

Attachment B

Chapter 37

WATER

Article I. General

Sec. 37-1. Definitions.

In this Chapter:

Approved backflow prevention assembly or assembly means any testable assembly for the purpose of backflow prevention, with the exception of an approved air gap, that has been issued a certificate of approval by the University of Southern California Foundation for Cross-Connection Control and Hydraulic Research, or such other third-party certifying entity, unrelated to the product's manufacturer or vendor, that is acceptable to the Arizona Department of Environmental Quality. The Director maintains a list of assemblies.

Association means the Salt River Valley Water Users' Association, an Arizona corporation.

Backflow means the undesirable reversal of flow of water or mixtures of water and other liquids, gases or other substances into the distribution system of the public potable water supply.

Backpressure means a form of backflow due to any elevation of pressure in the downstream piping system (by pump, elevation of piping, or steam and/or air pressure) in excess of the supply pressure at the point of service delivery that would cause, or tend to cause, a reversal of the normal direction of flow through the backflow prevention assembly.

Body of water means a lake, pond, lagoon or swimming pool in a new development that has a total surface area greater than 12,320 square feet or is larger than one per cent of the net lot area of the parcel of land on which the water feature is located, and that is filled or refilled for landscape, scenic or recreational purposes. A body of water that is used incidentally for landscape, scenic or recreational purposes is deemed not to be filled or refilled for landscape, scenic or recreational purposes. Only for the purpose of determining the surface area of a body of water, two or more bodies of water that are connected are considered to be one body of water. A swimming pool that has a surface area less than 12,320 square feet is not a body of water.

Certified repairer means an individual certified to repair backflow prevention assemblies by the California-Nevada Section of the American Water Works Association, the Arizona State Environmental Technology Training Center, or another agency or organization involved with the training and certification of repairers acceptable to the Arizona Department of Environmental Quality.

Certified tester means an individual certified to test backflow prevention assemblies by the California-Nevada Section of the American Water Works Association, the Arizona State Environmental Technology Training Center or another agency or organization involved with the training and certification of testers acceptable to the Arizona Department of Environmental Quality.

City design standards means the City Design Standards Manual for Water and Wastewater Systems as described in section 37-17.

City public water system or *public water system* means all water utility components operated and maintained by the City by which the City provides water within the City and to the City's customers.

Contiguous means in contact at any point along a boundary or part of the same master planned community. Two parcels of land are contiguous even if they are separated by one or more of the following: a road, easement or right-of-way.

Cross connection means any unprotected or potential connection or structural arrangement between a public or a customer's potable water system and any other source or system through which it is possible to introduce into any part of the potable water system any used water, industrial fluid, gas, or substance other than the intended potable water with which the system is supplied. Bypass arrangements, jumper connections, removable sections, swivel or changeover devices and other temporary or permanent devices through which or because of which "backflow" can or may occur are considered to be cross connections. Compliance with the Phoenix Plumbing Code creates a rebuttable presumption that a cross connection does not exist.

Customer means any person that holds a City water or wastewater services account in the person's name or that receives water from the City public water system.

Department means the City Water Services Department.

Department representative means an employee of the Department or a person contracted to do work for the Department.

Developer means any person that subdivides land or constructs, reconstructs, converts, structurally alters, relocates, or enlarges any structure.

Development means the subdivision of land or the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any structure.

Director means the City Water Services Director or a person designated in writing by the Director to act on the Director's behalf.

DWR means the Arizona Department of Water Resources.

Existing turf-related facility means a turf-related facility that, as of September 30, 1994, is in operation or has obtained all pre-construction permits and approvals required by federal, state or local government, or for which substantial capital investment has been made in the physical on-site construction of the facility in the 12 months before September 30, 1994, or that is owned or operated by a party, successor or designee who has agreed to be bound by the provisions of an agreement requiring use of reclaimed water and covering the conditions of reclaimed water service entered into with the City before September 30, 1994. This includes an expansion or modification of a turf-related facility, if that expansion or modification increases the area of land to which water is applied for turf-related watering purposes and has been substantially commenced as of September 30, 1994. An expansion or modification has been substantially commenced if the owner or operator of the facility has obtained all pre-construction permits or approvals required by federal, state or local government for that expansion or modification or has made a substantial capital investment in the physical on-site construction of the expansion or modification in the 12 months before September 30, 1994.

Groundwater Code means the Arizona Groundwater Management Act, Arizona Revised Statutes, tit. 45, ch. 2 (A.R.S. sections 45-401 *et seq.*) [2018], and any subsequent amendments of those statutes.

Landscape watering means the application of water from any source, including effluent, by a turf-related facility, to a water-intensive landscaped area, a low water use area, or revegetation acres. Revegetation acres means acreage contiguous to a turf-related facility that has been approved by the Director as qualifying for a revegetation allotment adjustment.

Landscaping plant means any member of the kingdom Plantae, including any tree, shrub, vine, herb, flower, succulent, ground cover, or grass species that grows or has been planted outdoors and is used for scenic design purposes.

Lot means a parcel of land or two or more contiguous parcels to be used as a unit.

Management Plan means the management plan for the Phoenix Active Management Area most recently adopted by the Director of DWR pursuant to Article 9 of the Groundwater Code.

New turf-related facility means a turf-related facility, including any expansion or modification, that increases the area of land to which water is applied for turf-related watering purposes, that has not been substantially commenced as of September 30, 1994, and that does not qualify as an existing turf-related facility.

Non-potable water means reclaimed water; stormwater runoff that is not subject to appropriation under section 45-141, Arizona Revised Statutes; water withdrawn pursuant to a poor quality groundwater withdrawal permit pursuant to section 45-516, Arizona Revised Statutes; groundwater withdrawn pursuant to a Type 1 or Type 2 non-irrigation certificate of grandfathered right issued by DWR; and any non-potable water source of a quality suitable for landscape irrigation, which meets all local, state and federal water quality requirements for full body contact.

Planning and Development Director means the Director of the City Planning and Development Department, or his authorized deputy, agent, designee or representative.

Point of service delivery means the terminal end of a service connection from the public water system. If a meter is installed at the end of the service connection, then the point of service delivery means the downstream end (i.e., customer's side) of the meter. If an unmetered connection exists, then the point of service delivery means at the point of demarcation between the public right-of-way or easements and private property.

Potable water means water delivered through the City's public water system after treatment designed to meet Environmental Protection Agency and Arizona Department of Environmental Quality drinking water standards.

Reclaimed water means wastewater that has been treated or processed by a wastewater treatment plant or an on-site wastewater treatment facility for reuse.

Roosevelt Irrigation District Exchange means the agreement and arrangement by which the City, Roosevelt Irrigation District, the Salt River

Project, and the Salt River Pima Maricopa Indian Community exchange water.

Salt River Project means the Association and the Salt River Project Agricultural Improvement and Power District.

Sewage, sewer, sewer system, and wastewater have the same meanings prescribed in section 28-1.

Suspend water service means to terminate or limit flows of the City public water system to a premises pursuant to this Chapter.

Terminate water service means to cease water flows of the City public water system to a premises pursuant to this Chapter.

Turf-related facility means a facility that applies water from any source to 10 or more acres of land for turf-related water purposes.

Used water means any water from the public water system after it has passed through a customer's point of service delivery.

Sec. 37-2. Water Services Department—Duties—Water Services Director.

The Director is the general executive officer of the Department and is in charge of all operations, personnel, equipment and facilities of the Department. The Director will control and ensure the sufficiency of the water supply. Except in emergencies, the Director will notify the affected public in advance of the need to suspend water service to make repairs, extensions, or connections. The Director will establish, administer and supervise rules, policies, procedures and agreements consistent with this Chapter. The Director will recommend and administer water and sewer service charges and fees. At all times, the Director's actions are subject to approval of the City Manager.

Sec. 37-3. Authority of Director to make decisions.

To accomplish this Chapter's goals and purposes, the Director may resolve any issue not expressly addressed by this Chapter, subject to the approval of the City Manager.

Sec. 37-4. Water Services Department—Duties.

The Department, under the supervision of the Director, will operate and maintain all City public water and sewer system facilities.

Sec. 37-5. Ownership of City public water system.

The City owns and controls all components of the City public water system. No person may claim, use, or control any facility of the City public water system except as otherwise provided by this Chapter.

Sec. 37-6. Shut-off valves.

The Department has exclusive control and authority over all shut-off valves of the City public water system. No unauthorized person may molest, disturb, or manipulate any shut-off valve on the City public water system. Customers may install a shut-off valve for the customer's use downstream of the point of service delivery.

Sec. 37-7. Obstruction of public water system.

No person may place any object, material, debris, or structure of any kind near or around, or in any way obstruct access to, valves, valve boxes, curb stops, water meter boxes, water gates, or any other component of the City public water system. No person may tamper with or damage the City's water infrastructure. No person may fill or cover any valve or meter box.

Sec. 37-8. Tampering with and damaging public water system.

No person may break, deface or damage any hydrant, valve, pipe, meter, waterworks appliance, or any other component of the City public water system. No person may interfere with the operation of the City public water system.

Sec. 37-9. Only authorized persons to turn on water.

A. Except for a Department representative, no person may open City water valves or otherwise turn on water from the City mains without written permission from the Director.

B. If a person turns on City water service without authority, the Department will promptly terminate water service. Service will not be re-established until the appropriate fee and any applicable repaving costs are paid.

Sec. 37-10. Unauthorized possession, sale or fabrication of Department keys or hydrant wrench.

No person may knowingly own, possess or maintain control of a curb stop key, valve key or hydrant wrench for the City public water system without written permission from the Director. No person may fabricate, buy, sell or

otherwise transfer a curb stop key, valve key, or hydrant wrench without written permission from the Director.

Sec. 37-11. Fire hydrants—Generally; purpose and use; permits.

