

ORDINANCE NO. 2026-01

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, ARIZONA, AMENDING CHAPTER 25 OF THE PEORIA CITY CODE (1992) BY AMENDING SECTIONS 25-1 PERTAINING TO DEFINITIONS; 25-9 PERTAINING TO WATER; LIABILITY FOR DAMAGE; 25-10 PERTAINING TO WATER; UNAUTHORIZED SHUTDOWN OF WATER MAINS; 25-13 PERTAINING TO WATER; CUSTOMER TO PROVIDE RIGHTS-OF-WAY, EASEMENTS, ETC. WATER, MAIN EXTENSIONS; DEFINITIONS; 25-18 PERTAINING TO WATER; MAIN EXTENSIONS, REQUIREMENTS; 25-19 PERTAINING TO WATER; MAIN EXTENSIONS; SUBDIVISIONS, SINGLE LOTS, SUB LOT DEVELOPMENTS AND ALL OTHER DEVELOPMENTS; 25-20 PERTAINING TO WATER; MINIMUM SUPPLY REQUIREMENTS; CONNECTION WITH WATER SYSTEM; 25-21 PERTAINING TO WATER; EXTENSIONS, CONSTRUCTION; OWNERSHIP AND MAINTENANCE; 25-22 PERTAINING TO WATER; CONSTRUCTION WATER ACCESS. APPLICABILITY; 25-25 PERTAINING TO WATER; METERS. WATER; VIOLATIONS; CIVIL SANCTIONS; 25-33 PERTAINING TO WATER; AGREEMENTS; REPAYMENT AGREEMENTS; 25-34 PERTAINING TO WATER; REPAYMENTS; WATER MAINS; 25-41 PERTAINING TO WATER; VIOLATIONS, CIVIL SANCTIONS; 25-53 PERTAINING TO WATER; UNNECESSARY WASTE, TURNOFFS, WATER LEAKS; 25-54 PERTAINING TO WATER; CITY DROUGHT CONTINGENCY PLAN MANAGEMENT PROCEDURE; 25-61 PERTAINING TO WATER; RECLAIMED WATER SERVICE; PROMULGATION AND ENFORCEMENT OF PROCEDURES AND REGULATIONS; 25-62 PERTAINING TO WATER; RECLAIMED WATER SERVICE; PRIORITY OF DELIVERY; 25-64 PERTAINING TO WATER; RECLAIMED WATER SERVICE; DISCONTINUANCE OF SERVICE; 25-65 PERTAINING TO WATER; RECLAIMED WATER SERVICE; CUSTOMER RESPONSIBILITY; 25-66 PERTAINING TO WATER; RECLAIMED WATER SERVICE; UNAUTHORIZED WORK; 25-67 PERTAINING TO WATER; RECLAIMED WATER USE; CUSTOMERS, SERVICE AGREEMENTS; 25-68 PERTAINING TO WATER; NON-POTABLE WATER SERVICE; PROMULGATION AND ENFORCEMENT OF PROCEDURES AND REGULATIONS; 25-69 PERTAINING TO WATER; NON-POTABLE WATER SERVICE; USE REQUIRED; 25-70 PERTAINING TO WATER; NON-POTABLE WATER SERVICE; DISCONTINUANCE OF SERVICE; 25-71 PERTAINING TO WATER;

NON-POTABLE WATER SERVICE; CUSTOMER RESPONSIBILITY; 25-72 PERTAINING TO WATER; NON-POTABLE WATER SERVICE; UNAUTHORIZED WORK; 25-73 PERTAINING TO WATER; NON-POTABLE WATER USE; CUSTOMERS, SERVICE AGREEMENTS; 25-76 PERTAINING TO WASTEWATER; DEFINITIONS; 25-83 PERTAINING TO WASTEWATER; LIABILITY FOR DAMAGE; 25-84 PERTAINING TO WASTEWATER; CONNECTIONS TO EXISTING SEWER MAINS; 25-86 PERTAINING TO WASTEWATER; SEWER MAIN EXTENSION REQUIREMENTS; 25-87 PERTAINING TO WASTEWATER; SEWER MAIN EXTENSIONS; SUBDIVISIONS, SINGLE LOTS, SUB LOT DEVELOPMENTS AND ALL OTHER DEVELOPMENTS; 25-88 PERTAINING TO WASTEWATER; MINIMUM REQUIREMENTS FOR CONNECTION TO SEWER SYSTEM; 25-89 PERTAINING TO WASTEWATER; EXTENSIONS, CONSTRUCTION, OWNERSHIP, AND MAINTENANCE; 25-91 PERTAINING TO WASTEWATER; AGREEMENTS; REPAYMENT AGREEMENTS; 25-100 PERTAINING TO WASTEWATER; DISCHARGES; PROHIBITED SUBSTANCES; 25-109 PERTAINING TO WASTEWATER; PRIVATE SEWAGE DISPOSAL SYSTEMS, CONNECTION WITH SEWER SYSTEM; 25-119 PERTAINING TO DEPOSIT; 25-135 PERTAINING TO WASTEWATER PRETREATMENT, PURPOSES AND POLICY; 25-137 PERTAINING TO AUTHORITY OF THE PUBLIC WORKS-UTILITIES DIRECTOR TO ESTABLISH PROHIBITIONS AND EFFLUENT LIMITATIONS; 25-142 PERTAINING TO WASTEWATER PRETREATMENT; ACCIDENTAL DISCHARGE; SLUG CONTROL PLANS; 25-144 PERTAINING TO WASTEWATER PRETREATMENT; WASTEWATER CONTRIBUTION PERMITS; 25-145 PERTAINING TO WASTEWATER PRETREATMENT; WASTEWATER CONTRIBUTION PERMITS; APPLICATIONS; 25-149 PERTAINING TO WASTEWATER PRETREATMENT; PERIODIC COMPLIANCE REPORTS; 25-176 TRAPS/INTERCEPTORS - VIOLATIONS; AND 25-179 PERTAINING TO REPORTS OF CHANGED CONDITIONS; AMENDING CHAPTER 2 OF THE PEORIA CITY CODE (1992) BY AMENDING SECTIONS 2-223 PERTAINING TO PUBLIC WORKS-UTILITIES DEPARTMENT; INDUSTRIAL WASTE CHARGES; 2-224 PERTAINING TO PUBLIC WORKS-UTILITIES DEPARTMENT; SERVICE CONNECT AND TERMINATION CHARGES; 2-225 PERTAINING TO PUBLIC WORKS-UTILITIES DEPARTMENT; FEES TO BE DEPOSITED WITH FINANCE DIRECTOR; 2-408 PERTAINING TO UTILITY SERVICES; DUE DATE; COLLECTION PROCEDURES AND

REMEDIES; 2-409 PERTAINING TO UTILITY SERVICES; DISCONTINUATION OF SERVICE; AND 2-410 PERTAINING TO UNPAID UTILITY SERVICE CHARGES; LIENS, ASSESSMENTS, COLLECTION; AMENDING CHAPTER 7 OF THE PEORIA CITY CODE (1992) BY AMENDING SECTIONS 7-63 PERTAINING TO PARK AND RECREATION AREAS; HOURS OF OPERATION; ACCESS RESTRICTED; VIOLATIONS; AND 7-64 PERTAINING TO PARK AND RECREATION AREAS; VEHICLES; PEACE OFFICER AUTHORITY; VIOLATIONS; AMENDING CHAPTER 9 OF THE PEORIA CITY CODE (1992) BY AMENDING SECTION 9-33 PERTAINING TO INTERNATIONAL FIRE CODE, LOCAL AMENDMENTS; AMENDING CHAPTER 13 OF THE PEORIA CITY CODE (1992) BY AMENDING SECTIONS 13-36 PERTAINING TO UTILITY SERVICES; VIOLATIONS; PENALTIES; 13-37 PERTAINING TO UTILITY SERVICES; VALVES; VIOLATIONS; PROHIBITED EQUIPMENT; AND 13-38 PERTAINING TO UTILITY VIOLATIONS; INTENTIONAL OR KNOWING ACT; AMENDING CHAPTER 14 OF THE PEORIA CITY CODE (1992) BY AMENDING SECTION 14-105 PERTAINING TO PARKING ADJACENT TO SCHOOLS; AMENDING CHAPTER 18 OF THE PEORIA CITY CODE (1991) BY AMENDING SECTIONS 18-104 PERTAINING TO AUTHORIZATION, CROSS CONNECTION ENFORCEMENT PROGRAM, FEES; AND 18-106 PERTAINING TO SAME – COMMENCEMENT OF ACTIONS, CITATION, ETC.; AMENDING CHAPTER 24 OF THE PEORIA CITY CODE (1992) BY AMENDING SECTIONS 24-56 PERTAINING TO GENERAL PROVISIONS AND DEFINITIONS, DEFINITIONS; AND 24-57 PERTAINING TO GENERAL PROVISIONS AND DEFINITIONS, SUBDIVISION COMMITTEE ESTABLISHED; AND PROVIDING FOR SEVERABILITY, FOR CLERICAL CORRECTIONS, AND FOR AN EFFECTIVE DATE.

WHEREAS, in 2018 the City separated water, wastewater, reclaimed water and conservation functions from Public Works, also known as Public Works and Utilities, into its own Department, entitled Water Services; and,

WHEREAS, the City Code was not amended to reflect that organizational change;

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the City of Peoria as follows:

SECTION 1. Chapters 25, 2, 7, 9, 13, 14, 18, and 24 of the Peoria City Code are hereby amended as shown in Exhibit A.

Ordinance 2026-01
January 13, 2026

SECTION 2. Severability. If any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.


SECTION 3. Clerical Corrections. The City Clerk is hereby authorized to correct typographical, clerical, and grammatical errors, if any, related to this Ordinance, and to make formatting changes appropriate for purposes of clarity, form, or consistency with the City Code. Any such changes shall be in writing and approved by the City Attorney.

SECTION 4. Effective Date. This Ordinance shall become effective in the manner provided by law.

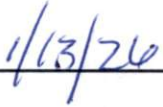
**EXHIBITS ON FILE AT THE PEORIA CITY CLERK'S OFFICE – 8401 W. Monroe Ave.
Peoria, Arizona**

Ordinance 2026-01
January 13, 2026

PASSED AND ADOPTED by the Mayor and Council of the City of Peoria, Maricopa County, Arizona this 13th day of January 2026.

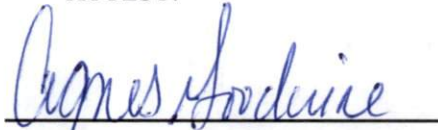


Jason Beck, Mayor



Date Signed

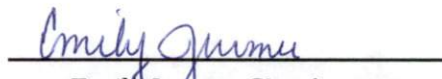
ATTEST:



Agnes Goodwine, City Clerk



APPROVED AS TO FORM:



Emily Jurnu, City Attorney

Published in: Peoria Times Publication

Date: January 22 & 29, 2026

Effective Date: February 12, 2026

Exhibit A

Amendments to the Peoria City Code, Chapters 25, 2, 7, 9, 13, 14, 18, and 24

HOW TO READ THIS DOCUMENT

Applicable sections of the City Code are denoted by **highlighted bold text** for ease of readability during the drafting process.

Unless otherwise stated, provisions or regulations being deleted are shown in red strikethrough text or a line through the graphic, like this: ~~Provisions that are being deleted are shown with a red strikethroughs text~~. Graphics containing red strikethrough are intended to remove the graphic in its entirety as well as any text that is embedded in the graphic.

Provisions or regulations that are being added are shown in double-underlined blue text, like this: Provisions that are being added are shown in double-underlined blue text. Graphics containing a double blue box are intended to add the graphic in its entirety as well as any text that is embedded in the graphic.

Only those changes noted through the above methods for the specific sections and subsections of the City Code identified shall be made. When regulations, graphics or other text is omitted, or is shown unchanged in adjoining sections or subsections of the code, it shall remain unchanged.

Section 1. Amend Chapter 25 – WATER, SEWERS AND SEWAGE DISPOSAL, Section 25-1 Definitions, only as follows, leaving all other sections and subsections not specifically referenced unchanged:

Sec. 25-1. Definitions.

For the purpose of this Chapter, the following words, terms and phrases shall have the following meaning ascribed to them, except where the context clearly indicates a different meaning:

Approach mains shall be those mains subject to repayment and defined as follows:

- (i) Mains extended beyond the limits of the project or mains constructed through the project or mains constructed along the frontage or boundary of the development; and
- (ii) Mains which serve other property owners other than the owner who is developing the property; and
- (iii) Mains which are constructed to contain additional capacity to provide adequate fire flow and water pressure above and beyond that required by the development based on the most recent Water Master Plan.

Approved: Accepted by the ~~Public Works-Utilities~~Water Services Director or their authorized deputy, agent, designee or representative as meeting an applicable specification stated or cited in this code, or as suitable for the proposed use.

City: The City of Peoria, Maricopa County, Arizona and/or the ~~Public Works-Utilities~~Water Services Department. For purposes of certain sections, the City shall be defined as the ~~Public Works-Utilities~~Water Services Department and the Engineering Department with the Engineering Department performing reviews on behalf of the ~~Public Works-Utilities~~Water Services Department to assure compliance with the ~~Public Works-Utilities~~Water Services Department standards and specifications.

City Engineer: The Director of the Engineering Department, (i.e., City Engineer) or their deputy, agent, designee or representative.

City Water Service Area: All incorporated areas of the City, which are not currently served water by a private water company.

Civil Sanction: That part of the law (i.e., this code) which is designed to secure enforcement by imposing a penalty. A punitive act taken by the City against an individual or customer, which has violated this code.

Commercial Unit: Non-residential units which are intended to facilitate all types of employment- generating or business uses, including, but not limited to retail and service establishments, neighborhood convenience stores, business parks and professional offices, research and development centers, storage warehouses and industrial units.

Conveniently Accessible (for meter locations): Located in an open area with not less than three (3) feet in diameter access around the meter.

Customer(s): Any person (legal or natural), partnership, association, company, private corporation, public corporation, political subdivision, the United States and the State of Arizona, who requests or receives water from the City's public water distribution system or reclaimed water from the City's reclaimed water distribution system or untreated Central Arizona Project water from City facilities.

Development Fees: A fee assessed by the City to offset costs to the City associated with providing necessary public services to a development.

Director or ~~Public Works-Utilities~~Water Services Director: The ~~Public Works-Utilities~~Water Services Director of the City of Peoria or their authorized deputy, agent, designee or representative.

Dwelling Unit:

(i) Multiple-Family Dwelling Unit means mobile home space within a mobile home park, a travel trailer space within a travel trailer park, a hotel, motel, rest home, apartment, condominium units served by a single meter, and any other building in which more than one (1) family may reside either temporarily or on a permanent basis.

(ii) Single-Family Dwelling Unit means any unit attached or detached served by an individual meter in which only a single-family may reside, other than a multiple-family dwelling unit.

Industrial Unit: A business use or an activity involving and/or including, but not limited to, resource extraction, manufacturing, fabrication, assembly, and warehousing.

Institutional Unit: A use or activity involving and/or including, but not limited to a public and public/private group use of a nonprofit nature, typically engaged in public service or a religious institution, hospital, public or private school or college, and public agency.

Minor Land Division:

(i) The division of one parcel of land into three or less parcels.

(ii) Application for a building permit on a single lot, parcel or tract that is not a lot, parcel or tract located within a recorded subdivision and which may be divided into one or more additional lots, parcels or tracts, regardless of whether the property owner has indicated any intent to do so.

Non-Potable Water: Water delivered through the City's non-potable water distribution system. Non-potable water is not designated to meet the Environmental Protection Agency's and Arizona Department of Environmental Quality's drinking standards but is appropriate for other use.

Non-Potable Water Delivery: City service to provide non-potable water for, but not limited to, commercial, recreational and landscaping purposes and recharge.

Non-Potable Water Distribution System: The network of public non-potable wells, waterlines, pumping and booster stations, storage facilities and related equipment/appurtenance, which compose the basic grid and distribution system for non-potable water service to the point of delivery for non-potable water.

Non-Potable Water Service Line: An approved type of pipe carrying non-potable water from the public non-potable waterline to the point of delivery.

Non-Potable Water Use Service Agreement: A separate written agreement between the City and a City non-potable water customer that governs the delivery of non-potable water by the City. It is an implied condition of every non-potable water service agreement that all of the provisions of this Code pertaining to non-potable water and any failure to deliver non-potable water because there is inadequate availability of non-potable water for any priority customer is not a breach of the non-potable water use service agreement.

Point of Delivery for Non-Potable Water: The non-potable water meter or such other location as determined in the sole discretion of the ~~Public Works-Utilities~~ Water Services Director and located on or proximately to a customer's property to which the City will deliver non-potable water and have access to for inspection and/or replacement.

Point of Delivery for Reclaimed Water: The reclaimed water meter or such other location as determined in the sole discretion of the ~~Public Works-Utilities~~ Water Services Director or

their designee and located on or proximately to a customer's property to which the City will deliver reclaimed water and have access to for inspection and/or replacement.

Point of Delivery or Point of Service Delivery: The terminal end of a service connection from public water system. If a meter is installed at the end of the service connection, then the point of service delivery shall mean the downstream end (i.e., customer side) of the meter. If an un-metered connection exists, then the point of service delivery shall mean at the point of demarcation between the public right-of-way or easements and private property. Also, the water meter or such other location as will be determined in the sole discretion of the Director or their authorized deputy, agent, designee or representative, and located on or proximately to a customer's property to which the City will deliver water and have access to for inspection and/or replacement.

Potable Water: Water delivered through the City's domestic water delivery system after treatment designated to meet the Environmental Protection Agency's and Arizona Department of Environmental Quality's drinking standards.

Property Owner: The person, company, entity or developer which is developing the property. A property owner may in certain circumstances also be the individual requiring an approach main extension and/or be a customer (or future customer).

Public Water Distribution System: The network of public waterlines, pumping and booster stations, storage facilities and related equipment/appurtenance, which compose the basic grid and distribution system for water service to the point of delivery.

Public Waterline or Public Water Main: A waterline (or water main) owned and maintained by the City.

Reclaimed Water: Effluent (or a combination of effluent and non-potable water) that has been collected in a sanitary sewer for subsequent treatment in a facility which adheres to federal and state water quality control standards (i.e., A.R.S. § 45-101 and any successor statutes), to achieve a quality suitable for its intended use.

Reclaimed Water Delivery: City service to provide reclaimed water for, but not limited to, commercial, recreational and landscaping purposes and recharge.

Reclaimed Water Distribution System: The network of public reclaimed waterlines, pumping and booster stations, storage facilities and related equipment/appurtenance, which compose the basic grid and distribution system for reclaimed water service to the point of delivery for reclaimed water.

Reclaimed Water Service Line: An approved type of pipe carrying reclaimed water from the public reclaimed waterline to the point of delivery.

Reclaimed Water Use Service Agreement: A separate written agreement between the City and a City reclaimed water customer, which is not part of any development agreement and that governs the delivery of reclaimed water by the City. It is an implied condition of every reclaimed water service agreement that all of the provisions of this code pertaining to reclaimed water and any failure to deliver reclaimed water because there is inadequate

availability of reclaimed water for any priority customer is not a breach of the reclaimed water use service agreement.

Turf: An area of land, which is planted primarily with plants other than low water using plants.

Utilities or Utility: Water and wastewater services provided by the city and all lines and facilities related to the provision, distribution, collection, transmission, or disposal of water and wastewater, singularly or collectively.

~~Public Works Utilities~~Water Services Director: The Director of the ~~Public Works Utilities~~Water Services Department, or their authorized deputy, agent, designee or representative.

Water: Any water (i.e., clear, colorless, nearly odorless and tasteless liquid), from the City's public water distribution system including reclaimed water from the City's reclaimed water distribution system or untreated Central Arizona Project water from City facilities.

Water Deficiency: Any or all of the following: (1) the use of the water supply and delivery system has approached a level that exceeds the City's ability to provide a supply of water to each customer within a pressure zone or throughout the City or where the available supplies of ground water or surface water delivered to the City are reduced; or (2) the general welfare requires that the water resources available to the City be put to the maximum beneficial use, or unreasonable method of use of water be prevented, and the conservation of such water is to be extended with a look at the reasonable and beneficial use thereof in the interests of the City and for the public welfare. A water deficiency shall be designated a Stage 1 (Water Watch), Stage 2 (Water Alert), Stage 3 (Water Warning), or Stage 4 (Water Emergency).

Water Distribution Main: Water pipelines, which are generally between eight (8) inches and sixteen (16) inches in diameter, are considered part of the local water delivery system, and may be tapped for individual service connections to properties.

Water Transmission Main: Water pipelines, which are generally greater than sixteen (16) inches in diameter, are considered part of the regional water delivery system, and are not permitted to be tapped for individual service connection.

(Code 1977, § 12-5-15(e); Ord. No. 98-115, 1/5/99, Amended; Ord. No. 07-37, 11/20/07, Repealed existing Sec. 25-1; enacted new Section 25-1 (SUPP 2007-4); Ord. No. 08-25, 12/02/08, Amended Sec. 25-1 (SUPP 2008-4); Ord. No. 2010-35, 12/07/2010, Amended (SUPP 2010-4); Ord. No. 2017-36, § 1, 6-13-17)

Section 2. Amend Chapter 25 – WATER, SEWERS AND SEWAGE DISPOSAL, Section 25-9 Water; liability for damage, only as follows, leaving all other sections and subsections not specifically referenced unchanged:

Sec. 25-9. Water; liability for damage.

Any expense caused to the City for the repair or replacement of damaged, stolen, tampered with or misused water facilities, including administrative and processing charges, shall be charged against and collected from the customer or person who caused the expense in an amount as established in this code. Unless authorized by the ~~Public Works-Utilities~~Water Services Director, all work (i.e., restoration, repair, etc.) shall be performed by City personnel.

(Code 1977, §§ 13-2-1 through 13-2-3; Ord. No. 90-05, 2-13-90; Ord. No. 92-03, 2/11/92, Renumbered; Ord. No. 98-115, 1/5/99, Repealed; Ord. No. 07-37, 11/20/07, Enacted new Section 25-9 (SUPP 2007-4); Ord. No. 2017-36, § 3, 6-13-17)

Section 3. Amend Chapter 25 – WATER, SEWERS AND SEWAGE DISPOSAL, Section 25-10 Water; unauthorized shutdown of water mains, only as follows, leaving all other sections and subsections not specifically referenced unchanged:

Sec. 25-10. Water; unauthorized shutdown of water mains.

(a) Only authorized City personnel shall operate water valves or perform other work for the shutdown of the City water mains. Except as otherwise provided in this Chapter, no customer or person shall shutdown or reopen any City water mains.

(b) If a customer or person seeks a scheduled shutdown of a City water main, other than as provided in ~~subsection~~Subsection (c) of this ~~section~~Section, they shall make such shutdown request in writing, at least ten days prior to the contemplated shutdown, to the City's ~~Public Works-Utilities~~Water Services Department to accomplish such shutdown. The City shall provide City personnel to accomplish the shutdown if, in the ~~Public Works-Utilities~~Water Services Department's sole discretion, personnel will be available to perform such shutdown. If City personnel cannot be available when requested, an alternative time shall be established by agreement between the City and the customer or person when, in the sole discretion of the ~~Public Works-Utilities~~Water Services Department, personnel are deemed to be available. The reopening of the water main by the City shall be accomplished in the same manner as the shutdown.

(c) Any request for a scheduled shutdown shall contain a schedule indicating the time and date of the proposed shutdown, its main location and point of shutdown and the contemplated time and date of the reopening of the water main.

(d) The customer or person causing a break in any City water line shall immediately notify the City's ~~Utility~~Water Services Department of the time, date and location of such break together with any other information the City may request in relation to such break. Only City personnel may place the closed valve back in service. Any costs to the City arising from such break including, but not limited to, the repair thereof and the opening or closing of necessary valves shall be paid by the customer or persons causing the break.

(e) Any customer or person violating this ~~section~~Section shall be subject to the imposition of a Civil Sanction by the ~~Public Works-Utilities~~Water Services Director in an amount not

less than Two Hundred Fifty Dollars (\$250.00) and not more than One Thousand Dollars (\$1,000.00). Each day that a violation occurs shall be deemed a separate violation for purposes of this ~~section~~Section and shall subject the customer or person to a separate Civil Sanction in the amount provided by this ~~section~~Section.

(Code 1977, § 13-7-3; Ord. No. 92-03, 2/11/92, Renumbered; Ord. No. 98-115, 1/5/99, Amended; Ord. No. 07-37, 11/20/07, Repealed existing Sec. 25-10, Enacted new Sec. 25-10 (SUPP 2007-4); Ord. No. 08-35, 12/02/08, Amended Sec. 25-10 (SUPP 2008-4); Ord. No. 2017-36, § 4, 6-13-17)

Section 4. Amend Chapter 25 – WATER, SEWERS AND SEWAGE DISPOSAL, Section 25-13 Water; customer to provide rights-of-way, easements, etc. Water, main extensions; definitions, only as follows, leaving all other sections and subsections not specifically referenced unchanged:

Sec. 25-13. Water; customer to provide rights-of-way, easements, etc. Water, main extensions; definitions.

Prior to the approval of a minor land division, an individual lot, a final subdivision plat or issuance of a building permit, each person developing a parcel shall provide to the City such easements and rights-of-way as are necessary in the determination of the City to provide water connections to the meter for water and/or such other points as may be required pursuant to the determination of the ~~Public Works-Utilities~~Water Services Director and City Engineer.

