TITLE 7
HEALTH AND SANITATION

CHAPTERS:

7-01 HEALTH REGULATIONS
7-02 WASTEWATER REGULATIONS
7-03 CITY WATER SYSTEM REGULATIONS
7-04 MUNICIPAL REFUSE COLLECTION SERVICE
7-05 SMOKEFREE AIR
7-06 REPEALED
7-07 SOLID FUEL BURNING DEVICES
7-08 EXTENSION AND REIMBURSEMENT AGREEMENTS FOR THE CONSTRUCTION OF WATER AND SEWER LINES
7-09 TOBACCO PRODUCTS

CHAPTER 7-01
HEALTH REGULATIONS

SECTIONS:

7-01-001-0001	**PREMISES TO BE CLEAN:**
7-01-001-0002	**RUNNING WATER:**
7-01-001-0003	**TOILETS:**
7-01-001-0004	**BEDS, LIGHTING AND VENTILATION:**
7-01-001-0005	**SCREENING:**
7-01-001-0006	**FLOORS, WALLS AND CEILINGS:**
7-01-001-0007	**ROOF:**
7-01-001-0008	**GARBAGE DISPOSAL AND GENERAL SANITATION:**
7-01-001-0009	**NEW STRUCTURES:**
7-01-001-0010	**PERMITS:**
7-01-001-0011	**INSPECTIONS:**

SECTION 7-01-001-0001 PREMISES TO BE CLEAN:

The occupant or the owner, lessee, agent other person conducting, operating, controlling or managing any dwelling, apartment house, hotel or house court shall thoroughly clean all the rooms, passages, floors, windows, doors, walls, ceilings, water closets, privies, cesspools and drains of the building or any other portion of the building, the premises, the yards and all of the lots and surrounding property, of which he is the owner or agent, or which he conducts, operates, controls, manages or occupies to the satisfaction of the Health Officer, as often as he shall be required, and before reoccupying the building. The premises, surroundings, the buildings and all portions thereof shall be maintained in a clean and sanitary condition at all times. (Ord. 768, 3-24-70)

SECTION 7-01-001-0002 RUNNING WATER:

A. Every apartment house, hotel, house court or dwelling shall be provided with fresh running water where running water is available, on each floor at one or more places for the convenience and use of the occupants thereof. A failure in the general supply of water from the City shall not be construed to be a failure to provide such water as herein required if proper and suitable appliances to receive and distribute such water are placed as required in this Section.

B. In every building or portion thereof used for hotel purposes, there shall be provided on each floor at one or more places accessible from the public hallway, a slop sink which shall be connected to a public sewer, cesspool or septic tank and trapped, vented and provided with running water.

C. In every kitchen in an apartment house, house court or dwelling there shall be provided a sink with running water, connected to a

public sewer, cesspool or septic tank and properly trapped and vented.

SECTION 7-01-001-0003 TOILETS:

Every apartment house, hotel, house court or dwelling shall be provided with toilet facilities. The toilet shall be located conveniently and shall be connected to a public sewer, cesspool or septic tank, and properly trapped and drained.

SECTION 7-01-001-0004 BEDS, LIGHTING AND VENTILATION:

The beds in all apartment houses or hotels and in any room or apartment in which beds are occupied, let or hired for lodgers shall be separated from each other by a passageway or space of not less than three feet (3') horizontally, and all such beds shall be so arranged that the air shall freely circulate under each of them, and there shall be adequate ventilation. When one bed is placed above another, there shall be a space between such beds of not less than four feet (4') clear.

There shall be provided an adequate number of windows to provide sufficient light, not less than seven and one-half percent (71/2%) of the floor area.

Windows shall be constructed so that they may be opened for the purpose of ventilation.

SECTION 7-01-001-0005 SCREENING:

For the purpose of health, proper sanitation or cleanliness, there shall be provided and maintained in good repair, metal mosquito screening of at least sixteen (16) mesh, set in tight fitting, removable sash, for each door, window or other opening in the exterior walls of any building used or occupied for living, sleeping or residential purposes.

SECTION 7-01-001-0006 FLOORS, WALLS AND CEILINGS:

Floors, walls and ceilings shall be constructed of solid material. They shall be kept clean and in good repair. Floors of porches, stairways and steps shall be constructed of solid material and kept in good repair.

SECTION 7-01-001-0007 ROOF:

The roof shall be constructed of solid material and kept in good repair. It shall be free from leaks.

SECTION 7-01-001-0008 GARBAGE DISPOSAL AND GENERAL SANITATION:

Garbage shall be collected and stored in water tight containers having tight fitting lids.

The premises of every apartment house, hotel, house court or dwelling shall be kept clean and neat.

SECTION 7-01-001-0009 NEW STRUCTURES:

It shall be unlawful for any person or persons to erect or install any new dwelling unit which does not conform to the provisions of this Chapter.

SECTION 7-01-001-0010 PERMITS:

It shall be unlawful for any owner, lessee or other person conducting, operating, control ling or managing any apartment house, rooming house, hotel, house court or dwelling to permit the premises to be reoccupied without first securing a permit therefor. Any person desiring such a permit shall make application to the Health Authority and shall pay therefor to the City, through the said Health Authority, the sum of one dollar ($1.00).

SECTION 7-01-001-0011 INSPECTIONS:

Upon such application being made, the Health Authority shall thereupon inspect said premises and a permit shall be granted providing the provisions of this Chapter have been complied with.

In case of hotels, rooming houses and house courts, inspection shall be made as often as deemed necessary by the Health Authority, and perm its shall be issued on an annual basis, said permit to be subject to revocation at any time for failure to comply with the provisions of this Chapter.

No person shall deny entrance to the inspector or in any way interfere with the inspection of any of the abovementioned dwelling units. (Ord. 347, 7-8-46)

CHAPTER 7-02
WASTEWATER REGULATIONS

SECTIONS:

7-02-001-0001	DIVISION CREATED:
7-02-001-0002	APPOINTMENT OF DIRECTOR OF UTILITIES:
7-02-001-0003	PURPOSE AND POLICY
7-02-001-0004	DEFINITIONS:
7-02-001-0005	INTERFERENCE WITH THE UTILITIES DIVISION; DIGGING UP STREETS WITHOUT A PERMIT; TAMPERING WITH EQUIPMENT PROHIBITED:
7-02-001-0006	ALLOCATION OF RESPONSIBILITY FOR CLEANING, REPAIR AND REPLACEMENT OF BUILDING SEWERS AND CONNECTIONS:
7-02-001-0007	UNSANITARY DISPOSAL OF EXCREMENT PROHIBITED:
7-02-001-0008	TREATMENT OF POLLUTED WASTES REQUIRED:
7-02-001-0009	PROHIBITED SUBSTANCES:
7-02-001-0010	STANDARDS FOR DISCHARGE:
7-02-001-0011	INDUSTRIAL CLASSIFICATION:
7-02-001-0012	INDUSTRIAL SELF-MONITORING:
7-02-001-0013	REPORTING REQUIREMENTS:
7-02-001-0014	SIGNATORY REQUIREMENTS:
7-02-001-0015	CONFIDENTIALITY OF BUSINESS INFORMATION:
7-02-001-0016	INTERCEPTORS; TYPE, CAPACITY, LOCATION, MAINTENANCE:
7-02-001-0017	CONTROL MANHOLES:
7-02-001-0018	RIGHT OF ENTRY FOR INSPECTIONS AND MONITORING:
7-02-001-0019	PROVISION OF FALSE INFORMATION:
7-02-001-0020	PUBLIC NOTIFICATION, DEFINITION OF SIGNIFICANT VIOLATION:
7-02-001-0021	PROCEDURES FOR ENFORCEMENT:
7-02-001-0022	PUBLIC RECLAIMED WASTEWATER PIPELINE AND SEWER EXTENSIONS; APPROVAL BY CITY ENGINEER:
7-02-001-0023	CONSTRUCTION AND OWNERSHIP OF PUBLIC RECLAIMED WASTEWATER PIPELINES, PUBLIC SEWER LINES AND OTHER EQUIPMENT MAINTAINED BY UTILITIES DIVISION:
7-02-001-0024	PUBLIC RECLAIMED WATER PIPELINE EXTENSION AND CONVERSION POLICY FOR REUSERS:
7-02-001-0025	MAIN SEWER EXTENSION POLICY FOR AREAS BEYOND PRESENT CITY TRUNK LINES:
7-02-001-0026	PRIVATE SEWERAGE SYSTEMS; CONSTRUCTION AND MAINTENANCE WITHIN THE CITY PROHIBITED GENERALLY:
7-02-001-0027	PRIVATE SEWERAGE SYSTEMS; WHEN PERMITTED, TO BE CONSTRUCTED AND MAINTAINED IN SANITARY MANNER:
7-02-001-0028	PRIVATE SEWERAGE SYSTEMS; DISCONTINUANCE:
7-02-001-0029	PRIVATE SEWERAGE SYSTEMS; AUTHORITY OF DIRECTOR OF HEALTH DEPARTMENT:
7-02-001-0030	PERMIT REQUIRED:
7-02-001-0031	APPLICATION FOR BUILDING CONNECTION:
7-02-001-0032	DIRECTOR OF UTILITIES TO APPROVE DESIGN NUMBER, LOCATION, SIZE AND CONSTRUCTION OF BUILDING CONNECTIONS:

7-02-001-0033	**SPECIAL PROVISIONS FOR INSTALLING BUILDING CONNECTIONS IN NEW SUBDIVISIONS AND DEVELOPMENTS:**
7-02-001-0034	**RECORDS TO BE KEPT BY ENGINEERING SECTION:**
7-02-001-0035	**SEWER TAP FEE:**
7-02-001-0036	**SEWER USER CHARGES:**
7-02-001-0037	**THE COLLECTION OF USERS CHARGES SHALL BE UNDER THE DIRECTION OF THE CITY'S FINANCE DIRECTOR:**
7-02-001-0038	**RATE ESTABLISHMENT AND REVIEW PROCEDURE:**
7-02-001-0039	**SEWER USE CHARGES, CAPACITY CHARGES:**
7-02-001-0040	**SEPTIC TANK AND SCAVENGER WASTE HAULERS:**
7-02-001-0041	**SEWER RATES TO BE ADDED TO WATER BILLS:**
7-02-001-0042	**WHEN BILLS PAYABLE; DISCONNECTION OF SERVICE FOR FAILURE TO PAY; RECONNECTION FEE:**
7-02-001-0043	**DETERMINATION OF WASTEWATER QUANTITY AND BILLINGS: NONRESIDENTIAL:**
7-02-001-0044	**RESERVED FOR FUTURE USE:**
7-02-001-0045	**PAYMENT OF BILLS AND CHARGES:**
7-02-001-0046	**NOTICE PRIOR TO DISCONNECT:**
7-02-001-0047	**SERVICE CONNECTIONS:**
7-02-001-0048	**RESERVED FOR FUTURE USE:**
7-02-001-0049	**PERMITS REQUIRED FOR INDUSTRIAL USERS:**
7-02-001-0050	**INDUSTRIAL USER PERMITS:**
7-02-001-0051	**PERMITTEE REQUIREMENTS:**
7-02-001-0052	**RESERVED FOR FUTURE USE:**
7-02-001-0053	**RESERVED FOR FUTURE USE:**
7-02-001-0054	**RESERVED FOR FUTURE USE:**
7-02-001-0055	**RESERVED FOR FUTURE USE:**
7-02-001-0056	**RESERVED FOR FUTURE USE:**
7-02-001-0057	**RESERVED FOR FUTURE USE:**
7-02-001-0058	**RESERVED FOR FUTURE USE:**
7-02-001-0059	**SERVICE OUTSIDE CITY LIMITS:**
7-02-001-0060	**RESPONSIBILITY FOR ENFORCEMENT:**
7-02-001-0061	**DISCONNECTION OF SERVICE:**
7-02-001-0062	**RESERVED FOR FUTURE USE**
7-02-001-0063	**INTENT OF CHAPTER:**

SECTION 7-02-001-0001 DIVISION CREATED

There is hereby created a Wastewater Services Section, to be under the supervision and control of the Director of Utilities ("Director"). The Director shall be charged with the care, operation and maintenance of the wastewater treatment and collection systems, and shall be responsible for the enforcement of all provisions contained in this Chapter. Any powers granted to or duties imposed upon the Director may be delegated by the Director to other City personnel.

(Ord. 2002-08, Amended, 07/16/2002)

SECTION 7-02-001-0002 APPOINTMENT OF DIRECTOR OF UTILITIES:

For the proper administration of the water and wastewater services facilities, there shall be appointed by the City Manager a Director of Utilities.

SECTION 7-02-001-0003 PURPOSE AND POLICY

These Wastewater Regulations set forth uniform requirements for users of the Publicly Owned Treatment Works (POTW) for the City of Flagstaff, Arizona ("City"), and enable the City to comply with all applicable State and Federal laws, including the CWA (33 United States Code §§1251 et seq.) and the General Pretreatment Regulations (Title 40, Code of Federal Regulations, Part 403). The objectives of these Wastewater Regulations are:

A. To prevent the introduction of pollutants into the POTW that will interfere with their operation;

B. To prevent the introduction of pollutants into the POTW that will pass through the POTW without adequate treatment, into receiving waters, or that will otherwise be incompatible with the POTW;

C. To protect the POTW personnel who may be affected by wastewater and sludge in the course of their employment and to protect the general public;

D. To promote reuse and recycling of industrial wastewater and sludge from the POTW;

E. To provide for fees for the equitable distribution of the cost of operation, maintenance, and improvement of the POTW;

F. To enable the City to comply with its National Pollutant Discharge Elimination System Permit conditions, its sludge use and disposal requirements, and any other Federal or State laws to which the City's POTW is, or may become, subject. These Wastewater Regulations shall apply to all users of the City's POTW, and shall authorize the issuance of wastewater discharge permits; provide for effective monitoring, compliance, and enforcement procedures; establish administrative review procedures; establish user monitoring and reporting requirements; provide for the setting of fee rates and surcharges for the equitable distribution of costs resulting from the proper maintenance and operation of the City's POTW; and provide for the assessment of civil and criminal penalties for Wastewater Regulation violations.

(Ord. 2002-08, Add, 07/16/2002)

SECTION 7-02-001-0004 DEFINITIONS:

For the purpose of this Chapter, the following words and terms shall have the following meanings, unless the context indicates otherwise:

ADEQ OR DEQ: The Arizona Department of Environmental Quality. (Ord. 1950, 08/05/97)

APPROVED LABORATORY PROCEDURES: The measurements, tests and analysis of the characteristics of water and wastes in accordance with analytical procedures as established in title 40, Code of Federal Regulations, Part 136 as revised.

AVERAGE QUALITY: The arithmetic average (weighted by flow value) of all the "daily determinations of concentration", as that term is defined herein, made during a calendar month.

BOD (biochemical oxygen demand): 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 degrees (20o) centigrade, expressed in milligrams per liter.

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

BUILDING CONNECTION: The connection to the public sewer and extension therefrom of the sewer to the property line in an alley or street, or to the easement line in an easement, whichever is applicable, depending on the location of the public sewer. (Ord. 1681, 12/4/90)

BUILDING OFFICIAL: The Chief Building Inspector, or authorized representative. (Ord. 1723, 4/7/92)

BUILDING SEWER: The service line from the building to the sewer main.

BYPASS: The intentional diversion of wastestreams from any portion of an Industrial User's facility

CATEGORICAL STANDARD: Limits for pollutants that are set by the EPA for individual types of industry listed in 40 CFR 403.

CFR: The Code of Federal Regulations, as amended.

CITY: City of Flagstaff. (Ord. 1104, 12-4-79)

CLEAN WATER ACT: The Federal Water Pollution Control Act.=, Public Law No. 92-500, § 2, 86 Stat. 816, as amended, also known as the "Clean Water Act," codified at 33 U.S.C. §§ 1251 - 1387. (Ord. 1950, 08/05/97)

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.

COLLECTION SYSTEM: Any and all lines, manholes, or other mechanical or physical appurtenances which may be involved with the conveyance of wastewater to or from the City Wastewater Treatment Plant(s).

COMMISSION: A commission established by the City Council to review and make recommendations on the water and wastewater systems.

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

DAILY COMPOSITE SAMPLE:A sample of effluent, discharge or other source of pollutants continuously collected, manually or automatically, over a normal operating day. Samples should be collected over at least an 8 hour period during production, but preferably over a 24 hour period, with one sample being drawn at least once every two hours. Composites should be flow proportional wherever feasible. Volatile pollutant aliquots must be combined in the laboratory immediately before analysis.

DAILY DETERMINATION OF WASTEWATER QUALITY: For composite samples, "daily determination of wastewater quality" shall be the concentration of any parameter tested in a daily composite sample.For grab samples, the "daily determination of wastewater quality" shall be the arithmetic average (weighted by flow value) of the concentrations of any parameter in each grab sample obtained in any calendar day.

DIVISION: Utilities Division.

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: The Director of the Utilities Division of the City, unless otherwise designated. (Ord. 1950, 08/05/97)

Director of Finance or authorized deputy, agent, or representative shall have the authority to determine and collect all 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. (Ord. 1723, 4/7/92)

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

DOMESTIC WASTE: A typical, residential-type waste which requires no pretreatment under the provisions of this Chapter before discharging into the sanitary sewer system, excluding all commercial, manufacturing and industrial wastes. (Ord. 1104, 12-4-79)

EFFLUENT: Wastewater or other liquid - raw, partially or completely treated - flowing from a basin, treatment process, or treatment plant.

EPA: United States Environmental Protection Agency. (Ord. 1236, 11-29-82)

GRAB SAMPLE: An individual sample of effluent, discharge or other source of pollutants collected in less than fifteen (15) minutes.

HAZARDOUS DISCHARGE: A discharge which is considered by the City to be an imminent hazard to health, the environment, or the POTW.

INDIRECT DISCHARGE: The introduction of pollutants into a POTW from any non-domestic source regulated under section 307(b), (c) or (d) of the Clean Water Act as amended 33 USC 1251, et seq.

INDUSTRIAL USER: A source of indirect discharge.

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 waters, surface runoff, street wash waters or drainage.

INTERFERENCE: Inhibition or disruption of the sewer system, treatment processes or operations which contribute to a violation of any requirement of a national pollutant discharge elimination system permit. The term includes prevention of sewage sludge use or disposal by the cities in accordance with section 405 of the Act, or any criterial guidelines or regulations developed pursuant to the Solid Waste Disposal Act (SWDA), the Clean Air Act, the Toxic Substances Control Act, or more stringent State criteria (including those contained in any State sludge management plan prepared pursuant to title IV of SWDA) applicable to the method of disposal or use employed by the City.

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

MAIN SEWER: A sewer which receives sewage from one 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 said works were designed and constructed. (Ord. 1950, O8/05/97)

NATURAL OUTLET: Any outlet into a watercourse, ditch, or other body of surface or ground water.

NPDES PERMIT: The permit or permits issued to and held by the City under the National Pollutant Discharge Elimination System, pursuant to 33 U.S.C. § 1342 and 40 CFR Parts 122 through 125. (Ord. 1950, 08/05/97)

PARAMETER: See "TREATMENT PARAMETER".

PASS THROUGH: An effluent flow which exits the POTW in quantities or concentrations which alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation).

PERMITTEE, PERMIT HOLDER: Any person, firm, association, corporation or trust which owns, operates, possesses or controls an establishment or plant being operated under a valid industrial waste permit to discharge waste into the City sewer system.

pH: The logarithm of reciprocal of the weight of hydrogen ions in grams per liter of solution.

POTW: Publicly owned treatment works.

PRETREATMENT: The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of pollutant properties in wastewater prior to or in lieu of discharging or otherwise introducing such pollutants into the POTW, as further defined and described in 40 CFR 403.3(q). (Ord. 1950, 08/05/97)

PRETREATMENT STANDARDS or PRETREATMENT REQUIREMENTS: Any substantive or procedural requirements relating to pretreatment, including the specific pollutant limits set forth in Section 0010 of this Chapter. (Ord. 1950, 08/05/97)

PUBLIC SEWER: A lateral, branch, main or trunk sewer controlled and maintained by the City of Flagstaff. (Ord. 1236, 11-29-82)

RECLAIMED WASTEWATER: The treated effluent which is the product of the Municipal wastewater system, which although not suitable for human consumption, may be used for certain industrial or commercial purposes. (Ord. 1723, 4/7/92)

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.

REPRESENTATIVE SAMPLE: A sample which takes a portion of the user's discharge which will be indicative of all the constituents of the discharge.

SANITARY SEWER: A sewer which carries sewage and to which storm, surface, and ground waters are not intentionally admitted.

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

SEWAGE/SEWERAGE: A combination of water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface, and storm waters as may be present.

SEWAGE TREATMENT PLANT: Any arrangement of devices and structures used for treating sewage.

SEWER: A pipe or conduit for carrying sewage.

SEWER TAP: Includes hole cut into main line and saddle to which to connect. (Ord. 1681, 12/4/90)

SLUG LOAD: Any pollutant discharged in quantities large enough to cause interference, upset, or pass-through at the POTW.

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 Standard Industrial Classification Manual, 1987, 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.

STORM SEWER or STORM DRAIN: A sewer which carries storm and surface waters and STORM DRAIN: drainage, but excludes sewage and polluted industrial wastes.

SURCHARGE: An additional charge levied against Industrial Users for exceeding certain thresholds of BOD or TSS, as described in § 0038.H and set forth in § 0039.A of this Chapter. (Ord. 1950, 08/05/97)

SUSPENDED SOLIDS (SS): Solids measured in milligrams per liter that either float on the surface of or are in suspension in water, wastewater or other liquids and which are largely removable by a laboratory filtration device, as defined in the "Standard Methods" as defined herein.

SYSTEM DESIGN CAPACITY: The design capacity for normal domestic wastewater as established by accepted engineering standards.

TREATMENT PARAMETER: A fundamental characteristic of sewage around which treatment is designed, such as, but not limited to, flow, BOD, and suspended solids.

TSS: Total suspended solids, expressed in milligrams per liter, in a user's discharge. (Ord. 1950, 08/05/97)

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

UPSET: An exceptional incident in which there is unintentional and temporary noncompliance with categorical Pretreatment Standards because of factors beyond the reasonable control of the Industrial User. This does not include noncompliance due to operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

U.S.C. The United States Code, as amended. (Ord. 1950, 08/05/97)

USER: Any person, lot, parcel of land, building, premises, Municipal corporation or other political subdivision that discharges, causes or permits the discharge of wastewater into the sewage system.

UTILITIES DIVISION: The Utilities Division of the City. (Ord. 1950, 08/05/97)

VOC (Volatile Organic Chemistry): Those parameters included in EPA method 601/602.

WASTEWATER SYSTEM: All facilities for collection, pumping, treating, and disposing of sewage. As used in this Chapter the terms sewer system or wastewater system shall have the same meaning and definition.

WATERCOURSE: A channel in which a flow of water occurs, either continuously or intermittently. (Ord. 1236, 11-29-82)

(Ord. No. 1681, Amended, 12/04/90; Ord. No. 1693, Amended, 05/07/91; Ord. No. 1723, Amended, 04/07/92; Ord. No. 1950, Revised, 08/05/97)

SECTION 7-02-001-0005 INTERFERENCE WITH THE UTILITIES DIVISION; DIGGING UP STREETS WITHOUT A PERMIT; TAMPERING WITH EQUIPMENT PROHIBITED:

Every person who shall in any way interfere with employees of the Utilities Division in any discharge of their duties, either in the tapping of any sewer pipe, main, or lateral belonging to the City, or the cleaning, laying, or connection of any such pipe or main or lateral, or who shall dig up or cause to be dug up, any street or alley in the City for the purpose of connecting with the sewer system of the City without first obtaining a permit from the City Engineer, or who, having a permit, shall dig up any portion of any street or alley of the City for the purpose of connecting with the sewer system of the City and

shall fail or neglect to place the street or alley in its original condition, or who shall maliciously or wilfully break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is a part of the Municipal sewer system shall be guilty of a petty offense. (Ord. 1104, 12-4-79)

SECTION 7-02-001-0006 ALLOCATION OF RESPONSIBILITY FOR CLEANING, REPAIR AND REPLACEMENT OF BUILDING SEWERS AND CONNECTIONS:

A. The property owner shall be responsible for the cleaning, unstopping, maintenance and repair of the sewer connection piping serving the owner's property from the owner's home or building to the public sewer main. (Ord. 1631, 8/1/89)

B. Where the correction of a stoppage requires the repair or replacement of a damaged or broken section which is located off-property in a street or alley, the necessary repairs must be made by a licensed contractor, the scope of which licenses allows him to work within a public right of way subject to securing a right of way permit from the Engineering Section.

After repairs are made to a sewer connection in a concrete or asphalt street the street shall be cut, filled, and compacted to grade, the top lift being one foot of road base material approved by the City Engineering Section. Upon completion, the street shall be opened to traffic and the City Public Works Division contacted to repair the street.

When the repairs to a sewer connection are required under a sidewalk, curb or gutter, the sidewalk, curb or gutter shall be square cut to avoid unnecessary damage. After completion, the excavation shall be backfilled and compacted to grade and the City Public Works Division contacted to repair the sidewalk, curb or gutter.

If in the opinion of the City Utilities Director an unnecessary amount of street, sidewalk, or curb and gutter is damaged in the process of making the repair, the contractor shall be charged for the repair of that amount. (Ord. 1631, 8/1/89)

C.

1. If the property owner perceives the location of a sewer service problem to be the City's main sewer line, the property owner should contact the City's Utilities Director. (Ord. 1631, 8/1/89)

2. The City will cooperate with the property owner to locate the cause of a sewer service problem, including the performance of appropriate tests or inspections on the City's main line. If the location of the sewer service problem is identified to be

in the property owner's service line, responsibility for the repairs pursuant to paragraph (A) above. The City will cease any repair efforts if responsibility for the repairs fall on the property owner pursuant to paragraph (A) above. (Ord. 1631, 8/1/89)

3. If the location is determined to be in the City's main line, the City will initiate the appropriate repair action.

4. If the location of the sewer problem cannot be identified, the City will proceed with the appropriate excavation to locate the cause of the problem. If the location of the problem is determined to be within the property owner's service line, responsibility for the repairs shall be pursuant to paragraph (A) above. In addition, the property owner shall reimburse the City for costs incurred by the City in performing the necessary excavation if responsibility for the repair is on the property owner pursuant to paragraph (A) above. If the location of the problem is within the City's main line, the City shall perform the appropriate repairs and the property owner shall bear no responsibility for the costs of excavation. (Ord. 1631, 8/1/89)

(Ord. No. 1631, Amended, 08/01/89)

SECTION 7-02-001-0007 UNSANITARY DISPOSAL OF EXCREMENT PROHIBITED:

It shall be unlawful for any person to deposit, or permit to be deposited, in an unsanitary manner, upon public or private property within the City, or in any area under the jurisdiction of the City, any human or animal excrement or other objectionable waste.

SECTION 7-02-001-0008 TREATMENT OF POLLUTED WASTES REQUIRED:

It shall be unlawful to discharge to any natural outlet within the City or in any area under the jurisdiction of the City, any sewage, industrial wastes, or other polluted waters, except where suitable treatment has been provided, in accordance with provisions of this Chapter. (Ord. 1104, 12-4-79)

SECTION 7-02-001-0009 PROHIBITED SUBSTANCES:

A. The Director of Utilities shall have the authority to regulate the volume and flow rate of discharge to the sewage works and to establish permissible limits of concentration for various specific substances, materials, or wastes that can be accepted into the sewage works, and to specify those substances, materials, waters or wastes that are prohibited from entering the sewage works. (Ord. 1693, 5/7/91)

B. The following are prohibited from the City wastewater collection system:

1. Any substance that interferes with the POTW or wastewater collection system.

2. Any liquids, solids, or gases which by reason of their nature or quantity could be sufficient, either alone or by interaction with other substances, to cause injury to the POTW from fire or explosion. At no time shall two (2) successive readings on an explosion hazard meter, at the point of discharge to the POTW, be more than five percent (5%), nor any single reading over ten percent (10%), of the Lower Explosive Limit (LEL) of the meters. Prohibited materials include, but are not limited to: Gasoline, kerosene, naphtha, trichloroethylene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides and sulfides, wastestreams with a closed cup flash point of less than one hundred forty (140) degrees Fahrenheit or sixty (60) degrees Centigrade using the test methods specified in 40 CFR 261.21. (Ord. 1693, 5/7/91); (Ord. No. 2007-23, Amended 03/20/2007)

3. Any water which contains a solid or viscous substance which could obstruct the flow in the collection system or interfere with the POTW. (Ord. 1989, 1/19/99)

4. Any particles greater than one-half inch (1/2") in any dimension, animal tissues, manure, ashes, cinders, sand, metal, glass, straw, paper, wood, plastics, gas, tar, asphalt and grinding wastes. (Ord. 1896, 11/21/95)

5. Any substance that can cause corrosive damage to the POTW or collection system and any substance with a pH of less than 5.0 standard units (s.u.) or greater than 12.5. s.u. (Ord. 1958, 10/07/97)

6. Any liquid or vapor which causes the temperature entering the POTW to exceed one hundred four degrees (104o) Fahrenheit (40o C) or any liquid or vapor with a temperature greater than one hundred sixty degrees (160o) Fahrenheit (71o C). (Ord. 1693, 5-7-91)

7. Any toxic or radioactive substance in sufficient quantity to interfere with the POTW or collection system or to create a health or environmental hazard.

8. Any substance requiring unusual attention or expense of the City unless specifically authorized. Compensatory payments be determined by the City to be paid by the user who contributes any such authorized substance.

9. Any noxious or malodorous liquid, gas or solid which creates a public nuisance, health or environmental hazard, or

inhibits entry into any part of the wastewater system for maintenance or monitoring.

10. Any water with a volume greater than twenty (20) GPM containing dyes, inks or other color-causing substances that change the typical color in the wastewater collection system.

11. Any substance causing a hazard to health or to the environment.

12. Petroleum oil, nonbiodegradable cutting oil or products of mineral oil origin in amounts that cause interference or pass through. (Ord. 1693, 5-7-91)

13. Any trucked or hauled pollutants, except at discharge points designated by the POTW. (Ord. 1693, 5-7-91)

14. Any combination of substances contributed by one or more users which results in any of the above situations.

15. The following pesticides are expressly prohibited from discharge into the City sewer system: 4,4'-DDD; 4,4'-DDE; 4,4'-DDT;and Heptachlor.

(Ord. No. 1693, Amended, 05/07/91; Ord. No. 1896, Amended, 01/08/96; Ord. No. 1896, Amended, 11/21/95; Ord. No. 1958, Amended, 10/07/97; Ord. No. 1989, Amended, 01/19/99); (Ord. 2002-08, Amended, 07/16/2002); (Ord. No. 2007-23, Amended 03/20/2007)

SECTION 7-02-001-0010 STANDARDS FOR DISCHARGE:

A. A technically-based determination of local Industrial User discharge limits for heavy metals, organics and other pollutants, for which there exists a specific discharge limit at the POTW, be made by the City Utility Director and EPA. Such determination shall take into account removal percentages of the POTW, and dilution factors. (Ord. 1693, 5/7/91)

B. The following specific limits shall apply to all Industrial User discharges and may be modified, with prior notice to the Industrial user and an opportunity to respond, to comply with applicable State and/or Federal regulations. (Ord. 1693, 5-7-91)

Parameter Maximum	(mg/L)
Lead	0.041
Copper	1.00
Zinc	1.40
Mercury	0.017
Methylene Chloride	4.10
Cyanide(Total)	.24
Arsenic	.26

Silver	0.30
Toluene	4.20
BOD	1,000.00
TSS	1,200.00
Benzene	0.35
Bis(2-ethylhexyl) phthalate(BEHP)	- best management practices (BMP)

(Ord. 1896, 11/21/95); (Ord. No. 2007-23, Amended 03/20/2007)

C. The City may set limits based on mass measurements of pollutants for a particular substance or a particular user if it is necessary for adequate regulation. Discharge limits be set in order to meet any limits set for sludge disposal.

D. Industrial users meet the requirements of the U.S. Code of Federal Regulations, 40 CFR 403 and the amendments thereof. No discharge may exceed any Federal categorical standard or cause the POTW to exceed its NPDES Permit. The City may request approval to modify a Federal Categorical Standard, according to 40 CFR 403. (Ord. 1693, 5-7-91)

E. Dilution be used to meet a standard or limit unless it is expressly authorized by the categorical standard set by the EPA or by the City. (Ord. 1693, 5/7/91)

F. Bypass prohibition:

1. Notice of bypass to occur

a. If an Industrial User knows in advance of the need for a bypass, it shall submit prior notice to the Utilities Director, if possible, at least ten days before the date of the bypass.

b. An Industrial User shall submit oral notice of an unanticipated bypass that exceeds applicable Pretreatment Standards to the Director of Utilities within 24 hours from the time the Industrial User becomes aware of the bypass. A written submission shall also be provided within 5 days of the time the Industrial User becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass.

2. Prohibition of bypass

Bypass is prohibited, and the Utilities Division may take enforcement action against an Industrial User for a bypass unless:

a. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

b. there were no feasible alternatives to the bypass;

c. the User submitted notices as required above.

G. O & M Requirements:

Industrial Users required to install suitable pretreatment facilities to treat wastestreams which do not meet City discharge limits, shall provide necessary maintenance on such equipment to ensure their continued and efficient operation. Such facilities shall be attended by a person who has obtained certification as a wastewater operator by ADEQ at a level appropriate for the facilities being tended.

An Industrial violation of City discharge limits which is due to operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventative maintenance, carelessness or improper operation not be considered unintentional by the City of Flagstaff.

All Industrial Users shall maintain their general facilities in such a manner as to eliminate or minimize the possibility of discharge of substances by that industry, which are in violation of applicable Pretreatment Standards. (Ord. 1693, 5-7-91)

(Ord. No. 1693, Amended, 05/07/91; Ord. No. 1896, Amended, 11/21/95; Ord. No. 1950, Revised, 08/05/97) (Ord. 2002-08, Amended, 07/16/2002); Ord. No. 2007-23, Amended 03/20/2007)

SECTION 7-02-001-0011 INDUSTRIAL CLASSIFICATION:

A. Each Industrial User shall be classified into one of the following categories as designated by the Code of Federal Regulations 40 CFR 403.3 (t) 1 & 2.

1. Significant - defined as any industry that:

a. Is subject to categorical standards as defined by 40 CFR 403.6 and 40 CFR Chapter I, Subchapter N.

b. Discharges an average process wastestream of 25,000 gallons per day (0.025mgd) or more to the POTW (excluding sanitary, noncontact cooling and boiler blowdown wastewater.)

c. Contributes a process wastestream which makes up 5 percent or more of the average dry weather hydraulic or organic (BOD, TSS, etc.) capacity of the POTW.

d. Has a reasonable potential, in the opinion of the Utilities Director, to adversely affect the POTW's operation or for violating any pretreatment standard or requirement in accordance with 40 CFR 403.8 (f) (6) or this ordinance.

2. Minor - Those industries that by themselves do not significantly impact the treatment system, degrade receiving water quality, or contaminate sludge. Industries that have the potential to discharge a nondomestic or process wastestream, but at the present time discharge only sanitary waste, may also be included in this group.