The City installs and maintains fire hydrants for the primary purpose of extinguishing fires. The Department and the Fire Department may use the fire hydrants for any City purpose. The Department may issue a permit to allow persons to use fire hydrants temporarily for construction, dust control and special events and charge those fees and rates prescribed in section 37-73. The permit will contain conditions as the Director determines appropriate. The Director may deny or cancel a fire hydrant permit if a person fails to comply with the permit, damages a hydrant, violates any provision of this Chapter, or is delinquent for more than 30 days for payments owed to the City for water service.

Sec. 37-12. Fire hydrants—Obstructing access; unlawful use, tampering with or injuring.

No person may place any object, material, debris, vegetation or structure of any kind within 10 feet of, or in any way obstruct access to, a fire hydrant. No person may tamper with or damage a fire hydrant. No person may attempt to open or use a fire hydrant without a permit issued by the Department.

Sec. 37-13. General construction water—From fire hydrants; unmetered water for City projects to be estimated.

A. A person may apply for a fire hydrant permit from the Department for water for construction purposes only if an existing water service connection is unavailable or inadequate. If the permit is granted, the person must pay all applicable fees and charges prescribed in section 37-73, comply with all permit requirements, and comply with all provisions of this Chapter.

B. The Department may make unmetered water available for City projects, subject to the Director's approval and the terms of this subsection. The City department responsible for the project will furnish the Department with an estimate of all unmetered water used. The Department will bill the City department for all unmetered water used on the project at the same rate as water taken through a fire hydrant, in addition to a charge equal to the cost, including overhead, for any work the Department performed to provide the water for the City project.

Sec. 37-14. Interruption of water service.

The Department may shut off water service from the City's mains at any time without notice to address emergencies or to complete repairs, extensions, or other work. The City is not liable for any damages arising out of a water service shut-off or water escaping from the City mains breaking any pipe or fixture. Customers having machinery, material, processes, or operations requiring a constant supply of water must take all measures necessary to ensure a constant water supply, including installing a private water storage facility or taking other action as necessary on the customer's premises to prevent damage due to any interruption of the City's water service.

Sec. 37-15. Street works; utility relocation; notice to Department.

All persons performing work, such as grading, filling and trenching, or paving, within the City right-of-way must give the Director at least five business days' written notice in advance of the work. Any person performing work within the City right-of-way is liable to the City for any damage to the City's infrastructure resulting from that work. Any person performing work within the City right-of-way must comply with the City design standards.

Sec. 37-16. Structure unfit for human occupancy.

On receiving a written report from an authorized City or County officer that a structure has been declared unfit for human occupancy and ordered vacated, the Director will immediately terminate water service to the structure. The Director will not restore water service until the Director receives written notice from an authorized City or County officer that the structure is safe and fit for human occupancy.

Sec. 37-17. Adoption of City Design Standards Manual for Water and Wastewater Systems.

The Director will prepare and maintain a City Design Standards Manual for Water and Wastewater Systems with policies, standards, procedures, and practices related to compliance with this Code. The Design Standards Manual for Water and Wastewater Systems is a comprehensive, state-of-the-practice water and wastewater design document that addresses water and wastewater design criteria, water distribution and transmission systems, wastewater collection including lift stations, and force main requirements for public and private development within the City. For the purposes of this Chapter, the City Design Standards Manual for Water and Wastewater Systems includes the checklists, engineering details, policies and procedures, and specifications and details referenced and used in the City Design Standards Manual. The Design Standards Manual for Water

and Wastewater Systems will be on file in the Office of the City Clerk and will be available on the Department's website.

Sec. 37-18—37-21. Reserved.

Sec. 37-22. Protection of water supply and sewer systems.

The Director and the Planning and Development Director may establish additional policies and rules necessary to protect the City public water and sewer systems.

Sec. 37-23. Water Services Department—Right of entry for inspection; credentials.

A. The Department will at all reasonable times have access to a customer's premises for inspection, maintenance and operation of meters, service connections, and other components of the City public water system and to ensure the protection of the City public water supply. On presentation of the Department representative's credentials, the owner or occupant of any premises for which the City supplies water must provide access to the premises to allow for inspection, maintenance and operation.

B. If an authorized Department representative has presented credentials and is refused access to any premises or is hindered or prevented from accessing the premises, the Director may terminate water service to the property after providing 24 hours' written notice to the owner or occupant of the property.

C. No unauthorized person may possess or present credentials or otherwise impersonate a Department representative.

Sec. 37-24. Duty of other City departments to aid Water Services Department.

All City departments will assist the Department in the enforcement of this Chapter and will report all observed or suspected violations to the Director.

Sec. 37-25. Reserved.

Sec. 37-26. Permit required for customer to supply water to others.

No owner or lessee of property to which the City supplies water may furnish water to any other person or property without written authority from the Director. Any authority granted by the Director may include conditions

as the Director determines necessary and may be terminated by the Director at any time.

Sec. 37-27. Waste of water; failure of customer to make repairs to pipes, valves and fixtures.

A. Each customer served by City water is responsible for all leaks, or damages due to leaks, downstream of the customer's point of service delivery. Each customer is responsible for full payment of charges to the City for any water lost due to leaks and other causes downstream of the customer's point of service delivery.

B. Each customer must maintain water pipes, faucets, valves, sprinklers, plumbing fixtures or any other water appliances in good repair to prevent waste of water. If a customer fails to maintain water facilities in good repair, the Director may terminate water service to the customer's property in an emergency or after providing 10 days' written notice to the service address to be terminated. The Director may restore water service when the condition forming the basis for the termination has been remedied to the satisfaction of the Director. The customer must pay all fees and charges relating to the termination and restoration of water service before water service is restored.

C. Unless authorized in writing by the Director, no person may construct or maintain any channel, ditch, flume, or conduit to run water, or otherwise cause water to flow or discharge, from any premises, residence or place of business on any street, gutter, way, sidewalk, alley or public place.

Sec. 37-28. Reserved.

Sec. 37-29. Application outside City; exception.

This Chapter and all policies, procedures, and rules established under this Chapter related to the terms and conditions for providing water service apply to all areas of the City's water service area, including those areas outside the City limits.

Article II. Main Extensions And Construction

Sec. 37-30. Main extensions – Connections with distribution system.

A. Any person or developer wanting to connect water main extensions to the existing City public water distribution system must submit construction plans and specifications to the Director, pay established fees and charges, and receive permits approved by the Director before any construction of the water main extension commences.

B. The Department will not perform field engineering or prepare detailed plans and specifications for water main extensions and associated appurtenances for any owner or developer. The owner or developer is responsible for all costs for hiring a civil engineer registered in Arizona to perform all work. The owner or developer must pay all costs to design, permit, and construct the water main extension, including any costs of acquiring rights-of-way and easements, preparation of as-built plans, and the Department's inspection of construction.

C. Any water main extension must be sized for adequate service during peak demands and fire flows, as determined by the Director. The Director will determine the necessary layout of public water mains.

D. Each service connection must have a flow rate of at least three gallons per minute, with a minimum residual pressure of 40 pounds per square inch at the meter.

E. If public booster pumps or pressure reducing valves are necessary to maintain appropriate water pressures in mains because the development to be served with the main extension is near the hydraulic gradient of the distribution system of the City service area, the developer must construct at the developer's expense the necessary facilities and must meet City design standards.

F. All water main extensions, service connections, public booster pumps, pressure reducing valve, and all other water distribution facilities constructed by developers pursuant to this article upstream of points of service delivery become and remain the property of the City on acceptance of the facilities by the City. The City assumes ownership, maintenance and operation of the facilities on acceptance.

G. If the finished floor elevation of a structure that receives water service is above the designed pressure zone's top elevation boundary, the developer must construct a private booster-pump station and associated storage facilities to provide adequate pressure for the required flows to the

property. If the finished floor elevation is below the designed pressure zone's low elevation boundary and the static pressure at the meter exceeds 80 pounds per square inch, the developer must install a pressure reducing valve to decrease pressure adequately for the required flows. Any stations, facilities or valves must be located downstream of the point of service delivery and remain privately owned, operated, and maintained at the property owner's sole cost and expense.

Sec. 37-31—37-32. Reserved.

Sec. 37-33. Extensions in subdivisions, single lot, and subplot developments and all other developments.

A. Except for a single residence on a single lot, in all developments where the City is to provide water service, the owner or developer must plan, construct, and furnish to the City all water mains, service connections, valves, fittings and appurtenances within the boundary of the development, as well as the streets bounding the entire development, pursuant to all of the following:

1. All plans must be approved by the Director.
2. The developer must pay all fees specified by the City Code.
3. The developer must plan, construct and furnish to the City all off-site water mains necessary to complete a looped connection to existing City mains as determined by the Director. All water lines must be constructed to conform with the City's water distribution master grid system and must be constructed as a general area improvement regardless of whether the water lines will directly serve the property being developed.
4. Except as provided in paragraph 5 of this subsection, minimum water main size is 12-inch mains on section line streets or grid arterials, eight-inch mains on mid-section line streets or mid-grid feeders, and six-inch mains on all other streets, unless peak demands and fire flow require a larger main, as determined by the Director.
5. For developments in the downtown core area, the minimum water main size is 12-inch mains unless an existing eight-inch main meets the needs of the development, including fire flow requirements, as determined by the Director. For the purposes of this section, "downtown core area" has the meaning prescribed in the City design standards.

6. For all developments, the developer must install fire hydrants, valves, pipes, and fittings required for the hydrant installation pursuant to the City design standards.

B. Existing lines larger than 12 inches in diameter are part of the transmission system and are not part of the water distribution master grid system. The Director will require the developer to construct distribution mains of the required size in parallel to such existing transmission system mains. If existing distribution system mains within a development, or the streets bounding a development, do not meet the size specifications of this Chapter, or are inadequate for the demands, including fire flows, of the development, as determined by the Director, the Director will require the developer to replace or parallel existing mains with mains of the required size.

C. If no water main exists along the frontage of a single, existing, residential lot zoned for single-family use (R1-6 through Re-43), and the developer of the single lot requests City water service, the developer must construct and extend the existing main to the point of the requested service connection plus an additional 10 feet. If the Director determines that a repayment agreement is practicable, and the applicant agrees to enter into a repayment agreement, the developer will construct the new water main beyond the connection point and across the entire lot frontage.

