or City of Kingman Parade Permits, the City will provide garbage collection containers for use by the participants at no cost to the event sponsors. [Ord. 840, 8/6/90]

B. Trash Removal Rates

The occupants of all dwellings and buildings shall pay to the City the following rates for collection of uncontained trash:

1. Residential, per load $15.00
2. Commercial, per load $18.75

[Ord. 729, 12/19/88; Ord. 840, 8/6/90; Ord. 1024, 01/17/95; Ord. 1278, 02/05/01; Ord. 1565, 2/1/07]

C. Billing

The minimum garbage service fee is payable on all utility billing amounts within the City Limits. Normal exceptions may be granted by the City Finance Director under special circumstances, including, but not limited to the following:

1. Horse corrals or cattle tanks, where no garbage service is necessary.

2. There is no access available for the garbage trucks.

3. Water is needed for irrigation purposes, and no garbage service is necessary.

4. There are multiple meters for the same property, and only one use creating garbage. Apartments or duplexes are considered multiple uses and shall not be exempt.

5. The garbage service is billed separately on another account.

6. Utility billings for fire sprinkler systems.

7. Pursuant to contracts with the City.

8. The utility billing is for wholesale water.

6.5 RECLAIMED WATER

Reclaimed water utility rates for the City of Kingman Arizona, shall generally be set according to the policies contained in Article VI, 6.1 of the City Utility Regulations. The initial usage rates are set based on the following assumptions:

- Rates shall be sufficient to cover the City's cost to amortize the components of the wastewater treatment system specifically dedicated to producing tertiary quality reclaimed wastewater over a re-payment period and at an interest rate (combined interest and fee) matching the construction loan obtained from the Water Infrastructure and Finance Authority of Arizona (WIFA)
- Rates shall be sufficient to cover the City's cost to amortize the additional system components required to deliver the water

- A 1 1/3 multiplier is included to cover the highest combined principal and interest for the capital components of the reclaimed water system
- Rates shall also include an amount sufficient to cover the reclaimed water production and distribution system operation and maintenance costs
- Base service charge fee as published in Article VI, 6.2 (Water Line) shall apply to the reclaimed water system
- The fees and conditions contained in Article VI, 6.2 for Special Meter reading rates and testing deposit shall apply to the reclaimed water system.

- Service reconnect charge as published in Article VI, 6.2 shall apply to the reclaimed water system
- The City of Kingman shall not be charged for reclaimed water use
- Use charges (unit rates) are calculated based on the current permitted reclaimed water system capacity, which is 1.0 million gallons per day (mgd)
- Reclaimed revenues will be used for operations, maintenance, and loans associated with the City's utilities enterprise funds.

The unit cost is $0.643 per 1,000 gallons. This rate will be reviewed periodically and is subject to change based on the City's capital, operational and maintenance costs for the treatment and production of reclaimed water.

ARTICLE VII: WATER DISTRIBUTION AND SEWER COLLECTION

ARTICLE VII: WATER DISTRIBUTION AND SEWER COLLECTION

7.1 CONDITIONS

A. General

No person, other than City employees, shall extend the water distribution or sewer collection system unless an extension agreement has first been obtained from the City Engineer and the plans and specifications are: [Ord. 853R, 02/04/91; Ord.1756, 6/18/13]

]

1. In compliance with the MAG standards revised for use in the City of Kingman;

2. Have been approved, in writing, by the City Engineer.

3. Are in compliance with the rules and regulations of the Arizona Department of Environmental Quality or other agency as designated by state law, and a certificate to construct has been issued by ADEQ or other agency designed by state law.

B. Acceptance

The City Engineer may accept sewer or water line extensions for maintenance by the City upon:

1. Written approval of construction issued by ADEQ or other agency designated by state law.

2. Receipt of lien waivers for all work and materials.

3. Receipt of reproducible **mylar** copies of the "as constructed plans" conforming to City requirements. **The material shall be transparent reproducible polyester film of 3 mil. (min) double matte mylar.** [Ord. 848, 10/l5/90]

4. Compliance with the other provisions of this article.

No activation of, or connection to, a water or sanitary sewer line extension will be allowed until the extension has been accepted by the City of Kingman. A written letter will be provided by the City Engineer upon such acceptance. [Ord. 773, l0/6/89]

C. Water distribution and sewage collection system extensions shall become the property of the City after acceptance. [Ord. 853R, 02/04/91]

7.2 LOCATION

A. Generally

1. All extensions to the City of Kingman water and sewer system shall begin at the nearest point determined to be adequate by the Water and Wastewater Superintendents. Generally water system extensions shall not be connected to transmission mains. If connection is allowed a valve shall be inserted in the transmission main adjacent to proposed tee if necessary to satisfy applicable valve spacing requirements for distribution systems. [Ord.1756, 6/18/13]

2. A public water or sewer extension shall be required to extend across the total frontage of the property to be served. In instances where, due to topography, location, or surroundings, the engineering design shows that the water or sewer line can not be

extended further to serve additional properties, the City Engineer may allow the developer to end the line without crossing the total frontage.

a. The line must be constructed to provide for any extensions to property that can be developed.

b. In the case of a sewer line, a cleanout shall be provided at the end of the extension. [Ord. 7l4, 8/0l/88]

c. In the case of a water line, the line shall be looped to the system or provided with a fire hydrant in the discretion of the Water Superintendent. [Ord. 7l4, 8/0l/88; Ord.1756, 6/18/13]

d. Any developer who is dissatisfied with a decision under this paragraph may appeal to Council.

e. The requirement to extend a water or sewer line across the total frontage of the property to be served does not apply at the Kingman Airport Industrial Park. [Ord 759, 8/07/89]

B. Public water or sewer extensions shall be installed in dedicated public rights-of-way. Extensions may be constructed in open easements upon approval of the Water or Wastewater Superintendent. [Ord. 701, 4/04/88; Ord.1756, 6/18/13]

]

7.3 DESIGN

A. Minimum Size

1. No water line with a diameter of less than six inches shall be installed in areas zoned for single family residences.

2. No water line with a diameter of less than eight inches shall be installed in areas zoned for other than single-family residences.

3. Except when permitted by state environmental health rules or guidelines, no sewer line with a diameter of less than eight inches shall be installed in areas zoned for single-family residences. [Ord. 70l, 4/04/88]

4. No sewer line with a diameter of less than eight inches shall be installed in areas zoned for other than single-family residences.

5. No person shall install a water line which is smaller in line size than necessary to provide adequate fire flows for the proposed development.

B. Fire Flows

1. It is desirable that the water system provide fire flows for commercial developments of 3,500 gallons per minute from two adjacent fire hydrants, 1,000 gallons per minute from the two adjacent fire hydrants for single-family residential and rural residential developments. Water line extensions shall be consistent with this goal. [Ord. 70l, 4/04/88; Ord. 1350, 10/07/02]

2. No water line extension shall be installed unless it will provide sufficient fire flows for the development at the time the extension is placed into service. Fire flow calculations for individual projects shall be the responsibility of the developer and engineering

calculations shall be provided to the Fire Chief. If the City water system does not provide sufficient fire flows for the development, the developer shall improve the system as required at his own expense. [Ord. 70l, 4/04/88, Ord. 7l4, 8/0l/88**]**

C. Expansion Facilities

1. If additional facilities such as tanks, pumps, treatment facilities, etc., are required to provide adequate service to a development, the cost of such facilities shall be paid by the developer.