(Ord. No. 92-03, 2/11/92, Enacted; Ord. No. 98-115, 1/5/99, Amended (b); Ord. No. 02-41, 6/7/02, amended (SUPP 2002-2); Ord. No. 07-37, 11/20/07, Repealed existing Sec. 25-13, Enacted new Sec. 25-13 (SUPP 2007-4); Ord. No. 2017-36, § 6, 6-13-17))

Section 5. Amend Chapter 25 – WATER, SEWERS AND SEWAGE DISPOSAL, Section 25-18 Water; main extensions, requirements, only as follows, leaving all other sections and subsections not specifically referenced unchanged:

Sec. 25-18. Water; main extensions, requirements.

If the City determines that the extension of water mains to undeveloped areas is in the public interest, then all such extensions shall comply with the provisions of this Chapter and Chapter 23 of the City ~~code~~Code.

(a) The property owner must pay all costs for constructing mains of such sizes as to afford adequate service during peak demands for the entire area to be served by the extension main.

(b) The ~~Public Works-Utilities~~Water Services Director shall establish the minimum water pressure and water delivery requirements for fire protection and peak daily service, which must be met.

(c) The property owner's engineer shall submit (i.e., recommend) for the ~~Public Works-Utilities~~Water Services Director approval the required size and layout of public water mains that will meet domestic water needs and fire flow requirements as required by this code. The final decision on size and layout of public water mains shall be solely that of the ~~Public Works-Utilities~~Water Services Director.

(d) The field engineering, plans and specifications required shall be prepared by the developer and approved by the City Engineer or their designee prior to construction. The engineering costs for preparation of plans and staking of the water main extensions on the property which are incurred by the property owner, may be included in the agreed construction costs as determined by the City Engineer and as provided in this ~~section~~Section. The City shall perform the inspections during construction.

(e) Where booster pumps are necessary to maintain adequate pressures in the mains due to the development being near or above the hydraulic gradient of the distribution system of the City service area, the property owner shall construct at their own expense the necessary booster pumping station and storage facilities to City specifications. If the booster pump facility provides pressure for more than a single residential lot, the City will assume ownership and operation of such installations upon their completion and acceptance by the City. If the booster pump facility provides pressure for a single residential lot, the property owner shall be solely responsible to operate and maintain the facility after it is approved by the City for operation.

(f) The City may require the construction of the water main extension to meet additional specifications and requirements if such is determined to be in the best interest of the City and necessary to protect the public health, safety and welfare.

(Ord. No. 92-03, 2/11/92, Enacted; Ord. No. 98-115, 1/5/99, Amended; Ord. No. 07-37, 11/20/07, Repealed existing Sec. 25-18, Enacted new Sec. 25-18 (SUPP 2007-4); Ord. No. 08-35, 12/02/08, Amended Sec. 25-18 (SUPP 2008-4); Ord. No. 2017-36, § 8, 6-13-17)

State law reference(s)—A.R.S. § 48-701.

Section 6. Amend Chapter 25 - WATER, SEWERS AND SEWAGE DISPOSAL, Section 25-19 Water; main extensions; subdivisions, single lots, sub lot developments and all other developments, only as follows, leaving all other sections and subsections not specifically referenced unchanged:

Sec. 25-19. Water; main extensions; subdivisions, single lots, sub lot developments and all other developments.

(a) Where the City is to provide water service to and for all new subdivisions, single lot development, and all other developments other than a single residence on a single lot, the property owner shall furnish and install in accordance with plans approved by the City Engineer, all water mains, service connections, valves, fittings and appurtenances within the boundary of the development as well as the streets bounding the entire development. In addition, the property owner shall furnish and install all off-site water mains as necessary to complete a looped connection to existing City water mains as determined by the City.

(b) The City's water system standards shall be defined in accordance with this Chapter. All development in the City's water service area must conform with the City Water Master Plan, the approved Water System Analysis for the development, the City Development Guidelines, the Maricopa County Association of Government Standards and the development plans and specifications approved by the City Engineer.

(c) For development primarily residential in character, sixteen (16) inch diameter lines shall be provided on section line streets or arterials, (generally one-mile intervals), twelve (12) inch diameter lines shall be provided on mid-section line streets or other such streets, (generally half-mile intervals). The minimum size of mains installed by the developer on interior streets shall be eight (8) inch diameter. The ~~Public Works-Utilities~~[Water Services](#) Director shall require larger size mains to meet the needs of all developments to be served by the extension, including minimum fire flow requirements, as determined by the current Water Master Plan.

(d) Fire hydrants, valves, pipes and fittings required for hydrant installation shall be installed by a licensed contractor on behalf of the property owner in accordance with plans approved by the City.

(e) Where no water main is existing along the frontage of a single existing residential lot zoned for single family use, and the property owner of the single lot requests water service, sufficient length of main shall be constructed by the property owner to extend the new main from an existing water main and across the entire lot frontage.

(f) The service connections installed by the property owner's licensed contractor shall be guaranteed against any and all defects by the property owner for a period of one (1) year after the City's acceptance of the installations.

(Ord. No. 92-03, 2/11/92, Enacted; Ord. No. 98-115, 1/5/99, Amended (b),(d) and (f); Ord. No. 07-37, 11/20/07, Repealed existing Sec. 25-19; Enacted new Sec. 25-19 (SUPP 2007-4); Ord. No. 08-35, 12/02/09, Amended Sec. 25-19 (SUPP 2008-4); Ord. No. [2017-36](#), § 9, 6-13-17)

Section 7. Amend Chapter 25 – WATER, SEWERS AND SEWAGE DISPOSAL, Section 25-20 Water; minimum supply requirements; connection with water system, only as follows, leaving all other sections and subsections not specifically referenced unchanged:

Sec. 25-20. Water; minimum supply requirements; connection with water system.

(a) As the City complies with the mandate of the State to convert from groundwater mining to renewable water sources, the City becomes subject to such renewable supplies being interrupted, reduced or unavailable. Therefore, the City requires all new development to provide to the City a redundant (back-up) water supply source. The purpose of requiring a redundant (back-up) water supply source is to ensure reliable water delivery to municipal customers in the event of an interruption, reduction, unavailability or other partial or total failure of the primary water source. A redundant (back-up) water supply source shall meet the following requirements:

(1) The redundant supply shall be hydrologically separate and distinct from the primary supply of water.

(2) The property owner shall submit to the City a water plan for approval by the City prior to the start of development that provides a sufficient redundant water supply source. It shall be the sole determination and discretion of the ~~Public Works-Utilities~~ Water Services Director to determine if the water plan meets the requirements of this ~~section~~ Section.

(b) All development within the City's water service area and within a quarter of a mile (i.e., 1,320 feet) from a City water line is required to connect to the City's water system. The extension of a City water line and the connection to the City's water line will be constructed in accordance with City standards, City approved plans and the sole financial responsibility of the developer and/or customer. The connection to the City's water system and the extension of the water line are a condition of issuance of a building permit. The ~~Public Works-Utilities~~ Water Services Director will have discretion to allow variances to this requirement for single lot developments if such development is on a major arterial road or if the connection is determined not be feasible.

(Ord. No. 92-03, 2/11/92, Enacted; Ord. No. 98-115, 1/5/99, Amended (a); Ord. No. 07-37, 11/20/07, Repealed existing Sec. 25-20; Enacted new Sec. 25-20 (SUPP 2007-4); Ord. No. 08-35, 12/02/08, Amended 25-20 (SUPP 2008-4); Ord. No. 2017-36, § 10, 6-13-17)

State law reference(s)—A.R.S. § 34-201.

Section 8. Amend Chapter 25 – WATER, SEWERS AND SEWAGE DISPOSAL, Section 25-21, Water; extensions, construction; ownership and maintenance, only as follows, leaving all other sections and subsections not specifically referenced unchanged:

Sec. 25-21. Water; extensions, construction; ownership and maintenance.

(a) The extension of water mains and service connections shall be constructed in strict accordance with plans approved by City and all review fees shall be paid as provided in the City ~~code~~Code. Main extensions and service connections shall be maintained by the ~~Public Works-Utilities~~Water Services Department up to and including the customer's meter and shall be operated by the City as part of the distribution system. The City shall exercise complete control over such extensions upon completion and the property owner shall relinquish all responsible for the extension and rights to or interest in the ownership of the extension to the City. The property owner may request and/or the ~~Public Works-Utilities~~Water Services Director may authorize additions to or variances from the standards and specifications, if the ~~Public Works-Utilities~~Water Services Director determines such variance or addition is in the best interest of the City and the public health, safety and welfare. All such additions or variances shall be in writing and shall be approved by the ~~Public Works-Utilities~~Water Services Director.

(b) The ownership of all extensions and service connections, upon acceptance by the ~~Public Works-Utilities~~Water Services Director shall be vested in the City.

(c) All decisions of the ~~Public Works-Utilities~~Water Services Director under this ~~section~~Section may be appealed to the City Manager or their designee. The appeal shall be in writing and shall specify the specific decision of the ~~Public Works-Utilities~~Water Services Director, which is being appealed and the specific relief being requested. The decision of the City Manager or their designee shall be final.

(Ord. No. 92-03, 2/11/92, Enacted; Ord. No. 98-115, 1/5/99, Amended; Ord. No. 02-41, 6/7/02, amended (SUPP 2002-2); Ord. No. 02-42, 6/7/02 Amended (SUPP 2002-2); Ord. No. 07-37, 11/20/07, Repealed existing Sec. 25-21; Enacted new Sec. 25-21 (SUPP 2007-4); Ord. No. 2017-36, § 11, 6-13-17)

Section 9. Amend Chapter 25 – WATER, SEWERS AND SEWAGE DISPOSAL, Section 25-22 Water; construction water access. Applicability, only as follows, leaving all other sections and subsections not specifically referenced unchanged:

Sec. 25-22. Water; construction water access. Applicability.

Any customer requesting construction water shall file/complete an application with the City Customer Service Center. The request to use water for construction shall be filed prior to any water being used for construction. The City Finance Department will prepare a separate billing for each service connection used to supply water for construction, if such request has been approved.

(a) A Hydrant Meter & Backflow Device Application for construction water access shall include a water use summary with the following information: (1) location of project, (2) duration of requested water access and (3) estimate of monthly water usage, (4) acceptance of Hydrant Meter Conditions of Service and accompanied by a deposit equal to the amount set forth by City Council. The water use summary may be reviewed by the

~~Public Works-Utilities~~Water Services Director who reserves the right of denial for any construction water access or termination of use of construction water for any inappropriate use of construction water. Upon approval, access to the City water distribution system shall be provided only at those locations approved by the ~~Public Works-Utilities~~Water Services Director. The ~~Public Works-Utilities~~Water Services Director shall have the authority to limit access to construction water to certain dates and times under any permit issued or limit or suspend entirely access to construction water.

(b) City-owned hydrants shall be metered for all construction water sold by the City. Any customer or property owner who has obtained potable, recharged, reclaimed or other water owned by the City that has not passed through a meter, or City approved calculating method, shall be subject to imposition of a Civil Sanction by the ~~Public Works-Utilities~~Water Services Director in the amount of One Thousand Dollars (\$1,000.00) in accordance with the provisions of this Chapter. Each day such a violation occurs shall be deemed a separate violation for purposes of this ~~section~~Section and shall subject the property owner to a separate Civil Sanction in the amount provided by this ~~section~~Section.

(c) It shall be a violation of any construction water access approval and a violation of this code to open or operate any fire hydrant without the appropriate backflow device and meter or to draw or to attempt to draw, injure, damage or tamper with a fire hydrant. Authorization to utilize a fire hydrant shall be granted by the ~~Public Works-Utilities~~Water Services Director. Operation of fire hydrant turn nuts shall only be completed by authorized City personnel. In addition to the other provisions of this ~~section~~Section, the ~~Public Works-Utilities~~Water Services Director may immediately revoke the approval for construction water use and remove the meter and all equipment accessing the City system and charge the property owner for the expense of such removal, together with an administrative fee of twenty percent (20%).

(d) For each service connection used to supply water for construction, there shall be a minimum charge in an amount as set forth in this code. The minimum charge shall be billed once a month.

(e) The customer or property owner will be held responsible for all water used from the date the hydrant meter is placed until the account is closed. At that time a final billing will be prepared.

(Ord. No. 92-03, 2/11/92, Enacted; Ord. No. 07-37, 11/20/07, Repealed existing Sec. 25-22; Enacted new Sec. 25-22 (SUPP 2007-4); Ord. No. 2017-36, § 12, 6-13-17)

Section 10. Amend Chapter 25 – WATER, SEWERS AND SEWAGE DISPOSAL, Section 25-25 Water; meters. Water; violations; civil sanctions, only as follows, leaving all other sections and subsections not specifically referenced unchanged:

Sec. 25-25. Water; meters. Water; violations; civil sanctions.

- (a) All water sold by the City shall be metered by meters which shall be owned and maintained by the City.
- (b) The City may install a water meter on the property line or on the customer's property in such location as deemed necessary and which is conveniently accessible by a meter reader.
- (c) Water meter installation fees shall be paid to the City in an amount in accordance with the current utility rates and charges schedule posted on the City's website.
- (d) Any obstruction, alteration or tampering with City owned meters by an individual other than authorized City personnel shall be subject to a Civil Sanction not to exceed One Thousand Dollars, (\$1,000.00) for the first occurrence assessed by the ~~Public Works-Utilities~~Water Services Director or their designee in the manner provided by this Chapter. Each day such a violation occurs shall be deemed a separate violation for purposes of this ~~section~~Section and shall subject the individual to a separate Civil Sanction in the amount provided by this ~~section~~Section. Additional fees may also be assessed for tampering or damaging the water meter and/or appurtenance City property.

(Code 1977, § 13-4-2; Ord. No. 98-115, 1/5/99, Repealed; Ord. No. 98-115, 1/5/99, Enacted; Ord. No. 07-37, 11/20/07, Repealed Existing Sec. 25-25; Enacted new Sec. 25-25 (SUPP 2007-4); Ord. No. 2017-36, § 13, 6-13-17; Ord. No. 2019-13, § 2, 5-21-19)

Section 11. Amend Chapter 25 – WATER, SEWERS AND SEWAGE DISPOSAL, Section 25-33 Water; agreements; repayment agreements, only as follows, leaving all other sections and subsections not specifically referenced unchanged:

Sec. 25-33. Water; agreements; repayment agreements.

- (a) The City and a property owner may execute a repayment agreement for certain projects. The project shall be bid in accordance with the provisions pertaining to public works projects contained in A.R.S. Title 34. The bids shall be opened at a location designated by the City on a pre-determined date agreeable to the property owner and the City. The City and the property owner reserve the right to reject any or all bids. The construction costs shall be determined prior to the commencement of construction and shall be approved by the City. In the event that the agreed upon construction costs increase, the repayment agreement may be amended upon approval of the additional construction costs by the City.
- (b) Upon completion of the project, the water main shall become the property of the City.
- (c) Upon entry into a repayment agreement with the City, the property owner may connect into existing City water mains with the approval of the ~~Public Works-Utilities~~Water Services Director in consideration for their entry into the repayment agreement.

(d) The ~~Public Works-Utilities~~Water Services Director shall have sole and exclusive control of connections to the proposed water main.

(e) A repayment agreement will assist in establishing a reasonable charge to permit a connection. The connection charge will be made on a cost per frontage foot, using the agreed approach main construction costs and the extent to which new development is adjacent to the water main.

(f) The connection charge will be paid to the City, and the City agrees to repay such amounts to the property owner. Repayments shall be made by the City within sixty (60) days of receipt. The total of such repayments shall not exceed that portion of the agreed construction costs of the approach main allotted to frontage outside the service area of the property owner. The repayment agreement shall terminate in ten (10) years, or upon the repayment of the total amount in conformance with this Chapter, whichever is earlier. The City shall have the option to provide for repayment to the property owner by allowing a credit against water expansion fees due from the property owner to the City. The connection charge shall be paid into the water expansion fee account.

(Code 1977, § 13-7-9; Ord. 98-115, 1/5/99, Amended to add (b), (c) and (d); Ord. No. 07-37, 11/20/07, Repealed existing Sec. 25-33; Enacted new Sec. 25-33 (SUPP 2007-4); Ord. No. 2017-36, § 16, 6-13-17)

Section 12. Amend Chapter 25 – WATER, SEWERS AND SEWAGE DISPOSAL, Section 25-34 Water; repayments; water mains, only as follows, leaving all other sections and subsections not specifically referenced unchanged:

Sec. 25-34. Water; repayments; water mains.

(a) This Chapter shall apply where a water main is extended by one property owner and connected to at a later date by one or more additional property owners. A property owner who extends a water main which is sixteen (16) inches in diameter or less and which provides a means of service to property owned by others may enter into an agreement with the City providing for repayment of a portion of the costs when the property abutting the main extensions develops. The project shall be bid in accordance with the provisions pertaining to public works projects contained in A.R.S. Title 34. The bids shall be opened at a location designated by the City on a pre-determined date agreeable to the property owner and the City. The City and the property owner reserve the right to reject any or all bids. The construction costs shall be determined prior to the commencement of construction and shall be approved by the City. In the event that the agreed upon construction costs increase, the repayment agreement may be amended upon approval of the additional construction costs by the City.

(b) The City reserves the right to increase the diameter of the approach main above the standards in this Chapter if it deems advisable, but under the condition, that the City will assume the additional cost to increase the diameter of the water main above that which the

property owner would incur for the approach main under the standards required by this code.

(c) The final detailed plans and specifications for the water main extension must be approved by the City prior to construction. The engineering costs for the preparation of plans, specifications and staking of the approach main incurred by the property owner may be included in the agreed construction costs as provided for in this ~~section~~Section. The costs of distribution mains within the boundary of the project shall not be eligible for repayment.

(d) Agreements must be executed prior to construction of the water main and shall run for a period not to exceed ten (10) years from the date of execution by the City Engineer, who is authorized to execute the agreements in accordance with the provisions of this code. The agreements shall automatically terminate at the end of a ten (10) year period or upon repayment of the total amount possible being repaid, whichever is earlier. The City will not approve and/or execute an agreement after construction or acceptance by the City of the water main. There will be no repayments for buy-in assessments collected prior to receipt of the developer's request to enter into an agreement.

(e) Repayment will assist in establishing a reasonable charge to permit a connection. The connection charge will be made on a cost per frontage foot, using the agreed water main construction costs (and the extent to which new development is adjacent to the water main), less the repayment transaction fee established by City Council to cover administrative costs associated with the repayment agreement.

(f) The City Engineer will determine the amount of footage to be reimbursed, and such determination will be made a part of the agreement. Such agreements must be recorded in the office of the Maricopa County Recorder.

(g) The City will make repayments within sixty (60) days of receipt of payment from adjacent property owners. The developer to whom the reimbursement is to be made must be stated on the agreement at the time of execution and it will be the duty of the developer (the individual to whom reimbursement is to be made) to keep the City Engineer advised as to the correct mailing address, etc. for reimbursement. Repayment agreements under this Chapter may be assigned to subsequent property owners of property who purchase or acquire the entire interest of the original property owner who entered into the repayment agreement and in accordance with the specific terms of the repayment agreement.

(h) The City retains and reserves the right (and ability) to enter into separate special agreements to cover unique situations where a standard repayment agreement is not applicable.

(i) Existing water lines, which are greater than sixteen (16) inches in diameter are considered part of the water transmission system and are not part of the water distribution grid. Property owners may be required to construct distribution mains of the required size parallel with such existing transmission system mains. Where existing distribution system mains within a development or along streets bounding the development, are smaller in size

than that required by this code, or are otherwise inadequate, the property owner may be required to replace or parallel such mains with those of the required size.

(Code 1977, § 13-7-10; Ord. 98-115, 1/5/99. Amended to (b) and (c); Ord. No. 07-37, 11/20/07, Repealed existing Sec. 25-34; Enacted new Sec. 25-34 (SUPP 2007-4))

Section 13. Amend Chapter 25 – WATER, SEWERS AND SEWAGE DISPOSAL, Section 25-41 Water; violations, civil sanctions, only as follows, leaving all other sections and subsections not specifically referenced unchanged:

Sec. 25-41. Water; violations, civil sanctions.

(a) If the ~~Public Works-Utilities~~Water Services Director has reasonable cause to find that a violation of this code has occurred, the ~~Public Works-Utilities~~Water Services Director shall send written notice of the violation to the customer and any other individual on the utility account requesting notice. The notice shall be sent by certified mail within fifteen (15) days after the ~~Public Works-Utilities~~Water Services Director determines that reasonable cause exists to find that a violation has occurred. The notice shall provide with reasonable particularity the nature of the violation, a statement of the penalties provided in this Chapter for such violation and the steps required to be in compliance with this Chapter (i.e., abate the violation).

(b) An individual or customer shall have fifteen (15) days after receipt of the notice to come into compliance (i.e., correct the violation) pursuant to the provisions set forth in the notice. For each day after the notice is received by the customer until the ~~Public Works-Utilities~~Water Services Director approves the steps taken by the individual or customer to come into compliance with the provisions of this Chapter a Civil Sanction shall be assessed of Ten Dollars (\$10.00) per day for each violation contained in the notice, not to exceed the maximum Civil Sanction of One Thousand Dollars (\$1,000.00) for each violation as provided in this Chapter. Each day such a violation occurs shall be deemed a separate violation for purposes of this ~~section~~Section and shall subject the individual or customer to a separate civil sanction in the amount provided by this ~~section~~Section.

(c) Should an individual or customer fail to respond to the ~~Public Works-Utilities~~Water Services Director notice of violation within fifteen (15) days after receiving the notice, the individual or customer shall be liable for a Civil Sanction of Fifty Dollars (\$50.00) per day for each violation contained in the notice up to the maximum Civil Sanction of One Thousand Dollars (\$1,000.00) for each violation as provided in this Chapter.

(d) If an individual or customer fails to respond to the notice of violation within fifteen (15) days after receipt, the ~~Public Works-Utilities~~Water Services Director shall issue a compliance order stating with reasonable particularity the nature of the violation, steps required for compliance and the amount of Civil Sanctions which have accrued to date. The ~~Public Works-Utilities~~Water Services Director at the time of issuance of a compliance order shall impose the maximum Civil Sanction of One Thousand Dollars (\$1,000.00) for each violation as provided in this Chapter. However, the same compliance order may address

multiple violations arising out of the same set of facts occurring on multiple dates. A copy of the compliance order shall be served on the individual or customer by certified mail. The individual or customer shall have ten (10) days from the date of receipt to request a hearing by filing a notice with the ~~Public Works-Utilities~~Water Services Director.

(e) The hearing shall be held before a hearing officer appointed by the City for such purpose. All relevant evidence may be admitted, whether admissible under the Arizona Rules of Evidence. The hearing shall be held in the manner provided for State administrative hearings pursuant to A.R.S. Title 41, Chapter 6. The hearing officer shall issue a written decision within ten (10) days after the hearing.

(Ord. No. 07-37, 11/20/07, Repealed reserved Sec. 25-41; Enacted new Sec. 25-41 (SUPP 2007-4); Ord. No. 2017-36, § 17, 6-13-17)

Section 14. Amend Chapter 25 – WATER, SEWER AND SEWAGE DISPOSAL, Section 25-53, Water; unnecessary waste, turnoffs, water leaks, only as follows, leaving all other sections and subsections not specifically referenced unchanged:

Sec. 25-53. Water; unnecessary waste, turnoffs, water leaks.

(a) Customers shall prevent unnecessary waste of water and keep all water outlets closed when not in actual use. All water outlets, including those used in conjunction with hydrants, urinals, water closets, bathtubs and other fixtures, shall not be left running for any purpose other than the use for which they were intended. The City may immediately terminate the water supply (i.e., it may be turned off) where any such waste occurs.

(b) Water running off a landscaped area to another area where the water is not beneficially used, such as on to streets, sidewalks, gutters, alleys, public utility easements, public or private parking areas is prohibited.

(c) Customers shall repair water leaks upon their property within fourteen (14) days after discovery. Failure to repair a water leak shall subject the customer to a civil sanction.

(d) The ~~Public Works-Utilities~~Water Services Director may impose Civil Sanctions for violations of this Chapter in an amount not less than Two Hundred Fifty Dollars (\$250.00) and not more than One Thousand Dollars (\$1,000.00). Each day such a violation occurs shall be deemed a separate violation for purposes of this Chapter and shall subject the customer to a separate Civil Sanction in the amount provided by this Chapter.

(Ord. No. 05-23, 04/05/05, Enacted (SUPP 2005-02); Ord. No. 07-37, 11/20/07, Repealed existing Sec. 25-53; Enacted new Sec. 25-53 (SUPP 2007-4); Ord. No. 2017-36, § 18, 6-13-17)

Section 15. Amend Chapter 25 – WATER, SEWER AND SEWAGE DISPOSAL, Section 25-54 Water; City drought contingency plan management procedure, only as follows, leaving all other sections and subsections not specifically referenced unchanged:

Sec. 25-54. Water; City drought contingency plan management procedure.

(a) Scope. There is hereby established the following City Drought Contingency Plan Management Procedure ("Management Procedure"), which establishes policies, rules, duties, penalties, and plan for the City to be implemented during a declared water deficiency. The Management Procedure shall promulgate guidelines, which set forth the criteria for determining when particular regulations with reference to which water deficiency stage is to be implemented and terminated. The City will also adopt a Drought Contingency Plan, which shall include the rules and guidelines, adopted pursuant to this Chapter. Additionally, such plans shall be updated when, in the opinion of the ~~Public Works-Utilities~~Water Services Director, the conditions of the current plan have changed so as to necessitate such update. The Plan shall be available for inspection at the City Clerk's office, and the City ~~Public Works-Utilities~~Water Services Department during normal business hours.