D. The developer must guarantee all water mains, service connections, valves, fittings and appurtenances installed by the developer against all defects for a period of two years after acceptance of the facilities by the Department.

E. Only authorized Department representatives may install, remove or reinstall water meters. If a developer removes, changes, or relocates water meters, the developer must pay the City for the cost of restoring meters to the authorized and designated locations.

Sec. 37-34. Construction water through metered service connections; rates.

The Director will accept applications from a developer for the installation of a meter to measure water for construction purposes if a service connection has been installed by the developer and accepted by the City. The Department will prepare a separate billing for each metered service connection used to supply water for construction, and the Department will assess the following charges:

1. *Inside the City.*

a. For each metered service connection used to supply water for construction inside the City, the developer must pay, in advance, an estimated water use charge for six months of water for construction. The Department will apply the water rates for inside-the-City water service prescribed in section 37-63 to the estimated quantity of use for the six-month period. If construction continues longer than 120 days, the developer must pay, in advance, an additional monthly minimum water use charge, based on estimated water use, for each month construction continues.

b. The developer must pay the estimated six-month water use charge before the Department will set a meter. The developer must pay the City for all water recorded by all meters from the date the meter is set until a new account is established for the property served by the meter pursuant to this Chapter.

c. When a new account is established for the property served by a meter, the Department will take a final meter reading and will bill the developer for any water use in excess of the estimated payments. The developer must pay the amount due within 60 days. In no event is any portion of the estimated water use charge refundable.

2. *Outside the City.* For each metered service connection used to supply water for construction outside the City, the provisions of paragraph 1 of this section apply, except that the Department will apply the water rates for outside-the-City water service prescribed in section 37-64 to the water estimates and use.

Sec. 37-35. Water repayment program for Class 1 and Class 2 off-site infrastructure needed for development.

A. The repayment program is a program that allows for the orderly and efficient extension of the City public water system by allowing for the construction of infrastructure with capacity in excess of the needs of a single development and providing for equitable distribution of the costs of the infrastructure capacity and repayment to the original developer. The repayment program applies to Class 1 and Class 2 projects.

1. For the purposes of this article, a Class 1 project is an off-site water main that is extended by one developer and connected to later by one or more developers and that does not qualify as a Class 2 project.

2. For the purposes of this article, a Class 2 project is a project that includes an off-site water main 12 inches or greater in diameter, a booster station, a pressure reducing station, or a combination of such water mains and stations, that meets all of the following conditions:

- a. The project is constructed by one or more developers and provides a benefit to a defined area.
- b. One or more additional developers will likely directly or indirectly connect to the project.
- c. The infrastructure costs exceed \$1,000,000.00, or the area benefitted by the project, except for the first developer's property, is comprised solely of State trust land and the Director has agreed to waive the \$1,000,000.00 minimum requirement.

3. For the purposes of this article, an *indirect connection* means that a development is hydraulically benefitted by, but is not directly connected to, a Class 2 project.

4. For the purposes of this article, *off-site infrastructure* means infrastructure necessary or beneficial to a development that is not located on the property of the development.

B. The Director may require a developer to increase the capacity of off-site infrastructure. If increased capacity is required, the City will be responsible for the cost of the increased capacity. The City's contribution to the project will be subtracted from the total costs used to calculate the repayment amount that is owed to the developer under a repayment agreement.

C. The developer must employ a civil engineer registered in the State of Arizona to perform field engineering, submit detailed plans and specifications, and submit information on existing or proposed infrastructure, development plans, local drainage conditions and other items that are necessary to establish the benefiting area to be served by the Class 2 project. The Department, using local drainage conditions and other appropriate factors, will make the final determination of the area to be served and benefitted by the Class 2 project. The Department must approve the final detailed plans and specifications for the water facilities before construction begins. The construction must meet Department specifications, requirements, and approval and will be subject to inspection by the Department during construction.

D. The cost of distribution mains within the boundary of a development is not eligible for repayment and will not be included in a repayment agreement.

E. Direct project costs eligible for recovery under the repayment program are costs of engineering and design plans, direct labor costs, subcontract costs, costs of materials and equipment incorporated in the completed construction, and staking and materials testing. The developer must include all cost items except those related to engineering and design plans, materials testing, and staking in the bids that are submitted to, and reviewed by, the Department. The developer must show all unit pricing on all bids. The developer must provide, and submit to the Department for review, all cost items related to engineering and design plans, materials testing, and staking on the engineer's letterhead. The City and developer will agree on the engineering costs for determination of total construction cost before execution of the repayment agreement, except that the engineering costs may not be more than 20 per cent of the construction low bid. Eligible project costs do not include costs associated with temporary facilities, permit fees, taxes or attorney fees. The Department may allow additional direct construction costs to be included in the total project cost, except that the additional direct costs may not in the aggregate be more than 10 per cent of the lowest construction bid submitted. Interest is not eligible for recovery under the repayment program.

F. To qualify for a repayment agreement, the developer must submit a minimum of three written sealed bids for the project construction to the Department before acceptance of the project by the Department. The City may review all bid submissions, reject any or all bids, and require that the process be repeated using bids submitted by different contractors. The developer must ensure that bids adequately represent the full extent of the anticipated contract requirements, including facility locations and sizes, site constraints, material and labor quantities. The costs eligible for repayment may not be more than the lowest of the three bids except that the Director may approve reimbursement of additional costs that would have been eligible if included in the low bid but were unforeseeable when the contract was bid, except that unforeseen costs may not in the aggregate be more than 10 per cent of the low bid.

G. On completion of the Class 1 or Class 2 project and final acceptance of the project by the Department, the project becomes property of the City, is subject to exclusive control by the City, and is subject to all provisions of this Chapter. The developer must ensure that the project is free and clear of all encumbrances and liens.

H. If the Director determines that the Class 1 or Class 2 project qualifies for the repayment program, the City may enter into a repayment agreement with the developer. In addition to other appropriate conditions, the repayment agreement will include all of the following:

1. For Class 1 projects, a just, equitable and reasonable charge to be paid by persons along the frontage of the Class 1 project making a connection to the Class 1 project. The connection charge will be determined on a cost-per-frontage-foot basis utilizing the Class 1 project's construction cost. Project costs associated with that portion of the developer's frontage requirements specified by Section 37-33 will not be included in the total construction cost used to calculate the repayment fee and are solely the responsibility of the developer.

2. For Class 2 projects, a just, equitable and reasonable charge to be paid by persons within the benefiting area making a connection to the Class 2 project. The connection charge will be determined by dividing the Class 2 project cost by the maximum service area acreage. The maximum service area acreage is the developer's service area plus the benefiting area. Project costs associated with that portion of the maximum service area that falls within the developer's service area will be excluded from the total repayment amount and are solely the responsibility of the developer.

3. Repayment agreement charges will not affect the right of the City to assess any building permit, connection fee (water tap), water service or other charges, fees and taxes against the owners of property located along the frontage of the Class 1 project or within the maximum service area of the Class 2 project.

4. The repayment agreement for Class 1 projects will terminate 10 years from the date of execution by the developer, or when the total repayment amount is repaid, whichever occurs first.

5. The repayment agreement for Class 2 projects will terminate 20 years from the date of execution by the developer, or when the total repayment amount is repaid, whichever occurs first.

6. In order for the Department to recover costs associated with the administration of a repayment agreement, the Department will charge a fee. For Class 1 projects, the charge will be \$500.00. For Class 2 projects, the charge will be \$500.00 or \$2.00 per acre times the benefiting area, whichever amount is greater. The developer must pay the charge at the time of execution of the repayment

agreement. In addition, the Department will retain three per cent of the monies collected under a repayment agreement.

7. Any person connecting directly to a Class 1 project or within the benefiting area connecting to a Class 2 project must pay the connection charge. The Department will remit the appropriate amount to the person entitled to receive the payment under the repayment agreement within 90 days of receipt but will retain the three per cent administration fee referenced in paragraph 6 of this subsection.

8. If a project is located in an area in which water impact fees are assessed and the facility is eligible for credit against fees, the developer will only receive credit against impact fees for that proportion of the project cost that the repayment agreement allocates to the developer. The developer may not be repaid for project costs for which impact fee credits were issued.

9. In certain situations, it may be desirable for the developer to increase its proportion of the project cost to increase its share of impact fee credits. The developer may request that the connection charges in the benefiting area be reduced so that the total proportion of cost attributable to the developer is increased. At the sole discretion of the Director, a reduction in charges may be permitted, and if implemented, will be applied uniformly to all benefiting areas in the repayment agreement.

Sec. 37-36—37-38. Reserved.

Article III. Service Connections

Sec. 37-39. Connection to water mains required.

A. To protect and support public health and welfare, where property abuts a street in which a water main is laid, the property must be connected with the City public water system. These service connections must extend at right angles from the main to the curblines and must be installed pursuant to City design standards.

B. The number, location, manner of construction and size of all service connections is subject to the approval of the Director.

Sec. 37-40. Buildings to have separate service connections; exceptions.

Each building supplied with City water must have its own separate service connection with the City mains, except two or more buildings located on the same lot under single ownership, or a property that is known as a court, apartment house, trailer court or other similar developments covering more than one lot, on written permission of the Director, may be supplied through a single metered connection with the City main. On change from single ownership, the new owner must immediately make a new and separate connection for the building or premises having the indirect connection.

Sec. 37-41. Unauthorized connection with water mains.

No person may make any connection with the City public water system without authority from the City. A violation of this section is a class 1 misdemeanor.

Sec. 37-42. Application for service generally; information required.

A. Each person applying for a service connection from the Department must present a valid permit issued by the Planning and Development Department.

B. The application must include all of the following:

1. The applicant's name.
2. A description of the lot, block and addition to be served.
3. The desired location where the City main is to be tapped.
4. The desired size of the tap to be made.