D. Sewage Lift Stations [added 12/91, Ord. 889]

1. Sewage lift stations will only be allowed if there is no cost effective, feasible alternative method of serving the area. Cost effectiveness determinations shall be based on a 20-year, present worth cost analysis that considers all estimated operation, maintenance, repair and replacement costs along with construction costs.

2. Sewage lift stations shall be designed based on Chapter V of "Engineering Bulletin No. 11, Arizona Department of Health Services, July 1978" as modified or supplemented below.

a. Lift stations shall be designed to be fully operational during a twenty-five year flood.

b. Grinder pumps will not be allowed.

c. Complete redundancy shall be provided in the level sensors and pump control and alarm relays. Provisions shall be included to transmit power failure and high wet well level alarms to a remote location such as the Police Station.

d. Electrical control panels shall be pole, pedestal or wall mounted. They shall not be located below ground level. Cabinets shall have an appropriate NEMA rating for the specific mounting location.

e. Check valves for submersible pump stations may be located in a valve vault. They shall not be placed in the wet well. Valves on pump discharge lines shall be gate valves.

f. A non-resettable running time meter shall be provided for each pump.

g. Wet well/dry well type lift stations will not be allowed. Lift stations shall have submersible pumps, or self-priming suction lift pumps mounted above the wet well.

3. Lift station sites shall be enclosed with a six foot high (minimum) masonry wall. The developer shall provide to the City complete operation and maintenance manuals, a spare (uninstalled) pump and motor, any necessary specialty tools, spare control components (float switches, relays, compressors, etc) for the specific lift station provided.

7.4 CONSTRUCTION

A. Construction plans and specifications for water and sewer line extensions shall be certified by an Arizona Registered Engineer and submitted to the City Engineer for approval. After approval by the City, plans and specifications for new subdivisions shall be submitted to the Arizona Department of Environmental Quality for approval. Approvals shall be valid for one year. [Ord. 996, 1/18/94; Ord. 1085, 06/17/96]

B. The payment for all water used in construction, disinfection and testing of water main extensions is required and the contractor or developer shall be held accountable for that cost. Amount of water used shall be determined by the Water Superintendent. [Ord.1756, 6/18/13]

C. Construction shall be subject to right-of-way permit regulations and inspection by the City Engineer during construction. Both the developer and contractor shall be responsible for notifying the City Engineering Department at least two working days in advance of beginning construction or of any needed inspection after construction delay.

D. The contractor and developer of an extension to the water or sewer system shall guarantee the system extension for one year from the date of acceptance of the system extension by the City Engineer. [Ord. 70l, 4/4/88]

7.5 DESIGN SERVICES

A. For all development requiring the extension of water or sewer line, the developer shall retain an engineer, licensed to practice in the State of Arizona, to prepare the engineering analysis and construction plans and specifications for the proposed water or sewer extension. [Ord. 996, 1/18/94]

B. The design engineer will be responsible for the design of the proposed extension, its compliance with the City of Kingman requirements, including water and sewer line extension policies, Standard Specifications and Standard Details, and the rules and regulations of the Arizona Department of Environmental Quality.

C. For new subdivisions, the design engineer will be responsible for obtaining a separate approval of the engineering design from the City of Kingman and the Arizona Department of Environmental Quality in the form of an "Approval to Construct" (a copy of which will be given to the City Engineer prior to construction.) [Ord. 996, 1/18/94; Ord. 1085, 06/17/96]

D. The design engineer will be responsible for the construction staking and the construction inspection of the proposed water or sanitary sewer line extension to insure that the extension is built in accordance with the approved plans and specifications.

E. After completion of improvement, the design engineer shall furnish the City Engineering Department a certified **mylar** copy of the "as constructed plan" <u>certification of completion</u> and <u>if applicable</u>, a copy of the Arizona Department of Environmental Quality "Approval of Construction". This information will be compared with the City's field inspection reports and the approved plans. [Ord. 848, 10/15/90; Ord. 1085, 06/17/96]

F. Activation for use of any water or sanitary sewer line extension shall be withheld until the extension is accepted by the City of Kingman as described in SECTION 7.l.B. of these Regulations. [Ord. 773, l0/l6/89]

G. The City Engineer will be responsible for providing design review and approval of all water and sewer line extensions to insure conformance with City Standard Specifications and Details and other applicable policies and regulations.

H. The City will conduct cursory construction inspections on all water and sewer line extensions to insure compliance with approved plans and applicable standards. [Ord. 996, 01/18/94]

I. In the design of any water system extension to be connected to the city water system, population projections in single family residential subdivisions shall be based on a minimum of 3.5 persons per lot. Flow projections shall not be less than l50 gallons per person per day (average daily use). The following data shall be calculated according to the accompanying formula:

Peak Month	=	l.8	x	Average Daily Use (ADU)		
Peak 5 days			=	2.10	x	ADU
Peak day			=	2.50	x	ADU
Peak hour	=	3.5	x	ADU	[Ord. 70l, 4/4/88]	

J. Water distribution systems shall be designed to maintain a minimum static pressure of 40 psi, a maximum static pressure of l00 psi and a minimum residual pressure of 20 psi at ground level at all conditions of flow. [Ord. 70l, 4/4/88]

K. Water lines shall be valved adequately with at least two valves at every tee and three valves at every cross. Where applicable, all water lines shall be sized according to the City of Kingman Master Water Plan. [Ord. 70l, 4/4/88; Ord. 996, 1/18/94]

7.6 EXCEPTIONS

Any request for exceptions allowed under this Article or any appeal from an official decision under this article shall be made prior to construction. [Ord. 70l, 4/4/88]

7.7 SYSTEM EXTENSION AGREEMENT

The City of Kingman hereby agrees to provide water and sewer (cross out non-applicable) service to _____ as shown on the attached drawings.

The City of Kingman agrees to be responsible for the maintenance and operation of the facilities upon construction after acceptance by the City of Kingman, and following issuance of the appropriate approval(s) of construction by the Arizona Department of Environmental Quality.

Inspection services to assure that construction is in compliance with the plans and specifications approved by the City and the Arizona Department of Environmental Quality will be provided by the developer unless this responsibility is assumed by the City Engineer's signature in the appropriate block below. In any case, City inspection will occur to confirm conformance to City requirements.

DATE:_____ Name: _____
(Print) (Signature)

Title: _____

City of Kingman
3l0 N. Fourth Street
Kingman, Arizona 8640l

DATE:_____ Name: _____

Developer (Print)

(Signature)

Title: _____

Inspection/Certification Services

DATE:_____ Name: _____

(Print) (Signature)

City Engineer
City of Kingman

ARTICLE VIII: PARTICIPATION

ARTICLE VIII: PARTICIPATION

8.1 POLICY STATEMENT

The purpose of this program is to standardize applications and reimbursements for City share of oversized utility facilities and corner lots.

1. Developer is responsible for the installation of properly sized water and sewer facilities for his development. If the City Engineer requires that any water or sewer facilities be oversized, reimbursement to the Developer for the oversize will be according to the procedures outlined below.

2. The City Engineer shall require oversize facilities where necessary for present or future services in the community and City participation in oversize costs shall, in all cases, be subject to the availability of City funds for this purpose.