B. The City will notify all users of Federal and local requirements which may be applicable to them. Significant Industrial Users shall receive a copy of:

1. This chapter

2. Applicable parts of the U.S. Code of Federal Regulations

3. An application for an Industrial Wastewater Discharge Permit

4. Applicable Categorical Standards

5. Any other pertinent materials

6. Any changes in Federal or local requirements as they occur

C. The Industrial User may request certification of it's Industrial User Classification from the EPAaccording to 40 CFR 403.6 (a). The Industrial User may request variation from Federal Categorical Standards according to 40 CFR 403.13 and the Clean Water Act. (Ord. 1693, 5-7-91)

(Ord. No. 1693, Rep&ReEn, 05/07/91)

SECTION 7-02-001-0012 INDUSTRIAL SELF-MONITORING:

A. Significant Industrial Users, at the User's expense, must provide safe and convenient access for sampling by the City. A City approved manhole must be provided from which a sample that is representative of the total discharge can be taken. There must be unobstructed access to the open flow in the manhole so that a grab sample can be taken and so that sampling equipment can be set up in the manhole.

B. Sampling and analysis must be performed by Significant Industrial Users, at their own expense, at least twice each year, in two separate quarters, (April -June and October - December), and results of such sampling submitted to the City before the last day of each respective quarter or as directed by the City. The City may perform such sampling for the Significant Industrial User if they so choose.

If any sample that is taken by the Industrial User or the City is not within the limits of this Chapter or the categorical standards, then the Industrial User, or the City if they so choose, shall repeat the sampling within 30 days of becoming aware of the violation or more often if it is determined to be necessary by the City.

C. A minimum of four (4) grab samples, pulled at least every two hours, must be used when sampling for pH, cyanide, total phenols, oil and grease, sulfide, and volatile organics. For all other pollutants, 24-hour composite samples must be obtained through flow proportional composite sampling techniques, where feasible. The City may waive flow-proportional composite sampling for any Industrial User that demonstrates that flow proportional sampling is infeasible. In such cases, samples may be obtained through time-proportional composite sampling techniques or through a minimum of four (4) grab samples where the user demonstrates that this will provide a representative sample of the effluent being discharged. Sampling must be performed for 5 consecutive days which are representative of the effluent being discharged on a typical production day or as directed by the City.

D. The flow must be measured by the Industrial User at the time that the sample is taken, according to 40 CFR 403.12 and section 7-2-43 of this Ordinance.

E. The methods of sampling must be performed in accordance with 40 CFR 136 and any other applicable federal, state, or local requirements and the sampling location and type approved by the City. An authorized representative of the Industry (see section 7-2-14) shall sign and submit with these sample results, a statement verifying the validity of the methods and location.

F. All records of sampling, analysis and flows must be kept by the Industrial User and the City for at least three (3) years. All records must be available to the City. (Ord. 1693, 5-7-91)

(Ord. No. 1693, Enacted, 05/07/91)

SECTION 7-02-001-0013 REPORTING REQUIREMENTS:

A. Within 180 days of the promulgation by the EPA of a categorical standard or within 180 days of a final administrative decision, the Industrial Users that are subject to the standard must report the

information provided for in 40 CFR 403.12 (b). This information must also be supplied by existing sources of discharge as well as new sources that discharge after the standards have been promulgated.

B. All Industrial Users must immediately report to the Utilities Division or to the Wildcat Hill Wastewater Treatment Plant any discharge, including accidental discharge, which contains a slug load, a prohibited substance, or any substance which might be harmful to the POTW, the collection system, the environment or to any person.

C. The Industrial User must provide a written report (separate from the immediate report) within five (5) days of the detection of the upset. The report must include the nature and volume of the discharge, the period of noncompliance including exact dates and time or if not corrected the anticipated time the upset is expected to continue, the action being taken by the Industrial User to correct the problem and preventive measures needed to avoid future spills.

D. The Significant Industrial user shall report to the City immediately any significant changes in production, including, but not limited to, production rate, product, raw materials utilized, rate of discharge, concentration of pollutants being discharged, etc.

E. If in the course of self-monitoring, a Categorical Industrial User becomes aware of a violation of their Categorical limits, they shall notify the City within 24 hours of becoming aware of such.

F. If an Industrial User subject to reporting requirements of this section monitors any pollutant more frequently than required by the City, using the procedures prescribed in Section 7-2-12 of this Chapter, the results of this monitoring shall be submitted to the City also.

G. All Industrial Users shall notify the POTW , the EPA Regional Waste Management Division Director, and State hazardous waste authorities in writing and within 180 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 as required in 40 CFR 403.12(p) (1) through (4). (Ord. 1693, 5/7/91)

(Ord. No. 1693, Enacted, 05/07/91)

SECTION 7-02-001-0014 SIGNATORY REQUIREMENTS:

A. The reports required by this Chapter must be signed as follows:

1. By a responsible corporate officer, if the Industrial User submitting the reports is a corporation. For the purpose of this paragraph, a responsible corporate officer means:

   a. A president, secretary, treasurer, or 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

   b. the manager of one or more manufacturing, production, or operation facilities employing more than 250 persons or having gross annual sales or expenditures exceeding $25 million (in second quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

2. By a general partner or proprietor if the Industrial User submitting the reports is a partnership or sole proprietorship respectively.

3. By a duly authorized representative of the individual designated in paragraph 1 of this section if:

   a. The authorization is made in writing by the individual described in paragraph 1;

   b. the authorization specifies either an individual or a position having responsibility for the overall operation of the facility from which the Industrial discharge originates, such as the position of plant manager, operator of a well, or well field superintendent, or a position of equivalent responsibility, or having overall responsibility for environmental matters for the company; and

   c. the written authorization is submitted to the City of Flagstaff, Utilities Division.

4. If an authorization under paragraph 3 of this section is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, or overall responsibility for the environmental matters for the company, a new authorization satisfying the requirements of paragraph 3 of this section must be submitted to the City of Flagstaff Utilities Division prior to or together with any reports to be signed by an authorized representative. (Ord. 1693, 5-7-91)

(Ord. No. 1693, Rep&ReEn, 05/07/91)

SECTION 7-02-001-0015 CONFIDENTIALITY OF BUSINESS INFORMATION:

A. Any information, except effluent data as defined by 40 CFR 2.302, submitted to the City of Flagstaff pursuant to this Chapter, may be claimed as confidential by the submitter. Any such claim must be asserted at the time of submission by stamping the words "CONFIDENTIAL BUSINESS INFORMATION" on each page containing such information. If no claim is made at the time of submission, the City may make the information available to the public without further notice. If a claim is asserted, the information will be treated in accordance with the procedures in 40 CFR Part 2 (Public Information).

B. For the purposes of this section "effluent data" shall be defined as:

1. Information necessary to determine the identity, amount, frequency, concentration, temperature, or other characteristics (to the extent related to water quality) of any pollutant which has been discharged by the source (or of any pollutant resulting from any discharge from the source), or any combination of the foregoing;

2. information necessary to determine the identity, amount, frequency, concentration, temperature, or other characteristics (to the extent related to water quality) of the pollutants which, under an applicable standard or limitation, the source was authorized to discharge (including, to the extent necessary for such purpose, a description of the manner or rate of operation of the source); and

3. a general description of the location and/or nature of the source to the extent necessary to identify the source and to distinguish it from other sources (including, to the extent necessary for such purposes, a description of the device, installation, or operation constituting the source).

C. For the purposes of this section, the following shall be considered to be "effluent data" only to the extent necessary to allow the regulatory agency having jurisdiction to disclose publicly that a source is (or is not) in compliance with an applicable standard or limitation, or to allow such regulatory authority to demonstrate the feasibility, practicability, or attainability (or lack thereof) of an existing or proposed standard or limitation:

1. Information concerning research, or the results of research, on any product, method, device, or installation (or any component thereof) which was produced, developed, installed, and used only for research purposes; and

2. information concerning any product, method, device, or installation (or any component thereof) designed and intended to be marketed or used commercially but not yet so marketed or used. (Ord. 1693, 5-7-91)

(Ord. No. 1693, Rep&ReEn, 05/07/91)

SECTION 7-02-001-0016 INTERCEPTORS; TYPE, CAPACITY, LOCATION, MAINTENANCE

A. A City approved interceptor is required for any business whose discharge can be determined by the City to interfere with the POTW or the wastewater collection system. If a blockage is found in the collection system and it can be determined by the City to be caused by a particular user's discharge, then the City can require the user to install a City approved interceptor, at the user's expense, to catch the substance causing the blockage. If any interceptor is determined by the City to be inadequate in size or design, the City may require the user to install or upgrade such interceptor at the user's expense.

B. A City approved grease interceptor is required for any restaurant or other business that performs cooking. Grease interceptor sizing is to be as provided in the UNIFORM BUILDING CODE, APPENDIX H4 with the minimum size for such interceptors required for restaurants to be forty (40) pounds. All piping from sinks, floor drains, kettles, dishwashing machines, etc. into which grease may be disposed must be connected through such interceptor. Grease interceptors may not be installed in any part of a building where food is handled. (Ord. 1876, 06/20/95)

An exemption of the minimum grease trap sizing will be considered for business based on type of food preparation that is done on site. This exemption must be approved by the Industrial Waste Division and the Utilities Director. The business must serve food that is commonly known to be low in potential grease generation and the waste stream discharge must produce less than 100 mg/1 of oil and grease as determined by the City. After an exemption is granted to a business, if the business changes food service, generates greater than 100 mg/1 of oil and grease, or causes an interference or blockage to the sewer collection system due to grease, the business will be required to install a properly sized grease trap in accordance with Flagstaff City Code, Section 7-02-001-0016(A). (Ord. 1896, 11/21/95)

C. A City approved oil interceptor is required for any business that performs automotive repairs or service. (See standard drawing for size and other specifications)

D. A City approved lint interceptor is required for any business with six (6) or more residential size washing machines or any amount of industrial size washing machines. An industrial size washing

machine is one that has a tub 3.5 cubic feet or larger and/or an American Household Appliance Manufacturers Association ("AHAMA") capacity of 25 pounds or more. Residential machines will be any washing machine with less capacity than industrial machines. (See standard drawing for lint interceptor size and other specifications.)

E. A City approved sand interceptor is required for any business with facilities for washing vehicles. (See standard drawing for size and other specifications)

F. All interceptors shall be of a type and capacity approved by the Director of Utilities and shall be located so as to be readily and easily accessible for cleaning and inspection.

G. Grease and oil interceptors shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, watertight, and equipped with easily removable covers. When bolted covers are required they shall be gastight and watertight.

H. Where installed, all interceptors shall be maintained by the owner and/or user at his or her own expense. The interceptor must be kept in continuously efficient operation at all times and a written record of maintenance performed on such interceptor shall be kept by the user on a form provided by the City.

I. The City shall periodically inspect such interceptors and/or records to insure they are being kept in efficient operation. A cleaning schedule will be set by the City if it is necessary to prevent the entry of harmful substances into the collection system. (Ord. 1693, 5-7-91)

(Ord. No. 1693, Rep&ReEn, 05/07/91; Ord. No. 1876, Amended, 06/20/95; Ord. No. 1896, Amended, 11/21/95)
(Ord. 2000-23, Amended, 10/03/2000)

SECTION 7-02-001-0017 CONTROL MANHOLES:

When required by the Director of Utilities, the owner of any property served by a building sewer carrying potentially harmful or industrial wastes shall install a suitable control manhole in the building sewer to facilitate observation, measurement and sampling of the wastes. Such manhole, when required, shall be accessible and safely located and shall be constructed in accordance with plans approved by the Director of Utilities. The manhole shall be installed by the owner at his expense and shall be maintained by him so as to be safe and accessible at all times. Users whose effluent must be treated before it enters the wastewater collection system or whose effluent may potentially contain any prohibited substance may be required to install a control manhole for sampling purposes. The manhole must be located so that a representative sample can be taken and there must be unobstructed access

to the open flow in the manhole so that a grab sample can be taken and so that sampling equipment can be set up in the manhole.

SECTION 7-02-001-0018 RIGHT OF ENTRY FOR INSPECTIONS AND MONITORING:

A. Any authorized employee of the City Utilities Division shall, upon presentation of his credentials, have free access at all reasonable hours to any commercial or industrial premises connected to or disposing of any type waste to the City wastewater system for the purpose of surveillance and/or an inspection of the premises to determine the nature and quantity of wastes discharged to the City wastewater system, or for examining or copying records, required by 40 CFR 403.12(m). The Industrial User must make freely available to the City any and all records which would enable them to make an accurate determination of the constituents and flow of the User's wastestream. (Ord. 1693, 5-7-91)

B. Servicemen, industrial waste inspectors, sanitary engineers, or other designated representatives of the Division, whose duty it may be to enter upon commercial or industrial premises to make inspections and collect samples or measure the quantity of wastes discharged to the City sewer, shall be provided with credentials to identify them as authorized representatives for the Utilities Division. (Ord. 1693, 5-7-91)

C. No person, except an authorized employee of the Utilities Division shall have or exhibit any credentials of that Division. It shall be the responsibility of each employee or authorized representative of the Division, upon resignation or dismissal, to deliver and surrender at the office of the Director of Utilities all credentials of the Division in his/her possession. (Ord. 1693, 5-7-91)

D. Questionnaires will be provided to all new businesses entering the City of Flagstaff to gather information pertaining to waste that may be generated by such. If any waste other than domestic is discharged from such an establishment, the City may perform an inspection of such premises at least annually or more often as necessary to determine it's status of compliance with this Chapter.

E. The City of Flagstaff or it's designated representative shall have the authority to randomly sample Industrial User wastestreams and analyze for any pollutants that would be anticipated to be present for that particular user utilizing EPA approved methods. The City will review and analyze self-monitoring reports submitted by Industrial Users and make notification to such user of any compliance action to be taken as a result of such.

F. The information from the City's inspection and monitoring activity will be available to the administrative authority of the State and/or EPA. This information will also be made available to the general public upon request with the exception of that information

protected by Section 7-02-001-0015 of this Chapter. The City will maintain these records for a minimum of three years.

G. The Industrial User shall be financially responsible for any sampling and analysis performed by the City which is not routine as provided for in this Chapter. (Ord. 1693, 5-7-91)

(Ord. No. 1693, Amended, 05/07/91)

SECTION 7-02-001-0019 PROVISION OF FALSE INFORMATION

A. Reports, documents, questionnaries or any other information provided to the city as required by this Chapter by a commercial or industrial user shall be subject to:

1. The provisons of 18 U.S.C. section 1001 relating to fraud and false statements.

2. The rpovisons of sections 309(c)(4) of the Act, as amended, governing flase statements, representation or certification.

3. The provisions of section 309(c) (6) of the Act regarding responsible corporate officers.

B. Failure or refusal by the industrial user to provide information requested by the City as provided for in this Chapter will result in enforcement action being taken against such user. (Ord. 1693, 5-7-91)

(Ord. No. 1693, Rep&ReEn, 05/07/91)

SECTION 7-02-001-0020 PUBLIC NOTIFICATION, DEFINITION OF SIGNIFICANT VIOLATION

A. The City shall give notice of any decisions being made about the pretreatment program which may interest the public, special interest groups, or government agencies. Information about the operation or requirements of the program will be given to any party which requests it. An advisory committee may be used for public information and input if there is an interest expressed in this.

B. The City will publish in the largest local newspaper, at least once each year, a list of Industrial users who have not been in compliance with any substantial portion of this Chapter at any time during the previous year. For the purpose of this section, an Industrial User is in significant noncompliance if it's violation meets one or more of the following criteria:

1. Chronic violation of wastewater discharge limits, defined here as those in which sixty-six percent or more of all of the measurements taken during a six-month period exceed (by

any magnitude) the daily maximum limit or the average limit for the same pollutant parameter;

2. technical Review Criteria (TRC) violations , defined here as those in which thirty-three 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);

3. any other violation of a pretreatment effluent limit (daily maximum or longer-term average) that the Control Authority determines has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of POTW personnel or the general public);

4. any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the POTW's exercise of it's emergency authority to halt or prevent such a discharge;

5. failure to meet within 90 days after the schedule date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction, or attaining final compliance;

6. failure to provide, within 30 days after the due date, required reports such as baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;

7. failure to accurately report noncompliance;

8. any other violation or group of violations which City Utilities Director determines will adversely affect the efficient operation of the City Wastewater Treatment facilities or implementation of this Ordinance. (Ord. 1693, 5-7-91)

(Ord. No. 1693, Rep&ReEn, 05/07/91)

SECTION 7-02-001-0021 PROCEDURES FOR ENFORCEMENT

A. CITY ENFORCEMENT RESPONSE GUIDE

The POTW shall develop and implement an enforcement response plan. This plan shall contain detailed procedures indicating how a POTW will investigate and respond to instances of industrial user noncompliance. The plan shall at a minimum:

1. describe how the POTW will investigate instances of noncompliance;

2. describe the types of escalating enforcement responses the POTW will take in response to all anticipated types of industrial user violations and the time periods within which responses will take place;

3. identify by title, the official(s) responsible for each type of response.

The City shall provide notification of such plan to all Significant Industrial Users upon determination of their status and any other Industrial Users by request.

B. Notification of Violation.

1. Whenever the Director finds that a user is in violation of any provision of these Wastewater Regulations, any part of a wastewater discharge permit issued pursuant to these Wastewater Regulations, or any order for corrective action or administrative order issued pursuant to these Wastewater Regulations, the Director shall serve or cause to be served upon such user, a written Notification of Violation (NOV). The NOV shall state the basis in fact for each alleged violation. The NOV may include, but shall not be limited to:

   a. An Order for Corrective Action;
   b. A schedule to attain compliance;
   c. An Order to Show Cause either in writing or in person;
   d. An Order to Cease Discharge;
   e. A suspension or revocation of the user's permit;
   f. An Order to Respond in Writing to the allegations.

   Additional orders and changes to a suspension or revocation may follow the initial order at the discretion of the Director or as additional information becomes available.

C. Response to Notification of Violation. The user shall respond to the NOV in writing to the Director within the specified time frame. In no instance shall an initial response to the NOV be due any later than ten days from receipt of the NOV by the user. The response shall be complete, containing all information and data required by the NOV.

If the response to the NOV requires an Order to Show Cause, the user shall respond by demonstrating why the Director should not ask the Flagstaff City Attorney to file a civil action in superior court requesting injunctive relief and penalties, or a criminal misdemeanor action in city court.

D. Resolution of Notification of Violation. Upon review of a response to the NOV, the Director may accept the response as complete and satisfactory. If this is the case, the Director shall consider the issue regarding the NOV closed. The Director shall notify the user in writing regarding the closure of the NOV. The closure of the NOV shall not preclude further enforcement action.

E. Deficient Response to Notification of Violation. Upon review of a response to the NOV, the Director may determine the response to be deficient. In the event of a deficient response, the Director may take, but shall not be limited to taking, the following actions: require the submittal of any nonsubmitted or incomplete information; suspend or revoke the user's permit; order the user to cease discharge; and/or seek any penalties applicable to the alleged violations.

F. COMPLIANCE SCHEDULE FOR INDUSTRIAL USERS

1. A compliance schedule will be set for Industrial Users that do not meet the standards of the Code of Federal Regulations, applicable state regulations or this Chapter. Final determination on compliance dates will be made by the City Utilities Director.

2. Industrial Users who do not agree to a compliance schedule with the City of Flagstaff may be subject to discontinuance of their water and/or sewer service as provided for in this chapter.

G. EFFECTS OF AN UPSET

An upset shall constitute an affirmative defense to an action brought for noncompliance with categorical Pretreatment Standards if the Industrial User can demonstrate through properly signed contemporaneous operating logs, or other relevant evidence that:

1. An upset occurred and the Industrial User can identify the specific cause(s) of the Upset;

2. the facility was at the time being operated in a prudent and workman-like manner and in compliance with applicable operation and maintenance procedures;

3. the Industrial User has submitted the reports required in Section 7-02-001-0013 of this Chapter in a timely manner.

H. Judicial proceedings.

Initiation of Legal Action. Whenever the Director finds that a user has violated any of the provisions of these Wastewater Regulations, the Director may ask the Flagstaff City Attorney to take

appropriate legal action. This legal action may include, but shall not be limited to, the following:

1. Prohibitive injunctions;

2. Mandatory injunctions for corrective action and cleanup;

3. Civil penalties pursuant to A.R.S. Section 49-391 and these Wastewater Regulations;

4. Criminal misdemeanor penalties pursuant to A.R.S. Section 9-240 (28), Section 13-802, and Section 13-707;

5. Recovery of damages from costs to the POTW.

I. Civil Penalties for Violation.

1. The civil penalties for violation of any specific pollutant limit set forth in these Wastewater Regulations, or in any permit issued pursuant to these Wastewater Regulations, shall not exceed twenty-five thousand dollars ($25,000) for each violation. Each day that a specific pollutant limit exceedance occurs may constitute a separate violation.

2. The civil penalties for non-submittal of any reports, or for noncompliance with any reporting, sampling, monitoring, or documenting requirements set forth in these Wastewater Regulations, or in any permit issued pursuant to these Wastewater Regulations, shall not exceed one thousand dollars ($1,000) for each business day (weekends and holidays excluded) that such non-submittal or noncompliance occurs.

3. The civil penalties for failure to maintain such equipment as may be necessary to conduct any wastewater self-monitoring required by these Wastewater Regulations, or by any permit issued pursuant to these Wastewater Regulations, shall not exceed five hundred dollars ($500) per business day for each day that such failure continues; provided, however, that the Director may, in his sole discretion, waive any penalty under this Subsection 3 for any instance in which failure to maintain such equipment results in a violation for which the user is subject to a surcharge under Sections 0038.H and 0039.C and/or a penalty under Subsection 1 of this Section 0021 of these Wastewater Regulations.

J. DISCONTINUANCE OF SERVICE FOR INDUSTRIAL USER NONCOMPLIANCE

1. For hazardous discharges: The violation of any section of this Chapter shall be sufficient cause for the City to discontinue, after informal notice (phone call), water or sewer service to any premise that appears to present an

imminent endangerment to the health and welfare of persons or the POTW.

2. For instances of noncompliance other than hazardous discharges: The City will provide written notice to the Industrial User, by certified, return receipt requested mail, at least 24 hours in advance and provide the industry with an opportunity to respond before proceeding with discontinuance of water or sewer service.

3. Such service shall not be restored until the violations have been discontinued or eliminated and the City may undertake any legal proceedings as may be necessary to halt, enjoin or punish the illegal discharge.

4. The User shall be responsible for any expenses the City may incur as a result of handling or eliminating any illegal discharge, for reasonable attorney's fees or for any damages resulting from such discharge. (Ord. 1693, 5-7-91)

K. PAYMENT OF SURCHARGES AND PENALTIES

All surcharges and penalties levied under this Chapter shall be due and payable in the same manner and within the same time as other charges under this Chapter in accordance with Section 0045 hereof.

L. AUTHORITY TO DISREGARD SAMPLES

In any circumstance in which clear and convincing evidence demonstrates, to the satisfaction of the Director, that one or more effluent samples or analyses thereof taken or performed by or for an Industrial User, as required by Section 0012 of this Chapter and/or such User’s wastewater discharge permit or compliance schedule, is not accurate or representative of such User’s discharge, then the Director or his designee may, but shall not be required to, disregard such sample(s) or analysi(e)s for purposes of determining any surcharge or penalty imposed by this Chapter, provided that such action by the Director (or designee) does not contravene any state or federal law, rule or regulation. The foregoing authorization of the Director to disregard samples or analyses shall (1) create no independent right in any Industrial User, and (2) be exercised, if at all, in the sole discretion of the Director. Any determination made by the Director hereunder shall be final.

M. AUTHORITY TO CREDIT PRETREATMENT EXPENDITURES

Notwithstanding any other provision of this Chapter, the Director may, but shall not be required to, allow a credit against, or grant a rebate of, any surcharge or penalty imposed under this Chapter for violation of any pretreatment standards, for up to sixty percent (60%) of such substantiated expenditures made within one

(1) year of such violation for improvement of the Industrial User's pretreatment facilities as the Director, in his sole discretion, shall determine as appropriate and likely to correct or ameliorate the violation giving rise to such surcharge or penalty. The foregoing authorization of the Director to credit pretreatment expenditures or grant rebates therefor shall:

1. not apply to any surcharge or penalty resulting from a violation of pretreatment standards that causes

   a. a pass-through or interference at the POTW,

   b. a violation of any requirement of the POTW's NPDES permit, or

   c. an endangerment of the health or safety of POTW personnel or the general public;

2. create no independent right in any Industrial User;

3. be exercised, if at all, only upon a written request of the Industrial User filed within one (1) year of the subject violation; and

4. be exercised, if at all, in the sole discretion of the Director (and/or the Water Commission, if the matter is appealed under Subsection (N) hereof). Any determination made by the Director hereunder shall be final, subject only to review and other disposition by the Water Commission, if the matter is appealed under Subsection (N) hereof.

N. PROTEST AND APPEAL OF PENALTIES AND SURCHARGES

1. An Industrial User may informally discuss any proposed surcharge or penalty with the Director at any time either before or after the assessment of the same, but any such informal conference is not required for the Industrial User to file a protest and request for an appeal hereunder.

2. At any time within thirty (30) days of the assessment of any surcharge or penalty hereunder, the Industrial User against whom the same is assessed may contest the applicability or amount of such surcharge or penalty, by filing with the Director a written protest and request for a hearing for redetermination of the same, either with payment of the surcharge or penalty or separately. Notwithstanding the foregoing, such protest and request for redetermination may be filed at any time within forty-five (45) days of the effective date of this Ordinance with respect to any penalty or surcharge assessment occurring within six (6) months of such effective date.

3. An Industrial User may request one extension for filing a protest from the Director. Such request must be in writing, state the reasons for the requested delay and time of delay requested, and be filed with the Director within the period allowed above for originally filing a protest. The Director shall allow the extension to file a protest when such written request has been properly and timely made by the Industrial User, but no such extension shall exceed forty five (45) days beyond the time provided for originally filing a protest.

4. Any payment of surcharge or penalty hereunder not accompanied or preceded by a protest and request for hearing, or otherwise clearly designated as being paid under protest and followed by a timely-filed written protest, shall be accepted by the City and credited to the User as though not made under protest.

5. The Industrial User’s protest shall set forth the reasons why any correction, abatement, or refund should be granted, and the amount of abatement or refund requested. The User’s protest may be amended by written notice to the Director, or during the hearing, at any time prior to the time the User rests its case at the hearing. The Director shall be provided with a reasonable period of time to review and respond to the petition and any amendments thereto, which may require adjournment if amendments are made at the hearing.

6. The Director shall forward all timely received protests to the City’s Water Commission within thirty (30) days of receipt. If the Water Commission shall determine that the User’s protest is not in proper form, the Water Commission may, at its discretion, grant the User an extension of up to thirty (30) days to correct its protest.

7. All protests shall be heard by the City’s Water Commission, according to its usual rules of procedure, and shall be continuous until the Water Commission closes the record. The User may be heard in person or by its authorized representative at such hearing. Hearings shall be conducted informally as to the order of proceeding and presentation of evidence. The Water Commission shall admit evidence over hearsay objections where the offered evidence has substantial probative value and reliability. Further, copies of records and documents prepared in the ordinary course of business may be admitted, without objection as to foundation, but subject to argument as to weight, admissibility, and authenticity. Summary business records may be admitted subject to satisfactory proof of the reliability of the summaries. In all cases, the decision of the Water Commission shall be made solely upon substantial and reliable evidence presented with the User’s protest or at the hearing. All expenses incurred in the hearing shall be paid by the party incurring the same.

8. In its determination of an appeal hereunder, the Water Commission may (but shall not be required to) rebate or refund any amount of surcharge and/or penalty imposed under this Chapter, in consideration of the User's pretreatment expenditures in accordance with Subsection (M) hereof or otherwise, as it shall decide would best serve the interests of equity and protection of public health and safety.

9. The Water Commission shall issue its ruling not later than forty-five (45) days after the close of the record thereon. Any refund of surcharges or penalties ordered by the Water Commission pursuant to a hearing hereunder shall be made within thirty (30) days of the Water Commission's order therefor, or at such later date as the Water Commission shall provide in its order.

10. No filing of any protest, request or grant of any extension, or pendency of any hearing hereunder shall relieve any Industrial User of any payment or other obligation of the Industrial User resulting from any violation or alleged violation of any provision of this Chapter.

NOTE: City should not relieve, set aside, or redistribute an industry's penalty, fine, or surcharge, where it is imposed for actual violations of the City's ordinance. If the industry can show that the allegations against it are invalid, the penalty, fine, or surcharge could be dismissed.

(Ord. 1950, 08/05/97); (Ord. No. 1693, Rep&ReEn, 05/07/91; Ord. No. 1950, Revised, 08/05/97)
(Ord. 2002-08, Amended, 07/16/2002)

SECTION 7-02-001-0022 PUBLIC RECLAIMED WASTEWATER PIPELINE AND SEWER EXTENSIONS; APPROVAL BY CITY ENGINEER:

No public reclaimed wastewater pipeline or public sewer extension shall be made until the plans and specifications are approved by the City Engineer. Public reclaimed wastewater pipeline and public sewer extensions shall be constructed in accordance with standards and specifications as set forth in the City of Flagstaff General Construction Standards and Specifications. Such document is on file in the office of the City Engineer. (Ord. 1723, 4/7/92)

(Ord. No. 1723, Amended, 04/07/92)

SECTION 7-02-001-0023 CONSTRUCTION AND OWNERSHIP OF PUBLIC RECLAIMED WASTEWATER PIPELINES, PUBLIC SEWER LINES AND OTHER EQUIPMENT MAINTAINED BY UTILITIES DIVISION

A. In new subdivisions and developments where public sewers are authorized by the City, such public sewers shall be constructed at

the developer's expense. Detailed plans and specifications for public sewer extensions must be approved by the City Engineer prior to construction. The engineering cost for the preparation of plans and specifications, the staking of the location of the new public sewers, the cost of inspecting the construction, the preparation of as-built plans and the cost of easements shall be assumed by the developer. The City will perform the inspection during construction at the developer's expense.

B. The ownership of all public sewer lines, pumping stations, treatment facilities, and equipment and other appurtenances to the sewer system maintained, or accepted for maintenance by the Utilities Division shall be vested in the City, and in no case shall the owner of any premises have the right to claim any part except where otherwise provided in this Code.

C. Where extensions of public reclaimed wastewater pipelines are authorized by the City, such pipelines shall be constructed at the reuser's expense. Detailed plans and specifications for public reclaimed wastewater pipeline extensions shall be approved by the City Engineer prior to construction.The engineering cost for the preparation of the plans and specifications, the staking of the location of the new reclaimed wastewater pipeline, the cost of inspecting the construction, the preparation of as-built plans and the cost of easements shall be assumed by the reuser. The City will perform the inspection during construction at the reuser's expense. (Ord. 1723, 4/7/92)

D. The ownership of all public reclaimed wastewater pipelines, pumping stations, treatment facilities, equipment and other appurtenances to the reclaimed wastewater system maintained, or accepted for maintenance by the City shall be vested in the City, and in no case shall the owner of any premises have the right to claim any part except where otherwise provided in this Code (Ord. 1723, 4/7/92); (Ord. No. 1723, Amended, 04/07/92)

SECTION 7-02-001-0024 PUBLIC RECLAIMED WATER PIPELINE EXTENSION AND CONVERSION POLICY FOR REUSERS

A. Definitions: For the purpose of this Section, the following words and phrases shall have the meanings respectively ascribed to them herein, unless the text clearly indicates otherwise:

REUSER: Any person or persons requesting or required to connect to the reclaimed water system of the City for any residential or nonresidential use, use where potable water quality is not required by City, State, or Federal Regulations.

POINT OF DELIVERY: A location designated by the City for acceptance and measuring of the reclaimed water by the reuser. The point of delivery shall include a vault, pit, meter, valves, and other appurtenances necessary to meter reclaimed water to the reuser.

RECLAIMED WATER AGREEMENT: A written agreement between the reclaimed water reuser and the Division for connection to an existing public reclaimed water pipeline, approved and executed in the name of the Division by the City's Utilities Director.

REIMBURSEMENT AGREEMENT FOR RECLAIMED WATER: A written agreement between the reclaimed water reuser and the City for reimbursement of the reuser's costs incurred in providing for the extension of, and connection to, a public reclaimed water pipeline, approved by the City Council and executed in the name of the City by the Mayor.

CONVERSION AGREEMENT FOR RECLAIMED WATER: A written agreement between the City and the reclaimed water reuser for reimbursement of the City's costs incurred in converting the reuser's potable water system to a reclaimed water system, by the extension of, and connection to, a public reclaimed water pipeline, approved by the City Council and executed in the name of the City by the Mayor.

B. Plans and Specifications for Public Reclaimed Water Pipeline Extensions: A reuser who wishes to extend or install reclaimed water facilities must employ an engineer, registered in Arizona, to perform the field engineering and prepare detailed plans and specifications for the extension in accordance with good engineering practice, and adopted general construction standards and specifications of the City and regulations of the Arizona Department of Environmental Quality for the reuse of water. The final detailed plans and specifications for the reclaimed water pipeline extension shall be approved by the City Engineer before construction begins.

C. Costs of Extensions and Conversions: The reuser causing an extension of a public reclaimed water pipeline, conversion of an existing irrigation system to reclaimed water, and the construction of the point of delivery shall pay in full for the rights of way and easements, the purchase, construction and installation of the reclaimed water pipeline, and all other costs of the extension and/or conversion. However, the City reserves the right to increase the diameter of the extension through cash or a reimbursement agreement.

D. Recovery of Costs of Extensions and Conversions: Subject to City approval, reusers may recover costs incurred from converting an existing irrigation system to use reclaimed wastewater or from extending public reclaimed water pipelines in accordance with paragraph (c) of this Section. Recovery of costs shall be in the form of a rebate amounting to ten percent per year of said costs for a period of ten years. Rebates shall be paid to the reuser at the end of each full calendar year of reclaimed water usage. The total amount of the allowable costs to be recovered shall be agreed to prior to the reuser obtaining reclaimed water and shall be in

the form of a written agreement between the City and the reuser. No interest shall be paid to the reuser on the costs being recovered.

E. Replacement and/or Repair: All persons or other entities who create, cause to be built, or build any such extensions of services as contemplated herein or convert existing irrigation systems to use reclaimed water, shall also pay for any and all such replacements as becomes necessary as a direct or indirect result of the creation, building or construction of such extensions and/or conversions. For example, repairs or replacements of sidewalks, paving or other utilities damaged or disturbed during the building of reclaimed water pipeline extensions and/or conversions. Costs of said replacements and /or repairs may be included in the costs incurred from paragraph (D) of this Section.

F. Reimbursement Agreement Between City and Reuser: Before the reuser incurs any costs in the extension of any public reclaimed water pipeline to provide service for any individual or property, the reuser desiring such service shall execute a Reimbursement Agreement for Reclaimed Water with the City which shall include the following:

1. A warranty of workmanship and materials for public reclaimed water pipelines and facilities installed which shall run to the benefit of the City for a period of at least one year from the date of acceptance by the city.

2. A diagram of all property which will be served by the reclaimed water pipeline to be installed and an irrigation plan for the property.

3. A statement that the City acquires ownership of public reclaimed water pipelines, appurtenances, and easements upon completion and acceptance by the City.

4. The regulations for reuse of reclaimed water, quantity, quality, and cost of the reclaimed water.

5. The terms for cost recovery by the reuser of reclaimed water pipeline extension and/or conversion costs if applicable.