5. The house number and street name assigned to the premises as shown by the Department's records.

6. The purpose for which the property will be used.

C. The applicant must pay all applicable costs and fees to the Department before the installation of the service connection and meter.

Sec. 37-43. Services and materials to be property of Water Services Department; customer to pay for damages.

All meters and all materials the Department supplies in the installation, repair, maintenance and replacement of any meter, pipe or service connection remains the property of the City and will be maintained, repaired and replaced by the Department. The customer is responsible for any intentional or negligent damage to City meters, pipes, service connections or appurtenances and must reimburse the Department for any expense incurred in repair or replacement of the meter or materials. The Director may terminate water service to the pertinent property if reimbursement to the Department is not paid in full within 60 days of the Department billing the customer.

Sec. 37-44. Service connections on existing mains.

If all or part of a new subdivision is served by existing City water mains, only authorized Department representatives will make taps for service connections.

Sec. 37-45. Developer to install service connections on new mains in new subdivisions.

In all new developments where there are no existing City water mains, developers must install all the service connections simultaneously with the installation of the development's water mains pursuant to City design standards. In all new developments where the developer installs the service connections, the developer must apply to the Department for installation of water meters pursuant to this Chapter.

Sec. 37-46. Reserved.

Sec. 37-47. Changes to existing service connection.

If an existing service connection is abandoned or no longer used, or if a change in location or size of the existing connection is requested, the Department may immediately reclaim and disconnect the existing connection at the main. If a new, restored, relocated, or resized service

connection is requested for the premises, the owner must apply and pay applicable fees for a new service and connection pursuant to this Chapter.

Sec. 37-48. Service pipes—Location.

A. The Department will not permit a service connection if the service pipe will pass over or through premises that are, or may become, the property of persons other than the owner of the premises to be supplied from the connections.

B. A water service pipe may not be laid in a sewer trench or within six feet of a sewer trench.

Sec. 37-49. Service pipes—Excavations under sidewalk; installation.

A. Where basement areas have been excavated beneath sidewalks, the City will lay water service pipes only to the inside of the area wall, and the owner must construct, from plans approved by the Director, a suitable meter pit and covered sidewalk opening that allows the meter to be located abutting the sidewalk side of the curblin in regular position.

B. The Department will install water service pipes extending from the main to the meter abutting the sidewalk side of the curblin.

Sec. 37-50. Special connections for fire prevention service; installation and fees; use.

A. Any person desiring to install a separate fire prevention service line, building standpipe and hose or sprinkler system, where the service line or systems will not be connected to or supplied water through the premise's water service meter, must file an application with the Planning and Development Department for a fire line tap and standby fire prevention service. The applicant must install special fire prevention systems pursuant to Planning and Development Department requirements and pay review fees as prescribed in the City Code.

B. The applicant must install a double check valve backflow prevention assembly or reduced pressure principle backflow prevention assembly on the fire prevention service line upstream of the first point of water use.

C. If a detector check assembly and bypass meter is required for the fire prevention service line, the applicant must furnish and install all materials and equipment. The bypass meter must be acceptable to the Department and must be tested and sealed by the Department before its installation. If a detector meter on a fire prevention service line records

water delivery without a fire having occurred and without prior notice to the Director, the Department will bill and collect the charge prescribed in section 37-74.

D. Every outlet valve on a non-metered sprinkler system must be sealed. Seals may be removed for authorized purposes only, such as testing of the system. The owner or tenant may test the fire prevention apparatus at any time by notifying the Department. A mutually agreeable time will be set for the test. All outlet valves must be sealed immediately after completion of any test on a non-metered system. If a sealed valve is opened without prior notification of the Department, the Department will bill and collect the charge prescribed in section 37-74. In addition, the Department may install a detector check assembly and bypass meter and will bill all associated costs to the owner.

E. No person may tap any component of a standby fire prevention service, and no person may use water from a standby fire prevention service, for any purposes other than testing the system pursuant to this section or extinguishing fire on the premises.

F. The Department may inspect the premises on which a standby fire prevention service is installed at any time. The occupant of the premises must cooperate with the inspection, provide reasonable access, and provide all reasonably requested information to the inspector.

G. The Department will bill and collect the standby fire prevention service charge prescribed in section 37-75.

Sec. 37-51. Service connection fees.

The Department will bill and collect, in advance of installation, the fees for laying and constructing service connections established by this Chapter.

Sec. 37-52. Installation of special services.

If an installation, special service, or work is required for any purpose not covered by other provisions of this Chapter, the Department, on approval of the Director, will perform the necessary special service, installation, or work. The Department will bill, and the applicant must pay, the cost of the Department staff time, material, excavation, repairs, and applicable overhead.

Article IV. Meters

Sec. 37-53. Services to be metered.

A. All water service provided by the City public water system must be metered, except as otherwise provided by this Chapter.

B. A separate water meter is required for the following new services established after January 1, 1990:

1. Landscape watering of all landscaped areas greater than 10,000 square feet.
2. All water features having a daily consumptive use of 1000 gallons per day or greater.

Sec. 37-54. Location of meters.

All meters must be located on the sidewalk side of the curbline pursuant to City design standards.

Sec. 37-55. Relocating meters inside buildings.

Where meters have been set inside of buildings, the Department will relocate meters abutting the sidewalk side of the curbline. The Department will bill the customer for all work and expense of resetting the meter. The customer must relay the service pipes to conform to the new meter location at the customer's expense.

Sec. 37-56. Cost of changing size of meter or service.

If a person applies for a resized meter or service, the applicant must pay the charges for the installation of a new meter or service prescribed in this Chapter. The Department will remove the original tap.

Sec. 37-57. Removal of meters.

Only authorized Department representatives may move or remove meters. If a meter is moved or removed in violation of this section, the Department will terminate water service to the pertinent premises and will not restore service until the customer for the premises reimburses the Department for all costs incurred in restoring the meter to the authorized location.

Sec. 37-58. Replacement of meters.

The Department may replace any meter as needed and will determine the size and type of any water meter installed. If the meter registers a rate of flow excessive for a structure or facilities of a similar size and use for at least three consecutive months, the Department may install a meter of adequate size and will bill the customer for all costs incurred to replace the meter.

Sec. 37-59. Reserved.

Sec. 37-60. Testing meter accuracy.

A. If a customer asserts that a bill for any of the preceding three billing periods has been excessive, the Department will, on written request, re-read the meter and inspect the point of connection for leaks. The Department will charge the fee prescribed in section 37-85.

B. A customer may have the accuracy of a meter examined and tested by the Department by making a request in writing or by email. On receipt of the request, the Department will examine and test the meter. If the meter registers more than two per cent in excess of the actual quantity of water passing through it, the Department will replace the meter. The Department will also adjust the customer's current bill by the estimated overcharge, as determined by the Director, and will not charge a fee. If the meter registers two per cent or less in excess of the actual quantity of water passing through it, the Department will charge the customer the fee prescribed in section 37-85. On request, the customer may be present during the test to verify the accuracy of the test.

Article V. Deposits, Rates, Billing Procedures and Miscellaneous Charges

Sec. 37-61. Financial responsibility deposits.

A. To establish water service, all customers must post a security deposit with the Department unless the customer has a good payment record. "Good payment record" is defined in the Deposit Policy, a copy of which is on file with the Department. The deposit will be an amount equal to the average one-month City services bill for similar types of premises for the previous 12 months. All deposits are non-interest bearing. If a customer fails to post the required deposit, the Department will not initiate or will terminate water service.

B. If a customer's water service is suspended for non-payment, the customer must post a security deposit.

C. If the customer fails to make timely payment of the City services bill, the Department will apply the customer's deposit to the unpaid balance. If a customer makes full and timely payments of the City services bill for 12 consecutive months, the Department will apply the deposit to the customer's City services account balance.

D. If an account is closed at the customer's request, the Department will refund the deposit to the customer within 60 days, minus any amounts owed to the City.

Sec. 37-62. Independent water rate review.

The City Manager will retain an independent consultant with expertise in water rate analysis to review a proposed increase to the water rates prescribed in section 37-63. The consultant will present the consultant's findings and review to the public, the City Manager and the Council before proposed water rate increases are submitted to the Council for action.

Sec. 37-62.1. Method of developing a water quantity charge.

A. The water quantity charge will be developed by the following methodology. The water quantity charge per 100 cubic feet, which is added to the monthly service charge, will be calculated in two separate rates which will be added together for a combined rate. The separate rates will be for non-environmental raw water expenses and for other non-environmental expenses.

1. The raw water charge will include costs for acquiring water from wholesale suppliers or any other sources and transporting that water to points of delivery at water treatment plants, into the water

distribution system or into a storage facility, as that term is defined by section 45-802.01, Arizona Revised Statutes. Raw water costs may be reduced by a budgeted transfer from the water resources acquisition fee fund. The raw water costs to be included in the raw water charge are limited to the following:

- a. Direct payment of charges to the Central Arizona Water Conservation District, the Salt River Project or other supplier for the purchase, lease, transport, recovery, and delivery of untreated water for use or storage by the City. Charges will include fixed and variable operations and maintenance charges, capital charges, and administrative costs.
- b. Direct payment of charges to the Roosevelt Irrigation District or Salt River Project for pumping and canal maintenance charges related to the Roosevelt Irrigation District exchange water.
- c. Direct payment of groundwater withdrawal fees and long-term storage credit recovery fees to DWR.
- d.. Direct payment of charges and fees for water storage, as that term is defined by section 45-802.01, Arizona Revised Statutes, and for water exchanges, as that term is defined by section 45-1001, Arizona Revised Statutes.
- e. Costs to treat wastewater to potable drinking standards.

2. The other non-environmental charge will include operations, maintenance, and replacement costs for water operations, direct capital costs, repayment agreements, contingency reserves and operating cash reserves, in lieu of property tax payments on water facilities, and administrative allocation of functions that support direct water operations. Other non-environmental charge expenditures can be offset by revenues from sources such as water connection fees, intergovernmental charges and miscellaneous revenues as well as water resource acquisition fees for appropriate water conservation operations or direct capital expenditures. Budgeted transfers between this fund and other funds such as the raw water fund may occur.