8.2 PROCEDURES

1. At the time of subdivision review under City of Kingman Ordinance No. 504, the City Engineer shall inform the developer which water and sewer lines or facilities will be oversized. For projects not subject to subdivision review, the City Engineer shall inform the developer of any oversized facilities needed within a reasonable time of the proposed construction. In each case, the City Engineer shall prepare an estimate of the city share for the project. This is a tentative estimate subject to change by the City Council. [Ord. 1756, 6/18/13]

2. Prior to construction of any project with oversize lines or facilities, the developer shall obtain approval from City Council for participation in the oversize costs. If approval is not obtained prior to construction, the oversized facilities shall be constructed and the City shall not participate in the project costs.

3. Construction shall occur within one year of Council's approval of a participation agreement.

4. City participation shall be limited to the increased material cost of the lines and facilities. Costs shall be verified by a minimum of three written price quotations by dealers or contractors.

8.3 CORNER LOTS

When property has been subdivided without sewer or water line improvements, the City may participate in water or sewer line construction.

1. Participation under this section is limited to the material cost of no more than 100 feet of the sewer or water line.

2. This section is applicable only to the short side of a corner lot where the water or sewer line must be extended along two sides of the lot.

3. In order to obtain City participation under this section, the developer must comply with the procedures outlined in Section 8.2

4. Participation will not apply to new developments where the corner lot costs will be absorbed by the entire development.

FINAL AGREEMENT FOR CITY SHARE

I hereby certify that we are the Developers of the Development described as:

_____

and hereby request City share reimbursement from the City of Kingman for the following checked items:

		ESTIMATED CITY SHARE (SEE ATTACHED SCHEDULE)
_____	Oversize Water facilities or lines	$_____
_____	Oversize Sewer facilities or lines	$_____
_____	Corner Lot	$_____
	TOTAL	$_____

Company: _____

Address: _____

_____

_____

Signed by: _____ Date: _____

Title: _____

CITY OF KINGMAN:

Approved by: _____ Date: _____
City Engineer

It is understood the above figures are based on estimated quantities and that actual payment by the City will be based on field installed quantities and available City Funds.

NOTE: This request must be submitted with the first application for Construction Permit.

COMPUTATION FOR ESTIMATED CITY SHARE AND TENTATIVE APPROVAL

DATE: _____ This estimate is null and void 365 days from this date.

For the development described as: _____

_____

STANDARD CITY SHARE

ITEM	QUANTITY	UNIT COST	AMOUNT
		Sewer Line Construction	
4' MH to 5' MH	_____Each	$_____Each	$_____
8" to 10"	_____L.F.	$_____L.F.	$_____
8" to 12"	_____L.F.	$_____L.F.	$_____
8" to 15"	_____L.F.	$_____L.F.	$_____
_____	_____	$_____	$_____
		Water Line Construction	
8" to 12"	_____L.F.	$_____L.F.	$_____
8" to 16"	_____L.F.	$_____L.F.	$_____
12" Valve	_____Each	$_____Each	$_____
16" Valve	_____Each	$_____Each	$_____
_____	_____	$_____	$_____
_____	_____	$_____	$_____
(other size)			
		Subtotal	$_____
		GRAND TOTAL	$_____

Tentative Approval: _____
City Engineer

It is understood the above estimate is based on estimated quantities and that actual payment by the City will be based on field installed quantities and available City Funds. (If Funds are not available the Developer may have to wait for payment until a subsequent fiscal year at no additional cost to the City.)

ARTICLE IX: PAYBACK AGREEMENTS

ARTICLE IX: PAYBACK AGREEMENTS

9.1 GENERAL

After final inspection and acceptance by the City of a water or sewer line extension, the City will have available to the developer, a payback agreement whereby the City will agree to collect a portion of the construction costs from parties proposing abutting the extension and proposing to connect to the water or sewer extension, whichever is applicable. [Ord. 1147, 12/1/97]

A payback agreement may be written to the City for new water distribution and/or sewer mains constructed by City projects. In instances where the main constructed is larger than the minimum size line necessary to serve adjacent properties, a pro-rata payback cost shall be calculated. [Ord. 968, 6/07/93]

9.2 PROVISIONS

The Agreement will include the following provisions:

A. Term of agreement shall be twenty (20) years.

B. The payback fee shall be based on the certified cost of the water or sewer extension after deducting the developer's share of the costs and the cost of City participation. Such costs must be certified with paid receipts from the contractor who installed the improvements.

C. Owners of lots abutting a water or sewer extension that is the subject of a payback agreement and who desire to connect to the water or sewer extension, whichever is applicable, shall pay the payback fee at the time of the issuance of the building permit or the system connection permit, whichever is earlier. [Ord. 1147, 12/01/97]

D. The developer shall be paid all funds collected under the payback agreement.

E. The term of the agreement shall run from acceptance of the system extension. [Ord 70l, 4/4/88]

9.3 CALCULATION OF PAYBACKS

Generally, the amount collected from parties connecting to the water or sewer line will be calculated by multiplying the certified cost per lineal foot by the frontage measured in feet.

The Common Council may approve 'alternate methods' for calculating paybacks based on criteria other than or in addition to the frontage of the extension. Such factors as hydraulic capacity, service area, etc. may be considered as appropriate. If a developer proposes an alternate payback method, he must submit a complete description of the system with engineering and cost data for review by the Municipal Utility Commission. [Ord.762, 9/l8/89; Ord. 1756, 6/18/13]

9.4 CONDITIONS

A. When possible for any project of over l00 feet in which a payback may be applicable, the developer shall obtain written quotes by at least two different contractors. Payback calculations shall be based on the lower of the two quotes. [Ord 70l, 4/4/88]

B. Payback agreements shall be executed not more than 120 days after acceptance of the system or the right to a payback agreement is waived. Developer shall provide certified receipts within 20 days after acceptance of the system. [Ord. 954, 01/04/93]

ARTICLE X: CROSS-CONNECTION

ARTICLE X: CROSS-CONNECTION

10.1 PURPOSE

The purpose of this Ordinance is to protect the public water supply of the City of Kingman from the possibility of contamination or pollution by isolating within the user's system such contaminants or pollutants which could backflow into the public water supply; and to provide for the monitoring and enforcement of a continuing program of backflow prevention, which will prevent the contamination or pollution of Kingman's potable water supply. [Ord. 1008, 6/20/94]

10.2 RESPONSIBILITY

A. The Department

The Public Works Department (hereinafter called the "Department") of the City of Kingman is vested with the authority and responsibility for the implementation of an effective cross-connection control program and for the enforcement of the provisions of this ordinance and to prevent water from unapproved sources to enter the potable water system. No water service connection to premises of any type specified in this ordinance shall be installed or maintained unless the public water supply is protected as required by this ordinance.

B. The User

The user shall not allow any pollutants and contaminants to enter the public potable water system, from the point of delivery from the public potable water system. The user shall, at his own expense: install, operate, test, and maintain approved backflow preventive assemblies as directed by the Department.

10.3 DEFINITIONS

A. Approved

Accepted by the Department as meeting an applicable specification stated or cited in this ordinance, and as suitable for the proposed use.

B. Auxiliary Water Supply

Any water supply on or available to the premises other than the public potable water supply, including but not limited to water from another purveyor's public or private potable water supply, treated effluent, wastewaters, or industrial fluids.

C. Backflow

The reversal of the normal flow of water caused by either backpressure or backsiphonage.

D. Backpressure

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

E. Backsiphonage

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

F. Backflow Preventer

An assembly or means designed to prevent the reversal of the normal flow of water caused by either backpressure or backsiphonage.

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 inch.