(b) Declaration of policy. It is hereby declared that when in the judgment of the City Manager: (1) the use of the water supply and delivery system has approached a level that exceeds the City's ability to provide a supply of water to each customer within a pressure zone or throughout the City or where the available supplies of ground water or surface water delivered to the City are reduced; or (2) the general welfare requires that the water resources available to the City be put to the maximum beneficial use, or unreasonable method of use of water be prevented, and the conservation of such water is to be extended with a look at the reasonable and beneficial use thereof in the interests of the City and for the public welfare, a water deficiency may be declared. A water deficiency shall be designated a Stage 1 (Water Watch), Stage 2 (Water Alert), Stage 3 (Water Warning), or Stage 4 (Water Emergency). The water deficiency shall continue until the declaration is rescinded by the City Manager or terminated by the City Council in accordance with this Chapter.

Upon designation by the City Manager, the water deficiency shall go into immediate effect. At the next regularly scheduled City Council meeting, a resolution ratifying the deficiency will be placed before the City Council. If the City Council rejects the resolution, the water deficiency will be terminated, otherwise the water deficiency shall continue in effect until terminated by the City Manager.

The surcharges and measures adopted herein are an exercise of the City's police power.

(c) Application. The provisions of this Chapter shall apply to all individuals, customers, and property served by the ~~Public Works-Utilities~~Water Services Department. Upon the designation of any stage of a water deficiency, the City shall make public announcements that a water deficiency is in effect and the designated stage. The City shall also post a copy of the declaration in each location where public notices of the City are required to be posted.

(d) Stage 1 (Water Watch). Upon the designation of a Stage 1 (Water Watch), the City shall implement the latest Drought Contingency Plan on file in the City Clerk's office that has been approved and made available for public use and inspection. The Water Watch shall trigger a voluntary five percent (5%) reduction goal, except for the City, the City shall be

subject to a mandatory five percent (5%) reduction goal. Additionally, such designation shall trigger an intensive public education and information program to assist all City customers (i.e., residential, commercial/industrial, public and government) to understand the nature of the deficiency and the need for voluntary compliance.

(e) Stage 2 (Water Alert). Upon the designation of a Stage 2 (Water Alert), all elements of a Stage 2 water deficiency as described in the Drought Contingency Plan shall become mandatory and be enforced, which may include, in addition to any other remedy available in this Chapter, a water deficiency rate surcharge as declared in this Chapter for the purpose of rationing, aggressive code enforcement and providing adequate revenues to operate the water utility system in accordance with the water deficiency and Drought Contingency Plan adopted by the City Council.

(f) Stage 3 (Water Warning). Upon the designation of a Stage 3 (Water Warning), all elements of a Stage 3 water deficiency as described in the Drought Contingency Plan shall become mandatory and be enforced, which may include, in addition to any other remedy available in this Chapter, a water deficiency rate surcharge as declared in this code for the purpose of rationing, aggressive code enforcement and providing adequate revenues to operate the water utility system in accordance with the water deficiency and Drought Contingency Plan adopted by the City Council.

(g) Stage 4 (Water Emergency). Upon the designation of a Stage 4 (Water Emergency), all elements of a Stage 4 water deficiency as described in the Drought Contingency Plan shall become mandatory and be enforced, which may include, in addition to any other remedy available in this Chapter, a water deficiency rate surcharge as declared in this code for the purpose of rationing, aggressive code enforcement and providing adequate revenues to operate the water utility system in accordance with the water deficiency and Drought Contingency Plan adopted by the City Council. Additionally, extra measures and or procedures deemed necessary by the City may be instituted to protect human health and safety and to ensure that the residents of the City shall have the minimum amounts of water necessary for human consumption and use.

(h) Water deficiency rate surcharge. Upon designation of a Stage 2, 3, or 4 water deficiency, the City Manager may declare effective immediately a schedule of water deficiency rate surcharges to provide rationing, aggressive code enforcement and providing adequate revenues to operate the water utility system in accordance with the water deficiency and Drought Contingency Plan adopted by the City Council.

(i) Sanction. It shall be unlawful for any individual, customer, corporation and property served by the ~~Public Works-Utilities~~Water Services Department to violate the provisions of this ~~section~~Section. If and when the City becomes aware of any violation of any regulation pertaining to this ~~section~~Section (water use or misuse), a written notice (citation) shall be placed on the property where the violation occurred and a duplicate mailed to the individual who is regularly billed for the service where the violation occurs and to any other individual known to the City who is responsible for the violation or its correction. If such violation is not complied with, the City may disconnect the service where the violation occurs.

Violations of this ~~section~~Section shall be subject to the imposition of a Civil Sanction by the ~~Public Works-Utilities~~Water Services Director in an amount not less than Two Hundred Fifty Dollars (\$250.00) and not more than One Thousand Dollars (\$1,000.00). Each day such a violation occurs shall be deemed a separate violation for purposes of this ~~section~~Section and shall subject the violator to a separate Civil Sanction in the amount provided in this ~~section~~Section.

In addition to any other remedies available water service may be disconnected where the violation occurs. A fee, to be established by the ~~Public Works-Utilities~~Water Services Director, may be imposed for reconnection of any service disconnected pursuant to non-compliance and shall be in addition to other fees or charges imposed by this Chapter for disconnection or reconnection of service.

(j) Severability. If any provision, section, subsection, sentence, clause or phrase of this ~~section~~Section, or the application of the same to any individual or set of circumstances, is for any reason held to be unconstitutional, void or invalid, the validity of the remaining portions of this ~~section~~Section shall not be affected. It being the intent of the City Council in adopting this ~~section~~Section that no portions, provisions, or regulations contained herein shall become inoperative, or fail by reason of the unconstitutionality of any other provision hereof, and all provisions of this ~~section~~Section are declared to be severable for that purpose.

(k) Citations. Code compliance officers/code compliance supervisors of the City are hereby authorized, empowered and given the duty to enforce provisions of the City ~~code~~Code and to issue citations for violations of said code.

(l) Publication of Terms of Water Use. Upon such water deficiency declaration by the City Manager, it shall be the duty of the City Manager to have public notice given by publishing a notice giving the extent, terms and conditions respecting the use and consumption of water, at least once (1) for three (3) consecutive days in the official newspapers of the City. Upon such declaration and publication of such notice, due and proper notice shall be deemed to have been given to each and every consumer supplied with water by the City.

(Ord. No. 05-23, 04/05/05, Enacted (SUPP 2005-02); Ord. No. 07-37, 11/20/07, Repealed existing Sec. 25-54; Enacted new Sec. 25-54 (SUPP 2007-4); Ord. No. 2017-36, § 19, 6-13-17)

Section 16. Amend Chapter 25 – WATER, SEWERS AND SEWAGE DISPOSAL, Section 25-61 Water; Reclaimed Water Service; promulgation and enforcement of procedures and regulations, only as follows, leaving all other sections and subsections not specifically referenced unchanged:

Sec. 25-61. Water; Reclaimed Water Service; promulgation and enforcement of procedures and regulations.

(a) The ~~Public Works-Utilities~~Water Services Director shall have the authority to promulgate procedures and regulations relative to the City reclaimed water distribution system with respect to the following matters and which procedures and regulations shall become effective in the manner provided by this code:

(1) Application procedures and requirements including execution of a Reclaimed Water Use Service Agreement.

(2) Installation requirements, including specification of acceptable materials, devices and regulations to help prevent backflow or cross-connections with other systems, all of which shall be subject to right-of-way permits and construction procedures approved by the City Engineer. System development requirements, including onsite facilities needed for a customer to receive reclaimed water service from the point of delivery, will not be subject to any reimbursement or refund by the City. A customer must pay all costs to extend the Reclaimed Water Distribution System necessary to serve that customer including onsite and offsite facilities.

(3) Procedures for enforcement of the ordinances and regulations pertaining to reclaimed water including, but not limited to, procedures for inspection of customer's system and requiring appropriate signage pertaining to use of reclaimed water.

(4) Procedures for the orderly expansion of the City reclaimed water distribution system.

(5) Procedures and regulations for the efficient operation of the City reclaimed water distribution system.

(6) The time of day or night during which customers may use reclaimed water.

(7) The maximum rate of use for reclaimed water.

(b) It shall be unlawful for any individual or customer to construct, operate, maintain or allow to remain present on property owned or controlled by them, any device or system that is connected to or that controls a device or system connected to the City's reclaimed water distribution system that is not in compliance with all provisions of this code related to reclaimed water and with all procedures and regulations promulgated pursuant to this Chapter. In addition to any other Civil Sanctions that may be imposed by law, any individual or customer who owns or controls property upon which a non-complying device or system is found shall be liable to the City for a Civil Sanction of Five Hundred Dollars (\$500.00) or the amount by which the costs associated with the securing and/or removal of the non-complying device or system exceeds the cost of a normal discontinuance of service, whichever is greater. This Civil Sanction shall constitute a lien against the property upon which the non-complying device or system is located in the same manner as other unpaid utility fees under this Chapter.

(Ord. No. 07-37, 11/20/07, Repealed reserved Sec. 25-61; Enacted new Sec. 25-61 (SUPP 2007-4); Ord. No. [2017-36](#), § 20, 6-13-17)

Section 17. Amend Chapter 25 – WATER, SEWERS AND SEWAGE DISPOSAL, Section 25-62 Water; Reclaimed Water Service; priority of delivery, only as follows, leaving all other sections and subsections not specifically referenced unchanged:

Sec. 25-62. Water; Reclaimed Water Service; priority of delivery.

(a) The ~~Public Works-Utilities~~Water Services Director shall determine, on or before December 1 of each year, the total amount of reclaimed water, which shall be available for the next calendar year, and the minimum quantity of reclaimed water needed to operate the City recharge facilities. The ~~Public Works-Utilities~~Water Services Director shall first allocate quantities needed to operate all City recharge facilities. The ~~Public Works-Utilities~~Water Services Director may make such determinations on a service area basis depending on the location of publicly operated treatment works providing reclaimed water. Such determinations (i.e., deductions and priority of delivery) shall be made at the discretion of the ~~Public Works-Utilities~~Water Services Director.

(b) After making the deductions of reclaimed water needed for City recharge facilities, the ~~Public Works-Utilities~~Water Services Director at their discretion shall allocate the remaining reclaimed water in the following order of priority:

(1) Priority A. The use of reclaimed water for City recharge facilities (reclaimed water shall first be allocated to completely satisfy all of the City recharge facilities).

(2) Priority B. The use of reclaimed water for City dedicated rights-of-way landscaping, municipal parks and other municipal turf facilities.

(3) Priority C. The use by customers who have a reclaimed water service use agreement with the City for reclaimed water on turf areas or uses required by this Chapter, development agreements with the City requiring the use of reclaimed water and as required by statute.

(4) Priority D. The use by customers who have a reclaimed water service use agreement with the City for reclaimed water on privately maintained landscaping and private turf facilities such as homeowner association parks and common areas, but not including private or public golf courses.

(5) Priority E. The use of reclaimed water by customers who make a request to the City ~~Public Works-Utilities~~Water Services Department for a single year's delivery of reclaimed water.

(c) Allocation of reclaimed water for Priority C and D will be in order determined by the original execution date of the Reclaimed Water Use Service Agreement with the City (as it may be amended or renewed from time to time) for the Priority.

(d) If the requested allocation from all contracted customers is greater than the quantity of reclaimed water available, but all applicants meet the requirements of paragraphs 3 and (c) or 4 and (c) above, the ~~Public Works-Utilities~~Water Services Director may allocate the reclaimed water based on contributory flow from the drainage basin or sub basin as solely determined by the ~~Public Works-Utilities~~Water Services Director.

(Ord. No. 07-37, 11/20/07, Repealed reserved Sec. 25-62; Enacted new Sec. 25-62 (SUPP 2007-4); Ord. No. 2017-36, § 21, 6-13-17)

Section 18. Amend Chapter 25 – WATER, SEWERS AND SEWAGE DISPOSAL, Section 25-64 Water; Reclaimed Water Service; discontinuance of service, only as follows, leaving all other sections and subsections not specifically referenced unchanged:

Sec. 25-64. Water; Reclaimed Water Service; discontinuance of service.

(a) In the event a customer desires to discontinue the use of reclaimed water, the Reclaimed Water Use Service Agreement shall address and govern the compensation to be paid to the City for the remainder of the fiscal year in which such water use is terminated. Upon the termination of the use of reclaimed water by a customer, that customer's allocation will be reallocated to other customers by priority.

(b) Any customer whose reclaimed water system is in violation of any State or County statute, ordinance or regulation or City ordinance, regulation, procedure or permit shall be subject to immediate discontinuance of reclaimed water service. Such discontinuance of service shall not relieve such (former) customer of any liability for civil actions for criminal or municipal ordinance violation prosecution.

(c) The City may suspend or discontinue reclaimed water service to any customer that violates the provisions of this Chapter, including delinquency of any money (i.e., payment, fee, fine, assessment, etc.) owed the City. The procedure for discontinuance shall be as follows:

(1) Where the sole reason for discontinuance of service is delinquency of money owed the City, the matter will be handled as provided in Chapter 2 of this Code.

(2) Where the reason for discontinuance of service is due to a violation of an ordinance or regulation governing the City reclaimed water distribution system (or a reclaimed water service line) or where the violation endangers the health or safety of the public or the customer, discontinuance of service may occur without prior written notice or hearing.

(3) Where the reason for discontinuance is a refusal to permit an inspection being conducted pursuant to this Chapter, neither notice or a hearing shall be required prior to discontinuance of service.

(4) In cases where reclaimed water service has been turned on or a connection made to the City reclaimed water distribution system without authorization from the City, discontinuance of the service shall be immediate. No prior notice or pre-discontinuance hearing shall be required.

(5) Any customer who is found to be in violation of any City ordinance, regulation or procedure governing reclaimed water shall be subject to immediate discontinuance of reclaimed water service.

(6) A customer whose service has been discontinued for delinquency of money (i.e., payment, fee, assessment, etc.) owed to the City may resume reclaimed water service after paying any past due amounts of money owed to the City and a reconnection fee. For discontinuance for any other reason, the customer must apply for reclaimed water as a Priority D applicant, unless a new agreement is entered into between the customer and City.

(d) After disconnection of reclaimed water service for violation of any provision of this Chapter, such remaining reclaimed water shall be allocated to other customers having the same Class on a pro-rata basis, unless all needs within the Class are satisfied in full, in which case, it will be allocated to customers in a different Class who request reclaimed water service on a pro-rata basis.

(e) Where service has been disconnected for a violation of an ordinance or regulation regarding reclaimed water, such service shall not be reconnected until the ~~Public Works-Utilities~~Water Services Director receives adequate assurances and guarantees that such a violation will not recur.

(Ord. No. 07-37, 11/20/07, Repealed reserved Sec. 25-64; Enacted new Sec. 25-64 (SUPP 2007-4); Ord. No. 2017-36, § 22, 6-13-17)

Section 19. Amend Chapter 25 – WATER, SEWERS AND SEWAGE DISPOSAL, Section 25-65 Water; Reclaimed Water Service; customer responsibility, only as follows, leaving all other sections and subsections not specifically referenced unchanged:

Sec. 25-65. Water; Reclaimed Water Service; customer responsibility.

(a) The customer shall provide connections and appurtenances from the point of delivery after approval of the construction specifications (i.e., connections and appurtenances) by the ~~Public Works-Utilities~~Water Services Department, at the customer's own cost and without reimbursement in any form by the City as set forth in this ~~subsection~~Subsection.

(1) The customer shall be responsible for scheduling an inspection of the connection assembly with the ~~Public Works-Utilities~~Water Services Department upon completion of the installation.

(2) The customer shall not tamper with or modify or connect any unauthorized hose, fitting or fixtures to the connection assembly.

(3) The customer shall be responsible for all maintenance including equipment, etc. associated with receiving reclaimed water from the point of delivery to the customer's property line and beyond.

(b) The customer shall restrict the use of reclaimed water for such uses as promulgated by the ~~Public Works-Utilities~~Water Services Director who may take into account the Class level of the user and state law. The customer shall post such signage as determined

appropriate by the ~~Public Works-Utilities~~Water Services Director advising customers of such facilities and the public that reclaimed water is being used on the property.

- (c) The customer will not allow the reclaimed water to:
- (1) Enter dwelling units for toilet flushing or other potable uses;
 - (2) Be plumbed for consumption by humans or animals;
 - (3) Interconnect with another water source;
 - (4) Sprinkle edible crops or gardens;
 - (5) Contact humans or animals for recreation;
 - (6) Flow through unapproved types of connections as determined by the ~~Public Works-Utilities~~Water Services Director;
 - (7) Fill swimming pools;
 - (8) Be resold (i.e., the act of selling reclaimed water again);
 - (9) Be used for any purpose in violation of regulations promulgated by the ~~Public Works-Utilities~~Water Services Director governing such use; and
 - (10) Be used in any way that violates state or federal law.
- (d) It shall be unlawful for any individual or customer to tamper with City property to receive reclaimed water in a manner inconsistent with this Chapter.
- (e) It shall be unlawful for any individual or customer 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 their duties.
- (f) It shall be unlawful for any individual or customer 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 such parcel. It shall be the responsibility of the ~~Public Works-Utilities~~Water Services Director to approve or decline each application for reclaimed water. The ~~Public Works-Utilities~~Water Services Director shall direct the type and size of any reclaimed water meter to be installed in the turnout based on the proposed quantity of reclaimed water to be used. It is the responsibility of the customer to pay for the meter, however the meter shall remain the property of the City.
- (Ord. No. 07-37, 11/20/07, Repealed Sec. 25-65; Enacted new Sec. 25-65 (SUPP 2007-4); Ord. No. 2017-36, § 23, 6-13-17)

Section 20. Amend Chapter 25 – WATER, SEWER AND SEWAGE DISPOSAL, Section 25-66 Water; Reclaimed Water Service; unauthorized work, only as follows, leaving all other sections and subsections not specifically referenced unchanged:

Sec. 25-66. Water; Reclaimed Water Service; unauthorized work.

(a) It shall be unlawful for any individual or customer to tamper with, or perform work on the City reclaimed water distribution system or to operate City turnouts to receive reclaimed water unless expressly authorized by the ~~Public Works-Utilities~~Water Services Director. Tampering or performing work shall include, but is not limited to, opening or closing of valves, turning on hydrants, or the causing of any water to flow from the system. It is also unlawful for any individual or customer, unless authorized by the ~~Public Works-Utilities~~Water Services Director to:

(1) Cut into or make any improper connection to the City reclaimed water distribution system.

(2) Use any unapproved connector.

(3) Cause or allow their reclaimed water system to have any cross connections (between two or more water supplies), any illegal connections or tie-ins, or any discharge of reclaimed water into the public sewer system.

(4) Let, rent, or resale to any other party or property any part of the reclaimed water system or use of the reclaimed water in any manner or for any purpose other than described in the ordinance and documents governing the reclaimed water system and usage executed by the customer of the reclaimed water service and the City. Any violations of the aforementioned nature may result in discontinuance or termination of reclaimed water service as provided in this Chapter. The offending individual or customer shall be liable for the cost of all charges attributable to the correction of such tampering, including, but not limited to legal expenses, payment for or correcting of such damage shall not relieve the offending individual or customer from criminal or Civil Sanctions the City or a court of law may impose for a violation of a City ordinance.

(b) It is unlawful for the customer to permit the reclaimed water to be used for human or animal consumption, inter-connecting with another water source, sprinkling of edible crops (gardens), body contact, recreation, use through hose bibs, faucets, quick couplers, etc., filling of swimming pools, sharing a common reclaimed water service or connection between properties, supplying air cooling systems (a/c units), or washing of equipment such as cars, boats, driveways, roofs, structures, etc.

(Ord. No. 07-37, 11/20/07, Repealed reserved Sec. 25-66; Enacted new Sec. 25-66 (SUPP 2007-4); Ord. No. ~~2017-36~~, § 24, 6-13-17)

Section 21. Amend Chapter 25 – WATER, SEWER AND SEWAGE DISPOSAL, Section 25-67 Water; Reclaimed Water Use; customers, service agreements, only as follows, leaving all other sections and subsections not specifically referenced unchanged:

Sec. 25-67. Water; Reclaimed Water Use; customers, service agreements.

(a) Reclaimed water service shall only be provided to customers through reclaimed water use service agreements or annual orders for delivery as provided by the ~~Public Works-Utilities~~Water Services Director. The ~~Public Works-Utilities~~Water Services Director is authorized to execute such agreements on behalf of the City under the supervision of the City Attorney and approved as to form as required by the City Charter.

Since contractual rights for/to the use of reclaimed water may result in added value to a customer's property, agreements/contracts shall recognize that possibility and require a waiver by the customer of any such added value in the event of purchase or condemnation of the property by the City through negotiation. This requirement shall be an implied term of all reclaimed water use service agreements or similar agreements between the City and a customer.

(b) Reclaimed water use shall be controlled as follows:

(1) The use of all reclaimed water derived from water developed by the City, including but not limited to the City's allocation of groundwater, Salt River Project and Central Arizona Project water, shall be directly controlled by the City.

(2) The use of all reclaimed water derived from water developed by entities other than the City, but served to customers within the corporate boundaries of the City, shall be directly controlled by the City.

(c) It shall be unlawful to receive or use reclaimed water in any area within the City limits other than by a Reclaimed Water Use Service Agreement or annual delivery agreement with the City.

(d) When private development requires reclaimed water service in advance of the City's construction schedule, such customers/developers shall work with the ~~Public Works-Utilities~~Water Services Department to formulate a plan of service to be implemented at the sole expense of the customer/developer with facilities to be dedicated to City upon completion. Nothing herein will be construed to require the City to enter into such an agreement.

(e) The Reclaimed Water Use Service Agreement shall be in accordance with the Water Reuse System Master Plan, the Water Resources Master Plan and the City's water policy. Additionally, the Reclaimed Water Use Service Agreement recognizes that the use of reclaimed water may reduce the amount of groundwater or surface water that the City would have otherwise provided.

(f) Capital costs are those costs associated with providing distribution mains from the wastewater treatment facility to the point of delivery, up to, but not including, the connection. The ~~Public Works-Utilities~~Water Services Director may designate areas as not

being appropriate for capital cost recovery taking into account the benefit of promoting reclaimed water use and the benefit to the City from not receiving full capital cost recovery.

(g) No customer will be allowed to connect property to the reclaimed water system unless such customer has made payment in full for the share of the capital costs. Alternatively, the customer may enter into an assessment agreement and provide for a lien to be secured against and recorded upon such property. Additionally, the customer may provide such other financial security to cover such capital costs acceptable to the Chief Financial Officer and City Attorney.

(h) The City Council's adopted rate schedule for Reclaimed Water shall dictate the cost of reclaimed water. Such schedule may be amended from time to time, as needed.

(i) To the extent funding is available in the City's adopted Capital Improvement Program, the City may elect to finance or participate in the construction of reclaimed water pipelines in the City's water service area to serve customers whose estimated reclaimed water usage is sufficient to justify pipeline construction on the basis of economic feasibility and such participation is consistent with the City's adopted Water Reuse Master Plan.

(Ord. No. 07-37, 11/20/07, Repealed reserved Sec. 25-67; Enacted new Sec. 25-67 (SUPP 2007-4); Ord. No. 2017-36, § 25, 6-13-17)

Section 22. Amend Chapter 25 – WATER, SEWERS AND SEWAGE DISPOSAL, Section 25-68, Water; Non-Potable Water Service; Promulgation and Enforcement of Procedures and Regulations, only as follows, leaving all other sections and subsections not specifically referenced unchanged:

Sec. 25-68. Water; Non-~~Potable~~potable Water Service; Promulgation and Enforcement of Procedures and Regulations.

(a) The ~~Public Works Utilities~~Water Services Director shall have the authority to promulgate procedures and regulations relative to the City non-potable water distribution system with respect to the following matters and which procedures and regulations shall become effective in the manner provided by this Code:

(1) Application procedures and requirements including execution of a Non-Potable Water Use Service Agreement.

(2) Installation requirements, including specification of acceptable materials, devices and regulations to help prevent backflow or cross-connections with other systems, all of which shall be subject to right-of-way permits and construction procedures approved by the City Engineer. System development requirements, including onsite facilities needed for a customer to receive non-potable water service from the point of delivery, will not be subject to any reimbursement or refund by the City. A customer must pay all costs to extend the Non-Potable Water Distribution System necessary to serve that customer including onsite and offsite facilities.

(3) Procedures for enforcement of the ordinances and regulations pertaining to non-potable water including, but not limited to, procedures for inspection of the customer's system and requiring appropriate signage pertaining to use of non-potable water.

(4) Procedures for the orderly expansion of the City non-potable water distribution system.

(5) Procedures and regulations for the efficient operation of the City non-potable water distribution system.

(6) The time of day or night during which customers may use non-potable water.

(7) The maximum rate of use for non-potable water.

(b) It shall be unlawful for any individual or customer to construct, operate, maintain, or allow to remain present on property owned or controlled by them, any device or system that is connected to or that controls a device or system connected to the City's non-potable water distribution system that is not in compliance with all provisions of this Code related to non-potable water and with all procedures and regulations promulgated pursuant to this Chapter. In addition to any other Civil Sanctions that may be imposed by law, any individual or customer who owns or controls property upon which a non-complying device or system is found shall be liable to the City for a Civil Sanction of Five Hundred Dollars (\$500.00) or the amount by which the costs associated with the securing and/or removal of the non-complying device or system exceeds the cost of a normal discontinuance of service, whichever is greater. This Civil Sanction shall constitute a lien against the property upon which the non-complying device or system is located in the same manner as other unpaid utility fees under this Chapter.