B. For metered service located outside the City and outside the Town of Paradise Valley, the water quantity charge per 100 cubic feet which is added to the monthly service charge will be calculated using the

methodology prescribed in subsection A of this section and adding to such calculation other rate considerations, including a return on investment.

Sec. 37-63. Water rates within the City and within the Town of Paradise Valley.

A. *Monthly service charges within the City and within the Town of Paradise Valley—Generally.*

1. The Department will charge the following monthly service charge for each metered service connection within the City and within the Town of Paradise Valley (plus applicable taxes):

Size of Meter	Service Charge
5/8" x 3/4"	\$4.64
3/4"	\$6.03
1"	\$8.81
1 1/2"	\$15.77
2"	\$24.13
3"	\$43.62
4"	\$71.46
6" and larger	\$141.06

2. Monthly service charges include the following amounts of water:

Month	Cubic Feet
October through May	600
June through September	1,000

B. *Rates within the City and within the Town of Paradise Valley.* The Department will charge customers within the City and within the Town of Paradise Valley each month according to the following rate schedule (plus applicable taxes):

	Quantity Charge to Be Added to Service Charge Per 100 Cubic Feet			
	<i>0—600 Cubic Feet</i>	<i>Over 600 Cubic Feet</i>		
<i>Seasons</i>		<i>Raw Water</i>	<i>Other</i>	<i>Total</i>
Winter Months (December, January, February, March)	\$0.00	\$0.42	\$2.78	\$3.20
Spring & Fall Months (April, May, October, November)	\$0.00	\$0.42	\$3.31	\$3.73
	<i>0—1,000 Cubic Feet</i>	<i>Over 1,000 Cubic Feet</i>		
Summer Months (June, July, August, September)	\$0.00	\$0.42	\$3.67	\$4.09

Sec. 37-63.1. Non-potable and untreated water rates within the City and within the Town of Paradise Valley.

A. For each metered service connection within the City and within the Town of Paradise Valley, the City will charge users of non-potable water or untreated water supplied through City facilities for landscape irrigation or for filling or refilling a body of water, as follows:

1. The monthly service charge for each metered service connection will be 100 per cent of the monthly service charge for the meter size prescribed in subsection A of section 37-63.
2. For users of non-potable water, the monthly consumption rate will be 80 per cent of the rates prescribed in subsection B of section 37-63.
3. For users of untreated water, the monthly consumption rate will be 40 per cent of the rates prescribed in subsection B of section 37-63.
4. For users of mixed non-potable water and untreated water, the monthly consumption rate will be prorated based on the relative per cent of non-potable water and untreated water using the rates prescribed in paragraphs 2 and 3 of this subsection.

B. All rates and charges within the City will be in addition to the excise tax charges prescribed in section 37-65.

Sec. 37-64. Water rates—Outside the City and outside the Town of Paradise Valley.

A. The City will charge an amount equal to one and one-half times the monthly service charge for the same size of meter prescribed in subsection A of section 37-63 for each metered service connection outside the City, except for metered service connections located within the Town of Paradise Valley which will be charged the charges and rates prescribed in Section 37-63.

B. The City will charge an amount equal to one and one-half times the total quantity charge per 100 cubic feet prescribed in subsection B of section 37-63 for each metered service connection outside the City, except for metered service connections located within the Town of Paradise Valley which will be charged the charges and rates prescribed in section 37-63.

Sec. 37-64.1. Non-potable and untreated water rates outside the City and outside the Town of Paradise Valley.

For each metered service connection outside the City, except for metered service connections located within the Town of Paradise Valley which will be charged the charges and rates prescribed in section 37-63.1, the City will charge users of non-potable water or untreated water supplied through City facilities for landscape irrigation uses or for filling or refilling a body of water, as follows:

1. The monthly service charge for each metered service connection will be 100 per cent of the monthly service charge for the meter size prescribed in subsection A of section 37-64.
2. For users of non-potable water, the monthly consumption rate will be 80 per cent of the rates prescribed in subsection B of section 37-64.
3. For users of untreated water, the monthly consumption rate will be 40 per cent of the rates prescribed in subsection B of section 37-64.
4. For users of mixed non-potable water and untreated water, the monthly consumption rate will be prorated based on the relative per cent of non-potable water and untreated water using the rates prescribed in paragraphs 2 and 3 of this section.

Sec. 37-65. Excise tax.

A. The City hereby adds an excise tax to City water service accounts within the City to raise general revenues to defray City costs and expenses, including costs of jail housing of City prisoners. The excise tax will be computed and levied as follows:

1. *All single-family residential accounts: \$1.00 per month.*
2. *All other water accounts based on water meter size as follows:*

Meter Size	Monthly Charge
5/8" or 3/4"	\$1.00
1"	2.50
1.5"	5.00
2"	8.00
3"	15.00
4"	25.00

6" and larger	50.00
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B. In addition to the excise tax imposed in subsection A of this section, the City hereby imposes an excise tax on the delivery of water services to City water service accounts within the City to raise general revenues to defray City costs and expenses, including costs of the City's storm water management program. The excise tax will be computed and levied as follows:

1. All single-family residential accounts—\$0.70 per month.
2. All other water accounts based on water meter size as follows:

<i>Meter Size</i>	<i>Monthly Charge</i>
5/8" or 3/4"	\$0.70
1"	1.46
1.5"	3.50
2"	4.85
3"	12.80
4"	19.75
6" and larger	30.00

C. In addition to the excise taxes imposed in subsections A and B of this section, the City hereby adds an excise tax to City water service accounts within the City to raise general revenues to balance the general fund budget. The excise tax will be computed and levied as follows:

1. All single-family residential accounts: \$1.50 per month.
2. All other water accounts based on water meter size as follows:

<i>Meter Size</i>	<i>Added Charge (Except for Single-Family)</i>
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	<i>Residential Accounts)</i>
5/8" or 3/4"	\$1.50
1"	\$3.75
1.5"	\$7.50
2"	\$12.00
3"	\$22.50
4"	\$37.50
6" and larger	\$75.00

3. This excise tax does not apply to fire prevention service lines.

Sec. 37-66—37-67. Reserved.

Sec. 37-68. City government; fire hydrant charge.

A. All City departments will pay the Department for water service used for City purposes from funds budgeted for that purpose, at the rate prescribed in section 37-63. All City services will be metered. The Department will maintain all meters and services as provided in this Chapter. The City department receiving service will maintain all plumbing facilities downstream of the point of service delivery.

B. The Fire Department will pay the Department one dollar per year per fire hydrant installed on the City public water system for the number of fire hydrants in service on June 30 of each year.

Sec. 37-69. Charges to the customer.

The Department will bill a customer for all rates, rate components, charges, fees and penalties for water supplied to the customer from the City public water system, including charges for meters supplied, installed or repaired, charges for labor or materials furnished for installing any service connection or for tapping City mains, charges for turning water on or off, and all fines and penalties assessed or imposed by this Chapter or the rules of the Department. The customer must pay all validly billed rates, rate components, charges, fees and penalties.

Sec. 37-70. Drinking fountains, toilets and other fixtures.

Water supplied to watering troughs, drinking fountains, toilets, urinals or other fixtures placed for the benefit of the public by private parties must be metered. Water charges for water service to these facilities are as prescribed by the rates, fees, and charges stated in this Chapter.

Sec. 37-71. Charges if meter fails to register correctly or unable to be read.

A. The Department will estimate a charge to the customer if the meter fails to register correctly. The Director may develop a process to estimate water consumption using the best available historical consumption data. The Department will maintain a written description of the procedure on file in the Director's office.

B. The Department may estimate a customer's water use for billing purposes whenever construction conditions, obstructions, inclement weather or emergencies prevent reading the meter.

Sec. 37-71.1. Errors in water service charges.

A. If an error occurs and an account holder has received water service but was not charged for that service, the Director may charge the account holder an amount not more than the cost of 36 months of service before the date the Department becomes aware of the error.

B. If an error occurs and an account holder was charged for water service that was not received, the Director may approve a payment or credit to the account holder in an amount not more than the cost of 36 months of service before the date the Department becomes aware of the error.

Sec. 37-72. Charges for use of more than one meter.

Where premises have more than one meter, the Department will calculate the minimum charge, and charge for water used, separately for each individual meter.

Sec. 37-73. Fire hydrant meter—Deposit, charges, monthly service charge and water rates; fire flow tests.

A. When a person applies for a fire hydrant meter, the applicant must post a deposit of \$500.00. The Department will assess the following charges and deduct them from the deposit if they are incurred:

1. Meter installation: \$132.00
2. Meter removal: \$132.00
3. Meter relocation: \$132.00

B. The customer must post an additional deposit of \$500 when the charges exceed the amount of the deposit.

C. The Department will assess additional charges as follows:

1. Failure to return fire hydrant key: \$100.00.
2. Damage to hydrant or connection: Cost to the Department to repair or replace.
3. Failure to return meter: \$500.00.
4. Fire flow test: \$360.00

D. The Department will charge the following monthly service charge and water consumption rates:

1. Monthly service charge: \$50.00.
2. Quantity charge per 100 cu. ft.: Quantity charge equal to the quantity charge prescribed in subsection B of section 37-63 for the Spring and Fall months (April, May, October, November).

E. The Department will add all applicable taxes to all fees and charges.

Sec. 37-74. Unapproved water use and/or removal of seals from fire prevention system.

A. If a flow detector meter on a fire prevention service line records water delivery without a fire having occurred and without prior notice to the Director, the Department will assess a charge of \$100.00 per occurrence.

B. If a sealed valve on a non-metered sprinkler fire prevention system is opened without prior notification of the Department, the Department will assess a charge of \$100.00 per occurrence.

Sec. 37-75. Standby fire prevention service.