G. Conversion Agreement Between City and Reuser: Before the City incurs any costs in the extension of any public reclaimed water pipeline needed to convert a reuser's private, potable water system to a reclaimed water system, the City and the reuser shall execute a Conversion Agreement for Reclaimed Water. Conversion agreements are subject to City approval and limited to projects that provide a 'net present value' cost recovery to the City within ten (10) years. Net present value shall be determined by the estimated cost of the project and the current prime interest rate. Recovery of costs shall be in the form of billing for consumption of reclaimed water at 75% of the reuser's present potable water rate. Recovery

of costs estimates shall be based on consumption history as determined by the City, or on an engineered estimate in the case of new sites. The availability of Conversion Agreements shall always be subject to budgetary constraint. Conversion Agreements shall include, but not necessarily be limited to, the following:

1. Place of Use

2. Quality Standards

3. Point of Delivery

4. Commodity Rate

5. Costs to City

6. Costs to User

7. Compliance with Regulations

8. Commencement of Service

9. Termination of Service

10. Resale of Reclaimed Water

11. Inspection

H. Penalty: Any person who excavates or causes an extension to be made for the purpose of laying any reclaimed water pipeline in public streets, alleyways or upon the property of the City without first complying with the provisions hereof, shall be subject to a fine of not less than two hundred dollars ($200.00) nor more than three hundred dollars ($300.00). A separate offense shall be deemed committed upon each day during or on which a violation occurs or continues. (Ord. 1723, 4/7/92)

I. The City's Utilities Director shall approve, execute and enforce Reclaimed Water Agreements, for the purpose of expanding the reclaimed water program to all residential and nonresidential reusers located adjacent to existing public reclaimed water pipelines.

J. Reclaimed Water Agreement Between the Division and the Reuser: Before connecting to an existing public reclaimed water pipeline, the reuser requesting such connection shall execute a Reclaimed Water Agreement with the Division which shall include, but not necessarily be limited to, the following:

1. Place of Use

2. Quality Standards

3. Point of Delivery

4. Commodity Rate

5. Costs to User

6. Compliance with Regulations

7. Commencement of Service

8. Termination of Service

9. Resale of Reclaimed Water

10. Inspection

(Ord. No. 1723, Rep&ReEn, 04/07/92)
(Ord. 2002-07, Amended, 07/16/2002)

SECTION 7-02-001-0025 MAIN SEWER EXTENSION POLICY FOR AREAS BEYOND PRESENT CITY TRUNK LINES

A. Definitions: For the purpose of this Section, the following words and phrases shall have the meanings respectively ascribed to them herein, unless the text clearly indicates otherwise:

DEVELOPER-OWNER: Any person or persons requesting or required to connect to the sewer system of the City in developing one or more parcels of land. The term includes subdividers, industrial developers, private property owners, companies and legally constituted improvement districts who improve or serve with sewers, platted or unplatted property.

CITY: The word "City" shall mean the City of Flagstaff in the County of Coconino and the State of Arizona, except as otherwise indicated.

SEWER LINES includes:

1. LATERAL SEWER: A sewer which discharges into a branch or other sewer and has not other common sewer tributary to it.

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

3. MAIN SEWER: A sewer which receives sewage from one or more branch sewers as tributaries.

4. TRUNK SEWER: A sewer which receives sewage from many tributary main sewers, and serves as an outlet for a large territory. (Ord. 1104, 1 2-4-79)

B. Plans and Size or Sewer Line Extensions: A developer-owner who wishes to extend or install sewer facilities must employ an engineer, registered in Arizona, to perform the field engineering and prepare detailed plans and specifications for the sewer extension in accordance with good engineering practice, and adopted standards set forth in the Uniform Building Code (current adopted edition), Uniform Fire Code (current adopted edition), general construction standards and specifications of the City, current subdivision regulations, general land use plan currently adopted, and any applicable State health regulations and any applicable City code requirements or standards. The final detailed plans and specifications for the sewer extensions must be approved by the City Engineer before construction begins. (Ord. 1112, 2-4-80)

C. Costs of Extension: The developer-owner causing an extension of sewer line shall pay in full for the rights of way and easements, the purchase, construction and installation of the sewer lines, and all other costs of extension. However, the City reserves the right to increase the diameter of the extension, if it is deemed advisable, and the City may participate in the oversizing costs, through cash or a reimbursement agreement.

D. Replacement of Repair: All persons or other entities who create, cause to be built, or build any such extensions of any such services as contemplated herein, shall also pay for any and all such replacements as becomes necessary as a direct or indirect result of the creation, building or construction of such extensions. For example, repairs or replacement of sidewalks, paving or other utilities damaged or disturbed during the building of sewer line extensions. (Ord. 1104, 12-4-79)

E. Agreement between City and Developer-Owner: Before the extension of any sewer line shall be made to serve a subdivision, platted or unplatted property, to provide service for any individual or unplatted property, the developer-owner desiring such service shall execute an agreement with the City which shall include the following: (Ord. 1112, 2-4-80)

1. A warranty of workmanship and materials for sewer lines and facilities installed which shall run to the benefit of the City for a period of at least one year from the date of acceptance by the City.

2. A diagram of all property which may be served by any sewer line to be installed.

3. A statement that the City acquires ownership of sewer line appurtenances and easements upon completion and acceptance of the work by the City.

4. A statement of the developer-owner's proportionate share of the cost for previously installed sewer lines if any reimbursement agreements are in existence concerning the sewer line.

F. Penalty: Repealed. (Ord. 1642, 11/7/89)

(Ord. No. 1642, Amended, 11/07/89)

SECTION 7-02-001-0026 PRIVATE SEWERAGE SYSTEMS; CONSTRUCTION AND MAINTENANCE WITHIN THE CITY PROHIBITED GENERALLY

Except as provided in this Chapter, 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.

SECTION 7-02-001-0027 PRIVATE SEWERAGE SYSTEMS; WHEN PERMITTED, TO BE CONSTRUCTED AND MAINTAINED IN SANITARY MANNER

Where in 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, complying with the provisions and recommendations of the Arizona Department of Health Services and the sanitary code of the County Health Department. Such private sewage disposal system shall be constructed, maintained, and operated at all times in a sanitary manner.

SECTION 7-02-001-0028 PRIVATE SEWERAGE SYSTEMS; DISCONTINUANCE

At such time as a public sewer becomes available to property served by a private sewage disposal system, a direct connection shall be made to the public sewer in accordance with the provisions of this Article and any septic tank, cesspool or similar private sewage disposal facilities shall be abandoned and filled with suitable material within ninety (90) days of the aforesaid connection.

SECTION 7-02-001-0029 PRIVATE SEWERAGE SYSTEMS; AUTHORITY OF DIRECTOR OF HEALTH DEPARTMENT

No statement contained in the preceding two (2) sections shall be construed to interfere with any additional requirements that may be imposed by the Health Departments of the State and County.

SECTION 7-02-001-0030 PERMIT REQUIRED

No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Engineering Section.

SECTION 7-02-001-0031 APPLICATION FOR BUILDING CONNECTION:

Each person desiring a building connection shall make application to the Finance Section. All applications for building connections to be constructed by Utilities Division shall be accompanied by the current fee for such work. (Ord. 1104, 1 2-4-79)

SECTION 7-02-001-0032 DIRECTOR OF UTILITIES TO APPROVE DESIGN NUMBER, LOCATION, SIZE AND CONSTRUCTION OF BUILDING CONNECTIONS:

The design, number, location, manner of connection and size of all building connections shall be subject to the approval of the Utilities Director. The Division will install all building connections less than eight inches (8") in diameter, except as provided elsewhere in this Chapter. All building connections eight inches (8") in diameter or larger shall be installed by a private contractor at the property owner's expense. Building connections shall be installed on lateral branch and main sewers only, unless specifically authorized and approved by the Utilities Director. All building connections shall be constructed in accordance with standards and specifications on file in the Engineering Section. (Ord.1112, 2-4-80)

SECTION 7-02-001-0033 SPECIAL PROVISIONS FOR INSTALLING BUILDING CONNECTIONS IN NEW SUBDIVISIONS AND DEVELOPMENTS:

In new subdivisions or developments where public sewer extensions are authorized by the City and constructed at the developer's expense, the City may authorize the developer or his agent, if he so desires, to install building connections with "wyes" and connect the building sewers to the building connection under the following provisions: (Ord. 1104, 12-4-79)

A. The construction of the public sewer, building connections, and connections of the building sewers to the building connection shall be under the supervision of a registered engineer holding registration in the State, who shall submit "as built transparency plans", bearing the registered engineer's registration seal and number, to the Engineering Section. It shall be the duty of the developer to require that all building connections, serving lots in the development upon which no buildings are constructed, be effectively sealed until such time as buildings will be constructed on the lots left vacant. Such sealed connections shall be inspected and approved by the City Engineer before being backfilled and shall be designated for location on the "as built plans". The effective seal shall consist of a vitrified clay stopper inserted in the bell of the sewer extending to the property line from the public sewer; such stopper shall be jointed according to the standard details on file in the Engineering Section. (Ord. 1112, 2-4-80)

B. Before any building sewer construction is commenced, plumbing permits must be obtained by the developer or his agent from the Building Official. (Ord. 1104, 12-4-79)

C. When the "as built plans" are prepared by the Engineering Section, a record of the building connections will be made.

SECTION 7-02-001-0034 RECORDS TO BE KEPT BY ENGINEERING SECTION

The Engineering Section shall keep a record of all building connections made, the purpose for which they are to be used. (Ord. 1112, 2-4-80)

SECTION 7-02-001-0035 SEWER TAP FEE

Each person, firm or corporation requesting a sewer tap to be installed by the City shall pay the fee as hereby established:

Four inch (4") sewer tap $ 275.00

Six inch (6") sewer tap $275.00 (Ord. 1681, 12/4/90)

Procedures for Owner/Contractor:

Owner/contractor shall pay buy-in charges if applicable.

Owner/contractor shall obtain a permit from the Engineering Section and pay a permit fee before starting excavation,

When notified by the Flagstaff Blue Stake Center, City Utilities Division personnel will locate the sewer main for owner/contractor.

Owner/contractor excavates site and shores trench if necessary, shoring shall be determined by Utilities Division personnel.

Owner/contractor provides barricades, lights and traffic control as determined by the Engineering Inspector.

Wastewater collection personnel installs the saddle and makes the tap in the sewer main.

Owner/contractor installs building connection to the saddle and completes the connection.

Engineering Inspector inspects the owner/contractor's work and approves if work is completed satisfactorily.

Owner/contractor compacts and backfills trench, replaces pavement if necessary.

Final inspection is done by the Engineering Inspector.

Approval (permit sign-off) is made by the Engineering Inspector.

Owner/contractor shall not tap the main sewer at any time. (Ord. 1339, 11-20-84)

(Ord. No. 1681, Amended, 12/04/90)

SECTION 7-02-001-0036 SEWER USER CHARGES

In order to provide for the protection of the public health, safety and welfare of the citizens of Flagstaff, a system of charges for sewerage use services is hereby established.

SECTION 7-02-001-0037 THE COLLECTION OF USERS CHARGES SHALL BE UNDER THE DIRECTION OF THE CITY'S FINANCE DIRECTOR

The Finance Director is authorized to collect all user charges, industrial cost recovery charges and all other charges prescribed by this Chapter. (Ord. 1104, 12-4-79)

SECTION 7-02-001-0038 RATE ESTABLISHMENT AND REVIEW PROCEDURE

A. Rates established by ordinance of the City Council shall be based upon the City's determination of the cost of rendering sewerage services. The rates shall be established to provide for adequate funding for operation and maintenance of sewage works as required by the Environmental Protection Agency. The Council may also consider the funding of debt service, capital replacement, capital improvements and other costs through user charges.

B. In addition to other pertinent factors deemed relevant by the City Council, the rate schedules adopted by the City Council may include the following cost factors:

   1. Appropriate indirect costs of the Division and other City divisions in rendering sewer related services such as purchasing, accounting, billing, administration, equipment maintenance, and other indirect costs.

   2. Annual debt service charge for the retirement of sanitary sewer bonds.

C. Rate schedules shall distribute cost based upon the volume of wastewater discharged as well as BOD and SS of the wastewater discharged.

D. The method to be used for determining user charges expressed in a formula is:

$$\text{Rate} = \frac{\text{Total Cost* of Flow}}{\text{Total Flow}} + \frac{\text{Total Cost* of BOD or COD}}{\text{Total BOD or COD}} + \frac{\text{Total Cost * of SS}}{\text{Total SS}}$$

User Charge = Rate X User's Units of Contribution

*Cost = Operation and Maintenance plus Replacement Cost

The basis for the units of contribution shall consider volume (as determined by water meters or estimates). (Ord. 1554, 3/1/88)

E. Financial Management System. The user charge system shall include an adequate financial management system that will accurately account for O&M revenues and expenditures associated with the treatment works. The accounting system must segregate O&M revenue and expenditure from other wastewater revenue and expenditures to assure adequate revenue to property operate and maintain the treatment works. All revenues collected for operation and maintenance (including replacement) shall be deposited in a separate fund. This fund shall have two accounts, one for O&M and one for replacement. (Ord. 1554, 3/1/88)

F. Notification. All users of the system shall be notified at least annually in conjunction with a regular billing for sewage service as to:

1. The rate schedule in effect.

2. The part of user charges attributable to wastewater treatment services.

G. Inconsistent Agreements. The user charge system shall take precedence over any terms or conditions of agreements or contracts between the City and users (including industrial users, special districts, other municipalities, or Federal agencies or installations) which are inconsistent with the requirements of section 204(b)(1))A) of the Clean Water Act and these regulations.

H. Toxic Pollutants and Pollutants in Excess of Specified Limits. The user charge system shall provide that each user which discharges any toxic pollutants or others which cause an increase in the cost of managing the effluent or the sludge of the City's treatment works shall pay for such increased costs by the following formula:

$$\text{Surcharge} = \frac{\text{Total Cost* of Any Pollutant}}{\text{Total of Any Pollutant}}$$

*Cost = Operation and Maintenance Plus Replacement Costs (Ord. 1554, 3/1/88)

I. Wastewater Treatment By-Products. All revenue from the sale of treatment related by-products shall be used to offset the cost of operation and maintenance. User charges shall be proportionally reduced for all users. Total annual revenues received from the sale of a by-product shall be credited to the treatment works O&M cost no later than the fiscal year immediately following their receipt. (Ord. 1554, 3/1/88)

(Ord. No. 1554, Amended, 03/01/88)

SECTION 7-02-001-0039 SEWER USE CHARGES, CAPACITY CHARGES

The sewer user charges to be charged by the Finance Section to all users and to all others that have reasonable access to sewer mains is presented in the following schedule:

The City Council may adjust these rate schedules as they deem necessary.

A. Sewer User Charges:

MONTHLY RATE PER 1,000 GALLONS OF WATER CONSUMPTION

The following monthly service rate shall be charged for customers receiving City of Flagstaff sewer service inside the limits of the City of Flagstaff: Sewer chargers are based water consumption. Flat rate charge (dollars/1,000 gallons) for residential based on winter quarter average water use. Other customer classes based on actual water use (dollars/1,000 gallons).

Sewer only service customers will be charged a monthly service fee and sewer usage charge based on estimated water consumption as approved by the Utilities Director. If the Director determines that adequate water meter information is not available for billing a residential customer as described above, then the customer will be charged the average monthly billing for that user class.

Customer Classes	**Monthly Rate**				
Residential:	1/1/11	1/1/12	1/1/13	1/1/14	1/1/15
Single-family	3.08	3.59	3.69	3.80	3.80
Multiple and mobile home (per unit)	3.08	3.59	3.69	3.80	3.80
Non-Residential:					
Car Washes	3.06	3.56	3.70	3.82	3.82
Laundromats	3.14	3.65	3.80	3.91	3.92
Commercial	3.22	3.75	3.90	4.01	4.02
Hotels, motels	4.32	5.03	5.21	5.37	5.38
Restaurants	5.20	6.05	6.27	6.45	6.46
Industrial Laundries	4.77	5.55	5.76	5.93	5.94
Manufacturing Plants	3.46	4.02	4.18	4.31	4.32
Pet Food Manufacturers	7.64	8.89	9.19	9.47	9.48
Soft Drink Bottlers	6.05	7.04	7.29	7.50	7.51
Ice Cream Cone Manufacturers	9.46	11.02	11.38	11.72	11.73

Northern Arizona University	2.79	3.24	3.37	3.48	3.48

Waste haulers(charge per 1,000 gallons)	80.00
Restaurant grease (charge per 100 gallons)	11.00
Other treatment plant sludge (charge per 100 gallons)	8.00
Mud sump waste (charge per 100 gallons)	25.00
Waste material delivered to the treatment plant at times other than 8:00 AM to 4:00 PM weekends or holidays shall be assessed an after hours fee of:	35.00

Sewer surcharges:

Biochemical Oxygen Demand - per pound concentrations over 300 milligrams per liter	$.2703
Suspended solids - per pound for concentrations over 350 milligrams per liter	$.1343

If a customer's discharge exceeds the BOD and TSS limit already included in the monthly rate calculation for that customer class listed above, then sewer surcharges may be added as a condition to the customer user permit, compliance agreement or administrative order.

BOD and TSS included in monthly rates for specific customer classes are as follows:

Customer Class	**BOD mg/l**	**TSS mg/l**
Car Washes	20	150
Laundromats	150	110
Commercial	200	175
Manufacturing	200	175
Pet Food Manufacturers	1800	1100
Soft Drink Bottlers	1800	400
Ice Cream Cone Manufacturers	9700	100

All customers served directly by the City and located outside the City limits shall pay at a rate of one hundred ten percent (110%) times the rate for the same classification of service inside the City.

In the case of one meter serving a user that has different classifications of business, the Utilities Director shall be authorized to adjust the rate per one thousand (1,000) gallons based upon the contribution of each classification.

The user shall be determined according to customer class (see rate schedule above). (Ord. 1849, 12/06/94)

B. Capacity Charges

1. A capacity charge, as prescribed below, shall be assessed upon:

a. initial connection to the municipal sewer system, or

b. any subsequent expansion or modification of the user's building or facility which results in an increased contribution to the sewer system from:

(i) for single or multi-family residential users, an increase in the number of residential units, or

(ii) for commercial or industrial users, an increase in the number of fixture units, or

(iii) for industrial users, any change in operations resulting in a 20% or greater increase in billable volume as measured on an annual basis, or

(iv) a change of use of the property whereby an increased volume of discharge to the sewer system occurs. (Ord. 1809, 06/15/93)

c. Size of water meter installed on the property.

d. Each additional water meter added will require additional sewer capacity fees unless specifically designated as a landscape meter.

2. The capacity charges for the various types of users are as follows:

a. Customer (capacity) Charge, dollars

b. Residential

c. Single family residential and townhomes (per unit):

(effective 1-1-07) $2,410
(EFFECTIVE 7-1-12 $3,126

c. Multiple residential, condos & mobile home (per unit):
(effective 1-1-06 $2,300
(EFFECTIVE 1-1-12 $3,126

When a change of use occurs that increases the volume of discharge to the sewer system, regardless of whether a change in ownership has taken place, the capacity charge shall be based on the capacity charge for the new use less the existing capacity charge rate for the previous use. No refund shall be made in the case of reduced volume of discharge from a change of use. (Ord. 1809, 06/15/93)

Non-residential:

Meter size	(effective 1-1-07)	EFFECTIVE 7/1/12
5/8″ or 3/4″	$ 2,410.00	$ 3,126.00
1″	$ 4,300.00	$ 5,210.00
1-1/2″	$ 8,600.00	$ 10,419.00
2″	$ 8.80	$ 16,671.00
3″		$ 31,257.00
4″		$ 52,095.00
6″		$104,191.00
8″		$166,705.00
10″		$239,639.00

*gallon per day of estimated flow

Where the capacity charge is based on volume, said charge will initially be calculated based on an estimate of flowage to be submitted in writing by the customer and agreed upon by the City. The capacity charge will be adjusted based upon the volume of the highest consecutive 12 month period for the 36 months immediately following commencement of service for assessment of an additional capacity charge.

The Division shall review all industrial user accounts on an annual basis and assess an additional capacity charge when the annual average billable volume increased by 20% or more. The charge is calculated at the current volume less previously assessed capacity charge recalculated at then current rates.

Wastewater capacity associated with similar user classes may be transferred from one location to another with the approval of the Division. The location from which the wastewater capacity was transferred shall be without wastewater capacity until a subsequent purchaser of said location establishes a new capacity and fees for the new use. The transferor of the wastewater capacity is required to notify any subsequent purchaser of the property, which no longer has wastewater capacity, that such

capacity does not exist. The City shall record an agreement between the transferor and the City with the County Recorder against the property without wastewater capacity rights. The agreement shall reference the legal description of the property without wastewater capacity and clearly indicate that wastewater capacity rights do not exist.

Exemption and Payment of Capacity Charges. Structures with a minimum of stem wall, and first floor existing on December 1, 1979, shall be exempt from the capacity charges. As of that date, the capacity charge is immediately due and payable upon, receipt of an application for connection to the sewerage system.

If connection is made to the sewerage system without appropriate permit, the capacity charge is immediately due and payable upon the earliest date that such permit was required. No connection to the sewerage system shall be made without the proper permit and payment of the capacity charge except as provided below for installment payments. (Ord. 1796, 03/16/93)

C. Capacity Fee Installment Payments:

Capacity fees may be paid for by installment payments in accordance with the following conditions:

1. A capacity fee that totals an amount greater than $150,000 may be paid as follows:

   a. No less than 1/3 of the total capacity fee due is to be paid upon receipt of the application for connection to the sewerage system.

   b. The balance due of the capacity fee is to be paid in equal monthly installments over no more than thirty-six (36) months to include an interest rate calculated to be the prime rate + 1/2% at the time of the application.

   c. The customer agrees to secure the balance due to the City by a letter of credit drawn in favor of the City, or in any other form of security satisfactory to the City Manager, City attorney and Finance Director.

2. For industrial capacity fees greater than $25,000 the City Council may consider reduced initial payments and/or extended time periods for payment. Consideration shall be based on the following criteria and other criteria the City Council may wish to include:

   a. Economic impact

   b. Community impact

c. Environmental impact

d. Desirability

e. Financial viability

4. Requests for reduced initial payments and/or extended time periods for the payment of industrial sewer capacity fees shall be made in writing to the City Utilities Director for consideration by the City Council. Requests shall address the aforementioned criteria and shall be subject to the following:

a. No less than $25,000 of the total capacity fee is due to be paid upon receipt of the application for connection to the sewerage system.

b. The balance of the capacity fee shall be paid in equal monthly installments for a period of up to thirty years as requested by the industrial customer and approved by the City Council. A written agreement shall be executed between the City and the customer which shall include an interest rate as recommended by the City Manager and City Treasurer and approved by the City Council of the application.

c. The industrial customer agrees to secure the balance due to the City by a letter of credit drawn in favor of the City or in any form of security satisfactory to the City Treasurer.

D. Special Rules for Application of Surcharges

The following special rules shall pertain in applying the surcharges described in Section 0038.H of this Chapter and Subsection A of this Section 0039:

1. Biochemical Oxygen Demand

a. In the event that an Industrial User's wastewater shall exhibit concentrations of BOD exceeding 400mg/l, then the surcharge for concentrations from 400mg/1 to 500mg/l shall be multiplied by two (2);

b. in the event that an Industrial User's wastewater shall exhibit concentrations of BOD exceeding 500mg/l, then the surcharge for concentrations from 400mg/1 to 500mg/1 shall be multiplied by two (2), and the surcharge for concentrations of BOD exceeding 500mg/l shall be multiplied by three (3).

2. Total Suspended Solids

a. In the event that an Industrial User's wastewater shall exhibit concentrations of TSS exceeding 450mg/1, then the surcharge for concentrations from 450mg/l to 550mg/l shall be multiplied by two (2);

b. In the event that an Industrial User's wastewater shall exhibit concentrations of TSS exceeding 550mg/l, then the surcharge for concentrations from 450mg/1 to 550mg/l shall be multiplied by two (2), and the surcharge for concentrations of TSS exceeding 550mg/l shall be multiplied by three (3).

3. All surcharges imposed by this Chapter shall be based on the average of all sampling conducted during the applicable billing period over the total flow for such period. (Ord. 1981, 09/15/98)

(Ord. No. 1590, Amended, 11/1/88; Ord. No. 1681, Amended, 12/04/90; Ord. No. 1727, Amended, 12/03/91; Ord. No. 1796, Amended, 03/16/93; Ord. No. 1809, Amended, 06/15/93; Ord. No. 1825, Amended, 12/07/93; Ord. No. 1809, Amended, 06/15/93; Ord. No. 1849, Amended, 12/06/94; Ord. No. 1945, Amended, 05/20/97; Ord. No. 1944, Amended, 05/20/97; Ord. No. 1950, Revised, 08/05/97; Ord. No. 1981, Amended, 09/15/98) (Ord. 2002-05, Amended, 05/21/2002; Ord. 2000-24, Amended, 10/03/2000; Ord. 1999, Amended, 07/06/1999); Amended Ord. 2006-27 (11/07/2006); Ord. No. 201-23, Amended 09/07/2010).

SECTION 7-02-001-0040 SEPTIC TANK AND SCAVENGER WASTE HAULERS

A. Authorized Waste Haulers: Only those persons or companies whose principal source of business is within Coconino County shall be authorized to discharge scavenger wastes into the sewerage system.

B. Permit to Discharge: All authorized persons or companies, as defined in (A) above, wishing to discharge scavenger wastes into the sewerage system must first obtain a scavenger waste discharge permit from the Finance Director. Permit applications shall include information on the company ownership, locations, identification, license number of all trucks to be used for delivery of waste to City sewerage facilities and any other pertinent information as may be desired by the City. It shall also include truck capacity and other information pertinent to discharge to the sewerage system. Permit applications shall be signed by a responsible owner or manager of the company applying for permission to discharge. All waste haulage equipment operated by companies with permits shall be registered with the Finance Director and shall be identifiable by display of the license plate number. (Ord. 1693, 5-7-91)

1. The permit provided for in this Section of the Chapter shall be issued by the Finance Director to all applicants who comply with the terms and conditions set forth in this Section upon the payment of a permit fee, as follows:

a. For each vehicle utilized for the transportation of wastes for disposal into the sewerage system: five dollars ($5.00)

b. The permit issued as provided for in this Section shall expire one year after the date of issue. It shall be the responsibility of the hauler to seek renewal of their permit annually, at least 30 days prior to the expiration date of the previous permit. (Ord. 1693, 5-7-91)

c. Revocation of permit: Noncompliance with any part of this Section or subsequent regulations shall subject the permit holder to revocation of permit to utilize the services of the City sewerage system for disposal of scavenger wastes. Reissuance of permit to discharge after revocation shall be at the discretion of the Utilities Director and may be subject to such conditions as he/she deems appropriate. (Ord. 1693, 5-7-91)

C. Regulations: The Utilities Director may establish such regulations as are deemed necessary to control the discharge of scavenger wastes so as to prevent incidences of overloading, interference or pass-through at the Wastewater Treatment Plant and/or interference, damage, etc., to the wastewater collection systems. All discharges shall comply with the Prohibited Substances restrictions set forth in Section 7-02-001-09 of the Code. The Wastewater Treatment Plant does not accept hazardous waste as defined by the Resource Conservation and Recovery Act and the Code of Federal Regulations.

D. Each load to be discharged into the City wastewater system, shall be manifested in a form and format provided by the City of Flagstaff.

E. Provisions of Services: Normal wastes from septic tanks, sewage treatment plants, etc., may be discharged routinely. Permission to discharge other wastes that are not readily biodegradable or are not known to be compatible to the operations of wastewater treatment plants shall be refused. Special request must be made to the Utilities Director prior to discharge of any materials of questionable acceptability. Some specific reasons for refusal of service shall include:

1. Material deleterious to treatment plant operation or operators such as oils, greases, gasoline, toxics, volatile solvents, sand, metallic particles, or paints.

2. Materials which would cause unusual expense in handling and treatment (i.e. blood, etc.), unless prior arrangements have been made for the payment of additional cost of service.

3. Materials which would inhibit the performance of the treatment plant such as acids, plating wastes, or toxic materials.

F. Fees and Charges: Fees and charges for treatment of formal scavenger wastes shall be based on the costs of providing such services and on the expected overall average characteristics of such discharges, which shall be designated as five thousand four hundred (5,400) mg/l BOD and twelve thousand (12,000) mg/l SS. (Ord. 1693, 5-7-91)

G. The waste hauler will be financially responsible for any damage to, or interference with the POTW, or for any expense to the City (including testing) caused by the discharge from the hauler. The waste hauler and/or generator will be charged for all expenses in monitoring and handling their discharge. (Ord. 1693, 5-7-91)

H. Waste haulers may not discharge unless a plant operator is present and has approved the discharge. The operator may refuse to accept any discharge if it is suspected to contain wastes which are considered unacceptable to the City Wastewater Treatment facilities. (Ord. 1693, 5-7-91)

I. The waste hauler shall have sampling outlets (approved by the City Utilities Division) on each truck for proper sampling of contents. (Ord. 1693, 5-7-91) The waste hauler shall be subject to random sampling/monitoring by the City.

J. Waste haulers will position their trucks at the direction of the plant operator to prevent spills. Any traces of the hauler's discharge must be removed by the hauler immediately.

K. The discharge of scavenger wastes shall be permitted only at the locations and during such hours as shall be established by the Utilities Director. The discharge of scavenger wastes to the sewerage system at any other location is forbidden.

L. Septic Tank And Scavenger Waste Haulers shall be subject to the enforcement guides set forth in Section 7-02-001-0021 of the Code.

M. Provision of false information by either the generator or the hauler shall also be considered a violation of this Code and subject to the provisions of Sections 7-02-001-0019 and 7-02-001-0021 of this Code.

(Ord. 2003-04, Amended, 04/04/2003)

SECTION 7-02-001-0041 SEWER RATES TO BE ADDED TO WATER BILLS

All sewer user charges to be added to and collected with the bills as rendered for water by the Finance Section, and all of the rules and regulations promulgated by the Finance Section shall apply to, and be effective in, the collection of such sewer service charges.

SECTION 7-02-001-0042 WHEN BILLS PAYABLE; DISCONNECTION OF SERVICE FOR FAILURE TO PAY; RECONNECTION FEE

All bills for sewer service shall be due and payable on the billing dates of the various districts, and if not paid within thirty (30) days thereafter will be considered delinquent and the sewer service may be discontinued without notice. In the event extraordinary costs are incurred by the City to discontinue the sewer service, such costs shall be paid by the customer before service is continued. (Ord. 1104, 12-4-79)

SECTION 7-02-001-0043 DETERMINATION OF WASTEWATER QUANTITY AND BILLINGS: NONRESIDENTIAL

A. In the absence of suitable data to make a determination for non-residential users as to the amount of water discharged to the sewer system, the sewer user charge shall be based on the amount of water supplied to the premises. The Director of Utilities may require or permit the installation of acceptable additional water or sewer meters at such party's expense and in such a manner as to determine the quantity of water actually entering the sewer system, in which case, the quantity of water used to determine the sewer charge shall be the quantity of water actually entering the sewer system as so determined. The meter (or meters) must measure the total flow unless another method has been approved by the City. (Ord. 1693, 5-7-91)

B. It shall be the responsibility of each user, who chooses or is required to perform the purchase and installation of such meters, to notify and gain approval of the City of Flagstaff Utilities Division. Upon initial written verification, by a qualified individual, that the meter has been installed and is functioning accurately and efficiently, the user assume daily operation and maintenance of such meters. (Ord. 1676, 10/2/90)

   If at any time, the City of Flagstaff Utilities Division determines that such meter is insufficient for the purpose it is intended, whether because of inability to repair, increased discharge rate of wastestream, etc., the user shall replace the meter or have modifications performed to the existing meter, at the user's expense and in such a way that is considered satisfactory to the City Utility Director. (Ord. 1676, 10-2-90)

C. All Significent Industrial Users, have a City-approved sewer flow meter or other City approved means of measuring their effluent. This meter be equipped to provide a permanent record of the flow measurements. All records of the flow be kept for a minimum of three (3) years and must be available to the City. (Ord. 1693, 5-7-91)

D. It shall be the responsibility of all Industrial Users who are required or choose to install flow measurement devices to provide a security system which would provide the City with unrestricted access to such meter, yet at the same time provide protection from User access unauthorized by the City, tampering, vandalism, the elements or any other factor which may inhibit accurate flow measurement of the wastestream. (Ord. 1693, 5-7-91)

E. The Industrial User shall keep their wastewater collection lines free from debris, turbulence or any other entity that may inhibit the accurate measurement of sewer flow. (Ord. 1693, 5-7-91)

RESIDENTIAL:

A. Sewer user charge be based on the average monthly water billed to each customer during the preceding December, January, February and March and shall represent sewage flow for full-time residential customers. (Ord. 1590, 11-1-88)

B. If the Director determines that adequate water meter information is not available for billing a residential customer as described above, then the customer be charged the average monthly billing for that user class. (Ord. 1590, 11-1-88)

C. Upon approval of the Director, any individual user may, at his own expense and subject to the regulations of the Division, install a separate meter in order to determine the quantity of water actually entering the sewer system and future sewer charges shall be limited to that water actually entering the sewer system as so determined by the Director. (Ord. 1590, 11/01/88)

D. If within 10 days of billing, a customer files a written complaint with the Director alleging that a significant portion of his water usage does not enter the sewer system, the Director, in accordance with written appeals procedure, provide an opportunity for the customer to present his supporting documentation to an employee designated by the Director to hear complaints. (Ord. 1590, 11/01/88) (Ord. No. 1590, Amended, 11/1/88; Ord. No. 1676, Amended, 10/02/90; Ord. No. 1693, Amended, 05/07/91)

E. Upon approval of the Director, metered water usage may be used to determine the sewer use charge when it can be shown to be more accurate than using the average winter water usage. (Ord. 2003, 09/21/99)

(Ord. 2002-08, Amended, 07/16/2002; Ord. 2002-05, Amended, 05/21/2002; Ord. 2003, Amended, 09/21/1999)

SECTION 7-02-001-0044 RESERVED FOR FUTURE USE

(Ord. No. 1693, Repealed, 05/07/91)

SECTION 7-02-001-0045 PAYMENT OF BILLS AND CHARGES:

A. All notices sent out by the City regarding sewer user accounts, and all notices regarding any other matter pertaining to the user of the City sewer system shall be sent to the house and street number of such property. To insure proper delivery of notices, all errors in house numbers should be promptly reported to the Finance Section.

B. The sewer account and bill shall distinguish the amount of the sewer user charge from any industrial cost recovery charge, if applicable.

C. All rates and service charges are payable when rendered and shall be paid by the due date. If the total of such bill is not received by the City within five (5) days after the due date the consumer shall be charged an additional $5.00 non-refundable late payment penalty fee. Consumers on a payment plan that has been approved by the Utilities Division may be exempted from the late payment penalty fee.