(Ord. No. 08-35, 12/02/08, Repealed reserved Sec. 25-68; Enacted new Sec. 25-68 (SUPP 2008-4); Ord. No. 2017-36, § 26, 6-13-17)

Section 23. Amend Chapter 25 – WATER, SEWERS AND SEWAGE DISPOSAL, Section 25-69 Water; Non-Potable Water Service; use required, only as follows, leaving all other sections and subsections not specifically referenced unchanged:

Sec. 25-69. Water; Non-~~Potable~~potable Water Service; use required.

(a) In order to establish non-potable water service with the City, all of the following criteria must be satisfied:

(1) The non-potable water service will be located within one-half mile of an existing City well.

(2) The water quality in such existing City well fails to meet current water quality standards.

(3) Construction of water treatment facilities for such well is not economically feasible as determined by the ~~Public Works-Utilities~~Water Services Director.

- (4) Reclaimed water is not available to the location of service.
- (b) If all of the criteria identified in Subsection (a) is satisfied, non-potable water service may be established for one or both of the following limited purposes:
- (1) Irrigation of landscaping that was in place prior to December 1, 2008.
 - (2) Filling of lakes or other large bodies of water that were created prior to January 1, 1987.
- (c) The ~~Public Works-Utilities~~Water Services Director may waive a time limitation prescribed in Section (b)(1) if the ~~Public Works-Utilities~~Water Services Director finds that all other required criteria have been satisfied and that the purpose of the requested use of non-potable water service is consistent with the intent of this Code.
- (Ord. No. 08-35, 12/02/08, Repealed reserved Sec. 25-69; Enacted new Sec. 25-69 (SUPP 2008-4); Ord. No. 2017-36, § 27, 6-13-17)

Section 24. Amend Chapter 25 – WATER, SEWER AND SEWAGE DISPOSAL, Section 25-70 Water; Non-Potable Water Service; discontinuance of service, only as follows, leaving all other sections and subsections not specifically referenced unchanged:

Sec. 25-70. Water; Non-~~Potable~~potable Water Service; discontinuance of service.

- (a) In the event a customer desires to discontinue the use of non-potable water, the Non-Potable Water Use Service Agreement shall address and govern the compensation to be paid to the City for the remainder of the fiscal year in which such water use is terminated. Upon the termination of the use of non-potable water by a customer, that customer's allocation will be reallocated to other customers by priority.
- (b) Any customer whose non-potable water system is in violation of any State or County statute, ordinance, or regulation or City ordinance, regulation, procedure, or permit shall be subject to immediate discontinuance of non-potable water service. Such discontinuance of service shall not relieve such (former) customer of any liability for civil actions for criminal or municipal ordinance violation prosecution.
- (c) The City may suspend or discontinue non-potable water service to any customer that violates the provisions of this Chapter, including delinquency of any money (i.e., payment, fee, fine, assessment, etc.) owed the City. The procedure for discontinuance shall be as follows:
- (1) Where the sole reason for discontinuance of service is delinquency of money owed the City, the matter will be handled as provided in Chapter 2 of this Code.
 - (2) Where the reason for discontinuance of service is due to a violation of an ordinance or regulation governing the City non-potable water distribution system (or a non-potable water service line) or where the violation endangers the health or safety of the public or the customer, discontinuance of service may occur without prior written notice or hearing.

(3) Where the reason for discontinuance is a refusal to permit an inspection being conducted pursuant to this Chapter, neither notice or a hearing shall be required prior to discontinuance of service.

(4) In cases where non-potable water service has been turned on or a connection made to the City non-potable water distribution system without authorization from the City, discontinuance of the service shall be immediate. No prior notice or pre-discontinuance hearing shall be required.

(5) Any customer who is found to be in violation of any City ordinance, regulation, or procedure governing non-potable water shall be subject to immediate discontinuance of non-potable water service.

(6) A customer whose service has been discontinued for delinquency of money (i.e., payment, fee, assessment, etc.) owed to the City may resume non-potable water service after paying any past due amounts of money owed to the City and a reconnection fee. For discontinuance for any other reason, the customer must apply for non-potable water as a Priority D applicant, unless a new agreement is entered into between the customer and City.

(d) Where service has been disconnected for a violation of an ordinance or regulation regarding non-potable water, such service shall not be reconnected until the ~~Public Works-Utilities~~Water Services Director receives adequate assurances and guarantees that such a violation will not recur.

(Ord. No. 08-35, 12/02/08, Repealed reserved Sec. 25-70; Enacted new Sec. 25-70 (SUPP 2008-4); Ord. No. ~~2017-36~~, § 28, 6-13-17)

Section 25. Amend Chapter 25 – WATER, SEWERS AND SEWAGE DISPOSAL, Section 25-71 Water; Non-potable Water Service; customer responsibility, only as follows, leaving all other sections and subsections not specifically referenced unchanged:

Sec. 25-71. Water; Non-potable Water Service; customer responsibility.

(a) The customer shall provide connections and appurtenances from the point of delivery after approval of the construction specifications (i.e., connections and appurtenances) by the ~~Public Works-Utilities~~Water Services Department, at the customer's own cost and without reimbursement in any form by the City as set forth in this ~~subsection~~Subsection.

(1) The customer shall be responsible for scheduling an inspection of the connection assembly with the ~~Public Works-Utilities~~Water Services Department upon completion of the installation.

(2) The customer shall not tamper with or modify or connect any unauthorized hose, fitting, or fixtures to the connection assembly.

(3) The customer shall be responsible for all maintenance including equipment, etc. associated with receiving non-potable water from the point of delivery to the customer's property line and beyond.

(b) The customer shall restrict the use of non-potable water for such uses as promulgated by the ~~Public Works-Utilities~~Water Services Director, who may take into account the Class level of the user and state law. The customer shall post such signage as determined appropriate by the ~~Public Works-Utilities~~Water Services Director advising customers of such facilities and the public that non-potable water is being used on the property.

(c) The customer will not allow the non-potable water to:

(1) Enter dwelling units for toilet flushing or other potable uses;

(2) Be plumbed for consumption by humans or animals;

(3) Interconnect with another water source;

(4) Sprinkle edible crops or gardens;

(5) Flow through unapproved types of connections as determined by the ~~Public Works-Utilities~~Water Services Director;

(6) Fill swimming pools;

(7) Be resold (i.e., the act of selling non-potable water again);

(8) Be used for any purpose in violation of regulations promulgated by the ~~Public Works-Utilities~~Water Services Director governing such use; and

(9) Be used in any way that violates state or federal law.

(d) It shall be unlawful for any individual or customer to tamper with City property to receive non-potable water in a manner inconsistent with this Chapter.

(e) It shall be unlawful for any individual or customer 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 non-potable water system in the discharge of their duties.

(f) It shall be unlawful for any individual or customer to receive non-potable water from the City non-potable water distribution system on any parcel unless the City shall have placed or directed the placing of a non-potable water meter upon such parcel. It shall be the responsibility of the ~~Public Works-Utilities~~Water Services Director to approve or decline each application for non-potable water. The ~~Public Works-Utilities~~Water Services Director shall direct the type and size of any non-potable water meter to be installed in the turnout based on the proposed quantity of non-potable water to be used. It is the responsibility of the customer to pay for the meter; however the meter shall remain the property of the City.

(Ord. No. 08-35, 12/02/08, Repealed reserved Sec. 25-71; Enacted new Sec. 25-71 (SUPP 2008-4); Ord. No. 2017-36, § 29, 6-13-17)

Section 26. Amend Chapter 25 – WATER, SEWERS AND SEWAGE DISPOSAL, Section 25-72 Water; Non-potable Water Service; unauthorized work, only as follows, leaving all other sections and subsections not specifically referenced unchanged:

Sec. 25-72. Water; Non-potable Water Service; unauthorized work.

(a) It shall be unlawful for any individual or customer to tamper with, or perform work, on the City non-potable water distribution system or to operate City turnouts to receive non-potable water unless expressly authorized by the ~~Public Works-Utilities~~Water Services Director. Tampering or performing work shall include, but is not limited to, opening or closing of valves, turning on hydrants, or the causing of any water to flow from the system. It is also unlawful for any individual or customer, unless authorized by the ~~Public Works-Utilities~~Water Services Director to:

(1) Cut into or make any improper connection to the City non-potable water distribution system.

(2) Use any unapproved connector.

(3) Cause or allow their non-potable water system to have any cross connections (between two or more water supplies), any illegal connections or tie-ins, or any discharge of non-potable water into the public sewer system.

(4) Let, rent, or resale to any other party or property any part of the non-potable water system or use of the non-potable water in any manner or for any purpose other than described in the ordinance and documents governing the non-potable water system and usage executed by the customer of the non-potable water service and the City. Any violations of the aforementioned nature may result in discontinuance or termination of non-potable water service as provided in this Chapter. The offending individual or customer shall be liable for the cost of all charges attributable to the correction of such tampering, including, but not limited to legal expenses. Payment for or correcting of such damage shall not relieve the offending individual or customer from criminal or Civil Sanctions the City or a court of law may impose for a violation of a City ordinance.

(b) It is unlawful for the customer to permit the non-potable water to be used for human or animal consumption, inter-connecting with another water source, sprinkling of edible crops (gardens), body contact, recreation, use through hose bibs, faucets, quick couplers, etc., filling of swimming pools, sharing a common non-potable water service or connection between properties, supplying air cooling systems (a/c units), or washing of equipment such as cars, boats, driveways, roofs, structures, etc.

(Ord. No. 08-35, 12/02/08, Repealed reserved Sec. 25-72; Enacted new Sec. 25-72 (SUPP 2008-4); Ord. No. 2017-36, § 30, 6-13-17)

Section 27. Amend Chapter 25 – WATER, SEWERS AND SEWAGE DISPOSAL, Section 25-73 Water, Non-potable Water Use; customers, service agreements, only as follows, leaving all other sections and subsections not specifically referenced unchanged:

Sec. 25-73. Water; Non-potable Water Use; customers, service agreements.

(a) Non-potable water service shall only be provided to customers through non-potable water use service agreements or annual orders for delivery as provided by the ~~Public Works-Utilities~~Water Services Director. The ~~Public Works-Utilities~~Water Services Director is authorized to execute such agreements on behalf of the City under the supervision of the City Attorney and approved as to form as required by the City Charter.

Since contractual rights for/to the use of non-potable water may result in added value to a customer's property, agreements/contracts shall recognize that possibility and require a waiver by the customer of any such added value in the event of purchase or condemnation of the property by the City through negotiation. This requirement shall be an implied term of all non-potable water use service agreements or similar agreements between the City and a customer.

(b) Non-potable water use shall be controlled as follows:

(1) The use of all non-potable water derived from water developed by the City, including but not limited to the City's allocation of groundwater, Salt River Project and Central Arizona Project water, shall be directly controlled by the City.

(2) To be eligible to use non-potable water, a customer shall be in compliance with Section 25-69 of this Code.

(3) The use of all non-potable water derived from water developed by entities other than the City, but served to customers within the corporate boundaries of the City, shall be directly controlled by the City.

(c) It shall be unlawful to receive or use non-potable water in any area within the City limits other than by a Non-Potable Water Use Service Agreement or annual delivery agreement with the City.

(d) When private development requires non-potable water service in advance of the City's construction schedule, such customers/developers shall work with the ~~Public Works-Utilities~~Water Services Department to formulate a plan of service to be implemented at the sole expense of the customer/developer with facilities to be dedicated to City upon completion. Nothing herein will be construed to require the City to enter into such an agreement.

(e) The Non-Potable Water Use Service Agreement shall be in accordance with applicable City master plans and the City's water policy. Additionally, the Non-Potable Water Use Service Agreement recognizes that the use of non-potable water may reduce the amount of potable water or surface water that the City would have otherwise provided.

(f) Capital costs are those costs associated with providing distribution mains from a non-potable well to the point of delivery, up to, but not including, the connection. The ~~Public Works-Utilities~~Water Services Director may designate areas as not being appropriate for capital cost recovery taking into account the benefit of promoting non-potable water use and the benefit to the City from not receiving full capital cost recovery.

(g) No customer will be allowed to connect property to the non-potable water system unless such customer has made payment in full for the share of the capital costs. Alternatively, the customer may enter into an assessment agreement and provide for a lien to be secured against and recorded upon such property. Additionally, the customer may provide such other financial security to cover such capital costs acceptable to the Chief Financial Officer and City Attorney.

(h) The City Council's adopted rate schedule for non-potable water shall dictate the cost of non-potable water. Such schedule may be amended from time to time, as needed.

(Ord. No. 08-35, 12/02/08, Repealed reserved Sec. 25-73; Enacted new Sec. 25-73 (SUPP 2008-4); Ord. No. 2017-36, § 31, 6-13-17)

Section 28. Amend Chapter 25 – WATER, SEWERS AND SEWAGE DISPOSAL, Section 25-76 Wastewater; definitions, only as follows, leaving all other sections and subsections not specifically referenced unchanged:

Sec. 25-76. Wastewater; definitions.

For purposes of the Wastewater (including Pretreatment) ~~sections~~Sections of this chapter, the following words, terms and phrases shall have the following meanings ascribed to them, except where the context clearly indicates a different meaning:

Actor "the Act": The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251, et. seq.

Approval authority: The United States Environmental Protection Agency (EPA), Arizona Department of Environmental Quality (ADEQ), City, or any other authority responsible for the administration and enforcement of all applicable Federal, State, and City laws, including the Act, the general Pretreatment Regulations (40 CFR Part 403), and the Pretreatment provisions in this Chapter.

Approved laboratory: A facility licensed by the Arizona Department of Health Services pursuant to A.R.S. Title 36, Chapter 4.3, Article 1, § 36-495, et seq.

Approved laboratory procedures: The measurements, tests and analyses of the characteristics of water and wastes in accordance with analytical procedures as established in 40 C.F.R. part 136, as revised.

Authorized representative: Any person authorized by the City or other governmental entity.

Authorized representative of the Industrial User - An authorized representative of an Industrial user may be any of the following individuals:

(i) 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

(ii) 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 requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures. If the User is a partnership or sole proprietorship: a general partner or proprietor, respectively.

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

(b) 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.

(c) The individuals described in this Subsection (ii) may designate an 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.

Average quality: The arithmetic average (weighted by flow value) of all the daily determinations of concentration made during a calendar month.

AZPDES (Arizona Pollutant Discharge Elimination System): The regulatory program administered by the Arizona Department of Environmental Quality pursuant to Arizona law.

Biochemical Oxygen Demand (BOD): The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory conditions for five (5) days at a temperature of twenty (20) degrees centigrade, expressed in milligrams per liter.

Best Management Practices (BMP): Schedules of activities, pollution treatment practices or devices, prohibition of practices, general good housekeeping practices, pollution prevention, waste minimization, educational practices, maintenance procedures, and other management practices or devices to prevent or reduce the amount of pollutants entering the sanitary sewer system, surface water, air, land or groundwater. BMP's also 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. Best

Management Practices may include a physical, chemical, structural or managerial practice or device that can help to achieve compliance with this Chapter.

Branch sewer: An arbitrary term for a sewer which receives sewage from lateral sewers from a relatively small area.

Building connection or sewer tap: The connection to the public sewer and the extension therefrom of the sewer to the property line in an alley or street, or to the easement line in an easement, or to the edge of the paved roadway, whichever is applicable, depending on the location of the public sewer.

Building official: The individual so designated by the City Manager and head of the respective division of the Development Services Department responsible for implementing the Uniform Building Codes adopted by the city.

Building sewer: The extension from the building drain to the building connection or other place of disposal.

Categorical Industrial User: An Industrial User subject to a Categorical Pretreatment Standard or Categorical Standard.

Categorical Pretreatment Standard or Categorical Standard: Any regulation containing pollutant discharge limits promulgated by 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 CFT Chapter I, Subchapter N, Parts 405-471.

City: City of Peoria, Arizona.

City Engineer: The Director of the Engineering Department, (i.e., City Engineer) or their deputy, agent, designee or representative.

COD (chemical oxygen demand): The quantity of oxygen consumed from a chemical oxidation of inorganic and organic matter present in the water or wastewater, expressed in milligrams per liter.

Cooling water: The clean wastewater discharged from any heat transfer system such as condensation, air conditioning, cooling or refrigeration.

Combined Sewer: A sewer receiving both surface runoff and sewage.

Control authority: The "Approval Authority", defined herein above, or the Director if the City has an approved pretreatment program under the provisions of 40 CFR 403.11.

Daily average effluent limitation: The maximum allowable concentration in the discharge as measured in a representative sample during a sampling day. In determining compliance with the daily average effluent limitation, City samples should not be combined with non-City samples.

Daily composite sample: A sample of effluent continuously collected over a normal operating day.

Daily composite sample quality: The concentration of some parameter tested in a daily composite sample and reported proportional to flow.

Daily determination of concentration: :

- (i) For composite samples - The daily composite sample quality.
- (ii) For grab samples - the arithmetic average (weighted by flow value) of all grab sample qualities, determined for any calendar day.

Daily maximum: The arithmetic average of all effluent samples for a pollutant collected during a calendar day.

Daily maximum limit: 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.

Department: The ~~Public Works-Utilities~~Water Services Department.

Developer: Any person engaged in the organizing and financing of a sewage collecting system within an area contributing to a branch, main, or a trunk sewer of the city sewer system. Such may be either a subdivider or a legally-constituted improvement district.

Director or ~~Public Works-Utilities~~Water Services Director: The ~~Public Works-Utilities~~Water Services Director of the City of Peoria or their authorized deputy, agent, designee or representative.

Director of Engineering: The Director of Engineering or his authorized deputy, agent, designee, or representative.

Direct discharge: The discharge of treated or untreated wastewater directly to the waters of the State of Arizona.

Discharge: The disposal of sewage, water or any liquid from any sewer User into the sewerage system.

Domestic sewage: A typical, residential-type waste which requires no pretreatment under the provisions of this article before discharging into the sanitary sewer system. Domestic sewage includes sewage or wastewater that (a) has a five (5) day biochemical oxygen demand less than 300 milligrams per liter by weight; (b) contains less than 350 milligrams per liter by weight of suspended solids, and (c) does not contain a non-permissible quantity of the type of waters and wastes described in ~~section~~Section 25-138.

Environmental Protection Agency or EPA: The U.S. Environmental Protection Agency or where appropriate the term may also be used as a designation for the administrator or other duly authorized official of said agency.

Establishment or plant: Any establishment or plant producing liquid waste, with or without suspended solids, required to be discharged into the City sewer system.

Existing source: Any source of discharge, the construction or operation of which commenced prior to the publication by EPA of proposed Categorical Pretreatment Standards, which will be applicable to such source if the standard is thereafter promulgated in accordance with Section 307 of the Act.

Finance Director or his authorized deputy, agent or representative shall have the authority to determine and collect all flow service rates and to make such regulations as necessary for same, including the ordering of a discontinuance of service for non-payment of required service fees.

Garbage: Solid wastes from the preparation, cooking, and dispensing of food and from the handling, storage, and sale of produce.

Grab sample: An individual sample of effluent collected in less than fifteen (15) minutes.

Grab sample quality: The concentration of some parameter tested in a grab sample.

Holding Tank Waste: Any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks and vacuum-pump tank trucks.

Indirect Discharge or Discharge: The introduction of pollutants into a POTW from any non-domestic source regulated under Section 307(B), (C), or (D) of the Act, (33 U.S.C. 1317), into the POTW.

Industrial cost recovery: Recovery by the City from the Industrial Users of the sewer system of the Federal grant amount allocable to the treatment of wastes for such Users.

Industrial cost recovery period: The industrial cost recovery period shall be equal to thirty (30) years from the date of completion of the facilities.

Industrial discharge (Waste): Any introduction into the POTW of an non-domestic pollutant which:

- (i) Is produced by a source which would be subject to any Categorical Standards or Pretreatment Requirements if such source were to be discharged to the POTW; and
- (ii) Contains any substance or pollutant for which a discharge limitation or prohibition has been established by any Categorical Standard or Pretreatment Requirement.

Industrial unit: A business use or an activity involving and/or including, but not limited to, resource extraction, manufacturing, fabrication, assembly, and warehousing.

Industrial User or User: Any one or more of the following:

- (i) Any non-residential User of the sewer system who causes an Industrial discharge; or

(ii) Any non-residential User of the sewer system which either discharges or produces a waste which potentially could be discharged to a POTW which could be subject to any Categorical Standard or Pretreatment Requirement; or

(iii) Any Significant Industrial User; or

(iv) Has control over the disposal of a waste as described in (1) and (2) above; or

(v) Has the right of possession and control over any property which produces a waste as described in (1), (2), (3), or (4) above.

Industrial waste: Any liquid, free-flowing waste, including cooling water, resulting from any industrial or manufacturing process or from the development, recovery or processing of natural resources, with or without suspended solids excluding uncontaminated water.

Industrial wastewater discharge permit: The permit granted by the City to an Industrial User granting the right to discharge to the sewer works subject to the terms and conditions set forth in the permit.

Inflow: Water other than wastewater that enters a sewer system (including sewer service connections) from sources such as roof leaders, cellar drains, foundation drains, drains from springs and swampy areas, manhole covers, cross connections between storm sewers and sanitary sewers, catch basins, cooling towers, stormwaters, surface runoff, street wash waters or drainage.

Instantaneous effluent limitation: The maximum allowable concentration in the discharge at any time as measured in a grab sample. In determining compliance with the instantaneous effluent limitation, City samples shall not be combined with non-City samples.

Instantaneous maximum allowable discharge limit: 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 flow rate and the duration of the sampling event.

Interference: A discharge which alone or in conjunction with a discharge or discharges from other sources, both:

(i) Inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal; and

(ii) Therefore is a cause of a violation of any requirement of the POTW'S AZPDES permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued thereunder (or more stringent State or local regulations): Section 405 of the Clean Water Act, the Solid Waste Disposal Act (SWDA) (Including Title II, more commonly referred to as the Resource Conversation and Recovery Act (RCRA), and including State regulations contained in any State sludge management plan prepared

pursuant to subtitle D of the SWDA), the Clean Air Act, The Toxic Substances Control Act, and the Marine Protection, Research and Sanctuaries Act.

Lateral sewer: A sewer which discharges into a branch or other sewer and has no other common sewer tributary to it.

Main sewer: A sewer which receives sewage from two (2) or more branch sewers as tributaries.

Maintenance: Keeping the treatment works in a state of repair, including expenditures necessary to maintain the capacity (capability) for which the works were designed and constructed.

Medical Waste: 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.

National Pretreatment Standard, Pretreatment Standard or Standard: Any regulation containing pollutant discharge limits promulgated by the United States Environmental Protection Agency in accordance with ~~section~~Section 307 (b) and (c) of the Act, which applies to Industrial Users. This term included prohibitive discharge limits established pursuant to 40 CFR 403.5. Reference the standards located in 40 CFR chapter i, subchapter n., Parts 405 - 471.

National prohibitive discharge standard or prohibitive discharge standard: Any regulation developed under the authority of 307(B) of the Act and 40 CFR, Section 403.5.

Natural outlet: Any outlet into a watercourse, ditch, or other body of surface or groundwater.

New source: Any building, structure, facility or installation from which there is or may be a discharge of pollutants if its construction occurred under the following timeframes:

(i) The construction commenced after the publication of proposed pre-treatment standards under Section 307(c) of the Act which will be applicable to such source if such standards are thereafter promulgated in accordance with that ~~section~~Section, provided that one or more of the following criteria is met:

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

(b) The building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or

(c) 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.

(ii) 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 paragraphs (i)(a), (i)(b) or (i)(c) of this ~~section~~Section, but otherwise alters, replaces, or adds to existing process or production equipment.

(iii) Construction of a New Source has commenced if the owner or operator has either:

(a) Begun, or caused to begin, as part of a continuous onsite construction program either or both of the following:

(1) Any placement, assembly, or installation of facilities or equipment; or

(2) 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.

(b) 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.

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

National Pollutant Discharge Elimination System (NPDES) Permit: A national pollutant discharge elimination system permit, issued to the City by the EPA, or an Arizona pollutant discharge elimination system permit (AZPDES), issued to the City by the State of Arizona, which imposes standards governing the quality of the treatment effluent discharge from the POTW into a navigable water of the United States.

Oil & grease: The measure of oil and grease content of a sample as determined by EPA method 1664A, Or other equivalent test method approved by the Director.

Oil & grease (TPH): For purposes of determining compliance with the oil and grease limitation contained in this chapter, oil and grease is defined as the measure of the petroleum and mineral oil (Total Petroleum Hydrocarbons, "TPH") content of a sample as determined by EPA method 1664A, or other equivalent test method approved by the Director.

Pass through: A discharge which exits the Publicly Owned Treatment Works 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 violation of any requirement of the POTW's AZDPES permit (including an increase in the magnitude or duration of a violation). 40 CFR 403.5(A)(1)

Permittee or permit holder: Any person who owns, operates, processes or controls an establishment or plant being operated under a valid industrial waste permit to discharge wastewater into the city sewer system.

Person: 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. The masculine gender shall include the feminine, the singular shall include the plural where indicated by the context. This definition includes all Federal, State, and local governmental entities.

pH: A measurement of the acidity or alkalinity of a solution, expressed in standard units defined as the logarithm of reciprocal of the weight of hydrogen ions in grams per liter of solution.

Pollutant: Any dredged spoil, solid waste, incinerator residue, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt, and industrial, municipal and agricultural wastes. This includes any substance and effluent limitation identified in this Chapter 25 of the City Code and certain characteristics of wastewater (e.g., pH, temperature, TSS, turbidity, color, BOD, chemical oxygen demand ("COD"), toxicity, or odor).

Pollution: The man-made or man-induced alteration of the chemical, physical, biological and radiological integrity of water.