For standby fire prevention service, the Department will assess a monthly charge for unmetered connections as follows:

1. Inside City: \$.75 per inch diameter of service pipe.
2. Outside City: \$1.50 per inch diameter of service pipe.

Sec. 37-76. Water service connection charges.

A. The Department will assess water service connection charges as follows:

Tap and Meter With Trench Paving Repairs Fee	
Meter Sizes	Cost per Meter
5/8"	\$3,041.00
3/4"	3,066.00
"	3,550.00
1 1/2"	4,005.00
2"	4,152.00
3"*	8,555.00
4"*	9,551.00
6"*	12,269.00
6" fire rated*	12,643.00
8" fire rated*	13,138.00
Tap and Meter Without Trench Paving Repairs Fee	
Meter Sizes	Cost per Meter
5/8"	\$1,753.00
3/4"	1,779.00
1"	2,263.00

Tap and Meter With Trench Paving Repairs Fee	
Meter Sizes	Cost per Meter
1 1/2"	2,806.00
2"	2,953.00
3"*	7,526.00
4"*	8,522.00
6"*	11,240.00
6" fire rated*	11,614.00
8" fire rated*	12,720.00

* 3", 4", 6" and 8" sizes must be constructed at cost with trust deposit in the amount shown. The concrete vault required for 3", 4", 6" and 8" sizes is the responsibility of the developer.

B. *Special provisions.* The Department will charge the "Tap and Meter with Trench Paving Repairs" fee if the tap and meter are located within a paved street as designated by the City's street classification map. The developer must also comply with all requirements and pay all fees and costs prescribed in section 31-49.1. In areas outside of the City, the Department will charge the appropriate fee, and the developer must coordinate the work and any additional fees with the governing jurisdiction.

Sec. 37-77. Separate tap and meter installations.

A. *Tap only. (Includes Corp Stop, Service Lines, Curb Stop, Meter Box and Lid).* The Department will assess tap installation charges as follows:

With Trench Paving Repairs	
Meter Sizes	Cost per Meter
5/8"	\$2,734.00
3/4"	2,734.00
1"	3,180.00

With Trench Paving Repairs	
Meter Sizes	Cost per Meter
1 1/2"	3,527.00
2"	3,653.00
3"*	5,485.00
4"*	6,003.00
6"*	7,213.00

* 3", 4" and 6" sizes to be constructed at cost with trust deposit in the amount shown. The concrete vault required for 3", 4" and 6" sizes is the responsibility of the developer.

Without Trench Paving Repairs	
Meter Sizes	Cost per Meter
5/8"	\$1,442.00
3/4"	1,442.00
1"	1,893.00
1 1/2"	2,322.00
2"	2,454.00
3"*	4,457.00
4"*	4,974.00
6"*	6,184.00

* 3", 4" and 6" sizes to be constructed at cost with trust deposit in the amount shown. The concrete vault required for 3", 4" and 6" sizes is the responsibility of the developer.

B. *Meter only*: The Department will assess meter installation charges as follows:

Meter Sizes	Cost per Meter
5/8"	\$680.00
3/4"	700.00
1"	794.00
1 1/2"	1,051.00
2"	1,203.00
3"*	3,625.00
4"*	4,527.00
6"*	5,331.00

* 3", 4" and 6" sizes to be constructed at cost, with trust deposit in the amount shown.

C. *Special provisions*. The Department will charge the "Tap and Meter with Trench Paving Repairs" fee if the tap and meter are located within a paved street as designated by the City's street classification map. The developer must also comply with all requirements and pay all fees and costs prescribed in section 31-49.1. In areas outside of the City, the Department will charge the appropriate fee, and the developer must coordinate the work and any additional fees with the governing jurisdiction.

Sec. 37-78—37-79. Reserved.

Sec. 37-80. Meter relocation on existing service line for convenience of customer.

The Department will assess charges for a meter relocation requested by a customer as follows:

Fee	
Service and Meter Size	Cost per Meter
5/8"*	\$1,271.00
3/4"*	1,271.00
1"*	1,717.00
1 1/2"*	1,799.00
2"*	1,931.00

* To be constructed at cost with trust deposit in the amount shown.

Sec. 37-81. Taps for water main extensions.

A. The following charge is for the actual tapping operation only and does not include materials. The contractor must furnish and install the saddle or tapping sleeve and valve and make the excavation of sufficient size to allow Department representatives adequate room to safely perform the necessary work.

B. The Department will assess a charge for tapping water main extensions as follows:

Cast Iron/Cement/Asbestos/Pipe: \$622.00

Sec. 37-82. Test taps.

A. The Department will charge a fee for test taps two-inch or less in size installed in cast iron or asbestos cement pipe. The fee includes labor and materials for installing the test tap but does not include excavation. The contractor must make the excavation of sufficient size to allow Department representatives adequate room to safely perform the necessary work. The location and manner of location for test taps are subject to the approval of the Director.

B. The Department will charge the test tap fees as follows:

1. Test taps installed during regular working hours: \$380.00
2. Test taps installed after regular working hours or on weekends or holidays: \$759.00.

Sec. 37-83. Water main shutdown; charges.

A. The Director's approval is required before the shutdown of a City water main. Any contractor desiring the shutdown of a City water main must apply to the Department and pay the established charges. The contractor must notify the public in advance if a shutdown will cause any City water customer to be without water.

B. The Department will charge water main shutdown fees as follows:

Fee		
Size Main	Cost per Shutdown during Regular Working Hours	Cost per Shutdown after Regular Working Hours or on Weekends or Holidays
12" and smaller	\$292.00	\$584.00
Larger than 12"	468.00	936.00

Sec. 37-84. Activation or reactivation of water service.

A. All persons requesting activation, reactivation or transfer of water service must submit a service application to the Department. An

application must be submitted for each service address. Service applications must include all of the following information:

1. *Residential.*

- a. Name of responsible party (must be an individual).
- b. Mailing address.
- c. Service address.
- d. Email address and telephone number, if available.
- e. If property owner, proof of ownership.
- f. If tenant, landlord's name and address and a copy of the lease agreement.
- g. If agent, proof of agency.
- h. Requested turn-on date.

2. *Commercial.*

- a. Legal name of entity.
- b. Service address.
- c. Contact person.
- d. Nature of business.
- e. Whether there will be dining on the premises.
- f. Federal employer identification number.
- g. Mailing address.
- h. Name and address of owner.
- i. If property owner, proof of ownership.
- j. If tenant, landlord's name and address and a copy of the lease agreement.
- k. If agent, proof of agency.

I. Requested turn-on date.

B. The Department will charge a service fee of \$33.00 for activation, reactivation or transfer of service.

Sec. 37-85. Delinquent account fees and miscellaneous charges.

A. The Department will charge the following fees as applicable:

1.	<i>Delinquent turn-off fee</i> (charged if water service has been suspended for non-payment of bill)	\$55.00
2.	<i>Broken meter lock</i> (if meter lock is tampered with, broken, or removed)	\$61.00
3.	<i>Removing meter</i> (if necessary to prevent unauthorized use of water)	\$110.00
4.	<i>Turning off water service at main</i> (if necessary to prevent unauthorized use of water)	\$2492.00
5.	<i>Plugging service</i> (to prevent unauthorized use of water)	\$72.00
6.	<i>Returned check</i>	\$18.00
7.	<i>Testing customer's water meter at City facility</i> (1-inch meter or smaller)	\$253.00
8.	<i>Testing customer's water meter at City facility</i> (larger than 1-inch meter)	Cost to the City
9.	<i>Water use without applying for water service</i>	\$28.00
10.	<i>Emergency turn-off at customer request</i>	\$66.00
11.	<i>Meter re-read at customer request</i> (waived if initial reading was inaccurate)	\$22.00
12.	<i>Post notice</i> (for posting at the property for non-payment of bill)	\$50.00

13. *Installation of anti-theft device (if necessary to prevent unauthorized water use)* \$77.00

B. All fees are subject to applicable taxes.

Sec. 37-86. Billing procedure.

A. The Department will issue City services bills monthly. The bill will contain the reading date, the meter reading, the consumption per 100 cubic feet or 100 gallons, the amount of the bill, the account number and the total amount due.

B. All money due the Department pertaining to water service will be deposited with the City Treasurer. All money paid to the City Treasurer as provided in this section pertaining to the Department's receipts will be kept by the City Treasurer in separate funds to be known as the water maintenance and operation fund and the water revenue fund.

C. All money due the Department pertaining to sanitary sewer rentals, new sewer connections and other miscellaneous sewer revenues will be deposited with the City Treasurer. All money paid to the City Treasurer pertaining to sewer receipts will be kept by the City Treasurer in separate funds to be known as the sewer maintenance and operations fund and sewer revenue fund. All money due the Department pertaining to sanitation fees will be deposited with the City Treasurer. The sanitation revenues will be deposited into the general purpose fund.

D. The City Treasurer will prepare a daily report of the total cash receipts of water and sewer revenue, or other reports as may be required from time to time, and submit copies to the Director and the City Auditor.

E. No money will be drawn by the City Treasurer or any other officer from the water maintenance and operation fund, the water revenue fund, the sewer maintenance and operation fund or the sewer revenue fund except on a warrant authorized by the Council in the same manner as other warrants are required to be drawn against the various funds of the City. All expenses necessary for the operation and maintenance of the public water system will be paid by warrant drawn on the water maintenance and operation fund. All expenditures for capital outlay necessary for the operation of the Department will be paid by warrant drawn on the water revenue fund. All expenses necessary for the operation and maintenance of the sewers system will be paid by warrant drawn on the sewer maintenance and operation fund in the same manner as other warrants required to be drawn against the various funds of the City. All capital expenditures for capital outlay necessary for the operation

of the sewer system will be paid by warrant drawn on the sewer revenue fund.

F. The Director may designate private establishments as authorized City water payment stations, in the capacity of limited agents, to collect customer payments. These payment stations must perform pay station functions consistent with rules and instructions issued by the Department and will be paid a collection fee for the acceptable performance of these functions.