All charges shall be considered delinquent thirty (30) days after bill date. If the total of such bill is not paid within ten (10) days after the date of delinquency (30 days from bill date), a notice may be placed at the service address notifying of the past due amount and service charge which must be paid within 24 hours. After 24 hours, the water or sewer service may be disconnected from the premises of the delinquent consumer. The total amount of the bill due and any deposit, if such deposit is required, shall be collected before again providing sewer service or water service. Any closed, delinquent account requiring special collection effort may be assessed a delinquent collection charge to cover the additional cost as established by the Finance Director. (Ord. 1849, 12/06/94)

D. A consumer's water or sewer service may be disconnected for nonpayment of a bill for service rendered at a previous location served by the Finance Section, provided such bill is not paid within thirty (30) days after the unpaid bill has been presented to the consumer at his new location. (Ord. 1849, 12/06/94)

E. Any expense caused to the City for the repair or replacement of damaged, stolen, tampered with or misused sewer or water facilities shall be charged against and collected from the person or persons who caused the expense.

F. When a user of the water or sewer system has been notified of the amount of charges remaining due after the deduction of his security deposit, and payment for same has not been received, the Finance Director may assign the account to a bona fide collection agency. (Ord. 1849, 12/06/94)

G. Before water or sewer service will be turned on to any premises all charges against the premises when due and payable to the City as required by this Chapter, or including any of the following items must have been paid; on account of labor supplied or materials furnished by the Utilities Division in the installation of service pipes connecting the premises with the City sewer mains, or for tapping the City sewer system; on account of water or sewer service previously supplied to the premises; whether used by the applicants or by some previous occupant of the premises; or on account of the assessment of any fine or penalty; or for turning water or sewer services off or on; or for repair or replacement of damaged, stolen or misused sewer works facilities.

(Ord. No. 1809, Amended, 06/15/93; Ord. No. 1809, Amended, 06/15/93; Ord. No. 1849, Amended, 12/06/94)

SECTION 7-02-001-0046 NOTICE PRIOR TO DISCONNECT

Before discontinuing water or sewer service for non-payment of any sewer user charge, deposit or other assessment provided for in this Chapter, the Finance Director shall give written notice to the person, of the discontinuance and an opportunity to appear before the Finance Director or his designee on any disputed matter relative to the discontinuance of sewer service. (Ord. 1104, 12-4-79)

SECTION 7-02-001-0047 SERVICE CONNECTIONS

Every separate building to be provided with sewer service shall have its own separate sewer service connection to the City sewer main, except that two (2) or more buildings located on the same lot or on contiguous lots under the same ownership or property known as a court, apartment house or block covering more than one lot, may be provided sewer service through the same connection as long as the single ownership continues. Upon change from such single ownership, a new and separate connection shall be immediately made for the building or premises to replace the indirect connection. No person having sewer service shall provide sewer service to any other sewer user, whether gratuitously or for a charge. (Ord. 1873, 06/20/95)(Ord. No. 1873, Enacted, 06/20/95)

SECTION 7-02-001-0048 RESERVED FOR FUTURE USE:

SECTION 7-02-001-0049 PERMITS REQUIRED FOR INDUSTRIAL USERS:

All Significant Industrial Users, as defined by this Chapter, Section 7-02-001-0011 (A) (1.) shall obtain a permit for connection and discharge to the City's sewer system from the Director of Utilities. (Ord. 1693, 5-7-91)
(Ord. No. 1693, Amended, 05/07/91)

(Ord. No. 1693, Repealed, 05/07/91)

SECTION 7-02-001-0050 INDUSTRIAL USER PERMITS

A. The Significant Industrial User shall make application for such permit, at least ninety (90) days prior to commencement of discharge, on a form provided by the Director of Utilities. An applicant shall pay a fee as determined by the City of Flagstaff for each application and thereafter be issued an Industrial Wastewater Discharge Permit which shall be valid for a period of five (5) years from the date of issuance or less as determined by the Director of Utilities. (Ord. 1693, 5-7-91)

Industrial Wastewater Discharge Permit Fee

(Effective 1-1-07)(Effective 1-1-08)(Effective 1-1-09)(Effective 1-1-10)

$100 per year $150 per year $200 per year $250 per year

B. Upon expiration of such permit, an applicant who holds a valid wastewater discharge permit and is in compliance with the terms and conditions established by this Chapter, shall file an application for renewal of an industrial wastewater discharge permit, at least ninety (90) days prior to the expiration date of the previous permit, together with the existing fee and, thereafter, shall be issued a renewed industrial wastewater discharge permit, which shall be valid for a period of five (5) years from the date of issuance of the renewal or less as determined by the Director of Utilities. (Ord. 1693, 5-7-91)

C. The applicant shall submit the information contained in item (D) through (G) below and any other information requested by the City, at the time of submittal or the application will be rejected and the applicant required to resubmit with the appropriate fee. (Ord. 1693, 5-7-91)

D. An applicant seeking an industrial wastewater discharge permit or renewal shall submit, as part of its application, the results of an analysis, compliant with Standard Methods, conducted by a laboratory certified by the State of Arizona Department of Health Services, of a representative daily composite sample of the effluent discharge from the applicant's plant. (Ord. 1693, 5-7-91)

E. An applicant shall submit as part of its application for a permit, a discharge report which include, but not be limited to, the nature of process, volumes, rates of flow, production quantities, concentrations in the wastewater discharge and any other information that may be relevant to the generation of waste.

F. An applicant, as part of its application for a permit, shall submit a plan showing the location and size of on-site sewers, sampling point, pretreatment facilities, City sewers and any other pertinent physical details.

G. An applicant as part of its application for a permit shall list each product manufactured, the type, amount and rate of production and the chemical components and quantity of liquid or gaseous materials stored on-site, even though they may not normally be discharged into the sewer system.

H. In the event a producer of industrial waste which is authorized to make a connection to the City sewer for industrial waste disposal under the provisions hereof is sold, leased, or its operation is assumed or taken over by another person, firm or corporation other than that named in the permit, a new application for a permit shall be made by the new owner, lessee or operator. No permit issued under the provisions hereof shall be assignable and a violation of this provision shall be grounds for summary suspensions or revocation of such permit by the Director of Utilities.

I. It shall be a condition of the permit that the City may at any time test any of the wastes being discharged by the company or plant for quality or quantity. A duly authorized City representative may enter the permittee's premises at any time during business or operational hours for the purpose of inspecting plant operations to estimate quality or quantity of wastes.

J. It shall be a condition of the permit that the permittee shall install facilities, approved by the City Engineer at the permittee's expense for the purpose of the City's representative inspecting, observing and sampling representative flows in accordance with Section 7-02-001-0017 of this Chapter. (Ord. 1693, 5-7-91)

K. It shall be a condition of the permit that additional periodic reports as may be required by the Director of Utilities to properly monitor the discharge of the industrial wastes, be submitted to the Director of Utilities.

L. Issuance of an industrial wastewater discharge permit shall not release the permit holder from the obligation to comply with all other provisions of this Chapter.

M. The City may change the conditions of any permit from time to time as may be necessary in order to comply with requirements of Federal or State regulations. (Ord. 1693, 5-7-91)

(Ord. No. 1693, Amended, 05/07/91); (Ord. 2002-08, Amended, 07/16/2002); (Amended Ord. No. 2006-27; 11/07/2006)

SECTION 7-02-001-0051 PERMITTEE REQUIREMENTS

A. Each permittee shall provide protection from accidental discharge of prohibited materials or other wastes regulated by this Chapter. If such discharge may occur, permittee must report it to the

Director of Utilities as described in Section 7-02-001-0013. (Ord. 1693, 5-7-91)

B. In order that officers, agents and employees of permittees will be informed of the City's requirements, permittees shall make available to their employees copies of this Chapter together with such other wastewater information and notices which may be furnished by the City from time to time for the purposes of improving and making more effective water pollution control. A notice shall be furnished and permanently posted on the permittee's bulletin board advising officers, agents and employees who to call in case of an accidental discharge in excess of the limits authorized by the permit. (Ord. 1693, 5-7-91)

C. Any possible connection or entry point for a hazardous and/or prohibited substance to the permittee's plumbing or drainage system shall be appropriately labeled to warn operating personnel against discharge of such substances. (Ord. 1693, 5-7-91)

(Ord. No. 1693, Rep&ReEn, 05/07/91)

SECTION 7-02-001-0052 RESERVED FOR FUTURE USE

SECTION 7-02-001-0053 RESERVED FOR FUTURE USE

(Ord. No. 1693, Repealed, 05/07/91)

SECTION 7-02-001-0054 RESERVED FOR FUTURE USE

(Ord. 1236, 11-29-82)

SECTION 7-02-001-0055 RESERVED FOR FUTURE USE

SECTION 7-02-001-0056 RESERVED FOR FUTURE USE:

(Ord. 1236, 11-29-82)

(Ord. No. 1693, Repealed, 05/07/91)

SECTION 7-02-001-0057 RESERVED FOR FUTURE USE:

(Ord. No. 1693, Repealed, 05/07/91)

SECTION 7-02-001-0058 RESERVED FOR FUTURE USE

SECTION 7-02-001-0059 SERVICE OUTSIDE CITY LIMITS

A. For all places outside the corporate limits of the City not mentioned in this Chapter where sewer service is rendered by the City, and for which no rate is specifically fixed, the rate to be charged, including a connection charge, shall be as fixed by the City Council.

B. City sewer service offered to users outside the City limits shall be offered by the City subject to compliance by the users with the terms of this Chapter.

(Ord. No. 1693, Repealed, 05/07/91)

SECTION 7-02-001-0060 RESPONSIBILITY FOR ENFORCEMENT

A. The City’s Director of Utilities or authorized deputy, agent, or representatives shall have authority over all field operations of the City's wastewater treatment and collection system, including flow test measurements, quality of waste, service connections, line construction plus the operation and maintenance of all wastewater facilities. (Ord. 1723, 4/7/92) (Ord. 1950, 08/05/97)

B. The City’s Director of Finance or authorized deputy, agent, or representative shall have the authority to determine and collect all 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. (Ord. 1723, 4/7/92) (Ord. 1950, 08/05/97)

C. The rules and regulations of this Chapter are made for the benefit of the users of the City sewer system, for the protection of the sewer system, and to protect the quality of the effluent of the sewage treatment plants. Their enforcement shall in no case be willfully ignored by any City official or employee. (Ord. 1693, 5/7/91)

(Ord. No. 1693, Amended, 05/07/91; Ord. No. 1950, Revised, 08/05/97)

SECTION 7-02-001-0061 DISCONNECTION OF SERVICE

The violation of any section of this Chapter shall be sufficient cause for the City to discontinue water or sewer service to any premises, and such service shall not be restored until such violations have been discontinued or eliminated and all outstanding charges paid. The discontinuance of sewer service shall be accomplished by physically cutting and blocking the building connection. A charge for disconnecting and reconnecting shall be paid to the Finance Section for reconnecting the sewer service. (Ord. 1693, 5-7-91)

(Ord. No. 1693, Amended, 05/07/91)

SECTION 7-02-001-0062 RESERVED FOR FUTURE USE

(Ord. 2002-08, Repealed and Replaced, 07/16/2002)

SECTION 7-02-001-0063 INTENT OF CHAPTER

In order to meet the grant regulation requirements for Construction of Treatment Works established by E.P.A. at 40 CFR Part 30 and 40 CFR Part 35, the City is required by the Regional Administrator to have its user charge rates and ordinance approved and enacted before the treatment works constructed with grant funds are placed in operation. To satisfy this requirement, the City has this day enacted and approved this Chapter. It is the intent of the City Council that the rates and procedures required by E.P.A. be effective before the treatment works constructed with the grant are placed in operation. (Ord. 1104, 12-4-79)

CHAPTER 7-03
CITY WATER SYSTEM REGULATIONS

SECTIONS:

7-03-001-0001	**APPLICATION FOR CONNECTION**
7-03-001-0002	**APPLICATION FOR SERVICE**
7-03-001-0003	**DEPOSIT REQUIRED**
7-03-001-0004	**CONNECTION FEES**
7-03-001-0005	**SERVICE CHARGES**
7-03-001-0006	**AUTHORITY REQUIRED**
7-03-001-0007	**MALICIOUS DAMAGE**
7-03-001-0008	**ACCOUNTS PAYABLE**
7-03-001-0009	**METERS**
7-03-001-0010	**WATER RATES**
7-03-001-0011	**WATER MAIN CAPACITY CHARGES**
7-03-001-0012	**WATER REVENUE FUND**
7-03-001-0013	**CITY WATER MAIN EXTENSION POLICY**
7-03-001-0014	**WATER CONSERVATION**
7-03-001-0015	**CROSS CONNECTION CONTROL**
7-03-001-0016	**WATER RESOURCE DEVELOPMENT FEE**
7-03-001-0017	**PURCHASED ENERGY COMPONENT FOR WATER**
7-03-001-0018	**RECLAIMED WATER RATE SCHEDULE**

SECTION 7-03-001-0001 APPLICATION FOR CONNECTION

Every person requesting connection to the sewer or water system of the City shall first make application to the Utilities Division on such forms as the City shall prescribe and pay the fees and charges provided for herein. Connection may be made either by the Utilities Division or by a contractor duly licensed by the State of Arizona to perform such work. The work shall be done according to City specifications, and any contractor performing such work shall not cover such connection until the same shall have been inspected and approved by the Utilties Division. (Ord. 800, 5-25-71; Amended, Ord. No. 2010-23 06/01/2010; Amended, Ord. No. 2010-23, 09/07/10)

SECTION 7-03-001-0002 APPLICATION FOR SERVICE:

Every person requesting water service shall make application therefor on such forms as the City may prescribe, and the deposit and charge provided for herein shall be paid before such new service may commence. (Ord. 1073, 3-20-79)

SECTION 7-03-001-0003 DEPOSIT REQUIRED

A. Deposit Required: There shall be charged to all persons applying for water service to be provided to any premises, a non-interest bearing deposit of twenty five dollars ($25.00) for residence service inside the City, twenty seven dollars and fifty cents

($27.50) for residence service outside the City and for all other service, a non-interest bearing deposit equal to twice estimated amount of the monthly bill. Specific exemption from this provision shall apply to churches, nonprofit community organizations and other utilities. Additionally, persons who have qualified for a deposit refund pursuant to paragraph (B) below and have no other Municipal account delinquency shall be exempt from any deposit requirement for additional or new water service. (Ord. 1527, 11/03/87) New customers providing the City with a recent letter from a present or previous utility supplier which shows a good payment history may be exempted from the deposit requirements.

B. Deposit Refund: Except as provided below, a customer shall be entitled to a refund of deposits on hand either one year after the effective date of this Section or one year after the required deposit is deposited with the City, whichever occurs later. However, in the event a customer fails to make timely payment of a monthly billing, or allows any arrearage to accrue on the customer's account, then the customer shall not be entitled to a refund until the customer has first established a one-year record of timely payments with no arrearage.

If a customer should be issued a turn-off notice (appear on a cut-off listing) due to nonpayment, a new or additional deposit may be required . This deposit shall be the greater of either the basic deposit required under subsection (A) of this Section or twice the amount of the highest monthly billing during the preceding twelve (12) months.

No interest shall be paid by the City upon any deposit refund. (Ord. 1312, 07/03/84)(Ord. No. 1944, Amended, 05/20/97) (Ord. 2002-05, Amended, 05/21/2002; Ord. 2000-03, Amended, 03/07/2000)

SECTION 7-03-001-0004 CONNECTION FEES

Any person desiring a connection with any main or lateral of the water or reclaimed water system of the City shall first make application to the City Utilities Division, and pay the fees and charges specified for the size of the service desired. All water meters connected to the City water or reclaimed water system are, shall be and shall remain the property of the City. Upon payment of the specified fees to the Treasurer by the applicant, the Utilities Division shall, within a reasonable time, make the connection and install the meter. Connection fees shall be: (Ord. 1563, 05/17/88; Amended Ord. 2006-27, 11/07/2006)

For Meter Size

5/8″ x 3/4″	Cost of meter, fittings and labor, plus overhead
1″	Cost of meter, fittings and labor, plus overhead
1-1/2″	Cost of meter, fittings and labor, plus overhead
2″	Cost of meter, fittings and labor, plus overhead
>2″	Cost of meter, fittings and labor, plus overhead

Connections made by a contractor as provided for in Section 7-3-1 hereof, where service lines have been previously installed and the City is required only to supply and install the meter, shall be subject to the following fees in lieu of the schedule shown above.

For Meter Size

5/8" x 3/4"	$ 210.00
1"	$ 390.00
1 1/2"	$ 790.00
2"	$ 940.00
All others	Cost of meter, fittings and labor,plus overhead

(Ord. 1681, 12/04/90); Amended Ord. 2006-27, 11/07/2006)

For connections and meters larger than two inches (2"), the following deposit must be paid in advance before beginning the connection. Where the deposit is less than the actual cost, the difference will be billed and shall be paid by the applicant prior to service being established for such connection. Where the deposit is more than the actual cost, the difference shall be refunded within a reasonable period of time.

For Meter Size

3"	$ 3,000.00
4"	$ 4,000.00
6"	$ 6,000.00
All others	Cost of meter, fittings and labor, plus overhead

All water taps or connections made outside the corporate limits of the City shall be 110% of the above charges, fees and/or deposits.

The connection fee for automatic read meters shall include an additional $130.00 for the meter interface unit and the meter adder. (Ord. 1944, 05/20/97)

(Ord. No. 1563, Amended, 05/17/88; Ord. No. 1681, Amended, 12/04/90; Ord. No. 1944, Amended, 05/20/97) (Ord. 2002-05, Amended, 05/21/2002) (Ord. 2006-27, Amended 11/06/2006)

SECTION 7-03-001-0005 SERVICE CHARGES

In addition to the other charges and fees required by this Chapter, the following service charges shall apply:

Description	Service Fee Current	Service Fee 01/01/2011
New Customer turn on/off working hours-account activation fee for new customer at existing location	$24.00	$24.00
Emergency turn on/off working hours	$24.00	$24.00
New Customer turn on/off after hours	$65.00	$65.00
Collection/ Non Payment charge	$24.00	$24.00
Existing Meter Testing Rate Accuracy test (at customer's request) of a meter permanently connected to the water system. The fee is waived if meter testing reveals the meter was reading inaccurately	$74.00	$74.00
Backflow Prevention Permit Fee Inspection of backflow assembly whose installation has been authorized by permit.	-	$87.00
Backflow Compliance Fee Additional site visit after customer has failed to correct backflow or reclaimed meter-related deficiencies for which they have received prior written notice. This fee recovers the cost of the additional field visit.	-	$87.00
Unauthorized Connection Fee For illegal service connections made to the public water main. Payable at the time of violation	-	Twice the System Capacity and Resource Fees
Large Meter Vault – Design Fee for Non-Std City of Flagstaff may provide design and construction documents for the large meter vaults required by the special needs of Developer-required facilities.	-	Billed at Cost
Perform ADEQ Regulatory Engineering Review and Permitting Services. City of Flagstaff may provide Engineering	-	Billed at Current ADEQ Rates in

review and issue permits on behalf of ADEQ under a delegation agreement with ADEQ for water and sewer facilities.	accordance with AAC R18-14-103

(Ord. No. 1849, Amended, 12/06/94) (Ord. 2002-05, Amended, 05/21/2002); (Ord. 1849, 12/06/94); (Ord. No. 1849, Amended, 12/06/94); (Ord. 2002-05, Amended, 05/21/2002); (Amended Ord. No. 2006-27; 11/07/2006); Amended Ord. No. 2010-23, (09/07/2010)

SECTION 7-03-001-0006 AUTHORITY REQUIRED

It shall be unlawful for any person to turn on and furnish water or sewer service or authorize or direct another to do so without authority from the Utilities Division; and any person violating the provisions hereof shall be guilty of a misdemeanor and incur a penalty in the sum of one hundred-fifty dollars ($150.00)

(Ord. 2002-05, Amended, 05/21/2002; Amended Ord. No. 2010-23 (09/07/2010)

SECTION 7-03-001-0007 MALICIOUS DAMAGE

It shall be unlawful for any person intentionally to break, deface, tamper with or damage any meter, hydrant, valve, pipe or other water system appliance or fixture, or in any other manner interfere with the operation of any part of the water system of the City. It shall be unlawful for any person, with intent to injure or defraud, to connect any pipe, tube or other instrument with any main or service pipe for conducting water belonging to the City, for the purpose of taking water from such main or service pipe without the permission or authority of the Utilities Division. (Ord. 800, 5-25-71) It shall be unlawful to permit any coupling, pipe, fitting, or tank not dedicated for potable water use to come into contact with public water facility dispensing hoses. Any person violating the provisions hereof shall be guilty of a misdemeanor and incur a penalty in the sum of one hundred-fifty dollars ($150.00).

(Ord. 2002-05, Amended, 05/21/2002)

SECTION 7-03-001-0008 ACCOUNTS PAYABLE

All water accounts charges for water sold and furnished to customers by the City shall be due and payable at the office of the Treasurer during regular business hours as established by the Treasurer for the collection of such accounts, Monday through Friday, inclusive, holidays excepted. All water accounts shall be due and payable upon presentation by the office of the Treasurer of invoice statement therefor, and shall become delinquent thirty (30) days thereafter. If such charges are not paid within ten (10) days after such delinquent date, water service may be discontinued without notice. The Treasurer is hereby authorized

to consolidate more than one charge for City services into one itemized statement of charges at appropriate billing intervals. (Ord. 1073, 3-20-79)

(Ord. 2002-05, Amended, 05/21/2002)

SECTION 7-03-001-0009 METERS

All water furnished or sold by the City shall be delivered or supplied through meter only, and every separate building supplied with City water must have its own separate service connection and meter, except that two (2) or more buildings located on the same lot or on contiguous lots under the same ownership or property known as a court, apartment house or block covering more than one lot, may be supplied through the same connection and meter as long as the single ownership continues. Upon change from such single ownership, a new and separate connection shall be immediately made for the building or premises to replace the in direct connection. No person having a water service connection shall otherwise furnish or deliver water to any other water user, whether gratuitously or for a charge. (Ord. 800, 5-25-71)

SECTION 7-03-001-0010 WATER RATES

There shall be charged the following rates for all water furnished consumers and measured by meter on any service connection with City water mains for and during each monthly billing period.

The base monthly service charge applies whether the water meter is active or inactive. The monthly service charge is based on the fixed cost of operation and maintaining the water system so that the system is available to provide water to the parcel when water service is activated. Parcels with shutoff water meters will continue to pay base monthly service fee since water service is available and may be activated and used by the property owner at any time.:

A. Inside City Limits: The following monthly charges shall be effective with bills rendered on and after January 1, 1991. Applicable sales taxes will be in addition to these charges. (Ord. 1681, 12/04/90)

   Charge per one thousand (1,000) gallons of measured or estimated water use per month.

WATER RATE SCHEDULE

Monthly Base Service Charge:

Meter Size	1/1/11	1/1/12	1/1/13	1/1/14	1/1/15
3/ 4″	10.02	11.38	12.18	13.03	13.42
1″	11.80	13.40	14.34	15.34	15.80
1 1/2″	16.25	18.45	19.74	21.12	21.75
2″	21.58	24.50	26.22	28.06	28.90
3″	34.03	38.64	41.34	44.24	45.57
4″	51.82	58.83	62.95	67.36	69.38
6″	96.28	109.31	116.96	125.15	128.91
8″	149.64	169.89	181.78	194.51	200.34
10″	211.89	240.56	257.40	275.42	283.68

VOLUME CHARGE

Monthly Water Use Volume Charge
Gallons $/1,000 gal

Single Family - Block Rate

Single Family	1-1-11	1-1-12	1-1-13	1-1-14	1-1-15
Tier 1 (0-3,700)	2.07	2.34	2.51	2.68	2.77
Tier 2 (3,701-6,400)	2.69	3.05	3.26	3.49	3.59
Tier 3 (6,401-11,700)	4.13	4.69	5.02	5.37	5.53
Tier 4 (Over 11,700)	8.26	9.38	10.04	10.74	11.06
Multi-family, Apts ,Mobile home	2.66	3.02	3.23	3.45	3.56
Commercial, Schools	2.83	3.21	3.43	3.67	3.78
Northern Arizona University	2.73	2.95	3.15	3.37	3.47
Manufacturing	2.78	3.16	3.38	3.62	3.73
Lawn Meters	2.83	3.21	3.43	3.67	3.78
Hydrant meter	4.88	5.07	5.34	5.63	5.78
Standpipe – Water haulers	4.88	5.07	5.34	5.63	5.78
Energy Component: Charge per one thousand (1,000) gallons, applied to all customer classes	.75				

Energy component cost to be calculated annually based on a one-year rolling average of water related energy costs.

PRIVATE FIRE PROTECTION

Connection Size
Inches Monthly Charge

Connection Size	1/1/11	1/1/12	1/1/13	1/1/14	1/1/15
4″	9.41	10.68	11.43	12.23	12.59
6″	27.33	31.02	33.19	35.52	36.58
8″	58.23	66.11	70.74	75.69	77.96

Rates for water sold or furnished to customers for use outside the City limits shall be one hundred ten percent (110%) the rates for water sold or furnished for use inside the City. (Ord. 1825, 12/07/93)

B. Special Rates:

Special rates for customers who are not included in existing customer classifications and have usage characteristics different from other customers may be negotiated between the City and customer, without requiring an amendment to the City Code.

C. Special Rates: If the initial bill of any new consumer or the final bill of any consumer shall show usage of less than one thousand (1,000) gallons for the initial or final billing period, the consumer shall be billed for the initial or final billing period at the prorated amount based on existing rates for each one hundred (100) gallons or fraction thereof.

Because fire hydrants are not designed to sustain continuous use and because such hydrants are part of the emergency fire protection system of the City, regular use of fire hydrants for water supply is discouraged. When an applicant for water to be delivered from a hydrant can show hardship if forced to obtain water from another source, and the request has been approved in writing by the City's Utilities Director, the Division may install a meter on a fire hydrant for the use of such applicant, following payment of the required fee for such installation and use. The applicant shall be and remain responsible for payment to the City for all water used through such hydrant meter, and for the purpose of protecting himself may place a lock upon said meter.

The fee for installation and use of such hydrant meter shall be $110.00. The rate of water delivered through a hydrant meter shall be at existing standpipe rate. In addition, a seven hundred dollar ($700.00) deposit will be required to assure repair work on the meters and hydrants if needed. An additional three hundred dollar ($300.00) will be required when a backflow prevention device is necessary. The deposits will be refunded if there is no damage sustained when the meter and/or backflow device is returned to the City. (Ord. 1235, 11/29/82)

D. Automatic Rate Adjustments. The City agrees to adopt a rate schedule which provides for automatic adjustments to pass along increases in energy related operating costs for delivering water service based on the current electrical and gas tariff rates on file with the Arizona Corporation Commission. Automatic adjustments to the energy surcharge shall be calculated on an annual basis using the past 12 months rolling average of water related energy charges.

1. Energy Cost Adjustment. City reserves the right to automatically pass along future increases in electrical and natural gas energy related charges imposed on City by another agency. These automatic adjustments may be made whenever the other agency: (1) increases the standard cost of energy beyond the current energy cost assumed by City in the proposed rate structure described in this section.

2. Adjustments shall begin on January 1 of each calendar year and continue through the end of year.

(Ord. No. 1681, Amended, 12/04/90; Ord. No. 1727, Amended, 12/03/91; Ord. No. 1796, Amended, 03/16/93; Ord. No. 1809, Amended, 06/15/93; Ord. No. 1825, Amended, 12/07/93; Ord. No. 1809, Amended, 06/15/93; Ord. No. 1825, Amended, 12/07/93; Ord. No. 1874, Amended, 06/20/95; Ord. No. 1944, Amended, 05/20/97; Ord. No. 1972, Amended, 04/21/98); (Ord. 2002-07, Amended, 07/16/2002; Ord. 2002-05, Amended, 05/21/2002; Ord. 2000-03, Amended, 03/07/2000; Ord. 1999, Amended, 07/06/1999); (Ord. No. 2006-27, Amended 11/05/2006); Amended Ord. No. 2010-23 (09/07/2010)

SECTION 7-03-001-0011 WATER MAIN CAPACITY CHARGES

The water main capacity charges for all new service connections to be charged by the Finance Section is presented in the following schedule:

A. A capacity charge, as prescribed below, shall be assessed upon:

1. initial connection to the municipal water system, or;

2. any increase in meter size

B. The capacity charges for the various types of users are as follows:

SCHEDULE FOR CAPACITY CHARGES

Capacity Charge

Meter Size	Effective 1/1/09	Effective 7/1/12	Effective 1/1/14	Effective 1/1/15
5/8 x ¾′	2,160	5,013	5,497	5,891
1″	3,600	8,371	9,180	9,819
1-1/2″	7,200	16,692	18,304	19,638
2″	11,520	26,717	29,298	31,420
3″	21,600	50,126	54,968	58,913
4″	36,000	83,560	91,632	98,188
6″	CALCULATE	167,070	183,208	196,376
8″	CALCULATE	267,322	293,144	314,201
10″	CALCULATE	384,316	421,440	451,664

Meters will be sized using the American Water Works Association Manual, AWWA No. M22. Sizing will be submitted to the City Utilities Department by the developer or owner for City review.

All capacity charges for connections larger than four inches (4") shall be based on proration of mid range flow gallons per minute (gpm) of a 5/8 x 3/4" inch meter divided into the mid range flow of the meter to be evaluated. The resulting number shall be used as a multiplier times the capacity fee for a 5/8 x 3/4 inch meter to determine the large meter capacity fee. Meters will be sized using American Water Works Association Manual, AWWA No. M22. Sizing will be submitted to the City by the developer or owner for City review.

Where the capacity charge is based on volume, said charge will initially be calculated based on an estimate of flowage agreed upon by the City and the customer and will be adjusted based upon the volume of the highest consecutive 12 month period for the 36 months immediately following commencement of service or assessment of an additional capacity charge.

When the capacity charge results from an increase in meter size the charge shall be adjusted to the difference between the charge for the new size meter and the charge for the previous size meter.

C. The Division shall review all customer accounts with meters larger than 4" on an annual basis and assess as additional capacity charge when the annual average demand increases by 20% or more. The additional capacity charge will be calculated using the recommended meter size by AWWA Manual No. 22 or equating to equivalent 5/8 x 3/4 inch meters but substituting for demand the difference between actual current demand, as determined by the previous 12 month average, and the demand used to calculate the previous capacity charge assessed upon the customer. (Ord. 1681, 12/04/90)

(Ord. No. 1681, Amended, 12/04/90; Ord. No. 1944, Amended, 05/20/97); (Ord. 2002-05, Amended, 05/21/2002); (Ord. No. 2006-27, Amended, 11/05/2006); (Amended, Ord. No. 2010-23; 09/07/2010)

SECTION 7-03-001-0012 WATER REVENUE FUND

There is hereby created a fund to be known and kept as the "water fund". Said fund shall be applied exclusively to the payment of the expense of operating, maintaining and keeping in repair the said water system, the payment of interest of any bonds issued for the purpose of construction of waterworks, and the establishment and continuance of a sinking fund.

SECTION 7-03-001-0013 CITY WATER MAIN EXTENSION POLICY

A. Definitions: For the purpose of this Section, the following words and phrases shall have the meanings respectively ascribed to them herein, unless the text clearly indicates otherwise.

   DEVELOPER AND OWNER: Any person or persons engaged in the requesting and financing of a water main extension beyond the present City water mains to one or more parcels of land. The term includes subdividers, industrial developers, private property owners and companies, who improve platted or unplatted property.

   CITY: The word "City" shall mean the City of Flagstaff in the County of Coconino, State of Arizona, except as otherwise indicated.

   MAIN: Any water line which constitutes or will constitute part of the City water system.

B. Size of Water Main Extensions: No water main will be installed with less than the minimum pipe size dictated by good engineering practice, and adopted standards set forth in the Uniform Building Code (current adopted edition), Uniform Fire Code (current adopted edition), General Construction Standards and Specifications of the City, current subdivision regulations, or the general land use plan currently adopted.1 In no case shall any water main be of a size less than six inches (6") for residential areas and eight inches (8") for commercial and industrial areas.

   1. Section 8-10-001-0001; Title 8 of the City Code, respectively

C. Replacement or Repair: All persons or other entities who create, cause to be built or build any such extensions of any services as contemplated herein, shall also pay for any and all such replacements as becomes necessary as a direct or indirect result of the creation, building or construction of such extensions. For example, repairs or replacement of sidewalks, paving or other utilities damaged or disturbed during the building of water line extensions.

D. Agreement Between City and Developer-Owner: Before the extension of any water main shall be made to serve a subdivision, platted or unplatted property, or any existing main tapped to provide service for any individual or unplatted property, the developer-owner desiring such service shall execute an agreement with the City which shall include in the following:

1. A warrant of workmanship and material for mains and facilities installed which shall run to the benefit of the City for a period of at least one year, from the date of acceptance by the City.

2. A diagram of all property which may be served by any main and appurtenances upon completion and acceptance of the work by the City.

3. A statement that the City acquires ownership of any main and appurtenances upon completion and acceptance of the work by the City.

4. A statement of the developer-owner's proportionate share of the cost for previously installed mains, if any reimbursement agreements are in existence concerning the line.

E. Costs of Extension: The developer causing an extension of water mains shall pay in full for the rights of way and easements, the purchase, construction and installation of the lines, pipes, mains, fire hydrants and all other extension costs. However, the City reserves the right to increase the diameter of the main extension if it is deemed advisable, but under the condition that the laid cost of the main extension of the larger diameter pipe to the developer will not exceed the laid cost of the same extension of a size necessary to serve solely the proposed development.

F. Penalty: Any person who excavates or causes an excavation to be made for the purpose of laying any water lines or pipes in the public streets, alleyways or other property of the City without first complying with the provisions hereof, shall be subject to a fine of not less than two hundred dollars ($200.00) nor more than three hundred dollars ($300.00). A separate offense shall be deemed committed upon each day during or on which a violation occurs or continues. (Ord. 1157,6-16-81)

(Ord. 2002-05, Amended, 05/21/2002)

SECTION 7-03-001-0014 WATER CONSERVATION

A. Definitions:

1. Commercial Provision: An agreement between the Utilities Division and a commercial customer where compliance with the Strategy Level may cause unreasonable economic hardship. A

Commercial Provision may be applied for by a business that requires a water use for its day-to-day business operation to succeed. There is no fee associated with obtaining a Commercial Provision. Commercial Provisions shall not be considered for aesthetic landscaping purposes. Examples of businesses that may request a Commercial Provision include, but are not limited to, landscapers and nurseries. A request for a Commercial Provision shall be made in writing to the Utilities Director and shall include the nature of the business, the anticipated water usage per day, and what steps are being taken to conserve water at the business location. Approval and denial commercial provision letters shall be copied to the City Manager and City Council for informational purposes.

2. Emergency Authority: Authority to make operational adjustments and/or changes to the potable water and reclaimed water system for the purpose of protecting the system from damage, maintaining water supply, or restoring the system to operation after a system failure. This includes authority to mix potable water with reclaimed water for the purpose of protecting the system from imminent system damage.

3. Even-numbered address: Any street address ending in; zero (0), two (2), four (4), six (6), or eight (8).

4. Irrigate: To supply land or crops with water by means of pipes or hoses.

5. Odd-numbered address: Any street address ending in; one (1), three (3), five (5), seven (7), or nine (9).

6. Potable Water: Water that is safe and satisfactory for drinking and cooking.[1]

7. Reclaimed Water: Water that has been treated or processed by a wastewater treatment plant or an on-site treatment facility. (ARS 49-201.31)

8. Resource Status I: When water demand is equal to or less than safe production capability.

9. Resource Status II: When water demand exceeds safe production capability for five (5) consecutive days.

10. Resource Status III: When water demand exceeds total production capability and the amount of water in storage may impair fire protection for the City.