Pollution prevention: Source reduction and other practices that reduce or eliminate the creation of pollutants through either or both of the following:

- (i) Increased efficiency in the use of raw materials, energy, water or other resources, or
- (ii) Protection of natural resources by conservation.

POTW residuals: All POTW effluent and/or solids, including sludge, scum, screenings and grit, which are the by-product of the wastewater treatment operations and which must be discharged to the environment for ultimate disposal and/or reuse.

POTW treatment plant: That portion of the POTW designed to provide treatment to wastewater.

Pretreatment: The physical, chemical, biological or other treatment of any industrial discharge, prior to discharge to the POTW for the purpose of 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.

Pretreatment requirements: Any substantive or procedural requirement related to pretreatment imposed on a User other than a Pretreatment Standard.

Pretreatment Standards, National Pretreatment Standards, or Standards: Any regulation containing pollution discharge limits promulgated by the EPA in accordance with Sections 307(b) and (c) of the Act which apply to Industrial Users. This term includes prohibited discharge limits established pursuant to 40 CFR § 403.5.

Producer: Any person, firm, association, corporation or trust which owns, operates, possesses or controls an establishment or plant, whether or not a permittee.

Prohibited discharge standards or prohibited discharges: Absolute prohibitions against the discharge of certain substances.

Properly shredded garbage: Garbage that has been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half ($\frac{1}{2}$) of an inch in any dimension.

Public sewer: A lateral, branch, main or trunk sewer controlled and maintained by the City.

Publicly Owned Treatment Works (POTW): A treatment works, as defined by Section 212 of the Act (33 U.S.C. § 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. The term also means the City as defined in Section 502(4) of the Act, which has jurisdiction over Indirect Discharges from such treatment works.

Replacement: Those expenditures made for obtaining and installing equipment, accessories and/or appurtenances during the useful life of the treatment works which are necessary to maintain the capacity and performance of the treatment works for which they were designed and constructed.

Sanitary sewer: A sewer which carries sewage and to which storm, surface, and groundwaters are not intentionally admitted.

Septic tank waste: Any sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.

Sewage: Human excrement and gray water (showers, dishwashing, laundry operations, etc.).

Sewage treatment plant: Any arrangement of devices and structures used for treating sewage.

Sewage works, sewer system or sewerage works: All facilities used for collecting, pumping, treating, and disposing of sewage.

Sewer: A pipe or conduit for carrying sewage.

Sewer Tap: See "Building Connection".

Shall: Mandatory. May is permissive.

Significant Industrial User (SIU) means:

(i) All Users subject to Categorical Pretreatment Standards under 40 CFR § 403.6 and 40 CFR Chapter I, Subchapter N; or

(ii) Any other User that meets one or more of the following criteria:

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

(b) Contributes a process wastestream which makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or

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

(iii) The City may determine that an Industrial User subject to Categorical Pretreatment Standards is a Non-Significant Categorical Industrial User rather than a Significant Industrial User on finding the Industrial User never discharges more than 100 gallons per day (gpd) of total categorical wastewater (excluding sanitary, non-contact cooling and/or boiler blowdown wastewater, unless specifically included in the Pretreatment Standard) and all of the following conditions are met:

(a) The Industrial User, prior to the City's finding has consistently complied with all applicable Categorical Pretreatment Standards and Requirements;

(b) The Industrial User annually submits the certification statement required in this Chapter, together with any additional information necessary to support the certification statement; and

(c) The Industrial User never discharges any untreated concentrated wastewater.

(iv) Upon a finding that an Industrial User meeting the criteria in Subsection (ii) has no reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standard or requirement, the City may at any time, on its own initiative or in response to a petition received from a User, and in accordance with procedures in 40 CFR § 403.8(f)(6), determine that such User should not be considered a Significant Industrial User.

Significant noncompliance: An industrial user is in a state of significant noncompliance (SNC) when violations meet one or more of the following criteria:

(i) Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent or more of all the measurements taken during any six-month period exceed (by any magnitude) the daily maximum limit or the average limit for the same pollutant parameter;

(ii) Technical Review Criteria (TRC) violations, defined here as those in which thirty-three (33) percent or more of all of the measurements For each pollutant parameter taken during a six- month period equal or exceed the product of the daily maximum limit or the average

limit multiplied by the applicable TRC (TRC = 1.4 FOR BOD, TSS, fats, oil and grease, And 1.2 For all other pollutants except pH).

(iii) Any other violation of a pretreatment effluent limit (daily maximum or longer-term average) that the Director 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).

(iv) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the Publicly Owned Treatment work's exercise of its emergency authority under this Chapter to halt or prevent such a discharge.

(v) Failure to meet, within 90 days after the schedule date, a compliance schedule milestone contained in a permit or enforcement order for starting construction, completing construction, or attaining final compliance.

(vi) Failure to provide, within thirty (30) days after the due date, required reports such as BMR's, ninety day compliance reports, periodic self-monitoring reports and reports on compliance with compliance schedules.

(vii) Failure to accurately report non compliance; or

(viii) Any other violation or group of violations which the Director determines will adversely affect the operation or implementation of the local pretreatment program.

Slug discharge or Slug: Any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge, which has a potential to cause Interference or Pass Through, or in any other way violate the POTW's regulations, Local Limits or permit conditions.

Source reduction: Any practice which:

(i) Reduces the amount of any pollutant or contaminant entering any waste stream or otherwise released into the environment (including fugitive emissions) prior to recycling, treatment or disposal; and

(ii) Reduces the hazards to public health and the environment associated with the release of such substances, pollutants or contaminants.

Standard industrial classification (SIC): A coded classification of industries based upon economic activity developed by the U. S. Department of Commerce as published in the most recent edition of the Standard Industrial Classification Manual, Office of Management and Budget.

Standard methods: The procedure as described in the most current edition of Standard Methods for the Examination of Water and Wastewater published by the American Health Association, or the most current edition of Manual of Methods for Chemical Analysis of Water and Wastes published by the U. S. Environmental Protection Agency.

State: State of Arizona.

Storm sewer or storm drain: A sewer which carries storm and surface waters and drainage, but excludes sewage and polluted industrial wastes.

Storm water: Any flow occurring during or following any form of natural precipitation and resulting from such precipitation, including snowmelt.

Suspended solids (SS): The total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquid, and which is removable by laboratory filtering.

System design capacity: The design capacity for normal domestic sewage as established by accepted engineering standards.

Total organic carbon (TOC): The total of all organic compounds expressed in milligrams per liter as determined by the combustion-infrared method prescribed by approved laboratory procedures.

Toxic pollutant: Any pollutant or combination of pollutants listed as toxic in regulations promulgated by the administrator of the Environmental Protection Agency under the provision of CWA 307(A) or other acts.

Treatment parameter: A fundamental characteristic of sewage around which treatment is designed such as, but not limited to, flow, BOD, and Suspended Solids.

Trunk sewer: A sewer which receives sewage from many tributary main sewers and serves as an outlet for a large territory.

User or Industrial User: A source of indirect discharge.

Waste minimization: An activity which eliminates or reduces the amount of any pollutant from entering the waste stream or the environment. This may include a change in raw materials, operational improvement, process improvement, product reformulation, reuse or reclamation.

Wastewater: 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.

Wastewater contribution permit: As set forth in this Chapter.

Wastewater treatment plant: That portion of the POTW which is designed to provide treatment of municipal sewage and industrial waste.

Watercourse: A channel in which a flow of water occurs, either continuously or intermittently.

Waters of the State: All streams, lakes, ponds, marshes, water courses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, draining systems and all other bodies or

accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the State or any portion thereof.

(Code 1977, § 12-1-1; Ord. No. 95-66, 8/1/95, Amended; Ord. No. 02-41, 6/7/02, Amended (SUPP 2002-2); Ord. No. 02-42, 6/7/02 Amended (SUPP 2002-2); Ord. No. 04-197, 9/21/04, Amended (SUPP 2004-3); Ord. No. 08-35, 12/02/08, Amended Sec. 25-76 (SUPP 2008-4); Ord. No. 09-39, 10/20/09, Amended (SUPP 2009-4); Ord. No. 2017-36, § 32, 6-13-17)

Cross reference(s)—Definitions and rules of construction generally, § 1-2.

State law reference(s)—A.R.S. § 36-495.

Section 29. Amend Chapter 25 – WATER, SEWERS AND SEWAGE DISPOSAL, Section 25-83 Wastewater; liability for damage, only as follows, leaving all other sections and subsections not specifically referenced unchanged:

Sec. 25-83. Wastewater; liability for damage.

Any expense incurred by the City for the repair or replacement of damaged, stolen, tampered with or misused wastewater facilities, including administrative and processing charges, shall be charged against and collected from the customer or person who caused the expense in an amount as established in this Code. Unless authorized by the ~~Public Works-Utilities~~ Water Services Director, all work (i.e., restoration, repair, etc.) shall be performed by City personnel.

(Code 1977, § 12-2-1; Ord. No. 08-35, 12/02/08, Renumbered Sec. 25-83. Wastewater; unsanitary disposal of excrement prohibited. to Sec. 25-98., Enacted Sec. 25-83 Wastewater; liability for damage (SUPP 2008-4); Ord. No. 2017-28, § 33, 6-13-17; Ord. No. 2017-36, § 33, 6-13-17)

Section 30. Amend Chapter 25 – WATER, SEWERS AND SEWAGE DISPOSAL, Section 25-84 Wastewater; connections to existing sewer mains, only as follows, leaving all other sections and subsections not specifically referenced unchanged:

Sec. 25-84. Wastewater; connections to existing sewer mains.

(a) All sewers to be attached directly or indirectly to a City sewer shall be inspected by personnel of the City during construction. At least ten days prior to cutting into the City's sewer, the City shall be notified. In making a connection to a City sewer, no physical alteration of the City's facilities shall commence until an inspector is present. No wastewater shall be discharged into any sewage facility tributary to a City facility prior to obtaining inspections and approval of sewage construction by the City.

(b) Any request for a scheduled shutdown of the City's wastewater collection system shall contain a schedule indicating the time and date of the proposed shutdown, its main location and point of shutdown, and the contemplated time and date of the reopening of the water main.

(c) The customer or person causing a break in any City sewer line shall immediately notify the ~~City's Utility~~Water Services Department of the time, date and location of such break, together with any other information the City may request in relation to such break. Any costs to the City arising from such break, including the repair thereof and the costs of sewer bypasses, shall be paid by the customer or persons causing the break.

(d) Any customer or person violating this Section shall be subject to the imposition of a Civil Sanction by the ~~Public Works-Utilities~~Water Services Director in an amount not less than Two Hundred Fifty Dollars (\$250.00) and not more than One Thousand Dollars (\$1,000.00). Each day that a violation occurs shall be deemed a separate violation for purposes of this ~~section~~Section and shall subject the customer or person to a separate Civil Sanction in the amount provided by this Section.

(Code 1977, §§ 12-2-2, 12-2-6.1; Ord. No. 08-35, 12/02/08, Renumbered Sec. 25-84. Wastewater; treatment of polluted wastes required. to Sec. 25-108., Enacted Sec. 25-84. Wastewater; connections to existing sewer mains. (SUPP 2008-4); Ord. No. 2017-36, § 34, 6-13-17)

Section 31. Amend Chapter 25 – WATER, SEWERS AND SEWAGE DISPOSAL, Section 25-86 Wastewater; sewer main extension requirements, only as follows, leaving all other sections and subsections not specifically referenced unchanged:

Sec. 25-86. Wastewater; Sewer main extension requirements.

If the City determines that the extension of sewer mains to undeveloped areas is in the public interest, then all such extensions shall comply with the provisions of this Chapter and Chapter 23 of the City Code.

(a) The property owner must pay all costs for constructing sewer lines of such sizes as to afford adequate service during peak flows for the entire area to be served by the extension main.

(b) The ~~Public Works-Utilities~~Water Services Director shall establish the area that the sewer main shall service, which may extend beyond the limits of the property being developed.

(c) The property owner's engineer shall submit for the ~~Public Works-Utilities~~Water Services Director's approval the required size and layout of public sewer mains that will meet sewer flow requirements as required by this Code. The final decision on size and layout of public sewer mains shall be made by the ~~Public Works-Utilities~~Water Services Director.

(d) The field engineering, plans, and specifications required for sewer main extensions shall be prepared by the developer and approved by the City Engineer prior to construction. The engineering costs for preparation of plans and staking of the water main extensions on the property which are incurred by the property owner may be included in the agreed construction costs as determined by the City Engineer and as provided in this Section. The City shall perform the inspections during construction.

(e) Where lift stations are necessary to transport sewage due to ground elevation issues within the City service area, the property owner shall construct at the owner's expense the necessary lift station to City specifications. If the lift station facility provides service for more than a single residential lot, the City may assume ownership and operation of such installation upon its completion and acceptance by the City. If a booster pump facility provides pressure for a single residential lot, the property owner shall be solely responsible to operate and maintain the facility after it is approved by the City for operation.

(f) The City may require the construction of the sewer main extension to meet additional specifications and requirements if such is determined to be in the best interest of the City and necessary to protect the public health, safety, and welfare.

(Code 1977, §§ 12-9-1 through 12-9-6; Ord. No. 92-03, 2/11/92, Amended; Ord. No. 02-41, 6/7/02, Amended (SUPP 2002-2); Ord. No. 08-35, 12/02/08, Repealed Sec. 25-86. Extension mains, definitions., Enacted Sec. 25-86. Wastewater; sewer main extension requirements. (SUPP 2008-4); Ord. No. 2017-36, § 35, 6-13-17)

Section 32. Amend Chapter 25 – WATER, SEWERS AND SEWAGE DISPOSAL, Section 25-87 Wastewater; sewer main extensions; subdivisions, single lots, sub lot developments and all other developments, only as follows, leaving all other sections and subsections not specifically referenced unchanged:

Sec. 25-87. Wastewater; sewer main extensions; subdivisions, single lots, sub lot developments and all other developments.

(a) Where the City is to provide sewer service to and for all new subdivisions, single lot development, and all other developments other than a single residence on a single lot, the property owner shall furnish and install in accordance with plans approved by the City Engineer, all sewer mains, sewer taps, manholes, and appurtenances within the boundary of the development as well as the streets bounding the entire development. In addition, the property owner shall furnish and install all off-site sewer mains as necessary to extend sewer service to the edges of the proposed development as determined by the City.

(b) The City's sewer system standards shall be defined in accordance with this Chapter. All development in the City's sewer service area must conform with the City Sewer Master Plan, the approved Sewer System Analysis for the development, the City Development Guidelines, the Maricopa County Association of Government Standards, and the development plans and specifications approved by the City Engineer.

(c) For development primarily residential in character, the minimum size of mains installed by the developer on interior streets shall be eight (8)-inch diameter. The ~~Public Works-Utilities~~Water Services Director shall require larger size mains to meet the needs of all developments to be served by the extension, as determined by the current Sewer Master Plan.

(d) Where no sewer main is existing along the frontage of a single existing residential lot zoned for single family use, and the property owner of the single lot requests sewer service, sufficient length of main shall be constructed by the property owner to extend the new main from an existing sewer main to the point of connection of the new sewer tap.

(e) All sewer main, taps, and appurtenances installed by the property owner's contractor shall be guaranteed against any and all defects by the property owner for a period of one year after the City's acceptance of the installations.

(Code 1977, § 12-3-1; Ord. No. 92-03, 2/11/92, Amended; Ord. No. 02-41, 6/7/02, Amended (SUPP 2002-2); Ord. No. 08-35, 12/02/08, Repealed Sec. 25-87. Wastewater; public sewer extensions; approval by the engineering department required., Enacted Sec. 25-87. Wastewater; sewer main extension; subdivision, single lots, sub lot developments and other developments. (SUPP 2008-4); Ord. No. 2017-36, § 36, 6-13-17)

Section 33. Amend Chapter 25 – WATER, SEWERS AND SEWAGE DISPOSAL, Section 25-88 Wastewater; minimum requirements for connection to sewer system, only as follows, leaving all other sections and subsections not specifically referenced unchanged:

Sec. 25-88. Wastewater; minimum requirements for connection to sewer system.

All development within the City's sewer service area and within a quarter of a mile (1,320 feet) from a City sewer line is required to connect to the City's sewer system. The extension of a City sewer line and the connection to the City's sewer system will be constructed in accordance with City standards and City approved plans. Any such extension and connection shall be the sole financial responsibility of the developer and/or customer. The connection to the City's sewer system and the extension of the sewer line are a condition of issuance of a building permit. The ~~Public Works-Utilities~~Water Services Director will have discretion to allow variances to this requirement for single lot developments, if either such development is on a major arterial road or the connection is determined not to be feasible.

(Code 1977, § 12-3-2; Ord. No. 92-03, 2/11/92, Amended; Ord. No. 02-41, 6/7/02, Amended (SUPP 2002-2); Ord. No. 08-35, 12/02/08, Repealed Sec. 25-88. Wastewater; construction and ownership of public sewer lines and related facilities maintained by the engineering department., Enacted Sec. 25-88. Wastewater; minimum requirements for connection to sewer system. (SUPP 2008-4); Ord. No. 2017-36, § 37, 6-13-17)

Section 34. Amend Chapter 25 – WATER, SEWERS AND SEWAGE DISPOSAL, Section 25-89 Wastewater; extensions, construction, ownership, and maintenance, only as follows, leaving all other sections and subsections not specifically referenced unchanged:

Sec. 25-89. Wastewater; extensions, construction, ownership, and maintenance.

(a) The extension of sewer mains and service taps shall be constructed in strict accordance with plans approved by City, and all review fees shall be paid as provided in the City Code. Main extensions and service taps shall be maintained by the ~~Public Works-Utilities~~ Water Services Department up to the edge of pavement in improved areas and to the point of connection of the service tap to the sewer main in unimproved areas. Main extension and service taps shall be operated by the City as part of the collection system. The City shall exercise complete control over such extensions upon completion, and the property owner shall relinquish to the City all responsibility for the extension and rights to or interest in the ownership of the extension. The property owner may request and/or the ~~Public Works-Utilities~~ Water Services Director may authorize additions to or variances from the standards and specifications, if the ~~Public Works-Utilities~~ Water Services Director determines such variance or addition is in the best interest of the City and the public health, safety, and welfare. All such additions or variances shall be in writing and shall be approved by the ~~Public Works-Utilities~~ Water Services Director.

(b) The ownership of all extensions and service taps, upon acceptance by the ~~Public Works-Utilities~~ Water Services Director, shall be vested in the City.

(c) All decisions of the ~~Public Works-Utilities~~ Water Services Director under this Section may be appealed to the City Manager or designee. The appeal shall be in writing and shall specify the specific decision of the ~~Public Works-Utilities~~ Water Services Director which is being appealed and the specific relief being requested. The decision of the City Manager or designee shall be final.

(Ord. No. 92-03, 2/11/92, Renumber existing Sec. 25-89 to 25-95 and enact new section; Ord. No. 02-41, 6/7/02, Amended (SUPP 2002-2); Ord. No. 08-35, 12/02/08, Repealed Sec. 25-89. Wastewater; trunk sewer extensions.; Enacted Sec. 12-89. Wastewater; extensions, construction, ownership, and maintenance. (SUPP 2008-4); Ord. No. 2017-36, § 38, 6-13-17)

Section 35. Amend Chapter 25 – WATER, SEWERS AND SEWAGE DISPOSAL, Section 25-91 Wastewater; agreements; repayment agreements, only as follows, leaving all other sections and subsections not specifically referenced unchanged:

Sec. 25-91. Wastewater; agreements; repayment agreements.

(a) The City and a property owner may execute a repayment agreement for certain projects. The project shall be bid in accordance with the provisions pertaining to public works projects contained in A.R.S. Title 34. The bids shall be opened at a location

designated by the City on a pre-determined date agreeable to the property owner and the City. The City and the property owner reserve the right to reject any or all bids. The construction costs shall be determined prior to the commencement of construction and shall be approved by the City. In the event that the agreed-upon construction costs increase, the repayment agreement may be amended upon approval of the additional construction costs by the City.

(b) Upon completion of the project, the main sewer line shall become the property of the City.

(c) The maximum service area to be serviced by the proposed main sewer lines and its ultimate branches and laterals shall be determined by the ~~Public Works-Utilities~~Water Services Director based on sewer capacity requirements.

(d) Upon entry into a repayment agreement with the City, the property owner may connect into existing City sewer lines with the approval of the ~~Public Works-Utilities~~Water Services Director in consideration for entering into the repayment agreement.

(e) The ~~Public Works-Utilities~~Water Services Director shall have sole and exclusive control of connections to any proposed sewer line.

(f) A repayment agreement will assist in establishing a reasonable charge to permit a connection. The connection charge will be calculated on a cost per frontage foot, using the agreed approach main construction costs and the extent to which new development is adjacent to the sewer line.

(g) The connection charge will be paid to the City, and the City agrees to repay such amounts to the property owner. Repayments shall be made by the City within sixty (60) days of receipt. The total of such repayments shall not exceed that portion of the agreed construction costs of the approach sewer line allotted to frontage outside the service area of the property owner. The repayment agreement shall terminate in ten years, or upon the repayment of the total amount in conformance with this Chapter, whichever is earlier. The City shall have the option to provide for repayment to the property owner by allowing a credit against sewer expansion fees due from the property owner to the City. The connection charge shall be paid into the sewer expansion fee account.

(Ord. No. 92-03, 2/11/92, Enacted; Ord. No. 02-41, 6/7/02, Amended (SUPP 2002-2); Ord. No. 08-35, 12/02/08, Repealed Sec. 25-91. Wastewater; repayment provisions, development agreement.; Enacted Sec. 25-91. Sec. 25-91. Wastewater; agreements; repayment agreements. (SUPP 2008-4); Ord. No. 2017-36, § 39, 6-13-17)

Section 36. Amend Chapter 25 – WATER, SEWERS AND SEWAGE DISPOSAL, Section 25-100 Wastewater; discharges; prohibited substances, only as follows, leaving all other sections and subsections not specifically referenced unchanged:

Sec. 25-100. Wastewater; discharges; prohibited substances.

(a) It shall be unlawful for any person to discharge or cause to be discharged to the sanitary sewers:

(1) Any storm water, surface water, ground water, roof runoff, surface drainage, cooling water or unpolluted process waters that may constitute inflow as defined in this Chapter.

(2) Pollutants which create a fire or explosion hazard to the system or POTW with a flashpoint limit or less than 140° Fahrenheit or 60° Centigrade (using the test methods specified in 40 CFR 261.21).

(3) Solid or viscous pollutants, animal fats, oils and grease, petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin in amounts that may cause interference or pass-through or that may cause obstruction to the flow in sewers or other damage to the POTW.

(4) Any waters or wastes containing toxic, radioactive, poisonous or other substances in sufficient quantity to cause or have the potential to cause injury or interfere with any sewage treatment process, cause corrosive structural damage, constitute a hazard to humans or create any hazard to the sewerage system or in receiving waters of the POTW or pollutants which result in the presence of toxic gases, vapors of fumes within the POTW in a quantity that may cause acute worker health and safety problems.

(5) Any water with a pH less than 5.0 standard units (S.U.) or greater than 10.5 S.U. However, the ~~Public Works-Utilities~~ Water Services Director shall have the authority to adopt, implement and enforce a policy on waivers from the pH low and high limits.

(6) Any waters with a temperature greater than 150F = 65.49C or 66C = 150.8F, or heat in amounts which will inhibit biological activity in the POTW resulting in interference, but in no event heat in such quantities that the temperature at the headworks of the POTW treatment plant exceeds 104° Fahrenheit (40° Centigrade).

(7) Any water or waste exceeding the limits for the substances (shown on Table 25-100) that are expressed in the total form except if otherwise stated:

SEE TABLE 25-100

(b) Provide all of the pretreatment necessary to comply with the categorical standards, pretreatment requirements and Best Management Practices imposed by this Chapter.

(c) The ~~Public Works-Utilities~~ Water Services Director shall issue and enforce, through the issuance of wastewater contribution permits, other prohibitions and limitations required by state and federal law, or as the ~~Public Works-Utilities~~ Water Services Director deems necessary.

(d) There shall be no new connections from inflow sources as defined in this Chapter into the POTW.

(Ord. No. 91-41, 11/12/91, Enacted; Ord. No. 92-43, 11/3/92, Amended; Ord. No. 95-66, 8/1/95, Amended; Ord. No. 02-41, 6/7/02, Amended (SUPP 2002-2); Ord. No. 04-197,

9/21/04, Amended text and table (SUPP 2004-3); Ord. No. 08-35, 12/02/08, Amended (SUPP 2008-4); Ord. No. 2017-36, § 40, 6-13-17)

Section 37. Amend Chapter 25 – WATER, SEWERS AND SEWAGE DISPOSAL, Section 25-109 Wastewater; private sewage disposal systems, connection with sewer system, only as follows, leaving all other sections and subsections not specifically referenced unchanged:

Sec. 25-109. Wastewater; private sewage disposal systems, connection with sewer system.

It is the City's intent to have all properties with the City's sewer service area to be connected to the City's wastewater collection system.

(a) Except as provided in this chapter, it is unlawful to construct or maintain within the city any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage.

(b) It shall be unlawful to construct or maintain within the City any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage on a parcel less than 43,560 square feet in size, without a private sewage disposal permit issued by the County. If such a permit is granted by County, the ~~Public Works-Utilities~~Water Services Director may impose conditions upon the issuance of the building permit including but not limited to the installation of dry sewer lines, construction of a package sewer plant or development of a community sewage disposal system.