Sec. 37-87. Accounts generally; notices; house numbers to be correct.

The Department will identify all water accounts in its records by the house number and street name. The Department will send all notices regarding water accounts, and all notices regarding any other matter pertaining to the City water supply to any property, to the house number and street name of the property. The customer may submit a written request to have notices sent instead to an email address or to an address other than the service account address. Changes of address or notifications of an incorrect address must be promptly submitted to the Department.

Sec. 37-88. Payment of bills and charges.

A. All City service charges are due and payable when billed. The customer must pay all amounts by the due date printed on the City services bill. If the total amount owed is not fully paid to the Department by the monthly bill's published due date, the Department will assess a late fee of 3% per month on the delinquent amount. The next month's bill will indicate the amount past due, all late fees, and the current balance due. The Department will assess a late fee each month on any delinquent amount, including unpaid late fees. If water service is suspended as prescribed in subsection B to a single-family residence, the Department will not assess additional late fees to the customer as of the date of the suspension of water service, except that the customer must pay late fees already assessed as of that date, along with any other amounts due, to restore water service pursuant to subsection B.

B. The Department will suspend water service if the customer's account is delinquent for non-payment. The Department will send to the customer a notice of non-payment informing the customer of the amount that needs to be paid and the date on which payment must be received to avoid suspension of water services. The Department will send the notice by mail or electronically if the customer has previously elected to receive bills electronically. The Department will provide no further notice. The customer must pay all amounts due and owing, including the turn-off fee

and any assessed late fees, before the Department will restore water service.

C. The Department will not suspend water service for delinquent accounts on a Friday, Saturday, Sunday, City-observed holiday, or the day before a City-observed holiday.

D. If an account holder disputes the accuracy of the bill, the account holder may present objections by following the procedures prescribed in section 37-95.

E. An unpaid account balance may be transferred to another water service account with the same account holder.

F. The Department will send all delinquent accounts to a collection agency.

Sec. 37-89. Unpaid bills at previous location.

The Department may not establish a water service account for a person that owes a delinquent amount for City utility services, including delinquent charges and fees.

Sec. 37-90. Water service to tenants.

A. A tenant that is responsible under a lease for establishing and paying for water service may establish water service pursuant to section 37-84 and is responsible for the payment of all charges, costs, and fees for that service.

B. Landlords may enroll in a landlord/tenant transfer of service agreement to facilitate the uninterrupted transfer of services from landlord to tenant, and tenant to landlord, when there is a change in occupancy status of a property. To enroll, the landlord must complete, notarize and submit the agreement to enable this service and pay the fee established in section 37-84.

Sec. 37-91. Unregistered or unassessed water.

The Department will assess water charges, fees, and costs for any use of City water, even if the person who used the water failed to apply for or establish water services.

Sec. 37-92. Miscellaneous charges for water.

The rates to be charged and collected for all classes of service not named in this Chapter will be at the meter rates established in this Chapter, for quantities as near as may be estimated from the amount of water consumed in similar places, and the consumption rates will be estimated by the Director.

Sec. 37-93. Discontinuance of service—On order of account holder.

A. The account holder or the account holder's authorized agent must make any request to discontinue water service. When a request to discontinue water service is submitted, the Department will obtain a final meter reading and calculate and bill for all unpaid charges for services supplied to the premises. The account holder must pay all charges by the date specified on the bill. The account holder requesting discontinuance of service must also furnish the Department with a change of address.

B. Until the account holder provides the Department with a notice of discontinuance of service and the Department terminates service, the account holder remains responsible for all charges, rates, fees and penalties for water service at the service location.

C. If the account holder has a deposit on account with the Department, the Department will apply the deposit amount to any balance owing on the account. The Department will refund to the account holder any credit in excess of any balance owed by the account holder.

D. The Department will assign to a collection agency any delinquent amount remaining after the deposit is applied to the balance owed by the account holder.

Sec. 37-94. Resumption of service.

A. If water service is suspended due to a delinquent account, the customer must pay all delinquent amounts before service is restored. The Director may also require the customer to submit a security deposit pursuant to section 37-61.

B. On full payment of all delinquent amounts, the Department will restore water service for the account, unless extenuating circumstances such as broken or leaking pipes or other causes which are, in the opinion of the Director, sufficient reason to refuse or delay restoration of service.

Sec. 37-95. Administrative hearing.

A. To dispute the accuracy of the Department's billing, an account holder must submit to the Department a protest in writing or by email that

identifies the amount of the bill challenged and specifies the reasons for the challenge. Any part of the bill not challenged is due and payable on the date specified on the bill. The Department must receive the account holder's protest in writing or by email within 60 days after the end of the billing period in dispute. If the Department does not receive a timely protest, any dispute is waived. If the Department receives a timely protest, the Department will review the protest and provide the account holder a written decision that affirms or denies the protest and that informs the account holder of the right to seek administrative review of the decision.

B. The account holder may request administrative review of the Department's decision by submitting a written request for administrative review to the City Auditor Department within 30 days of the Department mailing the decision to the account holder. If the City Auditor Department does not receive a timely written request for administrative review, the Department's decision is final and may not be further appealed, and any challenged amount of the bill is immediately due and payable.

C. A written request for administrative review must include all of the following:

1. A statement of the specific amount objected to.
2. An explanation of why the billing is inaccurate and how that billing should be adjusted.
3. A request for hearing, if a hearing is desired.

D. The City Auditor will assign the request for administrative review to a hearing officer for consideration and decision. The hearing officer will be a City employee but may not be an employee of the Department.

E. The scope of the administrative review is limited to the accuracy of the Department billing of the account holder. The hearing officer may not consider legal, equitable, or policy arguments either in support of, or in opposition to, the fees, costs and charges adopted by the Council and codified in the Phoenix City Code. To prevail in the administrative review, the account holder must establish by a preponderance of the evidence that the Department incorrectly billed the account holder.

F. The hearing officer will provide to the Department a copy of the account holder's request for administrative review and will request a response from the Department. The Department will submit to the hearing officer, and mail to the account holder, a written response to the request for administrative review within 30 days of receipt of the request from the hearing officer.

G. If the account holder does not request a hearing, the hearing officer will issue a written decision based on the documentation submitted by the account holder and the Department. The hearing officer's decision may uphold or deny, in whole or in part, the account holder's objection to the account holder's bill.

H. If the account holder requests a hearing, the hearing officer will schedule the hearing as soon as practicable after the Department submits the response pursuant to subsection F. The hearing officer will conduct the hearing pursuant to rules and procedures established by the City Auditor. The hearing officer may grant extensions of time limits prescribed in this section on a showing of good cause. Hearings will be conducted informally, and the rules of evidence will not apply, except that the hearing officer will make a decision based solely on substantial and reliable evidence. The account holder and the Department may appear at the hearing with witnesses and counsel to present information, explanation, and documentation. The Department and the account holder will each bear all of their own expenses incurred in the hearing, including counsel fees, witness fees, mileage, reproduction of documents, and other similar costs.

I. Within 30 days of the conclusion of the hearing, the hearing officer will issue a written decision. The hearing officer's decision may uphold or deny, in whole or in part, the account holder's objection to the account holder's bill.

J. If the hearing officer upholds the account holder's objection in whole or in part, the hearing officer may accordingly adjust the account holder's bill. The hearing officer's decision is final and conclusive between the City and the account holder as to the account holder's protest. The Department will not suspend the account holder's water service for failure to pay the amount subject to administrative review, until the hearing officer's written decision is issued as provided in subsection G or I. If the hearing officer denies the account holder's objection in whole or in part, the amount of the account holder's bill found to be owing to the Department is immediately due and payable.

Sec. 37-95.1. Public emergencies; medical and financial hardships.

The Director may establish rules for addressing public emergencies and medical and financial hardships faced by customers. The rules may provide for waiver of fees and alternate payment methods for the customer.

Article VI. Water Utilities Appraisal Review Board

Sec. 37-96. Water Utilities Appraisal Review Board—Established on ad hoc basis; composition; appointment and terms of members; administration; compensation of members.

The Water Utilities Appraisal Review Board (“Board”) is established on an ad hoc basis to review appraisals of water utilities, including their water supplies, for possible acquisition to expand the City public water system. The Council will appoint three members to the Board on approving the consideration of the acquisition of a water utility. The members serve until final action by the Council on the consideration of the acquisition of the water utility. The Board members will, at their first meeting, elect one of the members chairperson and adopt rules for the administration and proper functioning of the Board that are consistent with State law and the Phoenix City Charter and Code. The members of the Board receive no compensation for their services and will not be reimbursed for any expenses incurred by them in the performance of their official duties.

Sec. 37-97. Water Utilities Appraisal Review Board—Duties and powers.

A. The duties and powers of the Board are limited to reviewing the appraised values of water systems, including their water supplies, under consideration for acquisition by the City and advising the City Manager and the Council of its recommendations regarding the purchase price for the water systems, including their water supplies.

B. After review of the Board’s recommendations, the Director may negotiate for the acquisition of the water systems and the water supplies.

Sec. 37-98. Reserved.

Article VII. Enforcement Of Chapter

Sec. 37-99. Interference with or obstructing water system facilities; contamination; criminal penalties.

- A. No person may intentionally or knowingly deface, damage, use without authority or interfere with any component or facility of the City public water system.
- B. No person may pollute or contaminate the potable water supply of the City public water system.
- C. A violation of this section is a class 1 misdemeanor.

Sec. 37-99.1. Civil penalties; recovery of expenses.

Except as otherwise provided in this Chapter, a person who violates any provision of this Chapter is subject to a civil sanction of at least \$100.00 dollars per violation and not more than \$2500 dollars per violation.

Sec. 37-100. Terms and conditions of water service; recovery of expenses; authority of Director to suspend water service.