2 Reduced Pressure Backflow Assembly: An assembly of two independently acting approved check valves together with a hydraulically operating, mechanically independent differential pressure relief valve located between the check valves and, at the same time, below the first check valve. The unit shall include properly located test cocks and resilient seated shut-off valves at each end of the assembly. The entire device shall meet the design and performance specifications as determined by a recognized laboratory and approved by the Department for backflow prevention assemblies. To be approved, these devices must be readily accessible for in-line testing and maintenance.

3. Double Check Backflow Assembly: An assembly of two independently operating approved check valves with resilient seated 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 shall meet the design and performance specifications as determined by a recognized laboratory and approved by the Department for backflow prevention assemblies. To be approved these devices must be readily accessible for in-line testing and maintenance.

4. Pressure Vacuum Breaker Assembly: An assembly containing an independently operating loaded check valve and an independently operating loaded air inlet valve located on the discharge side of the check valve. The assembly shall be equipped with properly located test cocks and resilient seated shut-off valves located at each end of the assembly.

G. Contamination

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

H. Cross-Connection

Any physical connection or arrangement of piping or fixtures between two otherwise separate piping systems, one of which contains potable water and the other non-potable water or industrial fluids through which, or because of which, backflow may occur into the potable water system. This would include any temporary connections, such as swing connections, removable sections, four-way plug valves, spools, dummy section of pipe, swivel or change-over devices or sliding multiport tube.

I. Pollution

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

J. Tester, Recognized

The term "Recognized Tester" shall mean a person who has proven his/her competency to the satisfaction of the Department. Each person certified to make competent tests or to repair, overhaul and make reports on backflow prevention assemblies shall be conversant with the applicable laws, rules and regulations and have had experience in plumbing or pipe fitting or have other qualifications which are equivalent in the opinion of the Department.

K. Water, Potable

Any water which, according to the City of Kingman, meets nationally recognized standards for human consumption.

L. Water, Nonpotable

Water which is not safe for human consumption.

M. Water, Service Connection

The terminal end of the service line from the public potable water system; at its point of delivery to the user's water system. If a meter is installed at the end of the service connection, then the service connection shall mean the downstream end of the meter. Unprotected takeoffs from the service line will not be permitted upstream of any meter or any backflow preventive assemblies shall have at least the same cross-sectional area as the water service and or meter. In those instances where a continuous water supply is necessary, or if the water supply cannot be temporarily interrupted for testing of assemblies, then two (2) sets of backflow preventive assemblies shall be installed in parallel.

10.4 APPROVAL

A. 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.

B. The Department may approve backflow assemblies when such devices 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.) and the manufacturer has a parts and service center located within Arizona, Nevada or California.

10.5 INSTALLATION OF DEVICES

A. Assemblies shall 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 all accessible locations approved by the Department. All assemblies shall be shown and specified on all required building and engineering plans and approval shall be obtained prior to issuance of building and/or engineering permit(s). All assemblies shall be installed according to standard detail.

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

C. No bypass shall be installed around backflow preventive assemblies.

D. Double check valve assemblies may be installed below ground in a vault if approved, in writing, on a case-by-case basis, by the Department. 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 standard details. Copies available upon request from Department.

E. A reduced pressure principle backflow preventive assembly shall be installed above ground. Assemblies installed shall be accessible for testing as not to endanger the tester. Under no conditions except as provided for herein will backflow prevention assemblies be installed less than twelve (12) inches or more than twenty-four (24) inches above grade level.

F. 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 and, in addition, a test cock shall be located upstream of the upstream gate valve, as close as possible to the upstream gate valve.

G. Backflow assemblies shall be protected from freezing by a method acceptable to the Department.

10.6 PREMISES OR SYSTEMS REQUIRING APPROVED BACKFLOW PREVENTIVE DEVICES.

An approved backflow preventive assembly of the type specified in this section shall be the minimum installation of each service connection, (whether from a fire hydrant, temporary, regular or other water service connection) to the following type of premises or systems.

TYPE OF ASSEMBLY REQUIRED				
PREMISES REQUIRING APPROVED BACKFLOW PREVENTIVE ASSEMBLIES	DOUBLE CHECK	REDUCED PRESSURE	AIR GAP	PRESSURE VACUUM BREAKER
Aircraft and missile plants		X		
Animal clinics, animal grooming shops		X		
Automotive repair with steam and/or acid cleaning equipment or solvent facilities		X		
Auxiliary water systems (interconnected)		X		
Auxiliary water systems (non-interconnected)	X			
Beverage bottling plants	X	X		
Breweries	X			
Buildings greater than (30 Stories or 34 feet in height)	X	X		
Buildings with house pumps or potable water storage	X	X		
Buildings with sewer ejectors (inadequate on-site protection)	X	X		
Buildings with sewer ejectors (adequate on-site protection)	X	X		
Canneries, packing houses, and reduction plants		X		
Car wash facilities		X		
Centralized heating and air conditioning plants		X		
Chemical plants		X		
Chemically treated potable or non-potable water systems		X		
Civil works (government owned or operated facilities not open for inspection by the Department		X		
Commercial laundries		X		
Dairies and cold storage plants	X			
Dye works		X		
Film processing labs		X		
Food processing	X			
High school and colleges	X			
Holding tank disposal stations		X		
Hospitals and mortuaries		X		

TYPE OF ASSEMBLY REQUIRED				
PREMISES REQUIRING APPROVED BACKFLOW PREVENTIVE ASSEMBLIES	DOUBLE CHECK	REDUCED PRESSURE	AIR GAP	PRESSURE VACUUM BREAKER
Medical and dental buildings	X	X		
Sanitariums, rest and convalescent homes	X	X		
Irrigation systems (premises having non-potable piping one inch and larger)		X		X
Irrigation systems (premises having separate systems)		X		X
Labs using contaminating materials		X		
Manufacturing, processing & fabricating plants using contaminating materials.		X		
Mobile home parks	X			
Motion picture studios		X		
Oil and gas production facilities		X		
Plating plants		X		
Power plants		X		
Radioactive materials processing		X		
Restricted, classified or other closed facilities		X		
Rubber plants		X		
Sand and gravel plants		X		
Sewage and storm drainage facilities		X		
Shopping centers		X		
Any premises where a cross-connection is maintained		X		
Water trucks, hydraulic sewer cleaning equipment		X	X	
Any premises where water supplied by the City is subject to deterioration in sanitary quality and its entry into the public water system	X	X		
FIRE PROTECTION SYSTEMS				
Direct connection from public water system (non-contaminating)	X	X		
Direct connection from public water system (contaminating)		X		
With pump and/or storage tank		X		
With auxiliary supply		X		

10.7 APPROVED BACKFLOW PREVENTIVE DEVICES

A. As designated in section 3.2 the standard installation at each service connection to premises or each system requiring an approved backflow preventive assembly shall be a model and size approved by the Department.

B. The term "approved backflow preventive assembly" means an assembly approved by the Department and may mean a assembly that has been manufactured in full conformance with the standards established by the American Water Works Association - AWWA C506-78 most recent revised publication "Standards for Reduced Pressure Principle and Double Check Valve Backflow Prevention Assemblies", and have met completely the laboratory and field performance specifications of the Foundation for Cross-Connection Control and Hydraulic Research (FCCCHR) of the University of Southern California established by:

C. Specifications of backflow prevention assemblies - Section 10 of the most current issue of the MANUAL OF CROSS-CONNECTION CONTROL, which will be available for inspection.

D. 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 FCCCHR may be listed on the current list of "Approved Backflow Prevention Assemblies", which will be made available upon written request to the Department.