(c) All development within the City's wastewater service area and within a quarter of a mile (1,320 feet) from a City sewer line is required to connect to the City's sewer system. The extension of a City sewer line and the connection to the City's sewer line will be constructed in accordance with City standards and City approved plans. Such extension and connection shall be the sole financial responsibility of the developer and/or customer. The connection to the City's sewer system and the extension of the sewer line are a condition of issuance of a building permit. The ~~Public Works-Utilities~~Water Services Director will have discretion to allow variances to this requirement for single lot residential developments if such development is on a major arterial road or if the connection is determined not to be feasible.

(d) At such time as a public sewer system becomes available to the property served by a private sewage disposal system, the ~~Public Works-Utilities~~Water Service Director shall notify each property owner that a direct connection shall be made to the public sewer in accordance with the provisions of this Code.

(e) 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, permitted and complying with the rules and regulations of the state and county. A

private sewage disposal system shall be constructed, maintained and operated at all times in a sanitary manner and in accordance with the terms of any private sewage disposal system permit issued by the state and county.

(f) None of the provisions of this ~~section~~Section shall be construed to interfere with any additional requirements that may be imposed by the state and county.

(Ord. No. 95-67, 7/31/95, Reserved Sec. 109; Ord. No. 08-35, 12/02/08. Enacted by Renumbering Sec. 25-85. Wastewater; private sewage disposal systems, connection with sewer system. to Sec. 25-109 (SUPP 25-4); Ord. No. 2017-36, § 41, 6-13-17)

Secs. 25-110—25-112. Reserved.

(Ord. No. 95-67, 7/31/95)

Section 38. Amend Chapter 25 – WATER, SEWERS AND SEWAGE DISPOSAL, Section 25-119 Deposit, only as follows, leaving all other sections and subsections not specifically referenced unchanged:

Sec. 25-119. Deposit.

(a) All persons applying for residential utility service from the city shall make a deposit equal to the amount established by City Council for each property for which utility service is requested. No deposit shall be required if the applicant or responsible party shows proof of ownership of the residential property for which utility service is requested.

(b) All commercial and multi-residential businesses applying for utility service shall place a deposit equal to the amount established by City Council for each property for which utility service is requested. However, a single deposit may be allowed for those entities applying for service at more than one property if the entity is a public elementary or secondary schools, state or county college, or other governmental agency.

(c) All persons applying for utility service for construction water shall place a deposit equal to the amount established by City Council for each location a hydrant meter is requested.

(d) Notwithstanding any other provision of this ~~section~~Section, if utility service has been discontinued, or where a customer service contact has been attempted or made, on account of default in payment two (2) times or more during any consecutive twelve-month period of time, the finance director may require a deposit from any property owner or entity equal to the amount established by City Council.

(e) All deposits shall remain with the city to ensure payment of all utility bills. The deposit shall be non-interest bearing and shall be refunded to the applicant upon discontinuance of such service, and upon payment of all charges and surcharges for utility services to the premises for which the application is made, unless otherwise provided in this code.

(1) The deposit required by this ~~section~~Section shall be applicable to all applications for utility service made to the city on or after June 13, 1991.

(Code 1977, §§ 12-5-8 through 12-5-10; Ord. No. 91-12, 5/14/91; Ord. No. 2010-35, 12/07/2010, Amended (SUPP 2010-4); Ord. No. 2017-36, § 46, 6-13-17)

Section 39. Amend Chapter 25 – WATER, SEWERS AND SEWAGE DISPOSAL, Section 25-135 Wastewater Pretreatment, Purposes and Policy, only as follows, leaving all other sections and subsections not specifically referenced unchanged:

Sec. 25-135. Wastewater Pretreatment, Purposes and Policy.

(a) The Pretreatment provisions in this Chapter 25 set forth uniform requirements for Users of the Publicly Owned Treatment Works for the City of Peoria, Arizona, and enable the City to comply with all applicable State and Federal laws, including the Clean Water Act of 1977, and the General Pretreatment Regulations (40 CFR Parts 401 and 403 through 471).

(b) The objectives of the Pretreatment provisions in this Chapter are:

(1) To prevent the introduction of pollutants into the POTW which will interfere with the operation of the system, including treatment facilities or contaminate the resulting sludge.

(2) To prevent the introduction of pollutants into the POTW which have the potential pass through the system inadequately treated, into the receiving waters or the atmosphere or otherwise be incompatible with the system.

(3) To improve the opportunity to recycle and reclaim wastewaters and sludges from the system.

(4) To provide for equitable distribution of the cost of the maintenance and operation of the POTW.

(5) 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.

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

(c) The Pretreatment provisions in Chapter 25 provides for the regulation of direct and indirect contributors to the POTW through the issuance of permits to certain non-domestic Users and through enforcement of general requirements for the other Users, authorize monitoring and enforcement activities, require User reporting, assumes that existing customers' capacity will not be pre-empted, and provide for the setting of fees for the equitable distribution of costs resulting from the program established herein.

(d) The Pretreatment provisions in Chapter 25 shall apply to the City of Peoria, Arizona, and to persons outside the City of Peoria who are, by contract or agreement with the City, Users of the POTW. Except as otherwise provided herein, the Director of ~~Public Works-~~

~~Utilities~~Water Services and Director of Engineering shall administer, implement, and enforce the provisions.

(e) The City at all times shall have a Pretreatment Plan which may provide more specific guidelines for compliance and enforcement. Users shall refer to the City's most current Pretreatment Plan.

(f) The City reserves the right to establish by ordinance more stringent limitations or requirements on discharges to the wastewater disposal system if deemed necessary to comply with the objectives presented in this Section.

(Code 1977, § 12-2-3.1; Ord. No. 90-11, 4/10/90; Ord. No. 91-41, 11/12/91; Ord. No. 02-41, 6/7/02, Amended (SUPP 2002-2); Ord. No. 08-35, 12/02/08, Amended (SUPP 2008-4); Ord. No. 09-39, 10/20/09, Amended (SUPP 2009-4))

Section 40. Amend Chapter 25 – WATER, SEWERS AND SEWAGE DISPOSAL, Section 25-137 Authority of the Public Works-Utilities Director to establish prohibitions and effluent limitations, only as follows, leaving all other sections and subsections not specifically referenced unchanged:

Sec. 25-137. Authority of the ~~Public Works-Utilities~~Water Services Director to establish prohibitions and effluent limitations.

(a) In addition to the prohibitions and effluent limitations contained in this Chapter, the ~~Public Works-Utilities~~Water Services Director shall have the authority to: (1) establish quantity of discharges and permissible limits of concentration for various specific substances, materials, waters, or wastes that can be accepted into the sewer system; (2) specify those pollutants materials, waters, or wastes that are prohibited from entering the sewer system; and (3) identify those pollutants, materials, waters or wastes that shall be controlled with Best Management Practices.

(b) All prohibitions and effluent limitations so established shall be placed on file with the City Clerk and will become effective and enforceable on the thirty-first (31st) calendar day after the date of filing.

(c) All affected individual users or class of users shall comply with the prohibitions and effluent limitations established pursuant to this Section.

(d) Pollutants, materials, waters or waste to be controlled with Best Management Practices that have been identified by the ~~Public Works-Utilities~~Water Services Director shall be placed on file with the City Clerk and will become effective and enforceable on the thirty-first (31st) calendar day after the date of the filing.

(Code 1977, § 12-2-3.1; Ord. No. 90-11, 4/10/90; Ord. No. 91-41, 11/12/91; Ord. No. 02-41, 6/7/02, Amended (SUPP 2002-2); Ord. No. 04-197, 9/21/04, Amended (SUPP 2004-3); Ord. No. 2017-36, § 51, 6-13-17)

Section 41. Amend Chapter 25 – WATER, SEWERS AND SEWAGE DISPOSAL, Section 25-142 Wastewater Pretreatment; Accidental Discharge; Slug Control Plans, only as follows, leaving all other sections and subsections not specifically referenced unchanged:

Sec. 25-142. Wastewater Pretreatment; Accidental Discharge; Slug Control Plans.

(a) Each User shall provide protection from accidental discharge or prohibited materials or other substances regulated by this Code. Facilities, equipment, or processes used to prevent accidental discharge of prohibited materials shall be provided and maintained at the owner or User's own cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the Director for review and shall be approved by the Director before Construction of the facility. No User who commences contribution to the POTW after the effective date of this Code shall be permitted to introduce pollutants into the system until accidental discharge procedures, if required, have been approved by the Director. Review and approval of such plans and operating procedures shall not relieve the Industrial User from the responsibility to modify the User's facility as necessary to meet the requirements of this Code. In the case of an accidental discharge, it is the responsibility of the User to immediately telephone and notify the POTW of the incident. The notification shall include location of discharge, type of waste, concentration and volume and corrective actions. The Director shall once every two years evaluate each Significant Industrial User to determine the need of a slug control plan as per 40 CFR 403.8.

(b) The Director shall evaluate whether each SIU needs an accidental discharge/slug discharge control plan or other action to control Slug Discharge. The Director may require any User to develop, submit for approval, and implement such a plan or take such other action as may be necessary to control Slug Discharges. Alternatively, the Director may develop such a plan for any User. An accidental discharge/slug discharge control plan shall address, at a minimum, all of the following:

- (1) Description of discharge practices, including non-routine batch discharges;
- (2) Description of stored chemicals;
- (3) Procedures for immediately notifying the Director of any accidental or slug discharge; 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.

(c) Written Notice. Within five (5) days following an accidental discharge, the User shall submit to the ~~Public Works Utilities~~ Water Services Director a detailed written report describing the cause 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 may be incurred as a result of damage to the POTW, fish kills, or any other damage to persons or property; such notification shall not relieve the User of any fines, civil penalties, or other liability which may be imposed by this Code or other applicable law.

(d) Notice to Employees. A notice shall be permanently posted on the User's bulletin board or other prominent place advising employees whom to call in the event of a prohibited discharge. Employers shall ensure that all employees who may cause or experience prohibited a dangerous discharge are advised of the emergency notification procedure.

(Code 1977, §§ 12-2-3, 12-2-4.1; Ord. No. 90-11, 4/10/90; Ord. No. 91-41, 11/12/91; Ord. No. 08-35, 12/02/08, Amended (SUPP 2008-4); Ord. No. 09-39, 10/20/09, Amended (SUPP 2009-4); Ord. No. 2017-36, § 53, 6-13-17)

Section 42. Amend Chapter 25 – WATER, SEWERS AND SEWAGE DISPOSAL, Section 25-144 Wastewater Pretreatment; Wastewater Contribution Permits, only as follows, leaving all other sections and subsections not specifically referenced unchanged:

Sec. 25-144. Wastewater Pretreatment; Wastewater Contribution Permits.

In addition to all other requirements each Industrial User who discharges an industrial discharge into the sewer system and who is designated a Significant Industrial User by the Director shall also:

(a) Obtain a class A wastewater contribution permit from the Director.

(1) Any User required to obtain a wastewater discharge permit who was discharging wastewater into the POTW prior to November 1, 2009 and who wishes to continue such discharges in the future, shall, within thirty (30) days after said date, apply to the Director for an individual wastewater discharge permit in accordance with Section 25-145, and shall not cause or allow discharges to the POTW to continue, except in accordance with an individual wastewater discharge permit issued by the Director.

(2) Any User required to obtain an individual 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. Any person intending to commence any new industrial discharge(s) not previously permitted pursuant to an existing permit shall apply for a new or an amended permit at least ninety (90) days prior to initiating such discharge.

(3) A Significant Industrial User that has filed a timely application pursuant to Section 25-145 may continue to discharge for the time period specified therein.

(b) Provide all pretreatment necessary to comply with Categorical Standards and pretreatment requirements required by this Chapter.

(c) In addition to all other requirements imposed by this Chapter upon Industrial Users, the following types of Industrial Users who are not Significant Industrial Users may be required to obtain a class B wastewater contribution permit if the Director determines the Industrial Discharge causes or has the reasonable potential to cause harm or damage to the POTW, worker safety, public safety or the environment:

- (1) Zero process discharge User.
- (2) Users which discharge the equivalent strength of 25,000 gallons per day of domestic sewage as measured by BOD and SS.
- (3) Discharges of polluted groundwater.
- (4) Users discharging any of the substances identified in ~~sections~~Section 25-139.

The Industrial User shall comply with all requirements and conditions of a class B wastewater contribution permit issued by the Director under this chapter.

(d) Any violation of the terms and conditions of an individual wastewater discharge permit shall be deemed a violation of the pretreatment provisions of this Chapter and subjects the wastewater discharge permittee to the sanctions set out in those provisions. 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.

(Code 1977, § 12-2-4.3; Ord. No. 90-11, 4/10/90; Ord. No. 91-41, 11/12/91; Ord. No. 95-66, 8/1/95, Amended; Ord. No. 09-39, 10/20/09, Amended (SUPP 2009-4))

Section 43. Amend Chapter 25 – WATER, SEWERS AND SEWAGE DISPOSAL, Section 25-145 Wastewater Pretreatment; Wastewater contribution permits; applications, only as follows, leaving all other sections and subsections not specifically referenced unchanged:

Sec. 25-145. Wastewater Pretreatment; Wastewater ~~contribution permits~~Contribution Permits; applications.

(a) Permit Applications. Users required to obtain a Wastewater Contribution Permit shall complete and file with the City, an application in the form prescribed by the City, and accompanied by a fee as contained in this Code. Existing Users shall apply for a Wastewater Contribution Permit within 30 days after the effective date of this Code, and proposed new Users shall apply at least 90 days prior to connecting to or contributing to the POTW. In support of the application, the User shall submit, in units and terms appropriate for evaluation, the following information:

- (1) The name and address of the facility including the name of the operator and owners;

- (2) A list of any environmental control permits held by or for the facility;
 - (3) A description of the facility operations, including all of the following information:
 - (i) The nature, average rate of production (including each product produced by type, amount, processes, and rate of production), and Standard Industrial Classification of the operations carried out by such Industrial User. This description should include a schematic process diagram which indicates points of discharge to the POTW from the regulated processes;
 - (ii) 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;
 - (iii) Number and type of employees, hours of operation, and proposed or actual hours of operation;
 - (iv) Type and amount of raw materials processed (average and maximum per day); and
 - (v) 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.
 - (4) 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 waste stream formula in 40 CFR 403.6(e);
 - (5) Identify the pretreatment applicable to each regulated process along with the results of sampling and analysis identifying the nature and concentration of regulated pollutants. Samples shall be representative of daily operations as defined in 40 CFR 403.12(b)(v)(iii) and (iv);
 - (6) Time and duration of discharges;
 - (7) The location for monitoring all wastes covered by the permit;
 - (8) 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;
 - (9) Any requests for a monitoring waiver (or a renewal of an approved monitoring waiver) for a pollutant neither present nor expected to be present in the discharge based on Section 25-149(f);
 - (10) Any other information as may be deemed necessary by the Director to evaluate the permit application;
 - (11) Incomplete or inaccurate applications will not be processed and will be returned to the User for revision.
- (b) Certification. The application for a Wastewater Contribution Permit shall include the following certification statement defined in 40 CFR 403.6(a)(2)(ii) and shall be signed as defined in 40 CFR 403.12(l).

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 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.

(c) Signatory requirements for Industrial User reports. The reports required by paragraphs by this Section shall include the certification statement as set forth in 40 CFR, 403.6(a)(2)(ii), and shall be signed as follows:

(1) For a corporation: by a corporate officer or other persons performing a similar policy or decision-making function for the corporation;

(2) For a partnership or sole proprietorship: by a general partner or the proprietor, respectively; or

(3) For a governmental entity: by the administrator, chairman, director, or principal executive responsible for operations at the facility.

(4) Ensure that all applications, correspondence, reports, and self-monitoring reports are signed by a duly authorized representative of the person described in this paragraph. Any change in signatures or positions shall be submitted to the Director in writing within 30 days after the change.

(5) A person is a duly authorized representative only if:

(i) The authorization is made in writing by a person described in subparts 1-3 of this paragraph; and

(ii) The authorization specified either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of plant manager, supervisor, or position of equivalent responsibility. A duly authorized representative may thus be either a named individual or any individual occupying a named position.

(6) 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 Director prior to or together with any reports to be signed by an Authorized Representative.

(d) Permit conditions. Wastewater discharge permits shall be expressly subject to all provisions of this Code, and all other applicable regulations, User charges and fees established by the City.

(e) Record Keeping Requirements. Any Industrial User subject to the reporting requirements established in this Chapter shall maintain records of all information resulting

from any monitoring activities required by this Chapter. Such records shall include for all samples:

(1) The date, exact place, method, and time of sampling and the names of the person or person taking the samples.

(2) The dates analyses were performed.

(3) Who performed the analyses.

(4) The analytical techniques/methods used.

(5) The results of such analyses.

(6) Any Industrial User subject to the reporting requirements established in this Chapter (including documentation associated with Best Management Practices) shall be required to retain for a minimum of three years any records of monitoring activities and results (whether or not such monitoring activities are required by this Chapter), and shall make such records available for inspection and copying by the Director or any Federal or State agency. This period of retention shall be extended automatically during the course of any unresolved litigation regarding the User or City or where the User has been specifically notified of a longer retention period by the Director.

(f) Reporting Requirements for Users upon effective date of Categorical Pretreatment Standard - Baseline Monitoring Report (BMR). Within 180 days after the effective date of the Categorical Pretreatment Standard or 180 days after the final administrative decision made upon a category determination submission under 40 CFR § 403.6(a)(4), whichever is later, existing Categorical Industrial Users currently discharging to or scheduled to discharge to a POTW shall be required to submit to the Director a report which contains the information listed in this Subsection. Where reports containing this information have already been submitted to the Director in compliance with the requirements, the User will not be required to submit this information again. At least 90 days prior to commencement of discharge, New Sources and sources that become Categorical Industrial Users subsequent to the promulgation of an applicable categorical standard, shall be required to submit to the Director a report that contains the information listing in this Subsection. 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. Users described in this Subsection shall submit the following information:

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

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

(3) Description of Operations. A brief description of the nature, average rate of production, and standard industrial classifications of the operations(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 as well as the location for monitoring all wastes.

(4) 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 40 CFR § 403.6e.

(5) Measurement of Pollutants.

(i) The User shall identify the Pretreatment Standards applicable to each regulated process.

(ii) In addition, the User shall submit the results of sampling and analysis identifying the nature and concentration (or mass, where required by the Standard or Director) of regulated pollutants in the Discharge from each regulated process. Both daily maximum and average concentration (or mass, where required) shall be reported. The sample shall be representative of daily operations. In cases where the Standard requires compliance with a Best Management Practice or pollution prevention alternative, the User shall submit documentation as required by the Control Authority or the applicable Standards to determine compliance with the Standard;

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

(iv) 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.

(v) Sampling and analysis shall be performed in accordance with the techniques prescribed in 40 CFR Part 136 and amendments thereto. Where 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, or where the Director determines that the Part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analysis shall be performed by using validated analytical methods or any other applicable sampling and analytical procedures.

(vi) The Director may allow the submission of a BMR which utilizes only historical data so long as the data provides information sufficient to determine the need for industrial pretreatment measures.

(vii) The BMR 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.

(viii) The Categorical Pretreatment Standards applicable to each regulated process.

(ix) The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the standard or by the Director, of regulated pollutants in the discharge from each regulated process. Instantaneous, daily maximum, and long term average concentrations, or mass, where required, shall be reported. The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in this Section.

(x) Sampling must be performed in accordance with procedures set out in Section 25-151.

(6) Compliance Certification. A statement, reviewed by the User's authorized representative as defined in Section 25-76 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.

(7) 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. 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~~[Section](#) must meet the requirements set out in Section 25-149.

(8) Signature and Certification. All BMRs must be signed and certified in accordance with Section 25-143 and signed by an Authorized Representative as defined in Section 25-76.

(g) Hazardous Waste Notification.

(1) The City expressly prohibits any discharge of hazardous wastes, as defined in 40 CFR Part 261.3, into the POTW. Should these wastes be accidentally discharged into the POTW, the following provisions would apply:

(i) The User shall notify the Director orally within twenty-four (24) hours of becoming aware of the discharge and notify the Director, the EPA Regional Wastewater Management Division Director, and State Hazardous Waste authorities in writing within ten business days 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 Industrial User discharges more than 100 kilograms of such waster per calendar month to the POTW, the notification shall also contain the following information to the extent such information is known and readily available to the Industrial 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 discharge during the following twelve months. All written notifications must take place no later than ten business days after the discharge commences. Any notification under this paragraph need be submitted only once

for each hazardous waste discharged. However, notifications of changed discharges must be submitted under 40 CFR 403.12(j). The notification requirement in this ~~section~~Section does not apply to pollutants already reported by Users subject to Categorical Pretreatment Standards under the self-monitoring requirements of 40 CFR 403.12(b), (d), and (e).

(ii) Discharges are exempt from the requirements of subpart (i) of this paragraph during a calendar month in which they discharge no more than fifteen kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e), requires a one-time notification. 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 Industrial User discharges more than such quantities of any hazardous waste do not require additional notification.

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

(iv) In the case of any notification made under this paragraph, the Industrial User shall certify that it has a program in place to reduce the volume and toxicity of wastes generated to the degree it has determined to be economically practicable.

(2) This provision does not create a right to discharge any substance not otherwise permitted to be discharged by the pretreatment provisions of this Chapter, a permit issued thereunder, or any applicable Federal or State law.

(Code 1977, § 12-2-4.3; Code 1977, § 12-2-4.5; Ord. No. 90-11, 4/10/90; Ord. No. 91-41, 11/12/91; Ord. No. 95-66, 8/1/95, Repealed; Ord. No. 95-66, 8/1/95, Enacted; Ord. No. 08-35, 12/02/08, Amended (SUPP 2008-4; Ord. No. 09-39, 10/20/09, Amended (SUPP 2009-4))

Section 44. Amend Chapter 25 – WATER, SEWERS AND SEWAGE DISPOSAL, Section 25-149 Wastewater Pretreatment; Periodic Compliance Reports, only as follows, leaving all other sections and subsections not specifically referenced unchanged:

Sec. 25-149. Wastewater Pretreatment; Periodic Compliance Reports.

(a) Any Industrial User, whether or not subject to a Categorical Pretreatment Standard, except as specified in Section 25-151, after the compliance date if such Pretreatment Standard, or, in the case of a New Source, after commencement of the discharge into the POTW, shall submit to the Director, during the months of June and December, unless required more frequently in the Pretreatment Standard or by the Director, a report indicating the nature and concentration of pollutants in the effluent which are limited by such Categorical Pretreatment Standards. In addition, this report shall include a record of

measured or estimated average and maximum daily flows for the reporting period for the Discharge reported except that the Director may require more detailed reporting of flows. In cases where the Pretreatment Standard requires compliance with Best Management Practices (or pollution prevention alternative), the User shall submit documentation required by the Director or the Pretreatment Standard necessary to determine the compliance status of the User. At the discretion of the Director and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the Director may modify the months during which the above reports are to be submitted.

(b) The Director may reduce mass limitations on Users which are using dilution to meet applicable Pretreatment Standards or Requirements, or in other cases where the imposition of mass limitations are appropriate. In such cases, the report required by Paragraph (1) of this ~~section~~Section shall indicate the mass of pollutants regulated by Pretreatment Standards in the effluent of the User. These reports shall contain the results of sampling and analysis of the discharge, including the flow and the nature, and concentration, or production and mass where requested by the Director, of pollutants contained therein which are limited by the applicable Pretreatment Standards. The frequency of monitoring shall be as prescribed in the applicable Pretreatment Standard. All analysis shall be performed in accordance with procedures established by the Administrator pursuant to Section 304(g) of the Act and contained in 40 CFR Part 136, and amendments thereto, or with any other test procedures approved by the Administrator. Sampling shall be performed in accordance with the techniques approved by the Administrator. Where 40 CFR, Part 136, does not include a sampling or analytical technique for the pollutant in question, sampling and analysis shall be performed in accordance with the procedures set forth in the EPA publication, "Sampling and Analysis Procedures for Screening of Industrial Effluents for Priority Pollutants", April 1977, and amendments thereto, or with any other sampling and analytical procedures approved by the Administrator.

(c) This Periodic Compliance Report shall include the certification statement and be signed described in Section 25-143.

(d) Compliance schedule for meeting Categorical Pretreatment Standards. The following conditions shall apply to the schedule required by 40 C.F.R. 403-12(c).

(1) The schedule shall contain increments of progress 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 Industrial User to meet the applicable Categorical Pretreatment Standards (e.g., Hiring an engineer, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction, beginning and conducting routine operation, etc.)

(2) No increment referred to in paragraph (d)(1) of this ~~subsection~~Subsection shall exceed nine (9) months.

(3) Not later than fourteen (14) days following each date in the schedule and the final date for compliance, the Industrial User shall submit a progress report to the Director including, at a minimum, whether or not it complied with the increment of progress to be met on such

date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the appropriate steps being taken by the Industrial User to return the construction to the schedule established.

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

(e) The City may authorize an Industrial User subject to a Categorical Pretreatment Standard to forego sampling of a pollutant regulated by a Categorical Pretreatment Standard if the Industrial User has demonstrated through sampling and other technical factors that the pollutant is neither present nor expected to be present in the Discharge, or is present only at background levels from intake water and without any increase in the pollutant due to activities of the Industrial User. [see 40 CFR § 403.12(e)(2)] This is authorization is subject to the following conditions:

(1) The waiver may be authorized where a pollutant is determined to be present solely due to sanitary wastewater discharged from the facility provided that the sanitary wastewater is not regulated by an applicable Categorical Standard and otherwise includes no process wastewater.

(2) The monitoring waiver is valid only for the duration of the effective period of the individual wastewater discharge permit, but in no case longer than 5 years. The User must submit a new request for the waiver before the waiver can be granted for each subsequent individual wastewater discharge permit.