11. Safe Production Capability: 90% of total water resources available measured in million gallons per day (MGD), based on potable water production and distribution components.

12. Special Provision: An agreement between the Utilities Division and a large-volume irrigator allowing special hours of irrigation due to public access concerns or hydraulic constraints.

13. Surcharge: To charge an additional fee, cost, or levy.

14. Total Production Capability: The total water resources available measured in million gallons per day (MGD), based on potable water production and distribution components.

15. Unreasonable Economic Hardship: A hardship where a business' ability to operate using normally accepted practices is adversely affected by the water restriction.

16. Water Availability Strategy: An effort initiated to ensure the availability of adequate water resources for the future, and in times of emergency.

17. Wasting Water: To use or expend water thoughtlessly or carelessly. Examples include, but are not limited to, allowing water to run into the street/gutter, allowing water to pool, irrigating during precipitation events, and failing to repair water leaks. The determination of Wasting Water shall be made by a representative of the City of Flagstaff.

[1] Symons, James M. et al., The Drinking Water Dictionary (American Water Works Association, 2001), P. 333.

B. The City Manager, upon the recommendation of the Utilities Director, after notification to the City Council is hereby authorized to declare and suspend Water Availability Strategies and elements of Strategies. The Strategies may be initiated and suspended based upon Resource Status Levels, or other pertinent information, which evaluate the relationship between water demand and municipal safe production capability.

C. The Utilities Division has emergency authority to take operational measures deemed necessary to protect the potable and reclaimed water systems.

D. Augmentation of the reclaimed water system with potable water except as referenced in Paragraph C shall require prior approval of the City Manager, upon the recommendation of the Utilities Director and after notification to the City Council.

E. The following Water Availability Strategies shall govern the use of City water by any user of the City potable water system, as prescribed below:

1. Strategy I: Water Awareness (may implement with Resource Status I). Conserve water, in and outside of the home, using the best practices available to minimize waste. Water users are specifically encouraged to landscape with plant materials requiring little or no supplemental irrigation water. The following uses are restricted or prohibited.

   No person shall:

   a. Irrigate between the hours of 9 AM and 5 PM. Even-numbered street addresses shall irrigate Wednesday, Friday, and Sunday. Odd-numbered street addresses shall irrigate Tuesday, Thursday, and Saturday. No irrigation shall be allowed on Monday. Daily hand watering with a hose or watering can is allowed. Strategy I irrigation hours shall apply to hand watering. Water use for maintenance of irrigation systems is permitted during all times of the day.

   b. Use water from a fire hydrant unless for public health or safety, or with the authorization of the Utilities Division.

   c. Waste water, as defined in section A.

   d. Irrigate golf courses with potable water.

      New landscape permits. Daily irrigation of new landscape may be allowed for elective landscaping and will be allowed for required landscaping by obtaining a permit from the Water Conservation Office. The permit shall be good for a maximum of thirty (30) days. The fee for the permit shall be ten dollars ($10) to cover administration and printing, and shall be adjusted to cover changing costs. The permit shall be obtained prior to landscape installation and prominently posted at the irrigation site. The determination of provision of an elective landscaping permit shall be made by a representative of the Utilities Division and may be appealed by the applicant to the Flagstaff Water Commission if thought to be unreasonably denied. The decision of the Water Commission shall be final. Strategy I irrigation hours shall apply to irrigation permits.

2. Strategy II: Water Emergency (may implement with Resource Status II). In addition to the requirements of Strategy I, the following uses are restricted or prohibited.

No person shall:

a. Irrigate or wash vehicles, except as provided. Even-numbered street addresses are restricted to said uses on Wednesday, Friday, and Sunday. Odd-numbered street addresses are restricted to said uses on Tuesday, Thursday, and Saturday. No outdoor watering activity shall be allowed between the hours of 9 AM and 5 PM. Vehicle washing for public health and safety shall be exempt. This restriction shall not apply to commercial car washes.

b. Wash paved areas such as drives, sidewalks and tennis courts, or buildings, except for health or safety. Restriction shall not apply to commercial high pressure water blasting for maintenance or construction purposes during strategy II. The use of Reclaimed Water for said uses shall not be restricted.

c. Use potable water for filling ornamental fountains, artificial ponds or streams.

d. Fill recreational swimming pools, spas, or wading pools holding more than 100 gallons.

e. Use potable water for major construction activity, such as dust control, soil compaction, or street cleaning. Major construction activity shall be considered that activity requiring the use of a hydrant meter for the dispensing of potable water or obtaining the water from City of Flagstaff standpipes.

Single Family Residential, and all lawn meter rates shall increase to 150% of the established rate for any water consumption between 6,401 and 11,700 gallons. Rates shall increase to 200% of the established rate for any water consumption greater than 11,701 gallons per billing cycle. Rate increases shall take effect with the billing cycle(s) following the implementation of Strategy II.

Multi-family, Commercial, Industrial, and Institutional water rates shall increase to 120% of the established rate. The rate increase shall take effect with the billing cycle(s) following the implementation of Strategy II.

Potable water standpipe rates shall increase to 130% of the established rate. The rate increase shall take effect upon implementation of Strategy II. Standpipe water shall be limited to uses within a twenty-five mile radius of City Hall. Standpipe water shall not be used for major

construction activity, dust control, irrigation of decorative landscaping and/or turf.

No new elective or required landscaping permits shall be issued. Landscaping not installed and required by the City of Flagstaff to meet the Land Development Code will not delay a Certificate of Occupancy to be issued providing its installation is delayed as a result of a suspension of new landscaping permits and a surety is provided acceptable to the Community Development Division.

Upon suspension of Strategy II, rates shall return to their respective level with the billing cycle(s) following the date of the suspension, or in the case of standpipe rates, upon suspension.

3. Strategy III. Water Crises (may implement with Resource Status III). In addition to the requirements of Strategy I and Strategy II, the following uses are restricted or prohibited.

   No person shall:

   a. Use any potable water for outside use.

   b. Use fire hydrants, unless for public health, safety, and welfare by authorized government agencies only.

   c. Waste water intentionally or unintentionally. Specifically applies to all residential, commercial, industrial, and institutional use.

   d. Use potable water in violation of any other restriction deemed necessary by the City Council for the purpose of protecting the welfare of the citizens of Flagstaff.

   No new Special or Commercial provisions shall be allowed unless approved by the Flagstaff City Council or the Water Commission.

D. Surcharges/Appeals:

1. A Surcharge of $25.00 shall be assessed to the account of record for a violation of Strategy I.

2. A Surcharge of $50.00 shall be assessed to the account of record for a violation of Strategy II.

3. A Surcharge of $100.00 shall be assessed to the account of record for a violation of Strategy III.

4. Surcharges shall double for every repeat violation. Each succeeding Surcharge under the prevailing strategy level may be twice the previous Surcharge assessed for the previous violation.

5. A commercial water hauler determined to be violating the standpipe restrictions shall pay a surcharge equal to that for the appropriate Strategy Level prior to the receipt of additional water.

6. The assessment of the Surcharge may be informally appealed, in writing, within fourteen (14) calendar days of the notice of the Surcharge assessment. The written appeal shall be received by the City of Flagstaff Utilities Division within said fourteen (14) day time limit or the right to such appeal shall be permanently waived. Address all Surcharge-related correspondence to:

City of Flagstaff Utilities Division
Water Conservation Program Manager
211 West Aspen Avenue
Flagstaff, AZ 86001

(Ord. No. 1568, Enacted, 07/05/88; Ord. No. 2003-06, Enacted, 04/01/03; Ordinance No. 2004-23, Enacted December 7, 2004; Amended, Ord. No. 2010-15, 09/07/10)

SECTION 7-03-001-0015 CROSS CONNECTION CONTROL

Table of Contents

A. Definitions
B. Purpose and Application
C. *General Requirements*
D. List of Backflow Prevention Methods
E. Backflow Prevention Methods Required
F. Installation Requirements
G. Installation of Backflow Prevention Assemblies for Fire Systems
H. Inspections
I. Permit
J. Maintenance and Testing
K. General Penalty and Fees
L. Administrative appeal

(Amended Ord. No. 2010-06, 04/20/10)

A. Definitions

Approved: The term "approved" as herein used in reference to a water supply shall mean a water supply that has been approved by the Arizona Department of Environmental Quality (ADEQ) and the City of Flagstaff. (Amended Ord. No. 2010-06, 04/20/10)

The term "approved" as herein used in reference to backflow prevention assemblies or methods shall mean an approval by the City of Flagstaff, Utilities Division based on a favorable laboratory and field evaluation report by a testing laboratory recognized by the Division.

Assembly: Any system for backflow protection consisting of more than one component and having been tested as one unit, and approved as one unit by the Division.

AWWA: American Water Works Association. (Amended Ord. No. 2010-06, 04/20/10)

Backflow: The undesirable reversal of flow of water or mixtures of water and other liquids, gases, or other substances into the distribution pipes of the potable water supply from any source or sources. Backflow is caused by either backpressure or backsiphonage. (Amended Ord. No. 2010-06, 04/20/10)

Backflow Prevention Assembly Tester (registered): A person who is currently certified by an authority recognized in the Arizona Department of Environmental Quality regulations and is approved and registered with the City of Flagstaff to test, repair, and maintain backflow prevention assemblies. (Amended Ord. No. 2010-06, 04/20/10)

Backpressure: Any Elevation of pressure in the customer's water distribution system (by pump, elevation of piping, or steam and/or air pressure) above the public potable water supply pressure which could cause a reversal of the normal direction of water flow from the consumer's water supply system into the public potable water supply system.

Backsiphonage: A form of backflow due to a reduction in the public water supply system pressure which causes a negative or sub-atmospheric pressure to exist at a site in the water system. A reversal in the normal flow of water results.

Check Valve – A valve that allows free flow in one direction and stops flow in the other direction. (Amended Ord. No. 2010-06, 04/20/10)

Compliance date: The annual date by which the annual backflow prevention assembly compliance test report must be received by the City of Flagstaff Cross Connection Control office, and that the backflow assembly meets the requirements of the most current section of the Arizona Administrative Code (AAC) referencing cross connection control and the City of Flagstaff Cross Connection Control Code 7-03-001-0016. For violations of this code, the specified date by which a violation must be remedied. (Amended Ord. No. 2010-06, 04/20/10)

Consumer or Customer: The owner, official custodian or person in control of any premises or any property supplied by or in any manner connected to the City of Flagstaff public water supply system.

Contamination: An impairment of the quality of the water which creates an actual hazard to the public health through poisoning or through the spread of disease by sewage, industrial fluids, waste, etc. (Amended Ord. No. 2010-06, 04/20/10)

Cross-Connection: Any unprotected actual or potential connection or structural arrangement between a public or a consumer's potable water system and any other source or system through which it is possible to introduce into any part of the potable system any used water, industrial fluid, gas, or substance other than the intended potable water with which the system is supplied. By-pass arrangements, jumper connections, removable sections, swivel or change-over devices and other temporary or permanent devices through which or because of which "backflow" can or may occur are considered to be cross-connections.

Division: The City of Flagstaff, Utilities Division.

Hazard: A cross connection or potential cross connection between the public water supply and a private plumbing system involving any substance that could, if introduced into the public water supplies, be aesthetically objectionable or a nuisance (pollution), cause severe damage to the physical facilities of the public water supply systems, cause death, illness, or spread disease (contamination), or have a high probability of causing such effects. (Amended Ord. No. 2010-06, 04/20/10)

Hazard, Degree of: Evaluation of the potential risk to the public health and/or adverse effects upon the potable water supply system. Health hazards shall be classified as contamination while non-health hazards shall be classified as pollution.

Health Hazard: Any condition, device or practice in a water system or its operation resulting from a real or potential danger to the health and well-being of consumers. The word "severe" as used to qualify "health hazard" means a hazard to the health of the user that could be expected to result in death or significant reduction in the quality of life.

Improper: Not functioning within the manufacturer’s or City of Flagstaff’s specifications or the requirements of this section. (Amended Ord. No. 2010-06, 04/20/10)

Inspection: A visual examination of a premise or any backflow protection equipment, materials, workmanship and operational performance. (Amended Ord. No. 2010-06, 04/20/10)

Maintenance: Work performed or repairs made to keep backflow prevention assemblies operable and in compliance. (Amended Ord. No. 2010-06, 04/20/10)

O.S. & Y. Valve: Outside screw and yoke control valve for fire sprinkler systems. (Amended Ord. No. 2010-06, 04/20/10)

Pollution: An impairment of the quality of the water to a degree which does not create a hazard to the public health but which does adversely and unreasonably affect the aesthetic qualities of such waters for domestic use. (Amended Ord. No. 2010-06, 04/20/10)

Proper: Functioning within the parameters of the manufacturer’s and City of Flagstaff’s specifications and the requirements of this article. (Amended Ord. No. 2010-06, 04/20/10)

Public Water Supply System: All mains, pipes and structures owned and/or maintained by the City of Flagstaff, through which water is obtained and distributed to the public, including wells and well structures, intakes and cribs, pumping stations, treatment plants reservoirs, storage tanks and appurtenances, collectively or separate, actually used or intended for use for the purpose of furnishing potable water. Any mains, pipes or structures connected to the above listed system and supplying potable water to the customers of the City of Flagstaff. (Amended Ord. No. 2010-06, 04/20/10)

Reclaimed water: Wastewater that has been sufficiently treated by the City of Flagstaff’s Wastewater Treatment Plants for approved use, e.g., irrigation, and is provided through the City of Flagstaff’s reclaimed water system. (Amended Ord. No. 2010-06, 04/20/10)

Retrofit: Furnish new parts, equipment, or method of installation, any existing assembly that does not meet the requirements of this ordinance in such a way that will bring the assembly into compliance with this Ordinance.

Service Connection: The terminal end of a water tap from the public potable water system, (i.e. where the water purveyor may lose jurisdiction and sanitary control over the water at its point of delivery to the consumer's water system). If a city-owned meter is installed at the end of the service connection, then the service connection shall mean the discharge end of the meter. ((Amended Ord. No. 2010-06, 04/20/10)

Service Protection: The acceptable backflow prevention method installed between a City of Flagstaff’s water meter and a customer’s private plumbing system. (Amended Ord. No. 2010-06, 04/20/10)

Testing: An authorized procedure to determine the operational and functional status of a backflow prevention assembly. (Amended Ord. No. 2010-06, 04/20/10)

(Amended Ord. No. 2010-06, 04/20/10)

B. Purpose and Application

1. To protect the public water supplies of the City of Flagstaff from the possibility of contamination or pollution by preventing the backflow of contaminants and pollutants into the public water supply systems.

2. To promote the elimination or control of cross-connections, actual or potential, between a customer's internal water systems, plumbing fixtures, industrial piping systems, and the public water supply.

3. To provide for a continuing program of cross-connection control which will prevent the contamination or pollution of the public water supply systems.

4. To implement the requirements of the most current AAC pertaining to the cross connection control program requiring public water systems to protect against backflow, and to this end, this ordinance shall be construed and applied consistently with the requirements of this AAC.

(Amended Ord. No. 2010-06, 04/20/10)

C. General Requirements

1. Cross-connections prohibited. Connections between the public water supply system and other systems or equipment containing water or other substances of unknown or questionable quality are prohibited except when and where approved backflow prevention assemblies or methods are installed or implemented, tested and maintained to Division specifications to insure proper operation on a continuing basis.

2. Rights and Responsibilities of the Division. It shall be the right and responsibility of the Division to evaluate and investigate as deemed necessary, industrial and other properties served by the public water supply to determine whether actual or potential hazards to the public water supply exist. Such evaluations and investigations shall be repeated as often as the Division deems necessary.

   It shall also be the right and responsibility of the Division to require the installation and periodic testing of backflow prevention assemblies at any premises or property where such potential or actual hazards are found to exist.

3. Responsibility of the Consumer. The consumer, as defined by Section 7-03-001-0016(A), shall be responsible and financially

obligated for the protection of the public water supply system from the possibility of contamination or pollution due to backflow or backsiphonage of contaminants through the customer's water service connection into the public potable water system.

If, in the judgment of the Division, an approved backflow prevention assembly is necessary for the protection of the public water system, the Division shall give notice to the consumer to install such. The consumer, after due written notice and within the prescribed time indicated on the notice, shall install such approved assembly(ies) at their own expense. Installation of such assembly(ies) shall be in accordance with the manufacturer's instructions, and the Division’s installation requirements. The consumer shall provide for the maintenance, testing, and repair of the assembly(ies) and shall provide all reports as required by the City of Flagstaff. Failure, refusal or inability on the part of the consumer to install, have tested and/or maintain said assembly(s) or failure of the consumer to file required reports shall constitute a ground for discontinuing water service to the premises until such requirements have been satisfactorily met.

It shall be the responsibility of the consumer to make arrangements for an authorized representative of the City of Flagstaff to, upon presentation of his or her credentials, have free access at all reasonable hours to any property served by a connection to the public water distribution system of the City of Flagstaff and/or any backflow assemblies on the property and any related records for the purpose of verifying the presence or absence of actual or potential cross-connections and/or required assemblies.

4. Existing facilities

All presently installed backflow prevention assemblies, devices, or methods which do not meet the requirements of the Division and/or applicable state or federal regulations but were approved for the purposes described herein at the time of installation shall be evaluated for their ability to efficiently and satisfactorily protect the public water system from potential or existing cross connections with the private water supply. If, upon such evaluation, the Division determines that an existing device, method or assembly does not meet existing requirements, the customer shall at their own expense, upon due written notice and within the prescribed time indicated on the notice retrofit, replace or modify the installation of such to meet current standards or show just cause for noncompliance.

Whenever an existing device, method or assembly is removed or moved from the present location or requires more than minimum maintenance or when the Division finds that the maintenance constitutes a hazard to health, the unit shall be replaced by an

approved backflow prevention assembly meeting the requirements of these regulations.

5. New Facilities

All facilities constructed after the effective date of this Ordinance, shall present their plans for review by an authorized representative of the Division for determination of cross-connection hazards.

All backflow prevention assemblies to be installed shall be shown on all required building and engineering plans. No installation of assemblies shall be made unless these plans are reviewed and approved by an authorized representative of the Division.

All assemblies shall be inspected by an authorized representative of the Division upon installation and the consumer shall provide written verification that the assembly has been successfully tested as described in section (D) of this Ordinance, prior to issuance of certification of occupancy. Water service may be withheld if the assembly is not installed and tested in accordance with this ordinance and Division requirements.

6. Backflow prevention is required

The following conditions shall warrant the installation of an approved backflow prevention assembly:

a. When the City of Flagstaff determines that the water supplied by the public water systems may be subject to contamination or pollution, an approved backflow prevention method shall be required at every service connection to a customer’s water system. The customer shall install the required backflow protection within the time specified by the City of Flagstaff. In determining the time in which backflow protection shall be installed, the City of Flagstaff shall consider the degree of hazard potential to the public water supplies.

b. The backflow prevention method required shall be determined by the City of Flagstaff. The method required by the City of Flagstaff shall be sufficient to protect against the hazard potential as stated in the most current edition of the University of Southern California Foundation for Cross-Connection Control and Hydraulic Research (USC-FCCCHR) Manual of Cross-Connection Control.

c. Premises with internal cross-connections which the Division determines to be non-correctable, or premises with plumbing systems so intricate that a cross-connection inspection is impossible or impractical.

d. Premises with security restrictions or other access prohibitions which make cross-connection inspections impossible or impractical.

e. Premises with an existing unprotected cross-connection or with a history of cross-connection violations.

The type of assembly required shall be determined by the Division according to the degree of hazard present as recommended by the most current USC-FCCHR Manual of Cross-Connection ControlContainment and landscape assemblies shall be installed as close as possible to the service connection before the first branch line leading off the service line. Fire line backflow prevention assemblies may be installed in fire riser rooms with adequate drainage for the size of the assembly and the water pressure in that area of the system. All drains for fire risers with antifreeze and reduced pressure principle backflow prevention assemblies must go to the sanitary sewer system, not the storm drain system. In all cases, the backflow prevention assembly shall protect against the highest hazard present.

7. Adoption of Public Record

The most current edition of the USC-FCCCHR Manual of Cross Connection Control.

(Amended Ord. No. 2010-06, 04/20/10)

D. List of Backflow Prevention Methods

A backflow prevention method shall be any assembly or other means designed to prevent backflow. The following are the recognized backflow prevention methods which the City of Flagstaff may require:

1. Air Gap (AG): The unobstructed vertical distance through the free atmosphere between the opening of the pipe or faucet supplying potable water to a tank, plumbing fixture or other device. An approved air gap shall be at least double the effective opening of the supply pipe or faucet and in no case less than one (1) inch above the flood rim.

2. Reduced Pressure Principle Assembly (RPA or RP): An assembly containing two (2) independently acting approved check valves together with a hydraulically operating, mechanically independent pressure differential relief valve located between the check valves, and at the same time, below the first check valve. The assembly shall include properly located test cocks and tightly closing shutoff valves located at each end of the assembly.

3. Double Check Valve Assembly (DCVA or DC): An assembly composed of two (2) independently acting, approved check valves, including

tightly closing shutoff valves located at each end of the assembly and fitted with properly located test cocks.

4. Pressure Vacuum Breaker Assembly (PVB): An assembly containing an independently operating, loaded check valve and an independently operating, loaded air inlet valve located on the discharge side of the check valve. The assembly shall be equipped with properly located test cocks and tightly closing shutoff valves located at each end of the assembly.

5. Spill-resistant Pressure Vacuum Breaker (SVB): An assembly containing an independently operating internally loaded check valve and an independently operating loaded air inlet valve located on the discharge side of the check valve. The assembly shall be equipped with a properly located resilient seated test cock, properly located bleed/vent valve and tightly closing resilient seated shutoff valves located at each end of the assembly.

6. Double Check Detector Assembly (DCDA or DDCVA): An assembly composed of a line size approved double check valve assembly with a bypass containing a specific water meter and an approved double check valve assembly.

7. Reduced Pressure Principle Detector Assembly (RPDA): An assembly composed of a line sized approved reduced pressure principle assembly with a bypass containing a specific water meter and an approved reduced pressure principle assembly.

8. Backflow prevention method: A backflow prevention method may be approved by the City of Flagstaff if it is contained in the most current edition of the USC-FCCCHR Manual of Cross-Connection Control. The current list of approved methods shall be available for inspection at the City of Flagstaff Industrial Waste Section to any customer required to install a backflow prevention assembly.

9. Backflow Prevention Assembly Approval: Any backflow prevention assembly equipped with test cocks shall have been issued a certificate of approval by the USC Foundation for Cross-Connection Control and Hydraulic Research. Any backflow prevention assembly not equipped with test cocks shall be certified by a third party entity unrelated to the product’s manufacturer or vendor and approved by the Arizona Department of Environmental Quality (ADEQ). A backflow prevention assembly not listed by USC-FCCCHR cannot be used for containment, fire line or landscape protection.

(Amended Ord. No. 2010-06, 04/20/10)

E. Backflow Prevention Methods Required

Whenever the following items exist or activities are conducted on premises served by the public water systems, a potential hazard to the public water supplies shall be presumed, and a backflow prevention method of the type specified herein for that item or activity must be utilized or installed at each service connection for that premise. If an activity or item is not on the following list, it shall be evaluated by the City of Flagstaff and a method of backflow prevention will be determined.

1. Cooling tower, boiler, condenser, chiller, and other cooling systems: RP

2. Tank, vessel, receptacle, and all other water connections, including mobile units, except emergency vehicles and private swimming pools: RP

3. Ice maker (other than a residential service): RP

4. Water-cooled equipment, boosters, pumps or autoclaves: RP

5. Water treatment facilities and all water processing equipment (other than residential water softeners): RP

6. Bottle washer, bedpan washer, garbage can washer: RP

7. Pesticide, herbicide, fertilizer, and chemical applicators (other than typical in-home use): RP

8. Aspirator: RP

9. Commercial dishwashers, food processing and/or preparation equipment, carbonation equipment or other food service processes: RP

10. Decorative fountain, baptismal, non-residential swimming pool or spa, or any location water is exposed to atmosphere: RP

11. X-ray equipment, plating equipment, or any other photographic processing equipment: RP

12. Auxiliary water supply and/or connections to unapproved water supply systems: RP

13. Reclaimed water sites with potable water connections: RP on the potable meter, AG between feed line from supplemental domestic water supply to a holding tank to reclaim water lines.

14. Recreational vehicle dump stations (sewer), or any other location where water may be exposed to bacteria, virus or gas: RP

15. Any premises on which chemicals, oils, solvents, pesticides, disinfectants, cleaning agents, acids or other pollutants and/or

contaminants are handled in a manner by which they may come in direct contact with water, or there is evidence of the potential to contact water: RP

16. Materials and piping systems unapproved by the currently adopted City of Flagstaff Plumbing Code or Environmental Protection Agency (EPA) for potable water usage: RP

17. Separately metered or unprotected irrigation systems, and construction water services: RP or PVB/SVB as allowed.

18. Any premises where a cross-connection is maintained or where internal backflow protection is required pursuant to the City of Flagstaff adopted plumbing code: RP

19. Multimetered properties with more than one (1) meter connected to another or any building three (3) stories or greater than thirty-four (34) feet in height from service level: RP

20. Fire systems - AWWA Classes 1 and 2 and all systems constructed of a piping material not approved for potable water pursuant to the City of Flagstaff Plumbing Code: DCVA (DC) or Double Detector CVA (DCDVA): DC

21. Fire systems – AWWA Class 3, 4, 5, 6: RP or RP with detector

    Fire systems which require backflow protection and where backflow protection is required on the industrial/domestic service connection that is located on the same premises, both service connections will have adequate backflow protection for the highest degree of hazard affecting either system: RP

22. Any premise which has a source of water supply that is not accepted by the public water system or not approved by the Arizona Department of Environmental Quality: RP or AG as determined by the City of Flagstaff

23. Any premise where an unprotected cross-connection exists or where there has previously occurred a cross connection problem within the premises: AG or RP as determined by the City of Flagstaff

24. Any premise where there is a significant possibility that a cross-connection problem will occur and entry onto the premises is restricted to the extent that cross-connection inspections cannot be made with sufficient frequency or on sufficiently short notice to assure that unprotected cross-connections do not exist: RP or AG as determined by the City of Flagstaff

25. Multi-use commercial property: RP

26. Properties with active private wells: RP

27. Consecutive systems, when required by the City of Flagstaff: RP

28. Fire hydrant/construction water: RP

29. Jumper connection to new water mains: RP

30. Post mix soda machine with a carbonator: Stainless Steel RP

31. Shampoo sink: RP

    a. When two (2) or more of the activities listed above are conducted on the same premises and served by the same service connection or multiple service connections, the most restrictive backflow prevention method required for any of the activities conducted on the premises shall be required to be installed at each service connection. The order of the most restrictive to least restrictive backflow prevention methods shall be as follows:

        1. Air gap (AG).
        2. Reduced pressure principle assembly (RP or RPA).
        3. Reduced pressure principle detector assembly (RPDA).
        4. Double check valve assembly (DCVA).
        5. Double check detector assembly (DCDA).
        6. Pressure vacuum breaker assembly (PVB).
        7. Spill resistant pressure vacuum breaker (SVB).

(Amended Ord. No. 2010-06, 04/20/10)

F. Installation Requirements

1. The Division shall maintain a list of approved backflow prevention assemblies, by type and manufacturer. Any consumer required by the Division to install an approved backflow prevention assembly must utilize an assembly included in such list.

2. Backflow prevention assemblies shall have a diameter at least equal to the diameter of the service connection.

3. Backflow prevention assemblies shall be installed and maintained by the customer, at the customer’s expense and in compliance with the standards and specifications adopted by the City of Flagstaff at each service connection. The customer is responsible for notifying the City of Flagstaff Industrial Waste Section of any installation, repair, relocation or replacement. A backflow prevention assembly shall be installed as close as practicable to the service connection outside the building unless it is for a fire line.

   A waiver may be granted by the Industrial Waste Manager for the retrofit installation of a backflow prevention assembly inside

the building provided a City of Flagstaff Attorney approved "Backflow Prevention Assembly Hold Harmless Agreement" is signed by the property owner and notarized. This document must be received and approved the City of Flagstaff Industrial Waste Manager prior to the installation of the backflow prevention assembly. RP's for fire line assemblies may be installed inside a fire riser room provided they have an adequate drain for a full port discharge for the size of the assembly per the manufacturer's specifications into the sanitary sewer system, not the storm water system. If a drain cannot be provided that can contain a full port discharge to the sanitary sewer system from a fire line with chemical additives such as anti-freeze or glycerin, the assembly must be installed outside the building in an insulated enclosure with electricity for a heat source for freeze protection and a check valve must be installed in the system to prevent the discharge of antifreeze onto the ground.

The assembly shall be in an accessible location approved by the Division and protected from freezing. The RP, RPDA, DC, DCDA, PVB and SVB shall be installed above ground and per City of Flagstaff standard details. Backflow prevention assemblies shall not be installed in a meter box, pit or vault.

A double check valve assembly may be installed, upon approval of the Division, below ground in a vault which meets standard specifications established by the City.

4. When a customer requires a continuous water supply, two backflow prevention assemblies shall be installed parallel to one another at the service connection to allow a continuous water supply during testing, repair and/or maintenance of the backflow prevention assemblies. When backflow prevention assemblies are installed parallel to one another, the sum of the cross-sectional diameters of the assemblies shall be at least equal to the cross-sectional diameter of the service connection or service line piping at the point of installation and the assemblies shall be of the same type.

5. For an AG installation all piping installed between the user's connection and the receiving tank shall be entirely visible unless otherwise approved in writing by the City of Flagstaff Industrial Waste Section.

6. It shall be unlawful for any person to bypass or remove a backflow prevention method without the approval of the Division.

7. Any property with more than one water service connection shall install backflow prevention assemblies on each service connection to the property, unless otherwise designated by the Division.

8. Fiberglass insulation cannot be wrapped or otherwise placed around a backflow prevention assembly as a form of freeze

protection as it allows condensation to occur and subsequent degradation of the backflow prevention assembly. There must be adequate air flow around the backflow prevention assembly to prevent the formation of condensation on the assembly.

9. All test cocks and relief ports on a backflow prevention assembly must be accessible for testing and for release of water from the relief port during a discharge event.

10 A PVB or SVB assembly may be installed for use on a landscape water irrigation system if:

   a. The water use beyond the assembly is for irrigation purposes only.

   b. The PVB/SVB is installed in accordance with the manufacturer’s specifications.

   c. The irrigation system is designed and constructed to be incapable of inducing backpressure.

   d. Chemigation, an injection of chemical pesticides and fertilizers, is not used or provided for in the irrigation system.

   e. No other source of water is available on the premises.

   f. Single family residences with testable backflow prevention assemblies will not need to test the assemblies on the landscape irrigation assemblies each year. Condominiums and townhomes that are part of a Home Owners Association (HOA) do need to test the backflow prevention assemblies on the landscape irrigation system each year.

   If the criteria are not met, then an RP assembly is required.

11. No person shall alter, modify, bypass or remove a backflow prevention method without the approval of the City of Flagstaff Industrial Waste Section.

12. Installation of the backflow prevention assembly must be completed within the time specified in the notice to install or within forty-five (45) days of the water meter installation. A time extension may be granted by the City of Flagstaff provided no cross-connection hazards exist at the site.

13. If a customer fails to install a backflow prevention assembly pursuant to this article, the City of Flagstaff shall discontinue water service and assess a compliance fee pursuant to this article.

14. All backflow prevention assemblies shall be installed with a y-strainer or fire line strainer unless the manufacturer states that the assembly cannot have one. The y-strainer or fire line strainer shall be installed directly upstream of the assembly.

15. A backflow prevention assembly for containment or landscape may need to have a pressure reducing valve upstream of it if the water line pressure is higher than 80 psi. This does not apply to fire lines.

(Amended Ord. No. 2010-06, 04/20/10)

G. Installation of Backflow Prevention Assemblies for Fire Systems

Fire Systems

1. Fire protection systems may consist of sprinklers, hose connections, and hydrants for commercial, industrial or residential structures and services. Sprinkler systems may be dry or wet, open or closed. Systems consisting of fixed-spray nozzles may be used indoors or outdoors for protection of flammable-liquid and other hazardous processes. It is standard practice, especially in cities, to equip automatic sprinkler systems with fire department pumper connections.

2. A meter (compound, detector check) should not normally be permitted as part of a backflow prevention assembly. An exception may be made if the meter and backflow prevention assembly are specifically designed for that purpose.

3. For cross-connection control, fire protection systems shall be classified on the basis of water source and arrangement of supplies as follows:

   a. Class 1: Direct connections from public water mains only; no pumps, tanks or reservoirs; no physical connection from other water supplies; no antifreeze or other additives of any kind; all sprinkler drains discharging to atmosphere, dry wells or other safe outlets.

   b. Class 2: Same as class 1, except that booster pumps may be installed in the connections from the street mains. It is necessary to avoid drafting so much water that pressure in the water main is reduced below twenty (20) psi.

   c. Class 3: Direct connection from public water supply main plus one (1) or more of the following: elevated storage tanks; fire pumps taking suction from above-ground covered reservoirs or tanks; and pressure tanks (all storage facilities are filled or connected to public water only, the water in the tanks to be maintained in a potable condition). Otherwise, Class 3 systems are the same as class 1. Class 3

systems will generally require minimum protection (approved double check valves) to prevent stagnant waters from backflowing into the public potable water system.

d. Class 4: Directly supplied from public mains similar to classes 1 and 2, and with an auxiliary water supply on or available to the premises; or an auxiliary supply may be located within seventeen hundred (1,700) feet of the pumper connection. Class 4 systems will normally require backflow protection at the service connection. The type (air gap or reduced pressure) will generally depend on the quality of the auxiliary supply.

e. Class 5: Directly supplied from public mains, and interconnected with auxiliary supplies, such as: pumps taking suction from reservoirs exposed to contamination, or rivers and ponds; driven wells, mills or other industrial water systems; or where antifreeze or other additives are used. Classes 4 and 5 systems normally would need maximum protection (air gap or reduced pressure) to protect the public water system.

f. Class 6: Combined industrial and fire protection systems supplied from the public water mains only, with or without gravity storage or pump suction tanks. Class 6 system protection would depend on the requirements of both industry and fire protection, and could only be determined by a survey of the premises.

g. Installation of assembly

When a backflow assembly is required for a water service connection supplying water only to a fire system, the assembly shall be installed on the service line in compliance with standard specifications adopted by the city. (Installation of DC or DCDVA) may be allowed on fire systems with the City of Flagstaff approval provided both the manufacturer’s specifications and USC approval allow such an installation. If an RP is needed for a fire line system and the RP is inside a structure, that room must have a drain large enough to contain the full port discharge volume for that size of assembly with that areas water pressure. The drain must go to the sanitary sewer and not the storm sewer.

(Amended Ord. No. 2010-06, 04/20/10)

H. Inspections

1. A customer’s water system shall be available at all times during business operations for premises inspection and backflow prevention assembly testing by City of Flagstaff personnel. The inspection shall be conducted to determine whether any cross-

connection or other hazard potentials exist and to determine compliance with this article and modifications.

2. City of Flagstaff shall inspect all new sites, assembly installations, assembly relocations and assemblies that have been repaired for compliance.