10.8 MAINTENANCE, TESTING AND RECORDS

A. The user shall maintain accurate records of tests and repairs made to backflow prevention assemblies and 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.

B. The user shall notify the Department 15 days in advance when the annual tests are to be done, so that an official representative may witness the tests if so desired by the Department.

C. Following the installation or any repair, repiping, overhaul, or relocation of an assembly, the user shall have it inspected by the Department, tested and provide the Department with results of the test, before the Certificate of Occupancy is issued.

D. Testing, maintenance and repairs to such assemblies shall be made at the customer's expense by a certified backflow prevention assembly tester who is approved by the Department or any other agency designated by the Department to prescribe test methods or to certify or approve persons to conduct such tests. It shall be the duty of the user to see that these tests are made at least once a year, on the anniversary date of the initial inspection.

10.9 INSPECTIONS

The user's system must be open for inspection at all reasonable times, and in all emergencies to authorized representatives of the Department to determine whether cross-connections or other structural or sanitary hazards, including violations of these regulations, exist. When such a condition becomes known, 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 ordinance.

10.10 DISCONTINUANCE OF SERVICE

Service of water to any premises may be discontinued by the Department if a backflow preventive assembly required by this ordinance is not installed, tested and maintained; if it has been found that a backflow preventive assembly has been removed or bypassed; or if a cross-connection exists on the premises. Service will not be restored until such conditions or defects are corrected. Kingman may also terminate a user's service upon twenty (20) days notice in writing in non-emergency.

10.11 EXISTING DEVICES AND USERS

A. If the Department determines that a user's backflow preventive assembly does not meet current standards, the user shall retrofit his assembly so that it will meet current standards.

B. Existing Users: Users that have water service prior to the effective date of this ordinance are subject to all requirements imposed by this ordinance.

C. Existing classes 1 and 2 fire sprinkler systems will be exempt and will be looked at on a case-by-case basis by the City of Kingman Water Superintendent. [Ord.1756, 6/18/13]

10.12 PENALTY

Any violation of this article shall constitute a misdemeanor, and shall be punishable as set forth in Article 2.16 of these Utility Regulations.

10.13 DISCLAIMER OF LIABILITY

This ordinance shall not create any liability or duty on the part of the City of Kingman, any officer or employee.

ARTICLE XI: RECLAIMED WATER SERVICE

ARTICLE XI: RECLAIMED WATER SERVICE

11.1 DEFINITIONS

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

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

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

Buy-in Assessment. Payments to the City for connection to a reclaimed water main.

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

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

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

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

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

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

Reimbursement agreement: Payback Agreement as defined in Article IX of these Utility Regulations.

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

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

Turnout structure. The means of delivery of reclaimed water to a point of storage or use, including pipe, valve(s) and meter.

11.2 POLICY ESTABLISHED

A. There is hereby established a policy and orderly program to provide reclaimed water service for all areas within the City Water Service Boundary (CWSB). Reclaimed water service shall be provided to other areas outside the CWSB pursuant to this chapter if the City reasonably determines that the reclaimed water distribution system is in place to deliver reclaimed water to that area and that the City has reclaimed water available for delivery.

B. The City Council may agree to participate in the cost of construction to oversize transmission mains if construction funds are available. Unless otherwise approved by the City Council, the City shall pay for its portion of the costs based on Article VIII of these Utility Regulations.

C. The Director of the Public Works Department shall estimate, on or before December 1 of each year, the amount of reclaimed water available for the next calendar year, identify the minimum quantity of reclaimed water needed to operate City recharge facilities, and allocate reclaimed water available after subtracting quantities needed to operate all recharge facilities among all developers requesting reclaimed water service for the next calendar year in accordance with the priority of delivery provisions set forth in section 11.3.

11.3 PRIORITY OF DELIVERY

A. If there is insufficient reclaimed water available to meet demands of all the developers requesting reclaimed water service, the City shall use a tiered approach to allocate available reclaimed water. In the case of such a shortage the City shall provide first priority to satisfy reclaimed water obligations associated with any water adequacy requirements of the City of Kingman and/or Indian water rights settlements.

B. If reclaimed water is available after satisfying in full all priority obligations set forth in paragraph 11.3, A, above, such remaining reclaimed water shall be allocated to developers within the CWSB with which the City has negotiated an agreement on a first-come, first-served basis .

C. In the event of an unforeseen shortage of available reclaimed water during any calendar year, the delivery of reclaimed water shall be reallocated in a manner consistent with paragraphs A and B, above.

11.4 AGREEMENT REQUIRED

It shall be unlawful to receive or use reclaimed water in any area within the CWSB other than by contract or agreement with the City. All agreements shall be reviewed by the Municipal Utility Commission (MUC) and approved by the City Council.

11.5 RECLAIMED WATER METERS REQUIRED

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

11.6 TAMPERING FORBIDDEN

It shall be unlawful for any person to tamper with the City reclaimed water distribution system or to operate City turnouts to receive reclaimed water in a manner inconsistent with section 11.16 of this chapter.

11.7 INTERFERENCE WITH CITY EMPLOYEES/AGENTS PROHIBITED

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

11.8 DISCONNECTION OF RECLAIMED WATER SERVICE FOR VIOLATION OF CHAPTER

In addition to the penalties set forth in section 11.18 of this chapter, the Director of the Public Works Department is hereby authorized and directed to disconnect reclaimed water service from any premises served in violation of this chapter or in violation of any contractual provision regarding reclaimed water service. Before any such discontinuance shall be made, the developer shall receive written notice of violation and be advised in writing of the opportunity to meet with designated personnel to present any objections.

11.9 CONTRACT FOR EXTENSION OF RECLAIMED WATER MAINS

At its option, the City may participate with a developer in a construction contract to extend reclaimed water mains up to the limit allowed by ARS 34.201G.

11.10 RECLAIMED WATER MAIN EXTENSION REIMBURSEMENT AGREEMENT

A developer who extends reclaimed water main(s) which provide(s) a means of service to property owned by others may enter into an agreement with the City providing for reimbursement of a portion of the costs when property abutting the main extensions develops. Such agreements shall conform to the City's Utility Regulations, Article IX: Payback Agreements.

11.11 BUY-IN ASSESSMENTS

Buy-in assessments shall be paid as described in Article IX of these Utility Regulations.

11.12 ENGINEERING REQUIREMENTS

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

A. The developer causing extension of a reclaimed waterline shall locate it in City, County, or Arizona Department of Transportation rights-of-way or easements and shall pay in full, less approved City participation as provided above, the engineering, construction and inspection costs of the lines and appurtenances.

B. The developer causing extension of a reclaimed waterline shall be responsible to obtain permits from all affected agencies or others having jurisdiction.

C. Plans and specifications shall be prepared in accordance with appropriate standards as established by these regulations. All engineering requirements of the entity owning the right-of-way shall be adhered to.

D. Each lot or parcel of land classified as a Small Volume Water User to be served with reclaimed water shall abut a reclaimed water main. Distribution of water within the development for Large Volume Water Users shall be in accordance with an agreement with the City.

E. All lines shall be sized in accordance with the latest reclaimed water system master plan, if available, except that the City Engineer reserves the right to increase or decrease the diameter of any and all mains described in the plan when requirements so dictate.