(3) In making a demonstration that a pollutant is not present, the Industrial User must provide data from at least one sampling of the facility's process wastewater prior to any treatment present at the facility that is representative of all wastewater from all processes.

(4) The request for a monitoring waiver must be signed in accordance with Section 25-76, and include the certification statement in Section 25-143.

(5) Non-detectable sample results may be used only as a demonstration that a pollutant is not present if the EPA approved method from 40 CFR Part 136 with the lowest minimum detection level for that pollutant was used in the analysis.

(6) Any grant of the monitoring waiver by the Director must be included as a condition in the User's permit. The reasons supporting the waiver and any information submitted by the User in its request for the waiver must be maintained by the Director for 3 years after expiration of the waiver.

(7) Upon approval of the monitoring waiver and revision of the User's permit by the Director, the Industrial User must certify on each report with the statement in Section 25-143(c), that there has been no increase in the pollutant in its wastestream due to activities of the Industrial User.

(8) In the event that a waived pollutant is found to be present or is expected to be present because of changes that occur in the User's operations, the User must immediately comply

with the monitoring requirements of Section 25-149(a), or other more frequent monitoring requirements imposed by the Director, and notify the Director.

(9) This provision does not supersede certification processes and requirements established in Categorical Pretreatment Standards, except as otherwise specified in the Categorical Pretreatment Standard.

(f) 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.

(g) If a User subject to the reporting requirement in this Section monitors any pollutant more frequently than required by the Director, the results of this monitoring and a chain of custody for all samples analyzed shall be included in the report.

(Code 1977, §§ 12-2-5, 12-2-6; Ord. No. 90-11, 4/10/90; Ord. No. 91-41, 11/12/91; Ord. No. 08-35, 12/02/08, Amended (SUPP 2008-4); Ord. No. 09-39, 10/20/09, Amended (SUPP 2009-4))

Section 45. Amend Chapter 25 – WATER, SEWERS AND SEWAGE DISPOSAL, Section 25-176 Traps/Interceptors-Violations, only as follows, leaving all other sections and subsections not specifically referenced unchanged:

Sec. 25-176. Traps/Interceptors—Violations.

It shall be unlawful and a violation of the Peoria City Code for any person(s) under any conditions to:

- (a) Fail to properly install and maintain any required trap or interceptor to protect the sewer lines of the City of Peoria.
 - (1) Fail to correct any improperly sized or any malfunctioning trap or interceptor.
 - (2) Enter into the city sewer lines anything as per Section 25-138.
 - (3) Fail to comply with corrective or initial installation process as per the Community Development Department, Building Safety Division and the requirements of this chapter.
 - (4) Fail to protect any life from within any structure or on any premises by omitting, failing to repair, disregarding or rendering useless, any trap or interceptor.
- (b) The City shall conduct inspections to ensure compliance with this Section.
- (c) Fines, Penalties, Legal Action

(1) In any case involving a violation of ~~sections~~Sections 25-171—25-176, all fines, penalties and/or legal actions shall be as provided in Sections 25-161 and 162 of Chapter 25 of this Code.

(2) The City Attorney may commence an action for injunctive relief in a court of competent jurisdiction to prevent or remedy a violation of this chapter.

(Ord. No. 87-43, § III(12-2-12), 9-22-87; Ord. No. 91-41, 11/12/91; Ord. No. 95-66, 8/1/95, Amended (a); Ord. No. 08-35, 12/02/08, Amended (SUPP 2008-4); Ord. No. 09-39, 10/20/09, Amended (SUPP 2009-4))

Section 46. Amend Chapter 25 – WATER, SEWERS AND SEWAGE DISPOSAL, Section 25-179 Reports of Changed Conditions, only as follows, leaving all other sections and subsections not specifically referenced unchanged:

Sec. 25-179. Reports of Changed Conditions.

(a) Each User must notify the Director of any planned significant changes to the User's operations or system which might alter the nature, quality, or volume of its wastewater at least ninety (90) days before the change.

(b) The Director 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 25-145.

(c) The Director may issue a wastewater discharge permit under Section 25-144 or modify an existing wastewater discharge permit under Section 25-146 in response to changed conditions or anticipated changed conditions.

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

(e) All periodic compliance reports must be signed and certified in accordance with Section 25-143.

(f) 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.

(g) If a User subject to the reporting requirement in this ~~section~~Section monitors any regulated pollutant at the appropriate sampling location more frequently than required by the Director, using the procedures prescribed in Section 25-151, the results of this monitoring shall be included in the report.

(Ord. No. 09-39, 10/20/09, Enacted (SUPP 2009))

Section 47. Amend Chapter 2 – ADMINISTRATION, Section 2-223 Public Works-Utilities Department; industrial waste charges, only as follows, leaving all other sections and subsections not specifically referenced unchanged:

Sec. 2-223. ~~Public Works-Utilities~~Water Services Department; industrial waste charges.

(a) The finance department shall collect the permit fees from each person owning a lot within the city that discharges wastewater into the city's wastewater disposal system and is subject to the city's industrial pre-treatment standards. These fees may be revised periodically by the City Council.

(b) The Finance Department shall charge each person the fees contained in this code, which may be revised periodically by the City Council.

(Ord. No. 91-12, 5/14/91; Ord. No. 92-17, 4/28/92, Amended; Ord. No. 99-94, 9/1/99, Amended (SUPP 1999-3); Ord. No. 02-42, 6/7/02, Amended (SUPP 2002-2); Ord. No. 2017-24, § 129, 6-13-17)

Section 48. Amend Chapter 2 – ADMINISTRATION, Section 2-224 Public Works-Utilities Department; service connect and termination charges, only as follows, leaving all other sections and subsections not specifically referenced unchanged:

Sec. 2-224. ~~Public Works-Utilities~~Water Services Department; service connect and termination charges.

(a) The Finance Department shall collect from each person requesting the commencement of the city services the fees, as established by City Council, prior to the commencement of service or the following charges, as established by City Council, on a monthly basis upon the City Utility Bill, whichever is applicable. Such charges for payment purposes shall be treated as if incurred by the person for the provision of utility services.

(b) The finance department shall charge each person the fees established by City Council, which may be revised periodically by the City Council.

(c) Notwithstanding this section, the city council or city manager may waive the deposit requirements of this section for any customer of a private utility acquired by the City of Peoria which imposed a deposit requirement on its customers.

(Ord. No. 91-12, 5/14/91; Ord. No. 91-39, 11/12/91; Ord. No. 92-03, 2/11/92, Enacted; Ord. No. 92-17, 4/28/92, Amended; Ord. No. 92-29, 7/7/92, Amended; Ord. No. 92-31, 7/7/92, Amended; Ord. No. 99-94, 9/1/99, Amended (SUPP 1999-3); Ord. No. 02-42, 6/7/02, Amended (SUPP 2002-2); Ord. No. 02-64, 7/9/02, Amended Table (SUPP 2002-3); Ord. No. 04-196, 9/21/04, Amended Table (SUPP 2004-3); Ord. No. 07-38, 11/20/07, Repealed existing Table 2-224(a) in entirety, Enacted new Table 2-224, Section 2-224 Pages 1-4, Tables 44—49 (SUPP 2007-4); Ord. No. 2010-35, 12/7/2010, Amended (SUPP 2010-4); Ord. No. 2017-24, § 130, 6-13-17)

Section 49. Amend Chapter 2 – ADMINISTRATION, Section 2-225 Public Works-Utilities Department; fees to be deposited with the Finance Director, only as follows, leaving all other sections and subsections not specifically referenced unchanged:

Sec. 2-225. ~~Public Works-Utilities~~Water Services Department; fees to be deposited with Finance Director.

All fees collected by the Finance or ~~Utilities~~Water Services Department under this code shall be deposited with the finance director. The finance director shall account for all fees deposited in accordance with accounting policies and regulations adopted by the city

(Ord. No. 91-12, 5/14/91; Ord. No. 92-17, 4/28/92, Amended; Ord. No. 99-94, 9/1/99, Amended (SUPP 1999-3); Ord. No. 02-42, 6/7/02, Amended (SUPP 2002-2); Ord. No. 05-31, 6/21/05, Amended (SUPP 2005-2); Ord. No. 2017-24, § 131, 6-13-17)

Section 50. Amend Chapter 2 – ADMINISTRATION, Section 2-408 Utility services; due date; collection procedures and remedies, only as follows, leaving all other sections and subsections not specifically referenced unchanged:

Sec. 2-408. Utility services; due date; collection procedures and remedies.

(a) All city utility charges are due and payable when rendered. Payment must be received by the due date printed on the bill. If full payment on the account is not received by the due date, the account will be deemed delinquent and utility services may be subject to disconnection. Any account where payment is not received by the due date is deemed delinquent. Delinquent accounts will be assessed a late fee of 1.5% with a minimum of two dollars (\$2.00). The monthly billing will reflect the current month's bill and any delinquent past due amount including late fees. If the past due amount remains unpaid a Past Due/Disconnect notice will be provided to the customer indicating the date after which service will be disconnected and the customer will be charged a notification fee. If the past due amount is not paid by the date indicated, no further notice will be provided and a delinquent processing fee will be charged to the customer's account. On or after the disconnection date, the total amount due including the current charges and all fees must be paid, unless otherwise approved by the city, to avoid interruption or reinstate services.

(b) An account may also become delinquent and subject to turnoff for any of the following:

- (1) Nonpayment of returned check amounts and service charges.
- (2) Stop payments imposed on checks after their tender to the city.
- (3) Refusal of a bank card or credit card company to honor a charge on a user's account.
- (4) Termination of automatic payment by a user and failure to make payment in some other fashion.

(5) Failure to comply with the terms of a Notice of Violation or Compliance Order issued by the Water Services Director ~~of Public Works-Utilities~~ or their designee.

(c) A user's utility service may be disconnected for nonpayment of a bill for utility service rendered at a previous location served by the city, for services rendered and/or labor or materials provided by the city, provided such bill is not paid by the due date after the unpaid bill has been presented to the user at his new location.

(d) When a user of the utility system has been notified of the amount of solid waste collection charges remaining due after the deduction of his deposit, and payment for same has not been received, the city may take all actions permitted by law to collect on the account.

(e) Before utility service will be turned on to any premises all charges against the premises then due and payable to the city as required by this code due to the assessment of any fine or penalty, compliance with any payment agreement or civil penalty pursuant to a Notice of Violation or Compliance Order issued by the Water Services Director ~~of Public Works-Utilities department~~ or their designee, or for repair or replacement of damaged, stolen or misused city-owned containers shall be paid or acceptable payment arrangements shall be made.

(Ord. No. 96-30, 6/4/96, Enacted; Ord. No. 98-115, 1/5/99, Amended (a),(b) and (e); Ord. No. 06-09, 05/02/06, Amended (SUPP 2006-2); Ord. No. 2017-24, § 163, 6-13-17)

Section 51. Amend Chapter 2 – ADMINISTRATION, Section 2-409 Utility services; discontinuation of service, only as follows, leaving all other sections and subsections not specifically referenced unchanged:

Sec. 2-409. Utility services; discontinuance of service.

(a) Any person who desires to discontinue the use of any utility service shall provide notice with the city at least one (1) day in advance of the intended termination of service unless other notice periods are required under state statute.

(b) All requests for termination of utility service must be made by the account holder(s) on a utility service account or their authorized agent. When the utility service is ordered terminated, a final bill will be prepared for all charges for services provided to the premises. The user requesting termination of service shall provide the city with a change of address.

(c) Until such notice and payments are made, the user shall be responsible for the bill.

(d) In the event that such user shall have made a deposit to the city, and such deposit is still being retained by the city, the deposit amount will be applied to the balance owing on the account and any utility penalties and charges. Any remaining credit will be refunded or transferred to an open account.

(e) Notwithstanding any other provision of this section, the City may discontinue Utility Services without any further notice to the customer for failure to comply with a Notice of Violation or Compliance Order issued by the Water Services Director ~~of Utilities~~.

(Ord. No. 96-30, 6/4/96, Enacted; Ord. No. 98-115, 1/5/99, Renumbered Sec. 25-24 to (a) and Amended; Ord. No. 2017-24, § 164, 6-13-17)

Section 52. Amend Chapter 2 – ADMINISTRATION, Section 2-410 Unpaid utility service charges; liens, assessment, collection, only as follows, leaving all other sections and subsections not specifically referenced unchanged:

Sec. 2-410. Unpaid utility service charges; liens, assessments, collection.

(a) Unpaid charges for utility services, which shall include all penalties, interest, recording fees; other fees associated with collection of the account and amounts assessed for Notices of Violation and Compliance Orders issued by ~~the director of Public Works and Utilities Department~~ Water Services Director shall be a lien upon the premises as provided by the city charter. Whenever a bill for utility service remains unpaid for sixty (60) days after the due date, the city may file with the county recorder of Maricopa County, a statement of lien claim. This statement shall contain the legal and common description of the premises service, the amount of the unpaid bill, and a notice that the city claims a lien for this amount as well as for all charges for utility services provided subsequent to the period covered by the statement.

(b) The city shall mail a copy of the claim provided for in subsection (a) to the owner of the premises at the property address and at the address contained on the records of the Maricopa county assessor, if different.

(c) Property subject to a lien for unpaid utility service charges may be sold for nonpayment of same and the proceeds of such sale shall be applied to pay the charges after deducting costs, as in the case of foreclosure of statutory liens.

(d) The office of the city attorney is authorized and directed to institute such proceedings in the name of the city in any court having jurisdiction over such matters against the owners of any property for which utility service charges remain unpaid thirty (30) days after the due date.

(Ord. No. 96-30, 6/4/96, Enacted; Ord. No. 98-115, 1/5/99, Amended (a) and (d); Ord. No. 2010-35, 12/7/2010, Amended (SUPP 2010-4); Ord. No. 2017-24, § 165, 6-13-17)

Section 53. Amend Chapter 7 – PARKS AND RECREATION, Section 7-63 Park and recreation areas; Hours of Operation; Access Restricted; Violations, only as follows, leaving all other sections and subsections not specifically referenced unchanged:

Sec. 7-63. Park and recreation areas; Hours of Operation; Access Restricted; Violations.

(a) It shall be a violation of this chapter for any person other than a peace officer, city employee working in an official capacity, or designated park ranger to be in any park and recreation outside the established Hours of Operations. The City Manager or his designee may establish hours of operations for each park and recreation area, which shall be posted at all park and recreation areas. Unless otherwise established by the City Manager or his designee, Community and Neighborhood Park and recreation areas shall be closed from 10:30 p.m. to 6:00 a.m., multi-use trails shall be closed from 10:30 p.m. until sunrise, and mountain hiking trails shall be closed from sunset until sunrise. The City Manager, Director of the Community Services Department or their designee may extend or reduce the hours of operation of any park and recreation area for such events as they determine to be appropriate.

(b) The Public Works ~~and Utilities~~ Department Director and City Engineer are authorized to post appropriate signage, set appropriate speed limits and install appropriate control devices to restrict access into parks and recreation areas.

(c) The City Manager or their designee may direct that a park and recreation area be closed for a temporary period where a situation arises that the public health or safety require that the premises be closed. A copy of the closure order shall be posted at the entrance to the Park and recreation area. In emergency circumstances, involving public health or safety, a park ranger, designated police services officer, or peace officer may temporarily close a park and recreation area or any portion of a park and recreation area. Any such closure shall be reported to the City Manager or their designee.

(d) Violation of this section, other than subsection (c) shall be deemed to be a civil infraction.

(e) Violations of Subsection (c) of this section shall be a class one (1) misdemeanor.

(Code 1977, § 5-1-22; Ord. No. 04-213, 12/14/2004, repealing and enacting (SUPP 2004-4); Ord. No. 2010-31, 7/6/2011, amending (SUPP 2010-3); Ord. No. 2013-01, 06/04/2013, amending (SUPP 2013-02); Ord. No. 2017-26, § 46, 6-13-17)

Section 54. Amend Chapter 7 – PARKS AND RECREATION, Section 7-64 Park and recreation areas; vehicles; peace officer authority; violations, only as follows, leaving all other sections and subsections not specifically referenced unchanged:

Sec. 7-64. Park and recreation areas; vehicles; peace officer authority; violations.

(a) It shall be unlawful for any person in a park and recreation area to:

(1) Drive any vehicle on any area except the designated roads or parking areas, or such areas as may on occasion be specifically designated as temporary areas.

(2) Fail to obey any traffic control device, or to exceed the speed limit posted in any park and recreation area.

- (3) Operate a vehicle so as to accelerate or decelerate in such a manner as to create loud and unnecessary noise through the squealing of tires.
- (4) Operate a vehicle so as to impede normal traffic flow on roadways or parking areas.
- (5) Operate a vehicle in reckless disregard for the safety of persons or property.
- (6) Law enforcement agencies, emergency medical and fire services shall be exempt from this subsection.
- (7) Park a vehicle anywhere except on a designated parking area, or to park a vehicle in any space not designated for such a purpose. The Public Works-Utilities Department Director or Director of the Community Services Department is authorized to designate spaces in parks and recreation areas for specific purposes and to post appropriate signage.
- (8) Stop, stand or park a vehicle where prohibited by official signs or designations, or where the curbing is painted red (fire) or yellow (restricted) or to stop, stand or park a vehicle in such a manner as to impede vehicle traffic. Any vehicle parked in a manner that presents an immediate danger to the public may be towed immediately in accordance with Police Department procedure if after a reasonable attempt the vehicle's driver cannot be located.
- (9) Stop, stand or park a vehicle in such a manner as to use two or more parking spaces in any parking area within a park and recreation area, unless authorized by the Director of the Community Services Department or their designee.
- (10) Leave a vehicle standing or parked in established parking areas or elsewhere in the park and recreation areas during hours when the park and recreation area is closed.
- (11) Any vehicle left parked in a park and recreation area for more than three calendar days shall be considered abandoned and may be towed in accordance with Police Department procedure. A reasonable attempt shall be made to contact the registered owner of the vehicle prior to the vehicle being towed.
- (12) Leave a bicycle in a place other than a bicycle rack when such is provided and there is space available.
- (13) Leave a bicycle lying on the ground or paving or set against trees, or in any place or position where other persons may trip or be injured by it.
- (14) Operate a bicycle without reasonable regard to the safety of others.
- (15) Wash, wax, detail or clean any motor vehicle in the park and recreation area, without a permit granted for such purpose.
- (16) Use the parks and recreation areas, park and recreation area drives, parking places, or parkways for the purpose of demonstrating any vehicles, or for the purpose of instructing another to drive or operate any vehicle.

(17) Engage in any repair or maintenance of any kind to any motor vehicle, except to the extent that emergency repairs are necessary to permit immediate removal of the vehicle from the parking area.

(18) Cause or permit a vehicle in tow of another vehicle to enter a park and recreation area or proceed therein, except that in case of a breakdown a disabled vehicle may be towed to the nearest exit; or operate or drive a vehicle containing any person or object projecting or hanging outside of or beyond the side or the rear thereof.

(b) In addition to park rangers, a peace officer, or designated police services officer may issue citations for violations of this chapter. Alternatively, for those offenses deemed to be a misdemeanor under this chapter, a complaint may be filed in accordance with the Arizona Rules of Criminal Procedure.

(c) Violation of this section, other than subsection (a)(5), shall be deemed to be a civil infraction.

(d) Violation of subsection (a)(5) of this section shall be deemed to be a class one (1) misdemeanor.

(Code 1977, § 5-1-22(B); Ord. No. 04-213, 12/14/2004, repealing and enacting (SUPP 2004-4); Ord. No. 2010-13, 7/6/2010, amending (SUPP 2010-3); Ord. No. 2013-01, 06/04/2013, amending (SUPP 2013-02); Ord. No. 2017-26, § 47, 6-13-17)

Section 55. Amend Chapter 9 – FIRE PREVENTION AND PROTECTION, Section 9-33 International Fire Code, Local Amendments, only as follows, leaving all other sections and subsections not specifically referenced unchanged:

Sec. 9-33. International Fire Code, Local Amendments.

(bb) Section 507.5.1. titled Where Required is amended to include the following new subsections 507.5.1.1 required installations; 507.5.1.2 Private fire hydrants; 507.5.1.3 Public fire hydrants; and 507.5.1.4 Fire Hydrants which shall read as follows:

507.5.1.1 Required installations. Fire hydrants installed as a result of any order or permit shall be spaced so that short hose lines can be employed and so there are a sufficient number of fire hydrants within a reasonable distance to obtain the required fire flow as determined using Appendix B. In other than single family residential areas, hydrants shall be spaced so that they are not more than 300 feet (91.5m) apart. For single-family residential areas, hydrants shall be spaced so that they are not more than 500 feet (152.5m) apart and not more than 400 feet (122m) hose lay distance from any structure. Hydrant spacing and hose lay requirements may be modified by the Fire Code Official when all structures are protected with automatic fire sprinkler systems in accordance with Section 903.3.1.1, 903.3.1.2 or 903.3.1.3

507.5.1.2 Private fire hydrants. All private fire hydrants (those not on the City of Peoria water system and located on private property) must be flushed and maintained annually in accordance with the American Water Works Association, Manual of Water Supply Practices, Installation Field Testing and Maintenance of Fire hydrants, AWWA M17. Selected hydrants, as determined by the Fire Chief, shall be tested to determine Available Fire Flow according to test procedures outlined in the American Water Works Association Manual of Water Supply Practices, Distribution System Requirements for Fire Protection, AWWA M31.

507.5.1.3 Public Fire Hydrants. All public fire hydrants must be flushed and maintained annually in accordance with the American Water Works Association, Manual of Water Supply Practices, Installation Field Testing and Maintenance of Fire hydrants, AWWA M17. Selected hydrants, as determined by the [Utilities](#)[Water Services](#) Director, shall be tested to determine Available Fire Flow according to test procedures outlined in the American Water Works Association Manual of Water Supply Practices, Distribution System Requirements for Fire Protection, AWWA M31.

507.5.1.4 Fire Hydrants. All fire hydrants shall be wet barrel as defined by AWWA M17 and specified by the City of Peoria [Public Works](#)[Water Services](#)/Engineering Department. Fire Hydrants used in commercial applications shall have two (2) - 2½ inch outlet and one (1) - 4½ inch outlet. Fire Hydrants used in residential (R-3) applications shall have one (1) - 2½ inch outlet and one (1) - 4½ inch outlet.

* * *

(cc) Section 507.5.3 Private fire service mains and water tanks shall be amended to add requirements 4 through 7 which shall read as follows:

4. Fire hydrant systems. Plans and specifications for fire hydrant systems shall be submitted to the Fire-Medical Department for review and approval prior to construction. Plans and specifications for fire hydrant systems shall be submitted to the Fire-Medical Department for review and approval prior to City Council action on the final subdivision plat, or in the case of an individual building or structure, for review and approval prior to issuance of the building permit. The Fire-Medical Department shall obtain the approval of the Engineering Department on the submitted plans and specifications.

5. Each water service provider, whether municipal or private shall submit to the Fire-Medical Department a map identifying the location of fire hydrants within the service area of the water provider. The map required under this subsection shall be submitted on or before December 31, of each year, and shall be updated by the water service provider as new fire hydrants are installed. On May 31, of each subsequent year, a map identifying the location of the fire hydrants within the service area of the water provider shall be submitted to the fire department.

In the event a water service provider fails to submit the map required under subsection (5) of this section, the Fire-Medical Department is authorized to prepare a map of the fire hydrant locations within the service area of water service provider, and charge the cost of

preparation of the map to the water service provider, together with an administrative fee equal to fifteen percent of the cost of preparation of the map.

A water service provider, whether municipal or private having a portion of its service area in which no distribution or service lines are located, shall identify such areas on the map required by this subsection. Such areas shall be exempt from the requirements of Sections 508.1 through 508.4 and Appendix B and C until distribution or service lines are installed by the water service provider.

6. On or before December 31, of each year, each water service provider, whether municipal or private shall have prepared and filed with the City, a plan that: (1) indicates sufficient hydrants on all streets within its water service area containing water utility distribution or service lines to comply with the requirements of International Fire Code, Appendix C-Fire Hydrant Locations and Distribution, including but not limited to Table C105.1 or (2) a five year Capital Improvement Plan indicating plans for the construction of sufficient hydrants on all streets within its water service area containing water utility distribution or service lines to comply with the requirements of International Fire Code, Appendix C-Fire Hydrant Locations and Distribution, including but not limited to Table C105.1 within five (5) years from the date of submission of the plan.

On or before January 10, of each year following submission of the plan, the Fire-Medical Department shall file with the City Clerk, the Directors of Community Development, ~~Utilities~~Water Services Department, Engineering Department and the applicable water provider, a written notice indicating each water service provider who is not in compliance with the requirements of subsection (5) of this section. Upon filing of the written notice with the City Clerk, no building permit shall be issued within the service area of a water service provider who is not in compliance with the requirements of subsection (5) of this section, unless the permit requires an automatic sprinkler system with applicable fire flow requirements complied with to be installed within the structure.

7. A water service provider that believes a notice has been improperly issued under this section may appeal the issuance of the notice to the City Manager, by filing a written notice of appeal to the City Manager within ten (10) days after filing of the Notice in subsection (6) with the City Clerk. The City Manager or his designee shall hold a hearing on the appeal within thirty (30) days after filing of the appeal.

* * *

(fff) Section 3312.1, titled When Required, is amended and shall read as follows:

3312.1 When required. An approved water supply for fire protection, either temporary or permanent, shall be made available before combustible material arrives on the site. The minimum fire flow requirement when a contractor or developer brings combustible materials on site is 1,500 gpm at 20 psi. At least one fire hydrant shall be within 500 feet of any combustible materials and capable of delivering the minimum fire flow requirement. Any hydrant may be either temporary or permanent as the project schedule permits. In addition, there are times when hydrants and valves must be closed temporarily for repair work or construction of the water system. The developer/contractor is responsible for

ensuring that the water supply is available at all times. When the work is complete, developer/contractor shall coordinate with the [Utilities Water Services](#) Department to make sure that the fire hydrants are active and the valves are open.