3. A waived premise is a property for which the City of Flagstaff has determined there are currently no hazard potentials. All waived premises shall be inspected periodically or when there has been a change in owner/tenant or there has been a use change.
4. If a customer refuses entry to a premise for inspection during business operations, the City of Flagstaff may discontinue water service, require backflow prevention or take any steps allowed by law to gain entry to the premises.

(Amended Ord. No. 2010-06, 04/20/10)

I. Permit

1. Installation permits for the installation of all backflow prevention assemblies required by the City of Flagstaff shall be obtained from the City of Flagstaff prior to installation. A separate permit shall be obtained for each required backflow prevention assembly to be installed, including replacement or relocation.

2. It shall be the duty of the person doing the work authorized by the permit to notify the City of Flagstaff, orally or in writing, that the work is ready for inspection. Such notification shall be given not less than twenty-four (24) hours before the work is to be inspected and shall be given only if there is reason to believe that the work done will meet current city codes and regulations.

3. Whenever any work is being done contrary to the provisions of the city plumbing code or this article, the City of Flagstaff or an authorized representative may order the work stopped by notice in writing served on any persons engaged in the doing or causing such work to be done; and any such person shall forthwith stop such work until authorized by City of Flagstaff to proceed with the work.

4. Any City of Flagstaff employee may, in writing, suspend or revoke a permit issued under provisions of this article, whenever the permit is issued in error or on the basis of incorrect information supplied, or in violation of any ordinance or regulation of any provision of the City Plumbing Code or this article.

(Amended Ord. No. 2010-06, 04/20/10)

J. Maintenance and Testing

1. The annual test compliance date shall be set by the City of Flagstaff Industrial Waste Section. The consumer shall have backflow prevention assemblies tested upon installation and at least once per year, or more frequently if deemed necessary by the Division, at the consumer's expense. The customer shall arrange for repairs if the testing reveals the assembly to be defective or in unsatisfactory operating condition. If the testing reveals the assembly to be defective or in unsatisfactory operating condition, the customer shall arrange for repairs. The customer shall have performed, by an appropriately licensed contractor, any necessary repairs within 30 days or as directed by the Division, including replacement or overhaul of the assembly if necessary, which will return the assembly to satisfactory operating condition. The customer shall then have the assembly retested, within 30 days following repairs, until testing reveals no defects or unsatisfactory operating conditions. If the Division determines that a health hazard exists, they may specify a more restrictive repair schedule. All residences with fire line backflow prevention assemblies shall have the assemblies tested annually on the anniversary date. Single family residences with testable backflow prevention assemblies will not need to test the assemblies on the landscape irrigation assemblies each year. Condominiums and townhomes that are part of a Home Owners Association (HOA) do need to test the backflow prevention assemblies on the landscape irrigation system each year.

2. The customer may request orally or in writing a change of the annual test compliance date for any assembly. No compliance date may be changed to be more than twelve (12) months after the most recent test.

3. The consumer shall be responsible for maintenance of all backflow assemblies at his/her expense. If the Division or customer learns or discovers, during the interim period between tests that an assembly is defective or in unsatisfactory operating condition, the customer shall arrange for repairs. The customer shall have any necessary repairs performed by an appropriately licensed contractor, including replacement or overhaul of the assembly, if necessary, which will return the assembly to satisfactory operating condition within 30 days of discovery. Such assembly shall be retested within 30 days following repairs, until testing reveals no defects or unsatisfactory operating conditions.

4. All testing shall be performed by an individual who holds a valid "General" Tester Certification issued by the California-Nevada American Water Works Association (Cal-Nev AWWA), the Arizona State Environmental Technical Training (ASETT) Center, or other certifying authority approved by the Division. A list of

certified testers registered with the City of Flagstaff shall be maintained by the City of Flagstaff Industrial Waste Section and shall be available upon request to all persons required to install or maintain a backflow prevention assembly. Test procedures shall be performed as required by the ADEQ as set forth in Chapter Nine of the most current edition of the USC-FCCCHR Manual Cross-Connection Control. The tester shall provide a copy of the test report to the customer and to the City of Flagstaff Industrial Waste Section within five (5) working days from the date of the test and shall maintain a copy for their records for at least three years. If the tester fails to submit a test result within 5 days from the date of the test, their name shall be removed from the tester list.

5. No existing backflow prevention assembly shall be altered, disconnected or replaced without prior approval of the Division.

6. All backflow assemblies installed on fire sprinkler systems shall have a chain with a padlock from the first O.S. & Y. valve to the second O.S. & Y. valve, or an operable alarm system or both.

7. Test cocks are to be used for testing only and shall be installed in accordance with Division requirements. Any unauthorized use of these test cocks is a violation of this code.

8. Each backflow prevention assembly shall be easily identified by displaying the following in a conspicuous manner on the assembly:

   a. Manufacturer

   b. Model Number

   c. Serial Number

   This information must also be provided to the Division by the consumer promptly upon installation.

9. The customer shall maintain records, on forms approved by the City of Flagstaff, of the results of all tests and all servicing, repairs, or replacements of the backflow prevention assembly. A copy of the records shall be provided to the City of Flagstaff within five (5) days after completion of the activity for which the record is made.

10. The consumer shall notify and receive approval from the City of Flagstaff Fire Marshall, at least 24 hours in advance, of any maintenance or testing performed upon assemblies installed upon fire sprinkler systems which requires discontinuance of water supply to that system. . Fire systems shall not be out of service for more than eight (8) consecutive hours due to testing, maintenance or repairs. The fire department shall be notified immediately of any changes in fire service status.

11. City of Flagstaff may test any backflow prevention assembly at any time.

12. The City of Flagstaff will return incomplete and erroneous test forms to the tester and customer for correction and resubmission by the compliance date. Information on submitted test forms can only be changed or modified by the tester who has signed the form and is responsible for that test.

13. Test equipment shall be maintained and calibrated annually by an agency approved by the City of Flagstaff as required by the cross connection manual. A copy of the annual equipment calibration certificates shall be submitted to the City of Flagstaff Industrial Waste Section to maintain equipment registration and certification. Test equipment for testing backflow prevention assemblies in the City of Flagstaff service area shall be registered with and approved by the City of Flagstaff. Test equipment used on anything other than potable water backflow prevention assemblies shall not be used to test such assemblies and shall be identified as non-potable test equipment.

14. Testers shall register with the City of Flagstaff Industrial Waste Section if they are conducting backflow assembly testing in City of Flagstaff service area. Testers shall submit a current copy of their certification or recertification upon registration. Testers, upon renewal of tester certification, shall be certified on all backflow prevention assemblies that may be used for service protection. A City of Flagstaff registration issued to a backflow prevention assembly tester for testing backflow prevention assemblies in the City of Flagstaff service area may be revoked or suspended upon certification expiration or for improper testing, maintenance, reporting or other improper practices.

(Amended Ord. No. 2010-06, 04/20/10)

K. General Penalty and Fees

1. Violation of any section of this Ordinance shall constitute a misdemeanor and shall result in a fine of no less than one hundred dollars ($100.00) and not to exceed twenty-five hundred dollars ($2,500.00) for any one offense. A separate offense shall be committed for each day of noncompliance with any of the requirements of this Ordinance.

2. When convicted of a violation of this Ordinance, any license previously issued to that person by the City may be revoked by the Flagstaff City Council or any proper court, if there may be reasonable relationship between the activities listed and the offense. Revocation of license shall not be considered a

recovery of penalty so as to bar any other penalty being enforced.

3. The Division may deny or discontinue, after reasonable notice to the occupants thereof, the water service to anyone using the City of Flagstaff water distribution system or to any premise wherein any backflow prevention assembly or method required by these regulations is not installed, tested, maintained and repaired in a manner acceptable to the Division, or if required reports and/or records are not properly filed, or if it is found that the backflow prevention assembly or method has been removed or bypassed, or if an unprotected cross-connection exists on the premises. Reasonable notice shall be sent in writing at least two weeks prior to the disconnection, unless the Division determines that a potential for a severe health hazard exists.

   If the Division determines that a potential for a severe health hazard exists the Division may immediately discontinue water service without notice. Notice by telephone will be given as soon as possible and written notice will be sent within five (5) days, following discontinuance of water service.

   Water service to such premises shall not be restored until the consumer has corrected or eliminated such conditions or defects in conformance with these regulations and to the satisfaction of the Division.

   Fire sprinkler systems shall not be subject to disconnection without the explicit approval of the City Fire Marshall, but will be subject to other penalties as provided for in this Ordinance. (Ord. 1736, 4-2-92)

L. Administrative appeal.

An administrative appeal may be taken whenever a question arises over any of the requirements of this article, and the applicant wishes to appeal the decision of the City of Flagstaff or seek a variance from the requirements of this article. The appeal may be made to the City of Flagstaff Industrial Waste Section Manager as follows:

1. The applicant shall file a written appeal on the forms provided by the City of Flagstaff Industrial Waste Section within ten (10) days from the date of the decision by the City of Flagstaff that the applicant wishes to appeal. The applicant shall set forth, in detail, and on the form provided, the basis for their request, and may attach additional documentation to the form.

2. The appeal will be heard by the hearing committee within seven (7) working days after receipt of the written appeal. Formal

Arizona Rules of Evidence will not apply but any testimony or evidence offered must be relevant to the issue in question.

3. The hearing committee shall consist of at least one member of the Industrial Waste Section that is an active Cross Connection Control Specialist and one building inspector from the City of Flagstaff Community Development. If the question involves a fire line backflow prevention assembly, a member of the City of Flagstaff Fire Department plan review team may also be present.

4. The applicant shall provide adequate information at the appeal hearing to fully describe the conditions in question and to establish the justification and basis for the applicant's request.

5. The applicant may, but is not required to, personally attend the hearing.

(Amended Ord. No. 2010-06, 04/20/10; Amended Ord. No. 2010-23, 09/07/10)

SECTION 7-03-001-0016 WATER RESOURCE DEVELOPMENT FEE

New connections to the City water system shall pay the following Water Resource Development Fee for the purpose of retiring the debt required to develop water resources necessary to accommodate projected future City water demand. A customer increasing the meter size shall pay the difference between the water resource development fee for the new meter and that for the previous meter. No refund shall be made in the case of a reduced meter size. The Water Resource Development Fee shall expire on July 1, 2012.

WATER RESOURCE DEVELOPMENT FEE
FOR
PURCHASE OF RED GAP RANCH

METER SIZE (INCHES)	(EFFECTIVE 1-1-07)	(EFFECTIVE 1-1-08)	(EFFECTIVE 1-1-09)
3/4 X 5/8	$ 462	$ 938	$ 1,400
1	$ 792	$ 1,608	$ 2,400
1-1/2	$ 1,551	$ 3,149	$ 4,700
2	$ 2,475	$ 5,025	$ 7,500
3	$ 5,148	$ 10,452	$ 15,600
4	$ 7,953	$ 16,147	$ 24,100
6	$15,444	$ 31,356	$ 46,800

(Amended, Ord. No. 2010-23, 09/07/2010)

SECTION 7-03-001-0017 PURCHASED ENERGY COST FOR WATER

Whenever the City of Flagstaff's purchased power (electric fuel and/or natural gas) expense in any of its water systems increases or decreases,

or will increase or decrease, from the amount adopted by the City Council in the Utilities last general rate proceeding for that system, the Utility may adopt a new energy charge schedule designed to recover such increased or decreased purchase power expense, provided that:

A. The total amount of the increase or decrease in purchased power expense will be calculated by comparing the Utilities normalized cost for power during the test year utilized in the last rate case with the Utilities normalized cost of power for the test year computed at the Utilities new increased or decreased cost of power.

B. The total purchased power expense for water will be divided by the total gallonage sold during the test year to determine the Water Energy Cost (WEC) per 1000 gallons.

C. The calculated increase or decrease in rates for the system must amount to at least $0.01 per 1000 gallons before an adjustment can be made.

E. Utilities Division staff and the Finance department will annually calculate the energy charge amount for the water system based on the last twelve month rolling average of water related power costs.

F. The WEC shall be approved annually prior to November 30 through the City Manager. In the first year of implementation the rate will not be adjusted due to partial fiscal year revenues. Revenues from the WEC fee will be posted to a separate revenue account.

G. The new Water Energy Cost amount will be become effective on January 1st of each year.

H. The Water Energy Cost shall be determined by the estimated total energy cost projected for the current fiscal year for water adjusted by actual prior fiscal year WEC account surplus or deficit divided by the current fiscal year projected water sold.

WEC = Total Annual Energy Cost/Total Annual Water Sold

Illustration of the Water Energy Charge calculation assuming the following test year data:

1. 2,500,000 TG Gallons Sold during past 12 months per 1000 gal.
2. $1,875,000 Purchase Power Expense (Gas, Fuel, Electric)
3. $0 Prior fiscal year WEC account end balance

The Water Energy Charge Pass Thru Calculation steps would be

WEC = ($1,875,000 -$0) / 2,500,000 = $0.75 per TG

Ord. No. 2010-23 Amended (09/07/2010)

SECTION 7-03-001-0018 RECLAIMED WATER RATE SCHEDULE

There shall be charged the following rates for all reclaimed water furnished consumers and measured by meter on any service connection with City reclaimed water mains for and during each monthly billing period.

The base monthly service charge applies whether the reclaimed water meter is active or inactive. The monthly service charge is based on the fixed cost of operation and maintaining the reclaimed water system so that the system is available to provide water to the parcel when water service is activated. Parcels with shutoff reclaimed water meters will continue to pay base monthly service fee since water service is available and may be activated and used by the property owner at any time. Reclaimed water monthly service charge equal to water monthly service charge, see section 7-03-001-0011:

VOLUME CHARGE

Monthly Water Use Gallons	Volume Charge $1.00/1,000 gal				
	1-1-11	1-1-12	1-1-13	1-1-14	1-1-15
Single Family					
Tier 1 0-3,700	0.98	1.08	1.14	1.20	1.23
Tier 2 3,700-6,400	1.20	1.33	1.40	1.48	1.52
Tier 3 6,400-11,700	1.71	1.90	2.02	2.14	2.20
Tier 4 Over 11,700	3.15	3.54	3.77	4.02	4.13
Commercial (No main Ext)	1.25	1.38	1.46	1.55	1.59
Commercial (with Main Extension)	2.68	2.97	3.14	3.32	3.40
Manufacturing (No main Ext)	1.24	1.37	1.45	1.53	1.57
Manufacturing (with main Ext)	2.61	2.77	2.93	3.09	3.17
Northern Arizona University (No main extension)	1.22	1.29	1.37	1.44	1.48
Northern Arizona University (with main extension)	2.61	2.77	2.93	3.09	3.17
City Departmental	1.25	1.38	1.46	1.55	1.59
Standpipe-Hydrant meter	2.55	2.99	3.19	3.36	3.55
Off-Peak/Golf Course Rate					
Tier 1 (0-50,000,000)	1.07	1.07	1.07	1.07	1.38
Tier 2 (50,000,001-100,000,000)	0.87	0.87	0.87	1.07	1.38
Tier 3 (100,000,001-150,000,000)	0.67	0.67	0.87	1.07	1.38
Tier 4 (Over 150,000,000)	0.47	0.67	0.87	1.07	1.07
Untreated Surface Water	1.25	1.12	1.20	1.29	1.32

Amended Ord. No. 2010-23 (09/07/2010)

CHAPTER 7-04

MUNICIPAL SOLID WASTE COLLECTION SERVICE

SECTIONS:

7-04-001-0001	**SHORT TITLE**
7-04-001-0002	**DEFINITIONS**
7-04-001-0003	**COMPLIANCE WITH REGULATIONS**
7-04-001-0004	**COLLECTION SUPERVISED BY DIRECTOR OF PUBLIC WORKS**
7-04-001-0005	**REGULATIONS**
7-04-001-0006	**STORING OR PLACEMENT OF SOLID WASTES**
7-04-001-0007	**COLLECTION PRACTICES**
7-04-001-0008	**DISPOSAL PRACTICES**
7-04-001-0009	**FEES**
7-04-001-0010	**DELINQUENT ACCOUNTS**
7-04-001-0011	**BURNING SOLID WASTES**
7-04-001-0012	**SOLID WASTES COLLECTION CONTRACTORS**
7-04-001-0013	**PENALTIES**
7-04-001-0014	**NOTICE OF VIOLATION**
7-04-001-0015	**SERVICE OF NOTICE**
7-04-001-0016	**APPOINTMENT OF HEARING OFFICER**
7-04-001-0017	**CIVIL VIOLATION AND ADMINISTRATIVE HEARING**
7-04-001-0018	**APPEAL OF DECISION AND COST OF REMOVAL**
7-04-001-0019	**SCOPE OF REVIEW**
7-04-001-0020	**VOLUNTARY ABATEMENT; REMOVAL BY CITY**
7-04-001-0021	**LIEN FOR REMOVAL**
7-04-001-0022	**CRIMINAL PENALTIES**
7-04-001-0023	**SEVERABILITY**

SECTION 7-04-001-0001 SHORT TITLE

This Chapter shall be known and may be cited as the "Municipal Solid Waste Collection Service Ordinance of the City of Flagstaff, Arizona." (Amended, Ord. 2007-40, 09/18/2007)

SECTION 7-04-001-0002 DEFINITIONS

For the purposes of this Chapter, the following terms, phrases, words and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

ASHES: The residue from the burning of wood, coal, or other combustible materials.

AUTOMATED COLLECTION SYSTEM: That service which requires a City of Flagstaff sanitation employee to operate an automatic collection vehicle

which lifts and deposits solid waste, located in a City supplied automated collection ‘cart’(container), into said vehicle. (Ord. 1609, 2/21/89)

BIN SYSTEM: A contained solid waste collection system that utilizes large metal bins (containers) varying in size from two (2) to eight (8) cubic yards used to provide commercial solid waste collection service to City customers. (Ord. 1609, 2/21/89)

BIO-HAZARDOUS MEDICAL WASTE: Any waste that is composed of, or has as a constituent of, one of the following:

1. Cultures and stocks: Discarded cultures and stocks generated in the diagnosis, treatment, or immunization of a human being or animal or in any research relating to that diagnosis, treatment, immunization, or in the production or testing of bacteria.

2. Human blood and blood products: Discarded products and materials containing free-flowing blood or free-flowing blood components.

3. Human pathological wastes: Discarded organs and body parts removed during surgery.

4. Medical sharps: Discarded sharps used in animal or human patient care, medical research, or clinical laboratories. This includes hypodermic needles, syringes, pipettes, scalpel blades, blood vials, needles attached to tubing, broken and unbroken glassware and slides and cover slips.

5. Research animal wastes: Animal carcasses, body parts, and bedding of animals that have been infected with agents that produce, or may produce, human infection.

BULK WASTE : Wood, timber, household discards such as furniture, rugs, carpet, and other large items, white goods, large pieces of metal, tree limbs, bagged yard rakings or trimmings, or other similar material except putrescible food items and dead animals.

BUSINESS ESTABLISHMENT: Any structure or premises not used as a residence, including but not limited to retail, wholesale, warehouse, store, factory, production, processing, manufacturing, restaurant, construction, hospitals, governmental entities, public authorities (schools) or office uses, but not including any residence.

CART SYSTEM: A contained solid waste collection system that utilizes various size carts (containers) for commercial solid waste/recycling collection service to City customers.

CITY: The City of Flagstaff.

CITY HEALTH OFFICIAL or HEALTH OFFICIAL: The Health Official or designated representative of the City of Flagstaff. (Ord 1609, 2/21/89)

COMMERCIAL SOLID WASTE: Solid waste generated by a business establishment, except construction and demolition debris, recyclables, and hazardous wastes. The definition includes other solid waste deposited, collected and transported in roll-offs.

COMMERCIAL SOLID WASTE/RECYCLING BIN SERVICE FEE (MONTHLY RATE): The actual monthly fee for the level of service provided to a customer based on the calculated cost incurred by lifting, dumping, and disposing of solid waste deposited by the customer at the customer location in a commercial solid waste/recycling bin as part of the commercial solid waste/recycling bin system.

COMMERCIAL SOLID WASTE/RECYCLING COLLECTION: The collection or removal of commercial solid waste or recycling from one or more business establishments.

CONDITIONALLY EXEMPT SMALL QUANTITY GENERATOR (CESQG): According to federal regulations (40 CFR 261.5), a CESQG is a generator (business owner) that meets the following three criteria:

1. Generates less than 220 pounds of hazardous waste (as defined by the Resource Conservation and Recovery Act (RCRA)) in a calendar month; and

2. Accumulates at any time or generates less than 2.2 pounds of acute hazardous waste in a calendar month (acute hazardous waste begins with an EPA waste code of "P" or the following "F" codes: F020, F021, F022, F026, and F027); and

3. Accumulates no more than 2,200 pounds of hazardous waste (as defined by RCRA) at any one time.

CONSTRUCTION AND DEMOLITION WASTE: Solid waste derived from the construction or demolition, repair, or remodeling of buildings or other structures.

CONTAGIOUS or INFECTIOUS WASTE: Waste capable of producing an infectious disease in humans or animals when they are exposed to it. (Ord. 1609, 2/21/89)

CONTAINERS: Receptacles (bins, carts, etc.) used by the City to hold solid waste or recyclables for residential and commercial solid waste and recycling collection.

DIRECTOR OF PUBLIC WORKS or DIRECTOR: The Director of Public Works of the City of Flagstaff, Arizona.

ELECTRONIC WASTE: Items including but not limited to computers, computer monitors, printers, televisions, and cellular phones.

EXCEPTIONAL WASTE: Any waste that has to be approved through the City's Exceptional Waste Acceptance Program such as non-friable asbestos, contaminated soils, and other materials that require additional handling at the City's landfill.

FRIABLE ASBESTOS: Any material containing more than 1 percent of asbestos that, when dry, can be crumbled, pulverized, or reduced to powder by hand pressure and become airborne.

GARBAGE: The putrescible solid wastes (excluding ashes), consisting of both combustible and noncombustible solid wastes such as food waste, yard clippings, trimmings, bulk waste and similar material. (See definition for Solid Waste) (Ord. 1162, 7-7-81)

GREASE BIN: A container specifically designed and maintained for the purpose of the storage and collection of grease or animal and vegetable wastes resulting from the processing, handling, preparation, cooking, and serving of food or food materials.

GREEN WASTE: Generally yard waste including leaves, grass clippings, tree trimmings, brush and other plant growth of no more than four (4) feet in length and less than one-half (1/2) inch in diameter.

HAZARDOUS PRODUCTS CENTER (HPC): A city facility located at the landfill for the disposal of hazardous waste including but not limited to: any liquid chemical product, all battery types including automotive batteries, electronic waste, used oil, antifreeze, liquid paint, flammable products, aerosol cans, and universal wastes.

HAZARDOUS WASTE: Waste with properties making it dangerous or potentially harmful to human health or the environment when improperly handled or released to the environment. As defined by the Resource Conservation and Recovery Act (RCRA), hazardous wastes are wastes that meet a particular listing description or that exhibit a characteristic of hazardous waste (ignitability, corrosivity, reactivity, or toxicity).

HOIST AND HAUL SYSTEM: A contained solid waste collection system that uses ten (10) to forty (40) cubic yard compactor bins or open top roll-off boxes. The compactor bins or open top roll-off boxes are removable and can be loaded onto a truck equipped with a tilt frame and hoist mechanism. The compactor bins or open top roll-off boxes are emptied at the disposal site. (Ord. 1609, 2/21/89)

INDUSTRIAL WASTES : Solid or liquid wastes resulting from industrial processes and manufacturing operations and including food, boiler, house ashes, wood, plastic, metal scraps and other processing wastes. (Ord. 1225, 10-19-82)

INERT MATERIAL: Material that is not flammable and will not decompose including but not limited to brick, rock, gravel, sand, soil and reinforced concrete.

FLAMMABLE or EXPLOSIVE WASTE: Any liquid, solid or gas with an ignition or flash point of less than two hundred (200) degrees Fahrenheit, but not limited to gasoline, benzene, naphtha, alcohol, or other flammables or explosives. (Ord. 1609, 2/21/89)

LIQUID WASTE: Any waste that is determined to contain 'free liquids' as defined by Method 9095 (paint filter liquids test), as described in the 'Test Methods for evaluating solid waste, physical/chemical methods' (EPA Pub. No. SW-846).

MEDICAL WASTE: Any solid waste that is generated in the diagnosis, treatment or immunization of a human being or animal, in any research relating to that diagnosis, treatment or immunization, or in the production or testing of biologicals, and including discarded drugs but does not include hazardous waste. This includes tattoo sharps or any other tattooing waste that has been in contact with human blood.

NON-FRIABLE ASBESTOS: Any material containing more than 1 percent asbestos that, when dry, cannot be crumbled, pulverized, or reduced to powder by hand pressure and become airborne.

ORGANIC WASTE: Waste that can be broken down by a natural process of decomposition by bacteria and other micro-organisms. This includes but is not limited to food scraps, paper, paperboard, cardboard, green waste, lumber, and timber.

ORGANIZATION: Any body of persons organized for some end or work, including but not limited to public agencies, nonprofit institutions, fraternal organizations, service clubs and religious groups.

PERSON or COMPANY: Includes individual, firm, partnership, joint venture, association, corporation, municipal corporation, estate, trust or any other group or combination acting as a unit, and the plural as well as the singular number.

OTHER LANDFILL FEES: Fees associated with extra handle, processing, or circumstances.

POSTED LANDFILL TIPPING FEE: Price per ton charge at Cinder Lake Landfill for solid waste disposal.

RADIOACTIVE WASTE: Solid waste that contains radioactive materials that are subject to a permit or regulation under the atomic energy act of 1954 (42 United States Code section 2011; 68 Stat. 919), as amended, or Title 30, Chapter 4.

RECYCLABLES: Post-consumer materials which may be collected, separated, cleansed, treated or reconstituted and returned to the economic stream in the form of raw materials or products including but not limited to newspapers (including inserts); residential mixed paper (including window envelopes), cardboard, office paper (including white, colored and computer paper, and window envelopes), aluminum cans and scrap;

steel and bi-metal food and beverage cans and lids; plastic bottles and containers labeled #1 (PET or PETE) and #2 (HDPE); and glass. —.

REFUSE: All putrescible and non-putrescible solid wastes (except septic, industrial, medical, contagious or infectious wastes, hazardous wastes, and flammable or explosive wastes), including garbage, ashes, street cleanings, dead animals, and solid waste and industrial waste. (See solid waste definition.) (Ord. 1609, 2/21/89).

RESIDENTIAL PROPERTY: Any structure or premises used as a domicile, dwelling, or habitation, including but not limited to single family dwellings, multifamily dwelling units, duplexes, patio homes, mobile homes, mobile home parks, trailers, trailer courts, boarding houses, apartments, condominiums, townhouses, or any complex of the foregoing.

RESIDENTIAL SOLID WASTE: Solid waste generated by a residential property, other than construction and demolition debris, recyclables, and hazardous wastes.

RESIDENTIAL SOLID WASTE/RECYCLING COLLECTION: The collection or removal of residential solid waste/recycling from one or more residences.

ROLL-OFF: A transportable container commonly known as a "roll-off" or "hoist and haul" container, used for the deposit, collection, and transport of construction and demolition debris and other solid waste generated by large projects or business establishments.

SALVAGING: The removal of solid waste from the landfill with permission and in accordance with rules and ordinances of the management agency for purposes of productive re-use.

SCAVENGING: The unauthorized removal of solid waste from the landfill.

SECURELY ANCHORED LOAD: Material being transported over a City street by a vehicle which does not provide a tight cover but is securely anchored against possible loss from the vehicle as per Arizona Revised Statutes, Section 28-1098. (Ord. 1162, 7-7-81)

SEPTIC WASTES: Those liquid and solid materials resulting from drainage of cesspools, septic tanks and other storage facilities. (Ord. 1225, 10-19-82)

SOLID WASTE: Garbage, trash, rubbish, or refuse and sewage, septic, or water treatment sludge that has been dewatered.

SOLID WASTE COLLECTION COMPANY: Any company or person engaged in the removal of solid waste~~s~~ from hotels, restaurants, cafes, and other places not otherwise provided with service by the City.

SPECIAL WASTES: Solid wastes that are not considered hazardous wastes but require special handling and management to protect public health or

the environment. There are two special wastes listed for Arizona: petroleum contaminated soil and shredded motor vehicles.

TREATED BIO-HAZARDOUS MEDICAL WASTE: Bio-hazardous medical waste that has been treated and that meets the treatment standards of Arizona Administrative Code R18-13-1415.

TRIMMINGS: Shrubs or tree growth of no more than four (4) feet in length and less than one-half (1/2") inch in diameter. (Ord. 1162, 7-7-81)

UNCOVERED LOAD: A load of solid waste in which loose material might fall or be blown from the transporting vehicle because the material is not completely contained within closed containers or completely enclosed within the transporting vehicle by means of a tarpaulin or other equivalent covering or packaging designed to prevent the loss of any and all material from the transporting vehicle. (Ord 1535, 11-17-87)

UNIVERSAL WASTE: Several widely generated hazardous wastes identified by EPA that are subject to streamlined requirements for collection, storage and processing if they are recycled under the Universal Waste Rule, including but not limited to batteries, certain pesticides, thermostats and mercury-containing lamps. This rule is intended to encourage recycling of these universal wastes rather than disposal.

WHITE GOODS: Large household appliances, such as washers, dryers, water heaters, refrigerators and air conditioners.

YARD CLIPPINGS: Grass, sod and plant growth of no more than four (4) feet in length and less than one-half (1/2") inch in diameter.

(Ord. 1986, 12-01-98) (Ord. No. 1609, Amended, 2/21/89; Ord. No. 1764, Amended, 07-21-92; Ord. No. 1986, Amended, 12/01/98) (Ord. 2000-09, Amended, 05/02/2000)

SECTION 7-04-001-0003 COMPLIANCE WITH REGULATIONS

Any person or business collecting, conveying over any of the streets or alleys of the City, or disposing of any solid waste accumulated in the City, shall comply with the provisions of this Chapter and with any other governing law or ordinance. It shall be unlawful for any person or business to cause, facilitate, or aid or abet any violation of any provision of this Chapter or to fail to perform any act or duty required by this Chapter. A violation of a provision of this Chapter may be enforced by an administrative proceeding or by a complaint for criminal penalties. (Ord. 1162, 7-7-81); (Amended, Ord. 2007-40, 09/18/2007)

SECTION 7-04-001-0004 COLLECTION SUPERVISED BY DIRECTOR OF PUBLIC WORKS

All solid waste generated or accumulated in the City shall be collected under the supervision of the Director or designee. Except as otherwise

expressly provided in this chapter, all such solid waste shall be removed, collected and/or disposed of only by the City or companies licensed by the City for such purpose. (Ord. 1986, 12-01-98) (Ord. No. 1986, Amended, 12/01/98); (Amended, Ord. 2007-40, 09/18/2007)

SECTION 7-04-001-0005 REGULATIONS

The Director or designee shall propose regulations concerning the days of collection, type and location of solid waste containers, handling of solid waste , and such other matters pertaining to the collection, conveyance and disposal as determined necessary, and propose modifications to the same after notice as required by law, provided that such regulations are not contrary to the provisions hereof. Regulations and modifications to regulations shall become effective after approval by the City Manager and authorization by City resolution.

A. Annual Budget : The Director or designee shall provide, in the annual budget for the City, the following information:

    1. Projected costs for the current fiscal year;
    2. Proposed revenue from the current fiscal year;
    3. Estimated costs for the following fiscal year;
    4. Proposed fee structure for the following fiscal year;
    5. Estimated income for the following fiscal year, based upon the proposed fee structure.

(Amended, Ord. 2007-40, 09/18/2007)

SECTION 7-04-001-0006 STORING OR PLACEMENT OF SOLID WASTE

A. Public Places: No person shall store or place any solid waste in any street, alley, sidewalk, utility corridor or other public place within the City, or upon any private property within the City, whether owned by such person or not, except if placed in containers authorized for collection. Bulk waste may be placed curbside for collection. Nor shall any person throw or deposit any solid waste in any stream or other body of water.

B. Unauthorized Accumulation: Any unauthorized accumulation of solid waste on any premises is hereby declared to be a nuisance and is prohibited. Failure to remove any existing accumulation of solid waste within thirty (30) days after the effective date thereof shall be deemed a violation of this Chapter.

C. Scattering of Solid Waste: No person shall cast or cause to be cast, place, sweep or deposit anywhere within the City any solid waste in such a manner that it may be carried or deposited by the elements or animals upon any street, sidewalk, alley, sewer, parkway or other public place, or into any occupied premises within the City.

D. Disturbance of Containers: It shall be unlawful for any person to uncover or cause to be uncovered, tip or cause to be tipped over, or

disturb or cause to be disturbed in any manner any container of solid waste or recyclables placed upon any street, curb, sidewalk or alley for removal by an authorized collector.

E. The City shall provide automated collection carts for all customers serviced by the automated collection system.

F. Automated collection carts provided by the City shall be maintained by the City or replaced when determined necessary by the Director or designee. (Ord. 2002-19, 11/19/02)

G. City-owned automated collection carts and commercial bins shall be assigned to the property and not to the occupant of the property. No person who occupies any property to which carts have been assigned may remove the carts from the assigned property for any reason.

H. The occupant of a residential property or business establishment is responsible for the solid waste container(s) provided by the City. The container(s) shall be kept in a clean and sanitary condition. The occupant of the property is responsible for the cost of replacing the container(s) when replacement is necessitated by loss of the container or damage due to the occupant's misuse.

I. The City will provide appropriate bins for hotels, restaurants, businesses, or institutions requesting City bin service. Such bins shall be maintained by the City and replaced when determined no longer serviceable by the Director or designee. (Ord. 2002-19, 11/19/02)

J. Vandalism to City-owned containers shall be reported to the Solid Waste Division and the City Police Department by the solid waste customer. (Ord. 1821, 10/05/93)

K. Scavenging:

1. No person, other than the City, the property owner, or a company licensed for collection shall disturb, collect, or remove any solid waste set out for collection.

2. No person, unless authorized by the City, may remove, collect or disturb recyclable materials deposited for collection in City containers.