F. In all developments such as subdivisions, multifamily tracts, commercial centers, shopping centers, golf courses, parks, industrial or other similar developments, the developer shall furnish and install, to City specifications, all reclaimed water mains, service connections, valves, fittings, storage structures, turnout structures and appurtenances within the boundary of the development as well as the streets bounding the tracts, and make reclaimed waterline extensions as determined necessary by the City Engineer. For developments that have irrigation infrastructure in place, the City Engineer, upon receipt of a written request from a developer and with MUC approval, may elect to construct and finance a turnout structure to permit that development to convert to the use of reclaimed water for irrigation purposes. In such cases the developer shall be required to enter into a contract for repayment of the costs of constructing the turnout over a period not to exceed ten (10) years at an interest rate of eight (8) percent compounded on a monthly basis. Payments shall be made by the developer on a monthly basis.

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

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

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

11.13 STORAGE REQUIREMENTS

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

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

11.14 PERMITS, INSPECTION AND ACCEPTANCE OF IMPROVEMENTS

A. It shall be unlawful for any person or persons to connect to the reclaimed water system of the City or to permit reclaimed water from the reclaimed water system of the City to flow through any reclaimed waterline unless an agreement has been entered into by the prospective reuser and the City and the construction has been accepted by the City.

B. Approval of plans, issuance of permits, off-site inspections, and acceptance of improvements shall be performed as set forth in Article VII of these Utility Regulations.

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

11.15 OPERATION OF TURNOUT STRUCTURES

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

B. Each small volume reclaimed water user shall control, maintain and operate the turnout structure used to receive reclaimed water to the premises in accordance with the agreement entered into with the City pursuant to section 11.4 of this chapter.

11.16 EXTENSION OF RECLAIMED WATER SERVICE OUTSIDE CWSB

The City Council may authorize the extension and service of City reclaimed water services beyond the current CWSB upon the following terms and conditions.

A. The proponents of such public extension and service shall bear in full all costs of rights-of-way, construction, engineering, installation, inspection and testing of all lines, pipes, mains, meters and

other appurtenances necessary for the service, and the same shall be installed in accordance with current City standards. All easements required to be obtained for construction or maintenance of the mains shall be dedicated to the City.

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

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

D. The property to be served shall meet the same development standards required of properties within the City limits to the maximum extent reasonably possible as determined by the City Engineer.

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

F. The Council may deny or discontinue reclaimed water service, subject to notification as described above, to any premises occupied or used for illegal purposes, or maintained in such a manner as to present a public nuisance.

11.17 PENALTIES

Any person violating any of the provisions of this chapter shall be guilty of a misdemeanor and shall be punished in accordance with Article 2 of this Code.

McCONNICO WATER SERVICE AREA

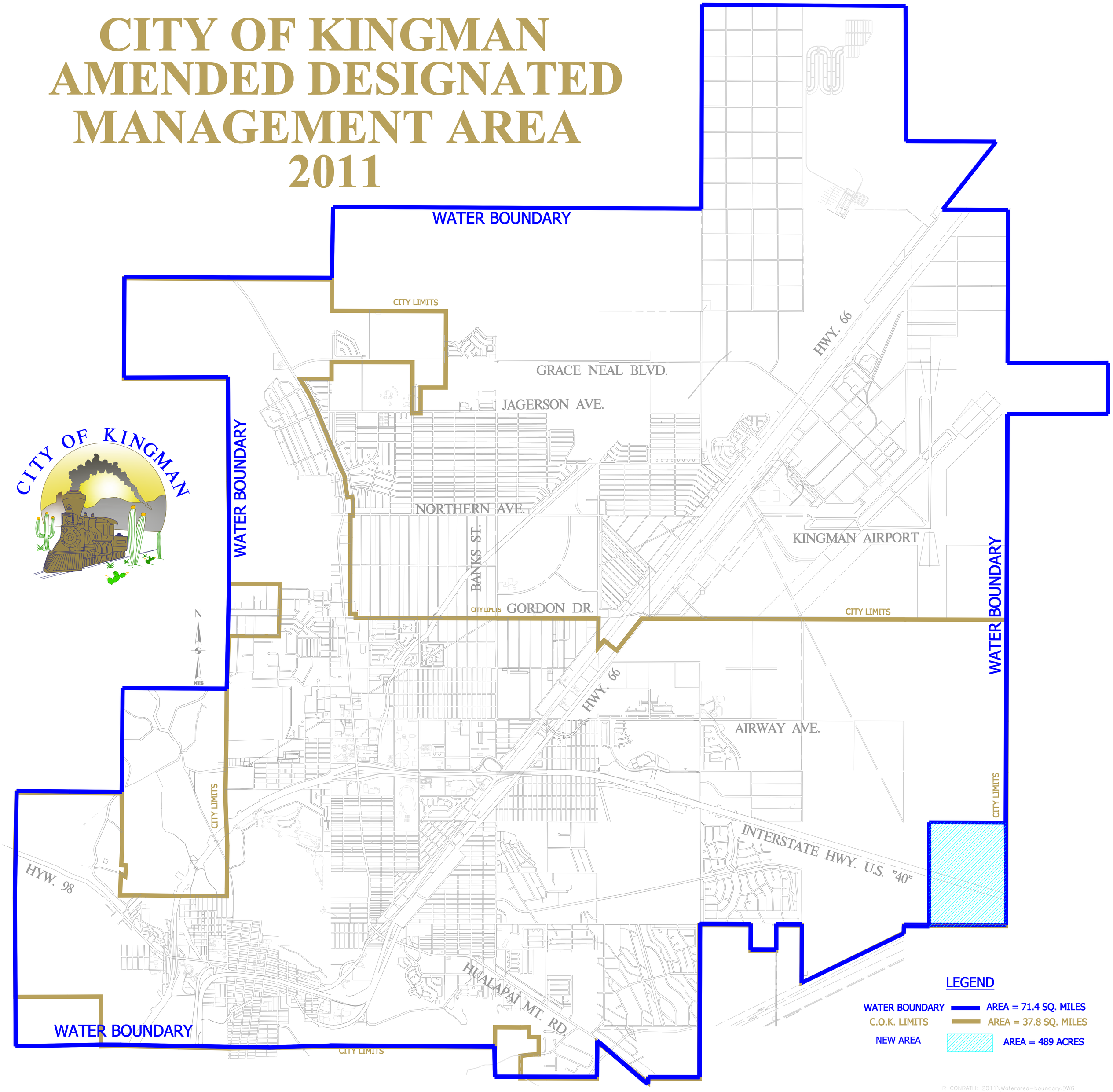
The Kingman Municipal Utility Commission considers it important that the City of Kingman continue to encourage development in the McConnico area. While recognizing there are severe limitations on the amount of domestic water the City can deliver to users in this area, the Commission believes additional water customers should be served when possible without causing a hardship to existing water users.

Applicants for water service in the McConnico area will be responsible for demonstrating adequate water is available for the requested service.

New commitments for water service should be by specific agreements or contracts between the City and the customer. Agreements should spell out terms of the service in detail, including minimum and maximum usage.

SERVICE AREA
BOUNDARY MAP

CITY OF KINGMAN AMENDED DESIGNATED MANAGEMENT AREA 2011



APPENDIX A

CITY OF KINGMAN
ORDINANCE NO. 682

AN ORDINANCE OF THE CITY OF KINGMAN, ARIZONA RELATING TO MUNICIPAL UTILITIES; ADOPTING THE CITY OF KINGMAN MUNICIPAL UTILITY REGULATIONS BY REFERENCE; REPEALING CHAPTER 9 OF THE KINGMAN CODE, RESOLUTION NOS. 859, 87, 917, 732, 915, 971, 864, 962(1), 731, 878, 916, 970, 190, 663, 722, 740, 885, 884, 909 AND 983R; SETTING THE EFFECTIVE DATE; AND PROVIDING PENALTIES.