Section 56. Amend Chapter 13 – MISCELLANEOUS PROVISIONS AND OFFENSES, Section 13-36 Utility Services; violations; penalties, only as follows, leaving all other sections and subsections not specifically referenced unchanged:

Sec. 13-36. Utility Services; violations; penalties.

It is unlawful:

- (a) To violate a water emergency declared by the City, pursuant to Chapter 25 of this code requiring the conservation of water for irrigation or domestic purposes.
- (b) For any occupant or owner of any building into which water is served by the City or other water provider holding a certificate of necessity from the State to supply water to other persons or families or for use on any other property.
- (c) For any person to pour, throw upon, sprinkle or discharge or to permit to flow in any manner water upon any street, ditch, land, court, square, alley, vacant lot, of another person or upon any public place within the city.
- (d) To waste water used for irrigation or permit water used for irrigation to run upon the public streets or alleys of the city or upon the property of another.
- (e) To permit or negligently cause the escape or flow of water in such quantity as to cause flooding, or to impede vehicular or pedestrian traffic, to create a hazardous condition to such traffic, or to cause damage to the public streets of the city.
- (f) For any person to willfully or negligently permit or cause the escape or flow of water used for irrigation in such quantity as to cause flooding, to impede vehicular or pedestrian traffic, to create a hazardous condition to such traffic, or to cause damage to the public streets of the city through the failure or neglect to properly operate or maintain any irrigation structure, delivery ditch, or waste ditch in which the person has a vested right or interest or through the willful or negligent failure of a person to accept water used for irrigation after it has been ordered by him.
- (g) Any person who is named as the customer on the records of the city's utility system or at the Salt River Valley Water Users' Association for any land from which water escapes or flows as set forth in subsections (d) (e) or (f) of this section, is responsible to ensure compliance with this section. Names contained in such records are prima facie evidence of the identification of the person who permits or causes such escape or flow of water from any such land and of the guilt of such person.
- (h) For any person to open or operate any fire hydrant or to draw or to attempt to draw water, or to injure, tamper with or damage a fire hydrant.

- (i) To obtain potable, recharge, reclaimed or other water owned by the City without a validly issued construction water access approval or other utility service authorization.
 - (j) Any violation of this section, shall be a class one misdemeanor.
 - (k) For any person to supply water to other persons for use on other property without the prior authorization of the Water Services Director ~~of Utilities~~.
 - (l) For any person to fail to repair a water leak within fourteen days (14) following discovery of the leak.
 - (m) For any person to obstruct, alter or tamper with a City owned water meter not lawfully authorized to do so.
 - (n) For any person to maintain upon their property animals, or personal property that interferes with the City's lawful entry upon the property to read a City Water Meter or to obtain City Utility Services upon the property.
- (Ord. No. 98-115, 1/5/99, enacted; Ord. No. 2017-15, § 12, 4-4-17)

Section 57. Amend Chapter 13 – MISCELLANEOUS PROVISIONS AND OFFENSES, Section 13-37 Utility Services; valves; violations; prohibited equipment, only as follows, leaving all other sections and subsections not specifically referenced unchanged:

Sec. 13-37. Utility Services; valves; violations; prohibited equipment.

- (a) Without written authorization from the Water Services Director ~~of Utilities of the city~~, it shall be unlawful for any person to possess any curb cock key, valve key, valve wrench, or hydrant wrench for use on the City's water supply system. No person shall make, buy, sell, or in any manner provide to any person a curb cock key, valve key, valve wrench or hydrant wrench for use on the City's water supply system. Violation of this section shall be deemed a class one misdemeanor and subject to a fine of not less than Two Hundred and Fifty Dollars (\$250.00). Any curb cock key, valve key, valve wrench or hydrant wrench possessed by a person in violation of this section shall be subject to forfeiture in the manner provided by A.R.S. Title 13, Chapter 39.
- (b) It shall be unlawful for any person to shut down or reopen city water mains, water valves or perform other work to reduce or shutdown the flow of city water mains, without authorization from the Water Services Director ~~of Utilities~~, or his designee.

(Ord. No. 98-115, 1/5/99, enacted)

Section 58. Amend Chapter 13 – MISCELLANEOUS PROVISIONS AND OFFENSES, Section 13-38 Utility violations; intentional or knowing act, only as follows, leaving all other sections and subsections not specifically referenced unchanged:

Sec. 13-38. Utility violations; intentional or knowing act.

For purposes of Sections 13-35 through 13-37, failure to comply with a Notice of Violation or Compliance Order issued by the Water Services Director ~~of Utilities~~ as prescribed in Chapter 25 is deemed to be intentional or knowing act.

(Ord. No. 98-115, 1/5/99, enacted; Ord. No. 2017-15, § 13, 4-4-17)

**Section 59. Amend Chapter 14 – MOTOR VEHICLES AND TRAFFIC, Section 14-105
Parking adjacent to schools, only as follows, leaving all other sections and
subsections not specifically referenced unchanged:**

Sec. 14-105. Parking adjacent to schools.

(a) The City Engineer shall designate and the Public Works ~~Utilities~~ Director or his or her designee may erect signs indicating no parking of a vehicle is permitted on that side of the street adjacent to any school property; no person shall park a vehicle in any such designated place for one (1) hour before school opens until one (1) hour after school closes on any school day.

(b) It shall be unlawful for any person to stop, stand or park a vehicle in violation of any sign or marking placed to control parking under this section or in violation of the requirements of this section. Violation of this section shall be a civil traffic violation.

(Code 1977, § 6-3-3; Ord. 98-08, 2/3/98, Amended; Ord No. 02-41, 6/4/2002, Amended (SUPP 2002-2); Ord. No. 2017-28, § 29, 6-13-17)

**Section 60. Amend Chapter 18 – BUILDINGS AND BUILDING REGULATIONS; CROSS
CONNECTION CONTROLS, Section 18-104 Authorization, cross connection
enforcement program, fees, only as follows, leaving all other sections and
subsections not specifically referenced unchanged:**

Sec. 18-104. Authorization, cross connection enforcement program, fees.

(a) The ~~Public Works Utilities director~~ Water Services Director is authorized to operate and maintain a cross connection inspection program. This program shall provide for continuous and ongoing inspection of backflow prevention and cross connection devices installed in the city.

(b) There shall be a monthly surcharge on each water meter within the city's service area. This surcharge shall be in the amount provided for in Chapter 27 of the Peoria city code. All funds received from this surcharge shall be placed in an account designated the cross connection control program account. The account shall be used to assist in financing the operation of the city's cross control connection program.

(Code 1977, § 8-2-17(A); Ord. No. 91-39, 11/12/91, Repealed; Ord. No. 91-39, 11/12/91, Re-enacted; Ord. No. 02-41, 6/4/2002, Amended (SUPP 2002-2); Ord. No. 2017-31, § 35, 6-13-17)

Section 61. Amend Chapter 18 – BUILDINGS AND BUILDING REGULATIONS; CROSS CONNECTION CONTROLS, Section 18-106 Same-Commencement of actions, citation, etc., only as follows, leaving all other sections and subsections not specifically referenced unchanged:

Sec. 18-106. Same—Commencement of actions, citation, etc.

- (a) The ~~Public Works-Utilities~~Water Services Director, or any designee thereof, is authorized to investigate any complaints of violation of this chapter. Upon a determination of reasonable cause that a violation exists, the ~~Public Works-Utilities director~~Water Services Director, or any designee thereof, may issue a notice of violation stating with reasonable particularity the nature of the violation to the violator.
- (b) The notice of violation shall be similar to the uniform traffic ticket and complaint promulgated by the Arizona Supreme Court. Upon receipt of a notice of violation, a person may request a hearing on the violation. If a hearing is requested, the hearing officer shall designate a time and place for the hearing and notify the person and the ~~Public Works-Utilities director~~Water Services Director.
- (c) At the hearing it shall be the burden of the ~~Public Works-Utilities director~~Water Services Director, or the designee thereof, to prove by a preponderance of the evidence that a violation of this chapter has occurred. Formal rules of evidence shall not apply and the hearing officer may admit whatever evidence he or she deems relevant or prohibitive. If the hearing officer determines that a violation has occurred, he or she shall issue an order designating the continued noncompliance with this chapter to be a nuisance and imposing a civil penalty against the violator.
- (d) Service of any notice required by this section shall be complete upon mailing it to the violator or by personal delivery to the violator or any agent thereof.
- (e) Failure to respond timely to a notice of violation as described in this section shall result in a default being entered against the violator. Upon entering a default, the hearing officer shall enter an order as if a determination had been made that a violation had occurred.
- (f) If a person has been served with a notice of violation under this section, he shall not be subject to a criminal charge arising out of the same facts.
- (g) The city manager shall designate one or more individuals to act as administrative hearing officers for the purpose of hearing enforcement actions arising under this chapter.
- (h) The city attorney, or any person affected by the nuisance, may bring a civil action in the superior court to abate the nuisance.

(Code 1977, §§ 8-2-17 — 8-2-20; Ord. No. 91-39, 11/12/91; Ord. No. 02-41, 6/4/2002, Amended (SUPP 2002-2); Ord. No. 2017-31, § 37, 6-13-17)

State law reference(s)—Notices to appear, A.R.S. § 13-3903.

Section 62. Amend Chapter 24 - SUBDIVISIONS; STORMWATER POLLUTION MANAGEMENT, Section 24-56 General Provisions and Definitions, Definitions, only as follows, leaving all other sections and subsections not specifically referenced unchanged:

Sec. 24-56. General Provisions and Definitions, Definitions.

All words in this Ordinance shall be first defined as provided herein and, if not defined herein, may be defined in the Peoria Zoning Ordinance or defined according to the usual and customary dictionary definition. Words used in the present tense include the future tense; words used in singular include plural, and words used in plural include the singular; the word "shall" is always mandatory; the word "person" includes a firm, association, organization, partnership, trust, corporation or company, and an individual.

Abandonment by Plat. The procedure whereby the owner of land may abandon temporary or permanent easements by identifying those easements on a Subdivision Plat. Such easements are abandoned, removing any city interest therein, upon approval of the plat by City Engineer and recording of the plat in the Office of the County Recorder. A "Street", as defined in Chapter 23 of the Peoria City Code, or easement for roadway purposes accepted by the City of Peoria for dedication, can be abandoned by plat only if processing of the plat complies with the requirements of Chapter 23 of the Peoria City Code.

Accessory building. A subordinate Building on the same lot with a Principal Building or use, the use of which is customarily accessory and incidental to the main use of the Principal Building or use. When attached to the Principal Building, such accessory building shall be considered as part of the Principal Building for purposes of setback and yard regulations.

Alley. A public service way used to provide secondary vehicular access to properties otherwise abutting upon a Street.

Amended Plat. A Final Plat that changes a portion of a previously Recorded Plat.

Approved Lending Institution. Any person or company currently approved by the Federal Housing Administration or the City of Peoria to act as a mortgagee. The person or company shall be qualified to transact business in the State of Arizona and shall have a business office within the Phoenix metropolitan area.

Area of Special Flood Hazard. Land within a flood plain that is subject to inundation by the Base Flood. (see Flood Plain Ordinance Chapter 20, Peoria City Code)

Arterial Route. A general term including freeways, expressways, and major or minor arterial Streets; and interstate, state, or county highways having regional continuity.

Base Flood. The flood having a one percent chance of being equaled or exceeded in any given year, i.e., the 100-year flood as defined by the Federal Emergency Management Agency (FEMA). (see Flood Plain Ordinance Chapter 20, Peoria City Code)

Block. A parcel of land or group of lots entirely surrounded by public or private streets, cemeteries, streams, railroads, open space, parks, or combination thereof.

Building. Any structure having a roof and used or built for the shelter or enclosure of persons, animals, chattels or property of any kind, including, but not limited to, tents, awnings, carports, ramadas, mobile homes or vehicles situated on private property and used for purposes of a Building. (Also see Section 21-202)

Building Setback. The minimum horizontal distance between a lot line and nearest point of a Building, structure or use, as the context indicates, located on a lot. (Also see Section 21-202)

Building Site. That portion of the lot or parcel upon which a Building and appurtenances are to be placed or are already existing, including adequate areas for parking, sewage disposal, clearance, proper drainage, the safest and most convenient means of access and which conform to the requirements of the provisions in this and other chapters of the Peoria City Code.

Certificate of Correction or Change. Procedure for amending recorded plats that is administrative and does not change any real property description.

Certificate of Occupancy Hold. Procedure for using the Certificate of Occupancy of a Building as a guarantee for installation of required offsite improvements, on-site improvements or dedications.

City. City of Peoria, Arizona, a municipal corporation.

City Engineer. The person identified as the chief engineer for the City, or an assistant duly appointed to act in his/her stead.

Code. The municipal code and ordinances adopted by the Council of the City of Peoria.

Collector Street. A public thoroughfare that provides for traffic movement within neighborhoods and between Arterial Routes and Local Streets with direct access to abutting property.

Conditional Approval. An affirmative action by the City Engineer indicating that approval will be forthcoming upon satisfaction of certain specified stipulations.

Condominium. A Building or group of Buildings in which units are owned individually and the structures, common areas and facilities are owned by all the owners on a proportional, undivided basis. Condominiums may be residential, commercial or industrial in nature. (Also see Section 21-202)

Conservation. Retention or acquisition of land for the purposes of preservation and public use.

Conservation Easement. A right granted to a governmental body over privately owned land, to prohibit development of property, including roads and utilities, and to use the land for public open space purposes.

Context Plan. The principal document showing the relationship of the project site to adjacent setting as specified in the City of Peoria Design Review Manual.

Corner Lot. A Lot abutting on two or more intersecting Streets where the interior angle of intersection does not exceed one hundred thirty-five degrees.

Council. The City Council of the City of Peoria.

Cul-de-sac. A short Local Street having one end permanently terminated by a vehicular turnaround.

Cut. The land surface that is shaped through the removal of soil, rock or other materials.

Dedication. To set aside and deed as right-of-way, easement or property to the City for public use and purpose without compensation unless compensation is specified in a Council agreement or action.

Department. An organizational subdivision of the City directly responsible for review and approval of applications or submittals associated with this chapter.

Development. Utilization of land. Development shall include any man made changes to improve or alter real estate, including but not limited to establishment of uses, Buildings or other Structures, mining, dredging, filling, grading, paving, or excavations.

Design Review. Required review of architectural, engineering and landscape features of specific kinds of Development and utilizing the City of Peoria Design Review Manual. See Design Review Ordinance, Chapter 20 of the Peoria City Code.

Design Review Appeals Board (DRAB). A board appointed by the Council to hear appeals of recommendations, stipulations or conditions proposed for a project or Subdivision, based on the City of Peoria Design Review Manual (see Design Review Ordinance, Chapter 20 of the Peoria City Code).

Double Frontage Lot. A Lot abutting on two more or less parallel Streets.

Easement. A right granted to a governmental body, public, or persons over privately owned land for specific uses and purposes as so designated.

Engineering Plans. Plans, profiles, cross-sections, and other required details for the construction of public improvements, prepared by an Arizona registered engineer of appropriate discipline in accordance with the approved Preliminary Plat and in compliance with standards of design and construction approved by the Council as required in the City of Peoria Infrastructure Development Guide.

Exception. Any parcel of land which is within or adjacent to the boundaries of a Subdivision that is not owned by the subdivider and not part of the platted area.

Fill. Placement of natural materials such as soil, rock or other materials by equipment or other manmade device or tactic on the ground surface.

Final Approval. City Engineer approval of the Final Plat as evidenced by certification on the Plat by the City Engineer, Mayor, and City Clerk of the City. Final Approval constitutes authorization to record a Plat.

Final Plat. The final map of all or part of a Subdivision shown on an approved Preliminary Plat, prepared by a Land Surveyor registered by the State of Arizona in accordance with Article IV of this ordinance and formally approved by the City.

Finish Grade. The final grade or elevation of the ground surface after grading is completed.

Flood Plain. An area, designated by FEMA or other City floodplain management agency, which typically adjoins the channel of a water course, or areas where drainage is or may be restricted by natural or man made structures which may have been or may be covered partially or wholly by floodwater from a Base Flood (see Flood Plain Ordinance Chapter 20, Peoria City Code).

General Plan. A document, or parts thereof, containing comprehensive plans for future development, growth and improvement of the City and for the general location and coordination of streets and highways, schools and recreation areas, public building sites, specific neighborhood elements and other physical development, which shall have been duly adopted by the Council and approved by City voters pursuant to A.R.S. 9-461.

Grading. Any cut or placement of fill material, or combination thereof on a ground surface. Grading may include the conditions resulting from any cut, excavation or Fill, any alteration of the natural drainage pattern or the removal or rearrangement of surface soil.

Hillside Development Area. All land, in all zoning districts, which has a natural terrain with a slope of ten percent or greater, computed in accordance with the method set forth in the Zoning Ordinance, Chapter 21 of the Peoria City Code (1977 edition).

City of Peoria Infrastructure Development Guidelines. Policies and procedures developed and approved by the City Engineer, that provide Subdivision, development and right-of-way construction standards and details of the City.

Interior lot. A lot having only one side abutting on a street.

Irrigation Facilities. Includes canals, laterals, ditches, conduits, gates, pumps and allied equipment necessary for the supply, delivery, and drainage of irrigation water and the construction, operation, and maintenance of such.

Key Lot. An interior Lot, one side of which abuts the rear Lot (line) of a Corner Lot, or is separated there from, by an alley.

Legal Access. Access provided to real property connecting the property to the public street system. Access may include a public or private street or access easement as approved by the City Engineer.

Local Street. A public thoroughfare that provides direct access to residential, commercial, industrial or other abutting land. It provides for local traffic movements and connects to Collector and/or major Streets.

Lot. A piece, tract, or parcel of land separated from other pieces or parcels by description, as in a subdivision or a record survey map, or by metes and bounds, for purposes of sale, lease, or separate use and abutting or having legal access to a public street. (Also see Section 21-202)

Lot Width. The distance between side Lot lines measured at the minimum front setback line on a parallel line to the Street (or Street chord for a Lot abutting on the outside of a Street curve), or the distance between Lot lines measured at the rear of the dwelling for Lots abutting the inside of a Street curve. Lot Width is measured 30 feet behind the minimum front setback line for Lots with no Buildings. (Also see Section 21-202)

Major Subdivision. A Major Subdivision is any one of the following:

- (1) The division of lands into four or more Lots consisting of more than five (5) acres for the purpose of sale or lease; or,
- (2) Any property which is divided into two or more Lots when a new Street or private roadway Easement is involved; or,
- (3) Any property, the boundaries of which have been fixed by a Recorded Plat, which is divided into more than two parts; or,
- (4) Any condominium, cooperative, community apartment, townhouse or similar project containing four or more parcels, in which an undivided interest in the land is coupled with the right of exclusive occupancy of any unit located thereon, but Plats of such projects need not show the Buildings or the manner in which the Buildings or airspace above the property shown on the Plat are to be divided.

Map of Dedication. A form of Plat that dedicates right-of-way and/or easements.

Marginal Access Street or Frontage Road. A minor Street located parallel and adjacent to an Arterial Route, which provides access to abutting property, intercepts Local Streets and controls access to an Arterial Route.

Master Plan. An area plan addressing regional topographic, drainage, land ownership, circulation, utilities or land use issues or other conditions for projects containing multiple phases, or projects, which are part of a larger area, that will precipitate these issues. These plans are for coordination only and do not represent City policy.

Minor Land Division. Either one of the following:

- (1) The division of one parcel of land into three or less parcels.

(2) Applications for a building permit on a single lot that is not a Lot located within a recorded Subdivision and which may be divided into one or more additional Lots, regardless of whether the property owner has indicated any intent to do so.

Minor Subdivision. Any Subdivision of property that meets the standards for a "Major Subdivision" except that the property contains 10 or fewer Lots on five or less acres (see Section 24-90 of this ordinance).

Natural Terrain. Either one of the following:

- (1) The existing grade of the land at the time of application submittal.
- (2) The original grade, if altered by other than natural events, that has been reestablished by original topographic maps, aerial photos with topography shown and certified as to date by a recognized competent official, or other evidence of similar validity acceptable to the City Engineer.

Pedestrian Way. A public walk dedicated entirely through a block from street to street and/or providing access to a school, park, recreation area, or shopping center.

Panhandled Lot. A Lot which does not directly abut a public or private Street except through a driveway "handle" that connects the Lot and the Street.

Plat. A map of a Subdivision.

Preliminary Plat. A preliminary map, including supporting data, indicating a proposed Subdivision development, prepared in accordance with this Chapter.

Preliminary Plat Approval. Approval of the Preliminary Plat by the Community Development Director upon recommendation of the Subdivision Committee. Preliminary approval authorizes the Subdivider to proceed with final engineering plans and Final Plat preparation.

Principal Building. A Building, or where the context so indicates, a group of Buildings, within which is conducted the principal use of the lot on which the Building is situated.

Private Access Way. Any private Street or private way of access to one or more lots, which is owned and maintained by an individual or group of individuals and has been improved in accordance with the City of Peoria Infrastructure Development Guide for private access ways. A Private Access Way is intended to apply where its use is logically consistent with a desire for neighborhood identification and control of access, and where special design concepts may be involved, such as within planned area developments, mobile home developments, rural development and hillside areas.

Public Improvement Standards. Sets of regulations including the City of Peoria Infrastructure Development Guidelines setting forth the details, specifications, and instructions to be followed in the planning, design and construction of certain public improvements within the City. Public Improvement Standards are formulated by the [Utilities](#)[Water Services](#) Department, Community Services Department, City Engineer, the County Health Department or other public agency.

Recorded Plat. A Final Plat bearing all of the certificates of approval required in Article V of this ordinance and duly recorded in the Maricopa County Recorder's Office.

Request for Waiver. A request submitted on a form supplied by the City by the Subdivider for waiver from specified development standards found in the City of Peoria Infrastructure Development Guidelines.

Slope. The vertical rise or fall of land expressed as a percentage and measured generally at right angles to contour lines. Measurements at other than contour line intervals may be made to accurately reflect the angle of the slope.

Street. Any thoroughfare, avenue, boulevard, road, lane, parkway, place, viaduct, Easement, or other way that is an existing state, county, or municipal roadway; or a Street or way shown in a Plat heretofore approved pursuant to law or approved by official action; or a Street or way in a Plat duly filed and recorded in the County Recorder's Office. A Street includes the land between the right-of-way lines whether improved or unimproved and may comprise pavement, shoulders, curbs, gutters, sidewalks, parking areas, landscaping, and above and below ground utilities. (Also see Section 21-202)

Street Classification System. A part of the Circulation Element of the Peoria General Plan (GP) that provides a system for identification of the hierarchy of major Streets and highways, including the location and alignment of existing and proposed thoroughfares. The system is the City's guide for right-of-way and dedication requirements for individual Streets.

Structure. Any constructed or erected material or combination of materials the use of which requires location on the ground or attachment to something located on the ground, including inter-alia buildings, stadiums, radio towers, sheds, storage bins and fences (see Section 21-202).

Subdivider. The individual, firm, corporation, partnership, association, syndication, trust, or other legal entity that files the application and initiates proceedings for the Subdivision of land in accordance with the provisions of this ordinance. The Subdivider need not be the owner of the property.

Subdivision. The division of property for a particular purpose.

Subdivision Committee. A committee of City professional staff persons appointed by the City Engineer, [UtilitiesWater Services](#) Director and Community Development Director to review and recommend plat applications (see Section 24-57 of this ordinance).

Supplemental Standard Details. Standard details for construction in addition to those found in the City of Peoria Infrastructure Development Guidelines and approved by the City Engineer.

Tract. A parcel of land or area of land appropriate for Subdivision. A tract is also a parcel of land included within a Subdivision for a specified purpose other than that proposed for the Lots within the subdivision.

Usable Lot Area. That portion of a Lot usable for or adaptable to normal uses of residential property. Areas that may be covered by water, excessively steep slopes or areas that are included in certain types of Easements are not part of the Usable Area.

Utilities. Underground facilities used for provision of public electricity, gas, steam, communications, water, drainage, sewage disposal, or flood control, owned and operated by any person, firm, corporation, municipal department, or board, duly authorized by state or municipal regulations. Utility or utilities as used herein may also refer to such persons, firms, corporations, departments, or boards involved in supplying these services.

(Ord. No. 02-40, 6/7/02, Enacted (SUPP 2002-2); Ord. No. 2025-13, § 1(Exh. A), 4-22-25)

Section 63. Amend Chapter 24 – SUBDIVISIONS; STORMWATER POLLUTION MANAGEMENT, Section 24-57 General Provisions and Definitions, Subdivision Committee Established, only as follows, leaving all other sections and subsections not specifically referenced unchanged:

Sec. 24-57. General Provisions and Definitions, Subdivision Committee Established.

A. The Subdivision Committee is hereby established. The Committee shall be constituted with a minimum of three City professional staff appointed by the City Engineer, ~~Utilities~~Water Services Director and Community Development Director with the representative of the Community Development Department acting as chairperson. The duties of the Subdivision Committee shall include the following: The committee shall review and make recommendation to the Community Development Director on applications for Preliminary Plats, Final Plats for Minor Subdivisions, and phasing plans. The Committee's recommendation shall be to approve, approve with conditions or deny.

B. The Committee may promulgate rules and procedures with respect to Committee activities.

(Ord. No. 02-40, 6/7/02, Enacted (SUPP 2002-2))