L. No solid waste or materials other than recyclables shall be placed or stored in any container provided by the City for the storage and collection of recyclables. (Ord. 1986, 12-01-98) (Ord. No. 1609, Amended, 02/21/89; Ord. No. 1764, Amended, 07/21/92; Ord. No. 1821, Amended, 10/05/93; Ord. No. 1986, Amended, 12/01/98) (Ord. 2002-19, Amended, 12/23/2002; Ord. 2000-09, Amended, 05/02/2000); (Amended, Ord. 2007-40, 09/18/2007)

SECTION 7-04-001-0007 COLLECTION PRACTICES

A. Frequency of Collection:

1. Residential: The Director or designee shall collect or direct the collection of solid waste and recyclable material from all residences in the City. Solid waste and recyclable material accumulated by residences shall be collected at least once each week for household solid waste and recyclable material and once every four weeks for bulk~~y~~ waste or as required by State of Arizona regulations.

   a. Single Family Residences: Solid waste and recyclable material accumulated by single family residences shall be collected using the City's automated collection system. A minimum of one automated solid waste container and one automated recycling container is required for each housing unit unless, in the case of the recycling container, the Director or designee decides to not provide recycling service. Collection will be provided at least once each week or as required by State of Arizona regulations. Special container roll-out service will be provided for those residents with a handicap or those who are otherwise determined by the Director or designee unable to place the automated containers out for collection. In these cases, the containers will be rolled out by Environmental Services employees and returned after collection. (Ord. 2002-19, 11/19/02)

   b. Multi-Family Residences: Solid waste accumulated by multifamily residences shall be collected using either the City's automated collection system or the City's bin collection system. The Director or designee shall determine the appropriate collection system based on the number of dwelling units and volume of solid waste generated. Collection will be provided at least once each week, with up to seven days per week collection available. Multiple bin service is also provided. (Ord. 2002-19, 11/19/02)

   c. Bulk waste will be collected on a once every four week rotating schedule. A pile up to five feet by five feet by ten feet of combined yard waste and bulk waste shall be collected on a scheduled bulk waste collection. A special collection for larger quantities requiring additional fees is available. All brush, tree limbs and cuttings shall not exceed five feet in length and 12 inches in diameter. Bulk waste shall be placed on private property within plain view as seen from the public right-of-way for pick up no earlier than the Monday immediately preceding the designated collection week and no later than Monday at 5:00 a.m. of the designated collection week. Items must be placed parallel to the street adjacent to the owner's property line for collection. Bulk waste may not be placed on sidewalks, curbing, or public right-of-way in any manner as to

interfere with or be hazardous to pedestrians or vehicles, or with any mechanized collection container in such a manner as to interfere with its being emptied. Appliances, air conditioners and other items that contain refrigerants are not accepted as part of normal bulk waste service. A special collection requiring prior scheduling is available. The customer must take off the locking mechanism or remove the door from any container or appliance, including freezers, refrigerators, stoves or chests, before setting them out for special collection. A refrigerant evacuation fee or certificate of refrigerant extraction may be required. Items not accepted for collection will be left. The following are unacceptable materials: disposable or unwanted material resulting from construction, repair, or demolition of the premises; large auto parts such as engines, transmissions, axles; tires; used oil; and rocks, soil, soil-like and concrete materials. (Ord. 1821, 10/05/93; Ord. 2002-19, 11/19/02)

2. Commercial: the Director or designee shall collect or direct the collection of solid waste from all City commercial accounts during the collection period for the fee described in the current regulations. The Director or designee may refuse to collect unreasonable amounts of solid waste and/or may refuse to collect when poor conditions of handling exist, and may make an additional charge for such amounts or conditions as outlined in the current regulations. (Ord. 1609, 2/21/89)

B. Special Wastes: All special wastes shall be disposed of as directed by the Director or designee at the expense of the owner or possessor thereof. Other special wastes not identified below shall be determined and addressed by the Director or designee: Soil with petroleum contamination below 4,100 mg/kg and waste from shredding of motor vehicles are the two special wastes recognized in the State of Arizona.

1. Petroleum Contaminated Soils: Petroleum contaminated soil acceptance at the landfill is determined by the Arizona Department of Environmental Quality Residential Remediation level of 4,100 mg/kg. Soils with adequate sampling verifying petroleum contamination is below 4,100 mg/kg can be accepted at the landfill following approval by the Director using an Exceptional Waste Application form. Accepted petroleum contaminated soil will be directed to a separate area of the active landfill area for burial.

2. Waste from shredding of motor vehicles (not accepted)

C. Industrial Solid Waste: Industrial solid wastes will be accepted in the landfill in quantities regulated by the Director or designee. The cost of handling industrial wastes will be determined by the Director or designee.

D. Asbestos Waste: Friable asbestos is not accepted at the landfill. Non-friable asbestos is accepted. Advance notification is required for non-friable asbestos disposal along with approval by the Director or designee using an Exceptional Waste Application form. Accepted non-friable asbestos will be directed to a separate area of the active landfill area for burial.

E. Septic and Liquid Wastes: Disposal of septic or liquid wastes are not allowed at the landfill. (Ord. 1764, 07-21-92)

F. Hazardous Wastes: Hazardous wastes are accepted at the City's Hazardous Products Center (HPC) located at the landfill. Collected hazardous waste is properly recycled or disposed of through a licensed hazardous waste disposal contractor. Universal wastes such as used batteries and light bulbs are also accepted at the HPC. Small businesses can use the HPC to dispose of hazardous waste by appointment only. Businesses will pay costs incurred by the city for disposal of the waste through a licensed hazardous waste disposal contractor plus administrative fees. Businesses must qualify as a Conditionally Exempt Small Quantity Generator (CESQG) according to the Environmental Protection Agency. Any refuse deemed hazardous by the Director or designee will not be collected or disposed of in the landfill. Anyone knowingly or unknowingly depositing hazardous or prohibited waste in the landfill must remove said waste within three (3) hours at their own expense. If the City or City designee has to remove said waste, the cost of removal and disposal plus an administrative fee shall be charged to the person placing said waste in the landfill. Failure to pay this fee will result in loss of use of the landfill. (Ord. 1609, 2/21/89)

G. Medical Wastes: Untreated medical waste, with the exception of household medical sharps disposed of with homeowner waste, is not accepted at the landfill or HPC. Unused medical sharps are accepted. Landfill operators should be notified so that any sharps can be buried immediately.

H. Ownership of Solid Waste. All solid waste set out for collection in the City will remain the property and responsibility of the property owner or generator until collected by the City or licensed company, whereupon it shall become the property of the collector.

I. Solid waste, before being placed into containers for collection, shall be drained of any liquids and shall be wrapped in paper or plastic and sealed.

J. Ashes shall be placed in separate containers and thoroughly doused with water and extinguished before collection.

K. The occupant of the property shall not place hot ashes, bricks, concrete, hazardous wastes, or any material or solid waste harmful

to the public or destructive to the container or collection vehicle in the container being set out for City pickup.

L. Residential or commercial automated collection containers shall be placed at curbside by 6:00 a.m. on the day of collection. Automated collection containers shall be removed from the curbside on the same day the container is serviced. (Ord. 1764, 07-21-92)

M. Residential or commercial containers shall not be allowed to be blocked by vehicles or other objects that may hinder their pickup by City sanitation vehicles or employees. Automated collection carts shall not be placed within four (4) feet of objects that can be damaged by the City's automated equipment. (Ord. 1609, 2/21/89)

N. Unattended Containers: No person shall place, display, or maintain any unattended container for soliciting deposit of recyclable materials or donated items in any exterior location within the City limits, except in conformance with all of the following provisions:

1. Such unattended containers may be located only within the parking lot of private property lawfully zoned, developed and used for commercial or industrial purposes or at schools, churches, or charitable organizations which have similar parking facilities.

2. Such unattended containers may be located only with the permission of the property owner, their agent, or the person in possession of the property, and the owner's name and current telephone number shall be displayed on the container in a conspicuous location.

3. The owner of such unattended container and the property owner shall jointly or severally maintain all exterior areas within twenty-five feet (25') of the container free from litter.

O. Nothing in this section shall be construed to prevent individual property owners from hauling their own solid waste from their own premises to a legal point of disposal or recycling, in accordance with Section 0003 of this Division.

(Ord. 1986, 12-01-98) (Ord. No. 1609, Amended, 02/21/89; Ord. No. 1764, Amended, 07/22/92; Ord. No. 1764, Amended, 07/21/92; Ord. No. 1821, Amended, 10/05/93; Ord. No. 1986, Amended, 12/01/98; Ord. 2002-19, Amended, 11/19/02)(Ord. 2002-19, Amended, 12/23/2002; 2002-19, Amended, 11/19/2002); (Amended, Ord. 2007-40, 09/18/2007)

SECTION 7-04-001-0008: DISPOSAL PRACTICES

A. Landfill user practices:

1. Traffic signs must be obeyed and vehicles must stay on designated roadways at all times.

2. Follow all instructions given by City solid waste landfill personnel (i.e. attendants, operators).

3. Alcoholic beverages shall not be allowed

4. Commercial haulers must be dressed in proper attire, including hardhat, safety reflective vest, and steel toed boots.

5. Landfill staff has the right to inspect any load and may, at their discretion, require a load to be dumped in a segregated area to facilitate inspection.

6. Children and animals must remain in vehicles at all times.

7. Smoking is prohibited.

8. No person shall, by threat or use of violence or physical force, or by threatening to do or doing any other act that can be reasonably anticipated to cause physical harm to any person including the perpetrator, intentionally obstruct, impede or interfere with any employee, contractor or authorized representative of the City who is lawfully and constitutionally engaged in the enforcement or execution of the provisions of this chapter.

9. Scavenging, including but not limited to the unauthorized pilfering, removal, buying, selling, trading or using of material is prohibited.

10. Violating user requirements may result in refusal of service.

B. Disposal of infectious, radioactive and hazardous waste. The following materials will not be accepted at the solid waste landfill:

1. Hazardous waste.

2. Untreated bio-hazardous waste.

3. Radioactive waste.

4. Regulated liquid waste.

5. Any other regulated waste without prior approval of the Director or designee.

6. Auto batteries.

7. Sewage, septic, or water treatment sludge that has not been dewatered.

8. Transformers, capacitors, and large electrical equipment containing liquids or polychlorinated biphenyls.

9. Universal waste.

10. Motor driven equipment. Some vehicle parts are accepted as long as they do not contain fluids.

11. Friable asbestos.

12. Petroleum contaminated soil with concentrations over 4,100 milligrams/kilogram.

13. Lead-based paint debris unless accompanied by an Exceptional Waste Acceptance Form signed by the Director or designee.

14. Any material from an environmental remediation unless accompanied by an Exceptional Waste Acceptance Form signed by the Director or designee.

15. Compressed gas bottles unless punctured.

16. Drums, plastic or metal, unless rinsed with tops and bottoms cut out.

17. Pesticide containers unless triple rinsed, with tops and bottoms cut out.

18. Any industrial or commercial process waste.

19. Tires

C. Disposal of infectious, radioactive and hazardous waste: The requirements of these regulations shall apply to any generator of bio-hazardous medical waste as defined under Arizona Administrative Code R18-13-1401, as it may be amended from time to time, with the exception of a household generator residing in a private, public, or semi-public residence who generates bio-hazardous medical waste in the administration of self care or the agent of the household generator who administers the medical care. This exemption does not apply to the facility in which a person resides if that facility is licensed by the Arizona Department of Health Services. Treated bio-hazardous medical waste is considered to be bio-hazardous medical waste that has been treated and that meets the treatment standards of Arizona Administrative Code R18-13-1415. These wastes may be acceptable at solid waste disposal facilities under the following conditions:

1. Prior approval for disposal, including approval of the treatment methodology, packaging and labeling must be obtained from the Director or designee.

2. Treatment methods and waste transportation must comply with all applicable standards set forth in Arizona Revised Statutes Title 18, Article 14.

3. If an alternative treatment method is used, the method must be registered with the Arizona Department of Environmental Quality pursuant to Arizona Administrative Code R18-13-1414 and the registration number provided prior to disposal.

D. Haulers shall not deliver wastes to a solid waste landfill that are prohibited under these regulations.

E. Failure to pay disposal fees may result in a suspension of disposal privileges.

(Amended, Ord. 2007-40, 09/18/2007)

SECTION 7-04-001-0009 FEES

The Director or designee may establish special rates or charges when required by unusual, unique or special needs. The rates and charges for such services will be based upon the cost of the services provided.

A. Deposit:

1. Landfill account customers shall provide a deposit of two-hundred fifty dollars ($250.00) per account.

2. The deposit shall be refunded when:

a. The account has been paid in a current manner for one (1) year, or

b. The account is closed out and paid in full, or

c. There has been no activity in the account for ninety (90) days.

3. If an inactive or closed account is reactivated, a new deposit shall be collected or a new credit application will be required.

4. If a customer’s service is terminated due to non-payment after the City refunds a customer’s deposit, payment of existing balance plus an additional $500.00 deposit will be required before service is resumed.

5. Specific exemptions from deposit provisions shall apply to churches, non-profit community organizations, and other utilities.

6. No interest shall be paid by the City upon any deposit refund. (Ord. 1845, 11/01/94)

B. Residential Collection Fees:

1. Automated Collection : $15.53/month for one time a week collection of the solid waste and recycling containers, once every four week bulk waste collection, weekly white goods collection access to the landfill (except construction and demolition waste), and access to the Hazardous Products Center. Billing will apply to each residential property continuously. (Ord. 1887, 08/29/95; Ord. 2002-19, 11/19/02)

2. Additional Automated Containers: Cost of the container to the City plus $10.00 service fee with an additional monthly service fee equaling fifty percent (50%) of the normal monthly fee.

3. Replacing Automated Containers: Actual cost of container to the City plus $10.00 service fee. (Ord. 1887, 08/29/95)

4. Special Collection Service: Special bulky waste collection will be provided upon request to residential and business customers for a fee equal to the cost for equipment, manpower, and landfill disposal, at a one-half hour minimum rate. (Ord. 1821, 10/05/93)

C. Commercial Collection Fees:

1. Commercial Solid Waste Bin Service: The monthly fee for commercial solid waste bin service shall be as follows: (Ord. 1845, 11/01/94)

SOLID WASTE
LEVEL OF SERVICE

CONTAINER SIZE	1X/Week	2X/Week	3X/Week	4X/Week	5X/Week	6X/Week	7X/Week
96 Gal. 1 Barrel	27.00	47.25	67.57	87.84	108.04	135.05	163.41
2 Barrels	42.66	74.66	106.76	138.78	170.70	213.38	258.19
3 Barrels	58.44	102.28	146.26	190.13	233.86	292.33	353.72
4 Barrels	74.22	129.89	185.75	241.47	297.01	371.26	449.22
300 Gal.1 Barrel	35.10	61.43	87.84	114.19	140.45	175.57	212.43
2 Barrels	55.46	97.05	138.78	180.42	221.92	277.39	335.65
3 Barrels	75.98	132.96	190.13	247.17	304.02	380.03	459.84
4 Barrels	96.49	168.86	241.47	313.91	386.11	482.64	583.99
2 Cu. Yd. 1 Bin	43.17	75.55	108.04	140.45	172.76	215.95	261.29
2 Bins	68.21	119.37	170.70	221.92	272.96	341.19	412.85
3 Bins	93.45	163.54	233.86	304.02	373.95	467.44	565.60
4 Bins	118.68	207.70	297.01	386.11	474.92	593.64	718.31
3 Cu. Yd. 1 Bin	51.25	89.68	128.24	166.72	205.06	256.33	310.16
2 Bins	80.97	141.70	202.63	263.41	324.00	405.00	490.05
3 Bins	110.93	194.12	277.60	360.88	443.88	554.85	671.36
4 Bins	140.88	246.54	352.55	458.31	563.72	704.66	852.63
4 Cu. Yd. 1 Bin	59.45	104.03	148.76	193.39	237.87	297.34	359.78
2 Bins	93.92	164.37	235.05	305.56	375.84	469.80	568.45
3 Bins	128.68	225.18	322.01	418.62	514.90	643.62	778.78
4 Bins	163.42	285.98	408.96	531.64	653.92	817.40	989.05
6 Cu. Yd 1 Bin	75.50	132.12	188.93	245.61	302.10	377.62	456.92
2 Bins	119.28	208.75	298.51	388.06	477.31	596.64	721.94
3 Bins	163.42	285.98	408.96	531.64	653.92	817.40	989.05
4 Bins	207.54	363.20	519.37	675.19	830.48	1038.10	1256.10
8 Cu. Yd 1 Bin	91.73	160.52	229.55	298.41	367.05	458.81	555.16
2 Bins	144.93	253.63	362.69	471.49	579.94	724.92	877.15
3 Bins	198.55	347.47	496.88	645.95	794.51	993.14	1201.70
4 Bins	252.16	441.29	631.04	820.35	1009.03	1261.29	1526.16

2. Commercial Recycling Bin Service: The monthly fee for commercial recycling bin service shall be as follows:

RECYCLING
LEVEL OF SERVICE

CONTAINER SIZE	1X/Week	2X/Week	3X/Week	4X/Week	5X/Week	6X/Week
96 Gal. 1 Barrel	17.42	22.65	27.85	33.15	38.45	
2 Barrels	20.90	27.18	33.43	39.78	46.14	
3 Barrels	24.46	31.79	39.11	46.54	53.98	
4 Barrels	27.88	36.25	44.58	53.05	61.54	
300 Gal.1 Barrel	20.90	27.18	33.43	39.78	46.14	
2 Barrels	25.08	32.61	40.11	47.73	55.37	
3 Barrels	29.35	38.15	46.93	55.85	64.78	
4 Barrels	33.46	43.50	53.50	63.66	73.85	
2 Cu. Yd. 1 Bin	25.08	32.61	40.11	47.73	55.37	63.12
2 Bins	30.10	39.13	48.13	57.28	66.44	75.74
3 Bins	35.22	45.78	56.32	67.02	77.74	88.62
4 Bins	40.15	52.19	64.20	76.40	88.62	101.03
3 Cu. Yd. 1 Bin	30.10	39.13	48.13	57.28	66.44	75.74
2 Bins	36.12	46.96	57.76	68.73	79.73	90.89
3 Bins	42.26	54.94	67.58	80.42	93.29	106.35
4 Bins	48.18	62.63	77.04	91.68	106.35	121.23
4 Cu. Yd. 1 Bin	36.12	46.96	57.76	68.73	79.73	90.89
2 Bins	43.35	56.35	69.31	82.48	95.68	109.07
3 Bins	50.72	65.93	81.09	96.50	111.94	127.61
4 Bins	57.82	75.16	92.45	110.01	127.61	145.48
6 Cu. Yd 1 Bin	43.35	56.35	69.31	82.48	95.68	109.07
2 Bins	58.52	76.07	93.57	111.35	129.16	147.25
3 Bins	73.73	95.85	117.90	140.30	162.75	185.53
4 Bins	88.85	115.50	142.07	169.06	196.11	223.57
8 cubic Yard	52.02	67.62	83.17	98.98	114.81	130.89
2 Bins	60.86	79.12	97.31	115.80	134.33	153.14
3 Bins	74.86	97.31	119.69	142.44	165.23	188.36
4 Bins	71.20	92.57	113.86	135.49	157.17	179.17

3. Exceptional Services:

   a. Return to blocked bin: $12.00

   b. Extra Pick-up (scheduled): $8.00 x cubic yard size of container

   c. Extra Pick-up (unscheduled): $12.00 x cubic yard size of container

   d. Other: Actual cost of service

D. White Good Collection: White goods will be collected from business establishments for a fee of $ $27.70 per unit for appliances and

freezers/refrigerators with the refrigerant, oil and compressors removed with proper documentation, $45.30 per unit for appliances with refrigerant, oil and compressors in place.

E. Hoist and Haul:

1. Minimum charge of one pull per month, for City owned containers. From May through October the City may charge a minimum of two pulls per month.

2. Customer Owned Container: The cost shall be $115 per pull for overhead costs plus the posted landfill tipping fee per ton for landfill disposal costs. (Ord. 1954, 09/02/97; Ord. 2002-19, 11/19/02)

   Recycling Compactor: $110 per pull for overhead costs plus the current Norton Environmental recycling fee. (Ord. 2002-19, 11/19/02)

   City Owned Container: The cost shall be $ 135 per pull for 40 yard containers and $120 per pull for 20 and 30 yard containers for overhead costs, plus the posted landfill tipping fee per ton for landfill disposal costs. (Ord. 1954, 09/02/97; Ord. 2002-19, 11/19/02)

3. Exceptional Services: Actual cost.

F. Any service required that does not fit into the above schedules must have an alternative payment schedule approved by the Director or designee. Such schedule will be in writing and signed by both parties.

G. Replacement Fees:

Should a bin or roll-off (hoist and haul) container need replacement as per Section 7-04-001-0006, the replacement costs shall be equal to the actual replacement cost to the City plus a $50.00 service fee.

H. Landfill Fees:

Landfill fees shall be calculated at the actual cost per ton plus an additional amount to be determined by City Council to establish a capital account to fund future projects and equipment purchases. The City shall establish a legal reserve within the Environmental Services Fund for the purpose of funding costs of closing the landfill as required by the EPA or its designee. Monies shall be appropriated and set aside monthly in an amount to meet the estimated capital costs, to include; liner system; methane collection and cover material. Interest shall accrue to this account to be used for all the same purposes mentioned above.

1. Environmental Maintenance Facility Fee. The City shall establish a fee per ton to fund the facilities that support the activities associated with municipal solid waste collection. Monies shall be allocated annually in the amount of $2.50 of the per-ton tipping fee on scaled tonnage based on the posted landfill tipping fee. The City shall establish a legal reserve fund for this purpose. Interest shall accrue to this account to be used for all of the same purposes mentioned above.

2. The rate shall be as follows plus all applicable State and federal taxes:

Posted Landfill Tipping Fee: **$38.50 per ton**

Commercial Haulers	Commercial Solid Waste	Posted Landfill Tipping Fee
Commercial Haulers	Uncovered Load Fee	Double Posted Landfill Tipping Fee
City Residents	Residential Solid Waste	Posted Landfill Tipping Fee for more than one ton
City Residents	Construction and Demolition	Posted Landfill Tipping Fee for more than one pickup load
City Residents	Uncovered Load Fee	Posted Landfill Tipping Fee
County/Non-City Residents	Residential Solid Waste	Posted Landfill Tipping Fee for more than one ton.
County/Non-City Residents	Construction and Demolition	Posted Landfill Tipping Fee for more than one pickup load

Other Landfill Fees:

Commercial Haulers	Exceptional Waste	Posted Landfill Tipping Fee Plus $20 handle Fee
Commercial Haulers	White Goods	$7.70 Per Unit
Commercial Haulers	Refrigerant Evacuation Fee	$25.30 Per Unit
Commercial Haulers	Metal Only (Recycle Fee)	Current Norton Environmental recycling fee.
City Residents	Residential Solid Waste	No Charge for up to one pickup truck load.
City Residents	Green Waste	No Charge
City Residents	Construction and Demolition	$20.00 per pickup truck load
City Residents	White Goods	No Charge
City Residents	Refrigerant Evacuation Fee	No Charge
County/Non-City Residents	Residential Solid Waste	1 to 3 Bags: $2.00 per Bag (up to three bags)

County/Non-City Residents	Residential Solid Waste	1 pickup truck load $20.00 per load
County/Non-City Residents	Construction and Demolition	$20.00 per pickup truck load
County/Non-City Residents	White Goods	$7.70 per unit
County/Non-City Residents	Refrigerant Evacuation Fee	$25.30 per unit
County/Non-City Residents	Green Waste	No Charge
All applicable Haulers	ADEQ Recycle Tax	$.25 per ton
Outside Coconino County	Commercial Solid Waste	$20.00 per ton surcharge unless hauler participates in City's recycling program

Fees may be waived or reduced for clean soil, rubble and other inert material that can be used as alternative daily cover, provided material is approved by the Director or designee and is beneficial to the City.

b. Inert Material Landfill: The rate for haulers disposing of inert material (dirt, rock and clean concrete) will be as follows:

Varying Fee Schedule Job Size Rate

(1) Cubic Yard (C.Y.) to 5,000 C.Y.: $2.25 per C.Y.Over 5,000 C.Y. to be negotiated by the Director or designee.

c. White Goods Disposal: Disposal of white goods/appliances and freezers/refrigerators from business establishments with the refrigerant, oil and compressors removed with proper documentation is $7.70 per unit or $25.30 per unit with refrigerant, oil and compressors still in place. Landfill customers paying the City residential solid waste service charge may dispose of refrigerators/freezers with refrigerants free of charge. Landfill customers not paying the City residential solid waste service charge may dispose of refrigerators/freezers with refrigerant for a fee of $25.30 per unit. (Ord. 1920, 09/03/96); (Ord. 1986, 12-01-09); (Ord. No. 1986, Amended, 12/01/98); (Ord. 2002-19, 11/19/02)

I. Environmental Management Fee: An Environmental Management Fee of $2.00 per month per City utility bill shall be charged to fund citywide environmental programs, including, but not limited to, Environmental Management, Brownfield Land Recycling, Sustainability, Environmental Code Enforcement, and Conservation Education Programs.

J. Rate Escalator. A 5% rate increase escalator shall apply to the rates for following services: commercial trash and recycling collection, residential collection, hoist and haul, and the posted landfill tipping fee. Beginning on the one year anniversary of the

date on which such rates become effective, the rates shall automatically increase 5% each year for a period of 5 years, at which time the 5% increase shall sunset, unless reauthorized by the City Council.

(Ord. 2003-01, Amended, 01/07/2003; Ord. 2002-19, Amended, 12/23/2002; Ord. 2002-19, Amended, 12/23/2002; Ord. 2002-19, Amended, 11/19/2002; 2002-19, Amended, 11/19/2002; Ord. 2000-09, Amended, 05/02/2000); (Amended, Ord. 2007-40, 09/18/2007)

SECTION 7-04-001-0010: DELINQUENT ACCOUNTS

A. All payments shall be due by the due date on the statement.

B. An account shall be considered to be delinquent on the tenth (10th) day of the month following the month in which service was provided by the City.

C. An account that is not paid by the due date shall be charged a penalty of ten percent (10%) of the accumulated delinquent fees per month.

D. If a solid waste collection account is not paid by the due date, the Director or designee may cease all collection for that account unless otherwise directed by the City Manager. Service shall be resumed thereafter only on payment of the accumulated delinquent fees for the period of collection plus accrued penalties, unless the City Manager specifically directs otherwise.

E. If a landfill account is not paid by the due date, the Director or designee may discontinue charging privileges until such time as the account is paid in full. Upon payment in full of the delinquent balance the landfill customer may re-establish charging privileges at the landfill, upon payment of a one thousand dollar ($1,000.00) deposit, unless the City Manager specifically directs otherwise.

F. Legal Remedy: The stoppage of services hereinbefore authorized for nonpayment of collection charges shall be in addition to the right of the City to proceed for the collection of such unpaid charges in a manner provided by law for the collection of a municipal claim. (Ord. 1845, 11/01/94) (Ord. 1986, 12/01/98) (Ord. No. 1764, Amended, 07/22/92; Ord. No. 1764, Amended, 07/21/92; Ord. No. 1845, Amended, 11/01/94; Ord. No. 1986, Amended, 12/01/98); (Amended, Ord. 2007-40, 09/18/2007)

SECTION 7-04-001-0011: BURNING SOLID WASTES

It shall be unlawful to attempt to burn solid wastes within the corporate limits of the City without written permission from the Fire Department. (Ord. 1609, 2/21/89) (Ord. No. 1609, Amended, 02/21/89 and Fire Protection Regulation FPR-001) (Amended, Ord. 2007-40, 09/18/2007)

SECTION 7-04-001-0012: SOLID WASTE COLLECTION CONTRACTORS

A. General: No person, except as otherwise expressly provided in this chapter, shall collect or remove any recyclables or other solid waste of any kind from the premises of any person, firm or company within the City, unless such person shall have first obtained from the City's tax, licensing and revenue section a license to conduct such collection or removal, as hereinafter provided.

B. Exceptions to License Requirements: Notwithstanding the foregoing, no license shall be required of:

1. An actual producer or property owner who personally removes and disposes of solid waste in accordance with Section 0003~~.A~~ of this Division;

2. An arborist or gardening, landscaping or similar contractor who removes and disposes of solid waste incident to the conduct of such business.

C. Application: An application for a solid wastes collection license shall be made in conformity with the general requirements of City Code Section 3-01-001-0005 relating to applications for licenses. The applicant shall also state the number of vehicles intended for operation or use in said business and what method of disposal and the place thereof are proposed by the applicant. Applications for new licenses shall be approved by the Director or designee with respect to health, sanitation and safety provisions of the Code. Applications for renewal of licenses shall be accompanied by an inspection approval certificate for each piece of equipment from the Sustainability and Environmental Management Section, dated not earlier than sixty (60) days preceding the date of application.

D. License Fee: The annual fee for each solid wastes collection license shall be fifty dollars ($50.00) for each vehicle used by the licensee in this service, and each license shall expire twelve (12) months after its date of issue.

E. No Representation by Unlicensed Haulers: No person who is not licensed in accordance with the provisions of this section shall represent himself to the public as one who collects or disposes of solid waste within the City.

F. License Plate or Tag: The City's Tax, Licensing and Revenue Section shall issue each person licensed in accordance with the provisions of this section a plate or tag for each collection vehicle used by such person in the activities licensed. Each such plate or tag shall be securely fastened and displayed at all times in a conspicuous place on each such vehicle.

G. Term of License; License Nontransferable: Each license issued pursuant to the provisions of this section shall be valid for the

calendar year for which it is issued and may be renewed upon application to the City's Tax, Licensing and Revenue Section and payment of the required fees, provided that the licensee has complied with all of the requirements of this chapter and all such other requirements as may apply to a new license application at that time. Licenses issued pursuant to the provisions of this section shall be nontransferable, and no permission or authority granted pursuant to any such license shall be delegated, subcontracted, assigned or otherwise transferred, whether for a consideration or not, although a licensee may transfer an identification plate or tag issued by the City's Tax, Licensing and Revenue Section to a replacement vehicle or the licensee upon five (5) days' prior written notice to the City's Tax, Licensing and Revenue Section.

H. Revocation of License: the Tax Collector shall be authorized to revoke the solid wastes collection license if the licensee violates the conditions under which the license was issued, the provisions of this chapter, or the regulations authorized in connection with this chapter. From the time of revocation the license shall be void, and the amount paid for the license shall be forfeited to the City. (Ord. 1986, 12/01/98)(Ord. No. 1986, Amended, 12/01/98); (Amended, Ord. 2007-40, 09/18/2007)

SECTION 7-04-001-0013 PENALTIES

A. Any person or company engaging in the business of solid waste collection or disposal for which a license is required under this chapter without first having obtained such license shall be subject to the provisions of 3-01-001-0011 regarding criminal penalties and fines. (Ord. 1986, 12/01/98)(Ord. No. 1609, Ren&Amd, 2/21/89, 7-04-001-0013; Ord. No. 1642, Repealed, 11/07/89; Ord. No. 1986, Amended, 12/01/98)

B. Any person or business with contamination in a recycling container may be fined $40.00 for each occurrence. Multiple violations may result in removal of the recycling container. Upon request, recycling containers may be returned and service resumed for an additional $40.00 fee.

(Amended, Ord. 2007-40, 09/18/2007)

SECTION 7-04-001-0014 NOTICE OF VIOLATION

A. The Director or designee may cause to be issued a Notice of Violation to any person alleged to be in violation of this Chapter.

B. If a Notice of Violation is issued, such notice shall contain the following:

1. Date of the violation, a legal description of the property, the Chapter(s) and Section(s) which is/are being violated, and a description of the unlawful condition.

2. Notification of possible criminal proceedings being brought against the person by the City if the unlawful condition is not abated within thirty (30) days from receipt of the Notice for any violation other than for an automated collection container left curbside. For an automated collection container left curbside, the person or business must comply with the requirements of this Chapter within 24 hours of receipt of a Notice.

3. Notice to the alleged violator that, in addition to any fine or penalty which may be imposed for a violation of this ordinance, the alleged violator shall be liable for all costs which may be assessed pursuant to this ordinance for removing, abating, or enjoining the rubbish, trash, filth, or debris constituting the violation. The notice of violation shall contain an estimated statement of the cost of removal or abatement of the violation, including labor, disposal fees, and equipment rental. The Notice shall state that, unless the person has brought the unlawful condition into compliance with this ordinance within the period stated above from the receipt of the Notice, the City may, at the expense of the person or business, perform the necessary work at a cost not to exceed the estimate given in the Notice, plus a five (5) percent surcharge for an additional inspection and other administrative and incidental costs in connection therewith.

C. If the unlawful condition is not abated, the Director or designee may cause to be issued a criminal complaint or a Notice of Civil Violation. Each day that the alleged violator fails or refuses to comply with the requirements of this Chapter after expiration of the period for compliance from receipt of the Notice shall constitute a separate violation and shall not require further notice to the owner, occupant, or lessee of the property upon which the violation exists.

(Amended, Ord. 2007-40, 09/18/2007)

SECTION 7-04-001-0015 SERVICE OF NOTICE

The Notice of Violation shall be personally served on the alleged violator by any duly authorized official, in the manner provided in Rule 4(d) of the Arizona Rules of Civil Procedure, or mailed to the alleged violator at the last known address by certified or registered mail.

(Amended, Ord. 2007-40, 09/18/2007)

SECTION 7-04-001-0016 APPOINTMENT OF HEARING OFFICER

The hearing officer for administrative hearings under this ordinance shall be a judge of the Municipal Court of the City of Flagstaff.

(Amended, Ord. 2007-40, 09/18/2007)

SECTION 7-04-001-0017 CIVIL VIOLATION AND ADMINISTRATIVE HEARING

A. If the City chooses to proceed on a civil violation of the ordinance, the City shall serve or mail a Notice of Civil Violation and Administrative Hearing to the alleged violator upon which an unlawful condition exists upon expiration of the initial period for compliance as set forth in 7-04-001-0014. A hearing shall be held no sooner than five (5) days after the date the Notice of Civil Violation and Administrative Hearing is mailed or served. The date of mailing shall be excluded in computing the time period for a hearing under this rule. Neither the City nor the party served is required to be represented by counsel at the administrative hearing, but may be if they so choose. No pre-trial discovery shall be permitted absent extraordinary circumstances. Immediately before the hearing, both parties shall produce for inspection any exhibits and written or recorded statements of any witness which are to be offered at the hearing. Failure to produce exhibits or statements may result in the hearing officer denying admission of the evidence not produced. The hearing officer may call and examine witnesses, including the party served. All testimony shall be given under oath or affirmation. No person may be examined or cross-examined at a hearing except by the hearing officer, an attorney for a party, or the party served with the Notice of Civil Violation and Administrative Hearing. The Arizona Rules of Evidence shall not apply in the hearing; any evidence offered may be admitted subject to a determination by the hearing officer that the offered evidence is relevant, material, and has some probative value to a fact at issue. The hearing officer may enter a finding for the City if the party served fails to appear for the hearing.

B. If the hearing officer determines, after hearing the parties and considering their evidence, that the City's notice to the party served was accurate, delivered to the proper party or parties, and that the estimated assessment for the actual cost of removal is supported by the City's evidence, then the hearing officer shall make a finding for the City.

C. The hearing officer shall issue a decision within five (5) days of the hearing. Intermediate Saturdays, Sundays and legal holidays shall be excluded in computing the time period for issuing a decision under this rule. The decision shall be in writing, set forth the factual basis for the decision, and be served in accordance with the provisions of 7-04-001-0015.

(Amended, Ord. 2007-40, 09/18/2007)

SECTION 7-04-001-0018 APPEAL OF DECISION AND COST OF REMOVAL

A. The City Council shall hear and determine all appeals from a civil violation. A Notice of Appeal must be in writing and filed in the

office of the City Clerk within five (5) days of receipt of the hearing officer's decision. The date of receipt, and intermediate Saturdays, Sundays and legal holidays shall be excluded in computing the time period for timely appeal.

B. The Notice of Appeal shall specify the grounds for reversal of the hearing officer's decision or cost of removal. The Council shall, at its next regular meeting after receiving the appeal, hear and determine the same by motion and resolution. The decision of the Council shall be final and may be appealed to Superior Court.

(Amended, Ord. 2007-40, 09/18/2007)

SECTION 7-04-001-0019 SCOPE OF REVIEW

The City Council shall have authority to affirm, reverse, amend or remand the matter to the Hearing Officer if it finds that the Hearing Officer's decision or the cost of removal is not supported by substantial evidence, is arbitrary and capricious or is not in conformance with the law.