BE IT ORDAINED by the Mayor and Common Council of the City of Kingman, Arizona:

SECTION 1. The document entitled "The City of Kingman Municipal Utility Regulations" three copies of which are on file in the office of the City Clerk and which was declared to be a public record by Resolution No. 1175 is adopted by reference and shall become effective on the 19th day of November 1987.

SECTION 2. Any person who violates any misdemeanor provision of the regulations adopted by this ordinance shall be punished by a fine of not to exceed $1,000.00 or by six months in jail or both. Each day that a violation continues shall be a separate offense.

SECTION 3.

A. Chapter 9 of the Kingman Code is repealed effective as of the 19th day of November 1987.

B. Resolutions 859, 877 and 917 pertaining to the Fire Hydrant Policy are repealed effective as of the 19th day of November 1987.

C. Resolutions No. 732, 915, and 971 pertaining to the Sewer Line Development Policy are repealed effective as of the 19th day of November 1987.

D. Resolutions No. 864 and 962(1) pertaining to the Sewer Line Expansion Policy are repealed effective as of the 19th day of November, 1987.

E. Resolutions No. 731, 878, 916 and 970 relating to the Water Line Development Policy are hereby repealed.

F. Resolutions No. 190, 663, 722, 740, 885, 884, and 909 relating to Water Line Extension Policy are hereby repealed effective as of the 19th day of November 1987.

G. Resolution No. 983R relating to the policy for water and sewer rates is hereby repealed effective as of the 19th day of November 1987.

PASSED AND ADOPTED this 19th day of October 1987.

ATTEST: APPROVED:

/s/Dorothy Helmer, City Clerk /s/Jerald D. Weinke, Mayor

APPROVED AS TO FORM:

/s/James E. Chavez, City Attorney

CITY OF KINGMAN
RESOLUTION NO. 1175

A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE CITY OF KINGMAN, ARIZONA, DECLARING AS A PUBLIC RECORD THAT CERTAIN DOCUMENT ENTITLED "THE CITY OF KINGMAN MUNICIPAL UTILITY REGULATIONS".

BE IT RESOLVED by the Mayor and Common Council of the City of Kingman, Arizona:

The document entitled "The City of Kingman Municipal Utility Regulations", three (3) copies of which are on file in the office of the City Clerk, is hereby declared to be a public record and said copies are ordered to remain on file with the City Clerk.

PASSED AND ADOPTED this 19th day of October 1987.

ATTEST: APPROVED:

/s/ Dorothy Helmer, City Clerk /s/ Jerald D Weinke, Mayor

APPROVED AS TO FORM:

/s/ James E. Chavez, City Attorney

CITY OF KINGMAN
UTILITY REGULATIONS
TABLE OF AMENDMENTS

692	19Nov87	Creates the City of Kingman Utility Regulations
701	04Apr88	Adds definition -Rural Residential Amends Sec 3.7.A.3 -Fire Hydrant Spacing Adds Sec 3.8C - Public Agencies relating to water development fees Adds Sec 4.5D - Public Agencies relating to sewer development fees Amends Sec 6.3A.2 - Sewer Rates Amends Sec 7.2B - Construction of extensions in easements Amends Sec 7.3A.3 - Minimum sewer line sizes Amends Sec 7.3B - Fire Flow design Amends Sec 7.4 - Construction of Extensions Amends Sec 7.5 - Design Criteria Amends Sec 7.6 - Exceptions Amends Art 1X - Paybacks
705	02May88	Amends Sec 6.3D - Septage Fees
7l0	05Jul88	Amends definitions - Garbage; Prohibited Substances; Uncontained Trash
714	01Aug88	Amends Art V - Sanitation (Solid Waste)
7l6	06Sep88	Adds Sec 5.3 - Commercial Sanitation Contractors Amends Sec 6.4A - Sanitation Rates
722	l3Oct88	Amends Sec 2.l0B - Utility Billing Cycles
729	l9Dec88	Amends Sec 6.4A & B - Sanitation Rates
740	06Mar89	Amends definition - Finance Director Adds Sec 2.l0A.4-$l5.00 fee on returned checks
742	20Mar89	Amends 1ntroduction and Sec 3.3F by Establishing a Water Service Area Boundary
744	05Jun89	Amends Sec 5.3 - Commercial Garbage Collectors and Recyclers; also Amends Sec 6 - Water/Sewer/Sanitation Rates
745	17Jul89	Amends Sec 6.3 - Sewer Rates Amends Sec 6.4 - Sanitation Rates
759	07Aug89	Amends Sec 3.3 - Water/Sewer line Extensions Amends Sec 7.2 - Water/Sewer line Extensions
760	21Aug89	Amends Sec 6.2 - Water Rates Amends Sec 6.3 - Sewer Rates
747	05Sep89	Amends Sec 6.l.C. - Philosophy for setting outside rates
762	18Sep89	Amends Sec 9.3 - Calculation of Paybacks

772	20Nov89	Amends Sec 4.2.A. - Discharge of Certain Sewage Amends Sec 6.l.D. - Rate Philosophy Amends Sec 6.3.A. - Sewer Rates
773	l6Oct89	Amends Sec 7.l.B. - Acceptance of Extensions Amends Sec 7.5.F. - Water/Sewer Line Design
781	04Dec89	Amends Ord 772 - Effective Date of Sewer Rates
782	04Dec89	Amends Sec 2.l0.B. - Billing Cycles and Minimum Charge
783	04Dec89	Amends Sec 6.2.J - Hualapai Tank Fee
806	05Feb90	Amends Sec 6.3.C - Septage Fees
807	05Feb90	Amends Sec 6.3.B - Sewer Connection Fees
811	05Mar90	Amends Sec l.A.28A - Rural Residential changing from one acre to 40,000 square feet
837	02Jul90	Amends Sec. 4.3.C and 6.2
840	06Aug90	Amends Sec 3.3.B - Cul-de-Sac connections Amends Sec 6.4.A.5 - Special Events Trash Containers Amends Sec 7.3.A.6 - Water line size related to fire flow protection
842	04Sep90	Amends Sec 6.2.B.2.a.& b. - Water Rates
848	l6Oct90	Amends Sec 7.l.A.3 - Reproducible **mylar** copies Amends Sec 7.5.E - Certified **mylar** copies
852R	07Jan91	Amends Sec 6.4.A, - New sanitary rates
853R	04Feb91	Amends Sec 1.C.6, -Change 8" to 8"-l2") service mains Amends Sec 1.C., -Water Definitions by adding "Transmission Mains" Amends Sec 1.C.3., -Verbiage change Amends Sec 1.1.B, -Adding definition of "Lift Station" Amends Sec 3.3.A., -Added para. 2 and change title verbiage Amends Sec 3.3.D., -Verbiage change Amends Sec 3.5.A., -Adding additional verbiage Amends Sec 5, -Changes made to title; to 7.l.A verbiage change; 7.l.C. verbiage change; 7.2.A.l. added verbiage and 7.3.C.l. verbiage change Amends Sec 9.4.B, -verbiage correction
856	01Apr91	Amends Sec 2.3(A), Deleting words "all of whom serve without compensation" Amends Sec 2.3(B), Deleted entirely
866	17Jun91	Amends Sec 6.4.A.1. & 2. Change to sanitation rates
889	02Dec91	Amends Sec 7.3, Adding Item D, Sewage Lift Stations
901	06Jan92	Amends Sec 5, Adding 5.4 Trash service in newly annexed areas
902	06Jan92	Amends Sec 1,B, Adding Definition of Sewer Connection