(Amended, Ord. 2007-40, 09/18/2007)

SECTION 7-04-001-0020 VOLUNTARY ABATEMENT; REMOVAL BY CITY

A. When a person alleged to be in violation of this Chapter elects to voluntarily abate the unlawful condition within the compliance period as stated in the Notice of Violation, the person shall notify the Director or designee after the condition has been abated. The Director or designee shall thereafter inspect the property to determine whether the condition has been brought into compliance with this Chapter.

B. If the Director or designee determines that the person is no longer in violation of this Chapter, the Director or designee shall issue a Notice of Voluntary Abatement and Compliance to the person alleged to be in violation and the administrative proceeding shall be deemed closed.

C. When any such person on whom a Hearing Officer's finding of violation has been served fails, neglects or refuses to bring the unlawful condition into compliance within three (3) days from receipt of the Hearing Officer's finding of violation, the Director or designee is authorized and directed to correct the violation.

D. In the event an appeal has been filed pursuant to 7-04-001-0018, no action shall be taken by the City until the Council has heard and determined all matters contained in the Notice of Appeal.

(Amended, Ord. 2007-40, 09/18/2007)

SECTION 7-04-001-0021 LIEN FOR REMOVAL

If no appeal is taken from the amount assessed for removal, or if an appeal is taken and the Council has affirmed or modified the amount of the assessment, the assessment shall be recorded in the office of the County Recorder of Coconino County, Arizona, including the date and amount of the assessment and the legal description of the property. From the date of its recording, the assessment shall be a lien on said private property and the several amounts assessed against such private property until paid.

A. Any assessment recorded under this Chapter is prior and superior to all other liens, obligations, mortgages or other encumbrances, except liens for general taxes. A sale of the property to satisfy a lien obtained under the provisions of this Section shall be made upon judgment of foreclosure or order of sale. The City shall have the right to bring an action to enforce the lien in the Superior Court of Coconino County at any time after the recording of the assessment, but failure to enforce the lien by such action shall not affect its validity. The recorded assessment shall be prima facie evidence of the truth of all matters recited therein, and of the regularity of all proceedings prior to the recording thereof. A prior assessment for the purposes provided in this Section shall not be a bar to subsequent assessment or assessments for such purposes, and any number of liens on the same private property may be enforced in the same action.

B. Assessments that are imposed under this section run against the property until paid and are due and payable in equal annual installments as follows:

    1. Assessments of less than five hundred dollars shall be paid within one year after the assessment is recorded.

    2. Assessments of five hundred dollars or more but less than one thousand dollars shall be paid within two years after the assessment is recorded.

    3. Assessments of one thousand dollars or more but less than five thousand dollars shall be paid within three years after the assessment is recorded.

    4. Assessments of five thousand dollars or more but less than ten thousand dollars shall be paid within six years after the assessment is recorded.

    5. Assessments of ten thousand dollars or more shall be paid within ten years after the assessment is recorded.

C. An assessment that is past due accrues interest at the rate prescribed by Arizona Revised Statutes, Section 44-1201.

(Amended, Ord. 2007-40, 09/18/2007)

SECTION 7-04-001-0022 CRIMINAL PENALTIES

A. A person who is convicted of a violation of this Ordinance is guilty of a Class 1 misdemeanor and shall be sentenced as follows:

1. First offense: not less than twenty-five dollars ($25.00), nor more than one-hundred dollars ($100.00);

2. Second offense: not less than one hundred dollars ($100.00), nor more than five hundred dollars ($500.00);

3. Third offense: not less than five-hundred dollars ($500.00), nor more than two thousand, five hundred dollars ($2,500.00).

B. A judge shall not suspend any or all of the impositions of the sentence required by this Section.

C. Notwithstanding Subsection B of this Section, if a judge finds at the time of sentencing that by a preponderance of the evidence the violations for which the defendant has been convicted have been corrected by the defendant, and that now the defendant is in compliance with the Code, the Court may suspend all or part of the fine.

(Amended, Ord. 2007-40, 09/18/2007)

SECTION 7-04-001-0023 SEVERABILITY

Each section and each provision of any section of this Chapter shall be deemed severable and the invalidity of any portion of this Chapter shall not affect the validity or enforceability of any other portion.

CHAPTER 7-05
SMOKEFREE AIR

SECTIONS:

7-05-001-0001	DEFINITIONS
7-05-001-0002	APPLICATION OF ORDINANCE TO CITY-OWNED FACILITIES
7-05-001-0003	PROHIBITION OF SMOKING IN PUBLIC PLACES
7-05-001-0004	PROHIBITION OF SMOKING IN PLACES OF EMPLOYMENT
7-05-001-0005	REASONABLE DISTANCE
7-05-001-0006	WHERE SMOKING NOT REGULATED
7-05-001-0007	DECLARATION OF ESTABLISHMENT AS NONSMOKING
7-05-001-0008	POSTING OF SIGNS
7-05-001-0009	NONRETALIATION
7-05-001-0010	ENFORCEMENT
7-05-001-0011	VIOLATION AND PENALTIES
7-05-001-0012	OTHER APPLICABLE LAWS
7-05-001-0013	LIBERAL CONSTRUCTION
7-05-001-0014	SEVERABILITY
7-05-001-0015	EFFECTIVE DATE

SECTION 7-05-001-0001 DEFINITIONS

The following words and phrases, whenever used in this Ordinance, shall be construed as defined in this Section:

“Accessory bar” means a place within a restaurant or other business building for the service of alcoholic beverages and associated snacks for on-site consumption.

“Business” means a sole proprietorship, partnership, joint venture, corporation, including a municipal corporation, limited liability company or other business entity formed for profit-making purposes, including retail establishments where goods or services are sold as well as professional corporations and other entities where legal, accounting, medical, dental, engineering, architectural, or other professional services are delivered.

“Employee” means a person who is employed by an employer in consideration for direct or indirect monetary wages or profit.

“Employer” means a person, business, association, trust, or non-profit entity that employs the services of one or more individual persons.

“Enclosed area” means all space between a floor and ceiling that is enclosed on all sides by solid walls or windows (exclusive of doorways), which extend from the floor to the ceiling.

“Health care facility” means an office or institution providing care or treatment of diseases, whether physical, mental, or emotional, or other medical, physiological, or psychological conditions, including but not limited to, hospitals, rehabilitation hospitals or other clinics,

including weight control clinics, nursing homes, homes for the aging or chronically ill, laboratories, and offices of surgeons, chiropractors, physical therapists, physicians, dentists, and all specialists within these professions. This definition shall include all waiting rooms, hallways, private rooms, semiprivate rooms, and wards within health care facilities.

“Opening” means an entrance, window or ventilation system.

“Place of employment” means an area under the control of a public or private employer that employees normally frequent during the course of employment, including, but not limited to, work areas, employee lounges, restrooms, conference rooms, meeting rooms, classrooms, employee cafeterias, hallways, and vehicles. A private residence is not a “place of employment” unless it is used as a childcare, adult day care, or health care facility.

“Private club” means an establishment, operated by an organization established for patriotic, fraternal, benevolent or recreational purposes that does not employ any employees and provides goods or services to members only.

“Public place” means an enclosed area to which the public is invited or in which the public is permitted, including but not limited to, banks, bars, educational facilities, health care facilities, laundromats, public transportation facilities, reception areas, restaurants, retail food production and marketing establishments, retail service establishments, retail stores, shopping malls, sports facilities, theaters, and waiting rooms. A private residence is not a “public place” unless it is used as a childcare, adult day care, or health care facility.

“Reasonable distance” means a distance sufficient to ensure that persons entering or leaving the building shall not be subjected to breathing tobacco smoke.

“Restaurant” means an eating establishment, including but not limited to, coffee shops, cafeterias, sandwich stands, and private and public school cafeterias, which gives or offers for sale food to the public, guests, or employees, as well as kitchens and catering facilities in which food is prepared on the premises for serving elsewhere. The term “restaurant” shall include a bar area within the restaurant.

“Shopping mall” means an enclosed public walkway or hall area that serves to connect retail or professional establishments.

“Smoking” or “to smoke” means inhaling, exhaling, burning, or carrying any lighted cigar, cigarette, pipe, weed, plant, or other combustible substance in any manner or in any form.

“Sports facilities” means enclosed or covered sports pavilions, stadiums, gymnasiums, health spas, boxing arenas, swimming pools, roller and ice rinks, bowling alleys, and other similar places where members of the general public assemble to engage in physical exercise, participate in athletic competition, or witness sports or other events.

“Stand-alone bar” means any place of business that is used to sell and serve alcoholic beverages and that is not located within a restaurant or other business building.

(Revised, Ord. 2005-19, 08-16-05)

SECTION 7-05-001-0002 APPLICATION OF ORDINANCE TO CITY-OWNED FACILITIES

All enclosed facilities, including buildings and vehicles owned, leased, or operated by the City of Flagstaff shall be subject to the provisions of this Ordinance.

SECTION 7-05-001-0003 PROHIBITION OF SMOKING IN PUBLIC PLACES

Smoking shall be prohibited in all enclosed, public places within the City of Flagstaff, including but not limited to:

1. Aquariums, galleries, libraries, and museums.

2. Areas available to and customarily used by the general public in businesses and non-profit entities patronized by the public, including but not limited to, professional offices, banks, laundromats, hotels, and motels.

3. Accessory bars and stand-alone bars.

4. Bingo facilities.

5. Convention facilities.

6. Elevators.

7. Facilities primarily used for exhibiting a motion picture, stage, drama, lecture, musical recital, or other similar performance.

8. Health care facilities.

9. Licensed childcare and adult day care facilities.

10. Lobbies, hallways, and other enclosed, common areas in apartment buildings, condominiums, trailer parks, retirement facilities, nursing homes, and other multiple-unit residential facilities.

11. Polling places.

12. Public transportation facilities, including buses and taxicabs, under the authority or franchise of the City of Flagstaff, and ticket, boarding, and waiting areas of public transit depots.

13. Restaurants.

14. Restrooms, lobbies, reception areas, hallways, and other common-use areas.

15. Retail stores.

16. Rooms, chambers, places of meeting or public assembly, including school buildings, under the control of an agency, board, commission, committee or council of the City of Flagstaff.

17. Shopping malls.

18. Sports facilities.

(Revised, Ord. 2005-19, 08-16-05)

SECTION 7-05-001-0004 PROHIBITION OF SMOKING IN PLACES OF EMPLOYMENT

A. Smoking shall be prohibited in all enclosed facilities within places of employment without exception. This includes common work areas, auditoriums, classrooms, conference and meeting rooms, private offices, elevators, hallways, medical facilities, cafeterias, employee lounges, stairs, restrooms, vehicles, and all other enclosed facilities.

B. This prohibition on smoking shall be communicated to all existing employees by employers by the effective date of this Ordinance and to all prospective employees upon their application for employment.

SECTION 7-05-001-0005 REASONABLE DISTANCE

Smoking is prohibited within a reasonable distance outside an opening to an enclosed area where smoking is prohibited, so as to ensure that tobacco smoke does not enter the area through entrances, windows, ventilation systems, or other means. Such reasonable distance shall be a distance sufficient to ensure that persons entering or leaving the building shall not be subjected to breathing tobacco smoke. All smoking receptacles shall be placed outside the no smoking area in order to discourage smoking in these areas.

SECTION 7-05-001-0006 WHERE SMOKING NOT REGULATED

Notwithstanding any other provision of this Ordinance to the contrary, the following areas shall be exempt from the provisions of Sections 7-05-001-0003 and 7-05-001-0004:

1. Private residences, except when used as a licensed childcare, adult day care, or health care facility.

2. Hotel and motel rooms that are rented to guests and are designated as smoking rooms; provided that not more than twenty percent (20%) of rooms rented to guests in a hotel or motel may be designated as smoking. Hotels and motels that have twenty-six (26) or fewer rooms that are rented to guests may designate a percentage of rooms as smoking and nonsmoking. The status of rooms as smoking or nonsmoking may not be changed except to permanently add nonsmoking rooms.

3. Outdoor areas of places of employment except those covered by the provisions of Section 7-05-001-0005.

4. Native American or other religious ceremony practice pursuant to the American Indian Religious Freedom Act of 1978, as amended.

5. Theatrical production sites, if smoking is an integral part of the story in the theatrical production.

6. Medical research or treatment sites, if smoking is integral to the research or treatment being conducted.

7. Private clubs.

8. Private and semiprivate rooms in nursing homes and long-term care facilities that are occupied by one (1) or more persons, all of whom are smokers and have requested in writing to be placed in a room where smoking is permitted; provided that smoke from these places does not infiltrate into areas where smoking is otherwise prohibited under the provisions of this Article.

SECTION 7-05-001-0007 DECLARATION OF ESTABLISHMENT AS NONSMOKING

Notwithstanding any other provision of this Ordinance, an owner, operator, manager, or other person in control of a privately owned establishment, facility, or outdoor area may declare that entire establishment, facility, or outdoor area as a nonsmoking place. Smoking shall be prohibited in any place in which a sign conforming to the requirements of Section 7-05-001-0008 is posted.

SECTION 7-05-001-0008 POSTING OF SIGNS

A. “No Smoking” signs or the international “No Smoking” symbol (consisting of a pictorial representation of a burning cigarette

enclosed in a red circle with a red bar across it) shall be clearly and conspicuously posted in every public place and place of employment where smoking is prohibited by this Ordinance, by the owner, operator, manager, or other person in control of that place.

B. Every public place and place of employment where smoking is prohibited by this Ordinance shall have posted at all primary public entrances a conspicuous sign clearly stating that smoking is prohibited.

C. All ashtrays and other smoking paraphernalia shall be removed from any area where smoking is prohibited by this Ordinance by the owner, operator, manager, or other person having control of the area.

SECTION 7-05-001-0009 NONRETALIATION

No person or employer shall discharge, refuse to hire, or in any manner retaliate against an employee, applicant for employment, or customer because that employee, applicant, or customer exercises any rights afforded by this Ordinance or reports or attempts to prosecute a violation of this Ordinance.

SECTION 7-05-001-0010 ENFORCEMENT

A. This Ordinance shall be enforced by the Flagstaff City Manager or his or her authorized designee.

B. Any citizen who desires to register a complaint under this Ordinance may initiate enforcement with the Flagstaff City Manager or his or her designee.

C. An owner, manager, operator, or employee of an establishment regulated by this Ordinance shall inform persons violating this Ordinance of the appropriate provisions thereof.

D. Nothing in this ordinance shall be deemed to prevent or prohibit any person aggrieved by a violation of this ordinance to bring whatever legal remedies are available under state law.

SECTION 7-05-001-0011 VIOLATIONS AND PENALTIES

A. A person who smokes in an area where smoking is prohibited by the provisions of this Ordinance shall be guilty of a petty offense, punishable by a fine not exceeding fifty dollars ($50.00).

B. A person who owns, manages, operates or otherwise controls a public place or place of employment and who fails to comply with the provisions of this Ordinance shall be guilty of a petty offense, punishable by:

1. A fine not exceeding one hundred dollars ($100.00) for a first violation.

2. A fine not exceeding two hundred dollars ($200.00) for a second violation within one (1) year.

3. A fine not exceeding three hundred dollars ($300.00) for each additional violation within one (1) year.

C. Each day on which a violation of this Ordinance occurs shall be considered a separate and distinct violation.

SECTION 7-05-001-0012 OTHER APPLICABLE LAWS

This Ordinance shall not be interpreted or construed to permit smoking where it is otherwise restricted by other applicable laws.

SECTION 7-05-001-0013 LIBERAL CONSTRUCTION

This Ordinance shall be liberally construed so as to further its purposes.

SECTION 7-05-001-0014 SEVERABILITY

If any provision, clause, sentence, or paragraph of this Ordinance or the application thereof to any person or circumstances shall be held invalid, that invalidity shall not affect the other provisions of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

SECTION 7-05-001-0015 EFFECTIVE DATE

This Ordinance shall be effective ninety (90) days from and after the date of its adoption (May 1, 2005).

(Ord.No. 2005-04; 02/01/2005)

CHAPTER 7-07
SOLID FUEL BURNING DEVICES

SECTIONS:

7-07-001-0001 **DEFINITIONS:**
7-07-001-0002 **GENERAL RULES AND STANDARDS:**
7-07-001-0003 **INSTALLATION:**
7-07-001-0004 **VIOLATIONS:**

SECTION 7-07-001-0001 DEFINITIONS:

A. "Antique Wood Heater" means a wood heater or fireplace insert manufactured prior to 1940 that has an ornate construction and a current market value substantially higher than a common wood heater or fireplace insert manufactured in the same time period and whose primary purpose is decorative.

This appliance is exempt from the emission standards and requirements of Section 2 with the following stipulation. An antique wood heater shall not be used on a regular basis as a sole source of heat to maintain a habitable room temperature.

B. "Certified Device" means a wood heater or fireplace insert, which has been certified in accordance with current standards adopted by the Environmental Protection Agency.

C. "Coal" means a mineral substance consisting of carbonized vegetable matter.

D. "Cook Stove" means wood-fired appliance that is designed primarily for cooking food and that has the following characteristics:

1. An oven, with a volume of 0.028 cubic meters (1 cubic foot) or greater, and an oven rack,

2. A device for measuring oven temperatures,

3. A flame path that is routed around the oven,

4. A shaker grate,

5. An ash pan,

6. An ash clean-out door below the oven, and

7. The absence of a fan or heat channels to dissipate heat from the appliance.

This appliance is exempt from the emission standards and requirements of Section 2.

E. "Open Masonry Fireplace" means a hearth and fire chamber of solid masonry units such as bricks, stones, listed masonry units, or reinforced concrete, provided with a suitable chimney.

Open masonry fireplaces without modification to create an air-starved operating condition, are exempt from the emission standards and requirements of Sections 2 and 3.

F. "Fireplace Insert" means a factory-built, field-installed product consisting of a firebox assembly designed to be installed within or partially within the fire chamber of a fireplace that uses the fireplace flue to vent the products of combustion.

This appliance must meet the emission standards and requirements of Section 2 and 3.

G. "Pellet Burner" means a solid fuel burning device designed to heat the interior of a building. It is a forced draft heater with an automatic or manual feed which supplies appropriately sized feed material or compressed pellets of wood or other biomass material to the firebox.

This appliance must meet the emission standards and requirements of Sections 2 and 3.

H. "Solid Fuel Burning Appliance" means a chimney-connected device that burns solid fuel designed for purposes of heating, cooking or both. These appliances include wood heaters and fireplace inserts.

I. "Stove Kit" means a kit that may include a door, legs, flue pipe and collars, brackets, bolts and other hardware and instructions for assembling the wood heater with ordinary tools.

Wood heaters built from such kits must meet all emission standards and requirements of Sections 2 and 3.

J. "Boiler" means a solid fuel burning appliance used primarily for heating spaces, other than the space where the appliance is located, by the distribution through pipes of a gas or fluid heated in the appliance.

This appliance is exempt from the emission standards and requirements of Section 2.

K. "Furnace" means a solid fuel burning appliance that is designed to be located outside of ordinary living areas and that warms spaces other than the space where the appliance is located, by the distribution of air heated in the appliance through ducts.

This appliance is exempt from the emission standards and requirements of Section 2.

L. "Structure" means anything which is built or constructed, an edifice or building of any kind, or any piece of work that is artificially built up or composed of parts joined together in some definite manner.

M. "Uncertified" means a wood heater or fireplace insert that cannot be verified as meeting the certified standards.

N. "Wood Heater" means an enclosed wood burning appliance capable of, and intended for space heating and domestic water heating that meets all of the following criteria:

1. An air-to-fuel ratio in the combustion chamber averaging less than 35-to-1,

2. A usable firebox volume of less than 20 cubic feet,

3. A minimum burn rate less than 5 kilograms per hour, and

4. A maximum weight of 800 kilograms.

Appliances that are described as prefabricated fireplaces and are designed to accommodate doors or other accessories that would create the air-starved operating conditions of a wood heater, must meet the emission standards if they meet the criteria in the above definition with those accessories in place.

Wood heaters may include wood stoves, prefabricated fireplaces or any solid fuel burning appliances that meet the criteria in the above definition, unless the solid fuel burning appliance is specifically exempted below.

Wood heaters do not include open masonry fireplaces, barbecue devices, gas-fired fireplaces, boilers, furnaces, antique wood heaters or cook stoves.

In the event that a definition hereby defined is unclear or raises a conflict, the standard definitions as set forth by the United States Environmental Protection Agency shall prevail. (Ord. 1803, 09/06/94)

(Ord. No. 1664, Enacted, 06/05/90; Ord. No. 1803, Amended, 09/06/95)

SECTION 7-07-001-0002 GENERAL RULES AND STANDARDS

A. Commencing July 1, 1990, it is unlawful for any person to advertise, sell, offer to sell or install any wood heater or fireplace insert in any structure within the City of Flagstaff if it emits more than the EPA Phase I standard of 8.5 grams of particulate matter per hour for a non-catalytic appliance or 5.5 grams of particulate matter per hour for a catalytic appliance.

Commencing July 1, 1992, the standard shall be the EPA Phase II standard of 7.5 grams of particulate matter per hour for a non-catalytic appliance and 4.1 grams of particulate matter per hour for a catalytic appliance. The presence of an EPA certification label on a device is evidence the device meets these standards.

B. On or after July 1, 1990 no coal shall be burned by any person within the City of Flagstaff.

(Ord. No. 1664, Enacted, 06/05/90)

SECTION 7-07-001-0003 INSTALLATION

A. Commencing July 1, 1990 no person shall install a wood heater or fireplace insert without first obtaining a permit from the building department for such installation in accordance with the applicable provisions of the Uniform Building Code and Uniform Mechanical Code as adopted by the City of Flagstaff. Commencing July 1, 1990 installation of a wood heater or fireplace insert shall comply with all written manufacturer's specifications. A wood heater or fireplace insert shall not be operated until after its inspection and approval, upon completion of the installation, by the City Building Inspector or his designee.

(Ord. No. 1664, Enacted, 06/05/90)

SECTION 7-07-001-0004 VIOLATIONS

A. A violation of Sections 2 and 3 of this Ordinance of the Flagstaff City Code is declared to be a misdemeanor.

B.

1. Advertising, selling, offering to sell an uncertified wood heater or fireplace insert, or installing any wood heater or fireplace insert in any structure without having obtained a required permit is punishable by a fine of $100.

2. A second offense is punishable by a fine of $300.

3. A third offense is punishable by a fine of $500.

4. Subsequent offenses are each punishable by a fine of $1,500.

C.

1. A violation of Section 2 of this Ordinance by any person is punishable by a fine of $100.

2. Subsequent violations are each punishable by a fine of $1,000.

D.

1. A violation of Section 3 of this Ordinance by any person is punishable by a fine of $100.

2. Subsequent violations are each punishable by a fine of $1,000.

E.

1. Any wood heater or fireplace insert that is not in compliance with Sections 2 and 3, shall be removed or replaced with certified wood heaters or fireplace inserts within 30 days of notification, or the owner will be subject to a fine of $10 per day until the non-complying wood heaters or fireplace inserts are removed or replaced.

F.

1. The term "subsequent violation" means a violation that has occurred after a conviction and sentence for an earlier violation.

2. Upon conviction of a fifth subsequent violation, a later violation of any provision of this Article shall be punishable by a fine of $2,500.

G. The violation of a provision of this Code by an employee of a firm while engaged in business on behalf of the firm shall be deemed to be a separate violation by the employee and by the managing owner, partner, or officer of the firm.

H. A violation of any provision of this Article not included within Subsections A-G above, shall be punishable by a fine not to exceed $500. (Ord. 1664, 6/5/90)

(Ord. No. 1664, Enacted, 06/05/90)

CHAPTER 7-08

EXTENSION AND REIMBURSEMENT AGREEMENTS FOR THE CONSTRUCTION OF WATER AND SEWER LINES

7-08-001-0001	**DEFINITIONS**
7-08-001-0002	**POLICY GOVERNING WATER AND SEWER LINE EXTENSION AND REIMBURSEMENT AGREEMENTS**
7-08-001-0003	**LINE EXTENSION PLAN**
7-08-001-0004	**LINE EXTENSIONS**
7-08-001-0005	**REIMBURSEMENT AGREEMENTS**
7-08-001-0006	**LINE PAYBACK CHARGES**
7-08-001-0007	**ASSIGNMENT**
7-08-001-0008	**MINIMUM REQUIREMENTS FOR LINES**
7-08-001-0009	**OVERSIZING**
7-08-001-0010	**DEDICATION OF RIGHT-OF-WAY**

SECTION 7-08-001-0001 DEFINITIONS:

The definitions set forth below shall be applied for the interpretation and enforcement of the provisions of this Ordinance. The following words, terms and phrases, when used in this Chapter, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

A. Cost of construction: The initial cost of construction of the water or sewer line facilities as determined by the construction contract price, including the inspection and permit fees paid to the City; the engineering fees required for the preparation of plans and specifications; and the cost of land.

B. Developer or owner: The individual, firm, corporation, partnership, association, syndication, trust or other legal entity which incurs the initial cost of construction of the water or sewer line facilities, or is responsible for creating a subsequent demand on such water or sewer line facilities.

C. Line payback charge: The amount of money a developer or owner must pay to the City for his share of all costs for water or sewer line facilities serving his property.

D. Maximum reimbursement amount: The total cost of construction for the portion of the water or sewer line facilities which serve the subsequent demand created by a developer or owner other than the developer or owner who incurs the initial cost of construction of the water or sewer line facilities.

SECTION 7-08-001-0002 POLICY GOVERNING WATER AND SEWER LINE EXTENSION AND REIMBURSEMENT AGREEMENTS

A. In addition to City policy as set forth in Resolution No. 1521 and implemented by City Code Sections 2-04-001-0008 and 2-04-001-0009 pertaining to the provision of water and sewer service outside of City limits, there is hereby established a policy and orderly program for extension of the services and facilities of the City's water and sewer system to serve and provide for newly developed areas and subdivisions inside and outside of City limits for which City water or sewer service is desired and available, and to provide for reimbursement agreements with developers or property owners and the collection of line payback charges. The elements of the extension policy and program set forth in this Chapter shall apply to all extensions of the City water and sewer systems.

B. All requests for water and sewer line extensions shall be made to the City of Flagstaff Utilities Division. Upon satisfactory compliance with the provisions of this Chapter, the Director of the Utilities Division or his designee may authorize and execute a reimbursement agreement on behalf of the City.

SECTION 7-08-001-0003 LINE EXTENSION PLAN

Upon development of any property, area or subdivision within the City limits, or of any property, area or subdivision outside of the City limits for which City water or sewer service is desired, available and approved, the developer or owner shall:

A. Submit a plan for the proposed water and/or sewer system extension system prepared by a professional engineer licensed in the State of Arizona;

B. Comply with all applicable City standards; and

C. Obtain approval of the plan from the City.

SECTION 7-08-001-0004 LINE EXTENSIONS

A. Prior to the issuance of any City permit for the extension of a water or sewer line to serve a subdivision, platted or unplatted property, the developer or owner desiring such extension shall submit the following to the City Utilities Division:

1. A map or diagram of all property which will be benefited by any water or sewer line to be installed;

2. A written statement acknowledging that the developer or owner shall transfer ownership to the City of the water or sewer line to be installed, including any appurtenances and necessary land rights or easements, immediately upon completion and acceptance of the installation work by the City; and

3. A written statement acknowledging that the City's cost for inspecting the installation work shall be paid by the developer or owner through the fee for issuance of the City's permit.

B. The information required in paragraph 1., subsection A. above, which is necessary to complete the permit application process, shall be provided by the developer or owner at his expense.

SECTION 7-08-001-0005 REIMBURSEMENT AGREEMENTS

A. Within sixty (60) days after completion and final acceptance by the City of the extension of any water or sewer line to serve a subdivision, platted or unplatted property, the developer or owner desiring a reimbursement agreement with the City shall provide the following information to the City Utilities Division:

1. A copy of the "Letter of Acceptance" issued by the City Community Development Division stating that the completed water or sewer line extension improvements conform to the approved plans and specifications;

2. A full-size mylar copy of the approved construction plans and a redlined print of the approved construction drawings indicating actual facilities installed;

3. Receipts identifying actual design and construction costs, and documentation showing that the developer or owner made payment; and

4. A map or diagram showing all properties which will be benefited by the installed water or sewer line.

B. Reimbursement agreements shall identify the developer or owner to whom reimbursement payments shall be made, and shall include a map and/or diagram indicating the properties benefited by the water or sewer line extension along with the specific line payback charges corresponding to each benefited property for collection purposes.

C. Reimbursement agreements shall state the maximum reimbursement amount potentially available to the developer or owner based on the cost of extending water or sewer lines from which others may be served. Construction and design costs shall be submitted to the City Utilities Division in writing by the developer or owner. The construction and design costs shall be reviewed and approved by the City Utilities Division and shall be used to determine the maximum reimbursement amount to be set forth in the reimbursement agreement. The developer or owner shall receive reimbursement from line payback charges collected by the City within the payback period only from those developers or owners who subsequently tie

into, and receive a benefit from, the water or sewer line installed by the developer or owner.

D. Reimbursement agreements shall provide for a maximum payback period of ten (10) years after the effective date of the reimbursement agreement. Upon the expiration of the maximum payback period, all reimbursement rights held by the developer or owner under the reimbursement agreement shall terminate.

E. Upon the City's receipt of the administrative charge defined below in subsection (H) and the execution of the reimbursement agreement, the City shall record with the Coconino County Recorder's Office, as to each benefited property, a notice of line payback charge, setting forth the terms of the reimbursement agreement. When the line payback charge has been collected for any given benefited property, the City shall record with the Coconino County Recorder's Office a release of the original notice of line payback charge for that property.

F. The City shall establish a separate account for the collection of line payback charges and disbursement of reimbursement payments. All sums collected shall be paid in accordance with the reimbursement agreement, within ninety (90) days of receipt by the City. There shall be no interest charged or paid on such sums.

G. A developer or owner who constructs a water or sewer line under a reimbursement agreement shall have no right, title or claim to reimbursement after the expiration of the maximum payback period under the reimbursement agreement.

H. The City's costs of administration shall be paid to the City by the developer or owner prior to the execution of the reimbursement agreement. Such costs of administration shall be five (5) percent of the total construction costs incurred by the developer or owner for the portion of the water or sewer line which will serve the properties of subsequent developers or owners. Such costs of administration shall not exceed ten thousand ($10,000) dollars and shall not be reimbursable.

SECTION 7-08-001-0006 LINE PAYBACK CHARGES

For purposes of this Chapter, the amount of each water or sewer line payback charge shall be determined by the City Utilities Division and shall consist of the developer's or owner's pro rata share of water or sewer line construction costs based on the total lineal footage of each frontage of the benefited property or on the area of the benefited property as calculated by acreage. A frontage shall be any portion of a parcel of real property that abuts the public right-of- way in which the water or sewer line has been constructed. The required line payback charge, including all costs, shall be paid to the City in full prior to the issuance of any building permit, water meter permit or the issuance of any type of permit, certificate or authorization for occupying a

development, or for connecting to a water or sewer line that is subject to a reimbursement agreement.

SECTION 7-08-001-0007 ASSIGNMENT

A developer or owner may assign the benefits arising out of a water or sewer reimbursement agreement with the City. Any such assignment shall be in writing, fully executed by the parties to the assignment, and shall not relieve the developer or owner of responsibility for performance of the duties and obligations under the reimbursement agreement. The assignment shall require the written approval of the City Manager.

SECTION 7-08-001-0008 MINIMUM REQUIREMENTS FOR LINES

All property for which water or sewer service is desired shall, as a minimum requirement of service, be provided with, a minimum of an eight-inch (8”) sewer main or eight-inch (8”) water main for the entire frontage of the parcel as defined in the City of Flagstaff engineering standards.

SECTION 7-08-001-0009 OVERSIZING

A. In the event that the City requires the construction of a water or sewer line larger in diameter than that required by a developer or owner, the City may elect to pay for the cost difference between the size of the line required by the developer or owner and the size of the line required by the City, subject to the availability of sufficient funds in the City’s capital improvements budget. In the event that there are insufficient funds available, the City shall have no responsibility or requirement to pay for oversizing. In such event, the additional construction cost for the larger line may be recovered by the developer or owner through a reimbursement agreement and line payback charges.

B. In the event that the City elects to pay for oversizing, the City and the developer or owner shall enter into an oversizing agreement that shall set forth the proportionate costs to be paid by the City and the developer or owner.

SECTION 7-08-001-0010 DEDICATION OF RIGHT-OF-WAY

No water or sewer service lines or facilities shall serve any parcel of land unless such lines or facilities are located within a dedicated public right-of-way or public easement.

(Ord. No. 2007-19, 02/20/2007)

CHAPTER 7-09
TOBACCO PRODUCTS

SECTIONS:

7-09-001-0001 **DEFINITIONS**
7-09-001-0002 **PENALTIES**
7-09-001-0003 **SEVERABILITY**
7-09-001-0004 **EFFECTIVE DATE**

SECTION 7-09-001-0001 DEFINITIONS

In this chapter, unless the context otherwise requires:

A. Person means the state, the county, a political subdivision of the state, other governmental entities, a corporation, firm, partnership, association, organization and any other group acting as a unit, as well as an individual. Person also includes a trustee, receiver, an assignee or similar representative..

B. Tobacco product means any tobacco cigarette, cigar, pipe tobacco, smokeless tobacco, snuff or any other form of tobacco which may be utilized for smoking, chewing, inhalation or other manner of ingestion.

C. Vending machine means any mechanical, electrical or electronic device that, on insertion of money, tokens or any other form of payment, dispenses tobacco products.

(Ord. 2011, Added, 12/21/1999)

SECTION 7-09-001-0002 PENALTIES

A. No person who owns, conducts, operates or manages a business where tobacco products are sold, or are available for sale from a vending machine, nor any person who sells or offers for sale tobacco products, shall place, store or display, or cause to be placed, stored or displayed, such tobacco products or vending machine in an area or manner that is accessible to the public without employee assistance.

B. A person is exempt from the requirements of this section if both:

1. The business where tobacco products are sold prohibits entry of individuals under the age of eighteen (18) years at all times; and

2. Photographic identification is required from any individual who appears to be twenty-six (26) years of age or younger prior to entering the business where tobacco products are sold.

C. A violation of this chapter is punishable as a civil offense or as a class 3 misdemeanor. Prior to the issuance of a criminal citation, the Chief of Police or his designated agent shall serve the person to be cited with a written notice of violation if a notice of violation for the same offense, or a substantially similar offense has not been served within the previous 180 (one hundred eighty) days. A notice of violation may be served by personal delivery or via certified mail, return receipt requested. Return of the receipt shall be prima facie evidence of service. If the violation has ceased within 14 (fourteen) days from the date of service of the notice, no criminal citation shall be issued. A person found in violation of this chapter is subject to a fine of one hundred dollars ($100.00) for the first offense and up to five hundred dollars ($500.00) for each subsequent offense, except that a violation may be charged as a class 2 criminal misdemeanor if the alleged violator has been responsible on three or more violations of this chapter.

(Ord. 2001-23, Amended, 10/16/2001; Ord. 2011, Added, 12/21/1999)

SECTION 7-09-001-0003 SEVERABILITY

If any section, subsection, sentence, clause, phrase, or portion of this Ordinance or any part of the Code adopted herein by reference, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.
(Ord. 2011, Added, 12/21/1999)

SECTION 7-09-001-0004 EFFECTIVE DATE

The provisions of this Ordinance shall be enforceable 60 (sixty) days from the date this Ordinance becomes effective.
(Ord. 2011, Added, 12/21/1999)