		Amends Sec 4.3.A, Replacing verbiage for sewer connection permit renewals and fees
909	03Feb92	Amends Sec V1, Adding para. 6.3.C. related to Sewer System Investment Fee charges and effective date
910	02Mar92	Amends Sec. 2.12.A, Corrections to utility billings
922	05May92	Amends Sec V1, Revising the City Water Service Area Boundary Map and revising text in Sec. V1, Para. 6.3.C.
927	15Jun92	Amends, Sec 4.3.C, 4.4.C. and 6.3 regarding sewer rates
930	03Aug92	Amends Sec 6.4.A.2, Commercial sanitation rates
943	10May92	Amends Sec 6.1.C/D, Changed the water rate for county residents and corrected 6.1.D text
954	04Jan93	Amends Sec 6.3.C, Revised text related to sewer investment fees
954	04Jan93	Amends Sec 9.4.B, Changed word less to more
962	05Apr93	Amends Sec 2.8.B, Adding paragraph B.3 related to Umbrella deposits
968	07Jun93	Amends Sec. 9.1, Adding paragraph to 9.1 related to paybacks for the City
983	07Sep93	Amends Sec. 6.3, Table A changing note at bottom of page related to 15,000 gal. usage
996	18Jan94	Amends, Sections 1, 11, V1, V11
1007	20Jun94	Amends Sec. 6 & 2, See Resolution for changes
1008	20Jun94	Article X, Adds Article X related to Cross Connection Control
1012	15Aug94	Amends Sec. 1V, Waste Water System, adding new paragraph 4.3.E. related to Septic Systems plumbing
1013	03Oct94	Amends Sec. 11, General Administration, Para. 2.10.A.3, 2.10.B.2 and 2.11.B.1.
1024	17Jan95	Amends Sec. V1, Fees: Rates and Charges, Para. 6.4.A.2. and 6.4.B. increasing sanitation rates, effective 1 Mar 95
1027	20Mar95	Amends Sec. 1, Good Credit History; Sec. 11.2, 2.11.A.1.and adding 2.11.D.; Sec. 6.2.A. increasing deposit amount to $100.00 (Effective 1May95)
1041	15May95	Amends Sec.1.B.2. Available: related to sewer line availability and changing 300 feet to 500 feet effective 1 July 1995.
1047	05Jun95	Amends Sec. V1, 3.A.10 by deleting $2.50 sewer availability fee and clarifying 6.4.A.2.
1054	18Sep95	Amends 1ntroduction stating new subdivisions inside and outside the City Limits with lots smaller than 20,000 square feet must have City sewer.

1058	16Oct95	Amends Sec. V1: Fees: Rates and Charges, Table A Sewer User Charge Rates
1071	06Feb96	Amends Sec. V1, 6.3.C adding two paragraphs related to waiving Sewer 1nvestment Fees when new sewer lines cross property frontage and waiving the Sewer 1nvestment Fee until March 31, 1997 for all current existing properties that have sewer available but that are not connected.
1085	17Jun96	Amends Sec. V11, 4.A. and 7.5 by clarifying verbiage related to the ADEQ 1n House Review Agreement.
1118	03Feb97	Amends Sec. V1, 3.C. by deleting Mobile Home Parks must be reviewed by MUC to determine DFU's.
1127	12Apr97	Amends Sec. V1, 3.A.2. related to Sewer User Charges, effective July 1, 1997 the rates for residential will be based on the Dec., Jan., and Feb., averages.
1147	01Dec97	Amends Sec. 1X, Para. 1 and 9.2.C. by changing the word system to extension for clarification.
1181	03Aug98	Amends Sec. 111, 3.6 by renumbering 3.6.A. and 3.6.B. to 3.6.C. and 3.6.D. and adding new 3.6.A. and 3.6.B. Also adding 3.7.C. all related to fire hydrants.
1202	04Jan99	Amends Sec. 3.6.B. by adding Aor other approved indicating valve when installed above ground@.
1208	15Mar99	Amends Sec. 2.11.A.1 and adds new 2.11.A.3.
1217	03May99	Article V, Sanitation (Solid Waste) was edited extensively. The changes become effective 03June99.
1236	15Nov99	Article X, Cross Connection Table was edited.
1253	15May00	Amends Article II, Sec 2.11.C.1 adding special circumstances for Finance Director to waive fee and 2.12.A by changing adjustment period to three years.
1278	05Feb01	Amends Article VI, Fees: Rates and Charges.
1300	16July01	Amends Article VI, Sec 6.2.J changing charge for Hualapai II Tank Fee to per dwelling or connection.
1350	07Oct02	Amends Article VII, Sec. 7.3B relating to water system design for fire flows.
1430	06Jul04	Amends Article IV, Sec. 4.3B by adding paragraph 4, “connection required when sewer available.”
1439	16Aug04	Amends Article VI, Fees C Rates and Charges, reflecting water and sewer rate changes to go into effect on October 1, 2004
1493	01Aug05	Amends Article VI, Fees --- Rates and Charges, reflecting water, wastewater and sanitation rate changes to go into effect on September 1, 2005
1495	01Dec05	Amends Article VI, Fees --- Rates and Charges, reflecting water and wastewater investment fees to go into effect on December 1, 2005

1565 02Jan07 Amends Article VI, Fees --- Rates and Charges, reflecting water, wastewater and sanitation rate changes to go into effect on February 1, 2007

1618 21Apr08 Amends Article V, Sanitation --- Commercial Hauler Licensing updates, effective May 21, 2008

1634 03Nov08 Amends Article V, Sec 5.3B---Repealing the fee in paragraph 4, adding an annual fee in paragragh 7, and renumbering remaining.

1641 01Feb09 Amends Article VI---Rates and Charges, reflecting water and wastewater monthly fixed fees and user rates.

1643 01Jul09 Amends Article VI---Rates for water and wastewater development investment fees.

1665 01Jan10 Amends Article VI---Rates and Charges, reflecting water and wastewater monthly fixed fees and user rates.

1678 06Jul10 Amends Article V--- Rates and Charges reflecting Commercial Sanitation Solid Waste and Article VI---Sanitation Rate Clarification.

1692 01Jan11 Amends Article VI---Rates and Charges reflecting water, wastewater and sanitation user rates.

1718 01Jan12 Amends Article VI---Rates and Charges reflecting water connection fees, waste-water user rates.

1742 01Jan13 Amends Article VI---Rates and Charges reflecting Modifying Wastewater User Rates and Fees.

1752 19Apr13 Amends Article VI---Water Base Rates effective July 1, 2013

1756 18June13 Amends Certain Articles pertaining to current practices, job titles and procedures.

1764 13Aug13 Amends Article IV--- Adopting A Pretreatment Enforcement Response Plan.

1792 01Mar15 Amends Article IV--- Adopting a Winter Quarter Average for industrial and commercial cooling towers; reduce the monthly wastewater base rate by $ 1.00 and establish a monthly $ 1.00 wastewater capital renewal/project fee effective March 1, 2015.

1820 18Oct16 Amends Article I (B) --- Modifies definition of Available