- A. The provisions of this Chapter are the terms and conditions under which the City provides water service to customers.
- B. The Department will charge and collect from any person who violates this Chapter the full amount of the City's economic loss caused by the violation.
- C. In addition to any other sanction available under this article, the Director will suspend water service to any property owned or used by a person who violates any provision of this Chapter, including a provision requiring payment of water charges, rates, and fees. The Director will provide notice of any discontinuation of water service as provided by subsection B of section 37-88. If water service is suspended under this section, the water service will not be restored until the person has paid to the City all penalties, applicable fees and deposits, and compensation for the City's economic loss.

Sec. 37-101. Provisions to be enforced; exception.

The provisions of this Chapter are for the benefit of the customers of water in the City and for the protection of the City's public water supply system. Enforcement of the provisions of this Chapter may not be intentionally ignored by any City official or employee. When strict enforcement of any

provision could result in a gross injustice on a customer, the Director may order a suspension of the provision for that particular case.

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Article VIII. Citizens' Water Rate Advisory Committee

Sec. 37-102. Citizens' Water Rate Advisory Committee; creation; composition; term of office.

A. The Citizens' Water Rate Advisory Committee ("Committee") is established. The Committee consists of nine members, serving without compensation, who must be Phoenix water users nominated by the Mayor and appointed by the Council.

B. Committee members serve for a period of three years. The initial appointment will be for the following terms:

1. Three members will be appointed to serve for the term of three years;
2. Three members will be appointed to serve for the term of two years;
3. Three members will be appointed to serve for the term of one year.

C. All subsequent appointments will be for the term of three years. In the event of death, resignation, removal or disqualification of any member of the Committee, the Mayor will nominate and the Council will appoint a member who will serve for the remainder of the unexpired term.

Sec. 37-103. Function and purposes.

The duties of the Committee include all of the following:

1. Annually review the water revenue requirements of the City's public water system and recommend through the City Manager to the Council rate and fee adjustments.
2. Consult with the City Manager and the Council from time to time as may be required by the City Manager and the Council relative to the financial needs of the City's public water system.
3. Sit and act as the Citizens' Wastewater Rate Advisory Committee. When sitting as the Citizens' Wastewater Rate Advisory Committee, the Committee will have duties prescribed in section 28-58 of the City Code.

Sec. 37-104. Appointment of officers and adoption of rules.

A. The Mayor will designate the Committee chairperson and vice-chairperson annually by the second Monday of July of each year.

B. The members of the Committee will adopt rules for the administration and proper functioning of the Committee. Any rule adopted must be consistent with the laws of the State, the Charter of the City, and the ordinances of the City.

C. One-half of the membership of the Committee constitutes a quorum for conducting Committee business.

D. The affirmative vote of a majority of the members present is necessary to pass any proposed motion. Committee members must vote on all issues placed before the Committee. A failure to vote or a voluntary abstention is counted as an "aye" vote unless the member refrains from voting as required by Section 38-503, Arizona Revised Statutes. In case of a tie in votes on any motion, the motion is defeated.

E. The Committee may appoint subcommittees as the Committee deems necessary.

F. The Council may remove a Committee member from the Committee if the member is absent from three consecutive regular meetings of the Committee.

G. The Committee and its members may not incur any expense on behalf of the City, and the City is not obligated for any expense incurred by any member of the Committee on behalf of the Committee, unless the expense is expressly authorized by action of the Council.

Secs. 37-105, 37-106, 37-107, 37-108, 37-109. Reserved.

Article IX. Water Conservation

Sec. 37-110. Limitations on water use for turf-related facilities.

A. A person may not apply water from any source to a water-intensive landscaped area in excess of the maximum annual water allotment established by the management plan.

B. The City may limit water deliveries to a turf-related facility to amounts less than the maximum annual water allotment pursuant to a drought management response procedure, as prescribed in Article X of this Chapter.

Sec. 37-111. Limitations of water use for bodies of water.

A. Except as provided in subsection B of this section, a person may not use water from any source to fill or refill all or a portion of a body of water, unless the body of water meets one of the conditions listed in section 45-132(B), Arizona Revised Statutes.

B. If the body of water is larger than one per cent of the net lot area but less than 12,320 square feet and is located in an area for which the cost of providing a non-potable water supply would be prohibitively high to either the City or the facility owner, as determined by the Director, a person may use water to fill or refill that body of water. For purposes of this section, "prohibitively high" means the per acre-foot 20-year amortized capital and operation and maintenance cost of providing non-potable water service to the development would exceed the estimated cost of the most expensive future water resource alternative identified in the City's long-range water resources plan. This determination will be based in part on the distance and cost of extending existing and planned reclaimed water mains and other non-potable water delivery systems to the body of water site.

C. A person who constructs any body of water after September 30, 1994, must comply with both of the following:

1. When full, the body of water must contain a minimum of five acre-feet of water per acre of surface area.
2. The body of water must be lined or sealed with an approved material to minimize water loss from seepage and must meet all applicable requirements of law.

D. A person may not use non-potable water to fill or refill a body of water if it would result in significant adverse impacts to groundwater quality in the area around the body of water.

E. The developer of a body of water must design and construct the water system to the body of water to allow for future conversion to non-potable water supplies, if the initial supply is not non-potable water, unless the Director determines that the body of water is in an area in which the cost of providing a non-potable water supply within the projected life of the body of water would be prohibitively high to the developer or the City.

F. The City may limit water deliveries to a body of water pursuant to a drought management response procedure, as prescribed in Article X of this Chapter.

Sec. 37-112. Limitations on water use for watering landscaping plants and turf-related facilities.

A. A person must comply with the management plan when applying water delivered by the City to water landscaping plants.

B. A person may not apply water delivered by the City to a new turf-related facility unless one of the following apply:

1. The water to be applied is exclusively non-potable water or untreated water delivered by the City.

2. The new turf-related facility is located in an area for which the cost of providing a non-potable or untreated water supply would be prohibitively high to the City or the person, as determined by the Director. For purposes of this section, "prohibitively high" means the per acre-foot 20-year amortized capital and operation and maintenance cost of providing non-potable or untreated water service to the new turf-related facility would exceed the estimated cost of the most expensive future water resource alternative identified in the City's long range water resources plan. The Director will make this determination based in part on the distance and cost of extending existing and planned reclaimed water mains and other non-potable water delivery systems to the new turf-related facility.

C. A person may not apply non-potable water to a new turf-related facility if it would result in significant adverse impacts to groundwater quality in the area around the new turf-related facility.

D. A person must comply with any other reasonable water conservation and non-potable water use requirements imposed by the Director when applying water delivered by the City to a new turf-related facility.

E. A developer of a new turf-related facility must design and construct the water system to the new turf-related facility to allow for future conversion to non-potable or untreated water supplies, if the initial supply is not non-potable or untreated water, unless the Director determines that the new turf-related facility is in an area in which the cost of providing a non-potable or untreated water supply within the projected life of the turf facility would be prohibitively high to the developer or the City.

F. The requirements of section do not apply to any of the following:

1. An existing turf-related facility.
2. A new turf-related facility located on shareholder lands of the association.
3. A new turf-related facility that is owned or operated by a party, successor or designee who has agreed to be bound by the provisions of an agreement entered into with the City before September 30, 1994, requiring the use of reclaimed water and covering the conditions of reclaimed water service.

G. The City may limit water deliveries to a new turf-related facility pursuant to a drought management response procedure, as prescribed in Article X of this Chapter.

Sec. 37-113—37-114. Reserved.

Sec. 37-115. Construction and repayment of non-potable or untreated water components.

A. The developer of a body of water or a turf-related facility that is required pursuant to this article to use non-potable or untreated water supplies delivered by the City is responsible for constructing any water treatment or delivery system components necessary for that delivery not included in a facilities plan or master plan approved by the Council and not included in the five-year capital improvement program approved by the Council. The Director will determine whether a component is included in an approved plan and in the approved capital improvement program as of the date the developer applies for a necessary City permit for the development of the body of water or turf facility.

B. If the developer of a body of water or a turf-related facility is not required by this article to use non-potable or untreated water supplies because the facility is located in an area for which the cost of service of that water supply is currently prohibitively high, but is located in an area for which the City has a master plan showing extension of a non-potable or untreated water line in the future, the developer must construct non-potable or untreated distribution lines from the turf area or body of water to the boundary of the development of sufficient size to allow for future use of non-potable water for that turf facility or body of water.

C. If to comply with this article, a developer must extend a City non-potable or untreated water main in order to serve a development or project, the City may enter into an agreement with the developer that addresses the delivery and use of non-potable or untreated water. The City may require the developer to construct a pipeline of a diameter larger than that needed to serve the development's projected peak day demand if the larger pipeline is included in a facilities plan or master plan approved by the Council, but is not yet in the five-year capital improvement program approved by the Council. If required to construct a larger pipeline, the developer's nonrefundable cost is limited to the amount required to construct a non-potable or untreated water main of sufficient capacity to serve the development's projected peak day demand. The City will collect connection charges from other developers connecting to the main and will repay those amounts to the developer using the repayment program procedure generally described in section 37-35. The City will assess the original developer a charge of \$100 for the administration of each repayment agreement.

D. Any developer that connects to a non-potable or untreated water main constructed by the City or approved by the Council in a planned five-year capital improvement plan shall pay a proportionate share of the City's cost for the main based on a percentage of the developer's maximum peak day demand from the water main to the maximum peak day delivery capacity of the water main constructed by the City. If the water main is not yet constructed, but in the City's five-year capital improvement program, the developer must enter into an agreement with the City to pay the developer's proportionate share before the date of application for the permit specified in subsection A of this section.

Sec. 37-116. Non-potable water use requirements for existing bodies of water and existing turf-related facilities.

A. The Director may require a body of water or turf-related facility to convert to use of non-potable or untreated water if all of the following apply:

1. The body of water or turf-related facility was constructed after September 30, 1994.

2. The body of water or turf-related facility is not using water from the Salt River Project pursuant to a decreed and appropriate right appurtenant to the land on which the body of water or turf-related facility is located.

3. The body of water or turf-related facility when constructed was not required by this article to use non-potable or untreated water.

4. The City provides non-potable or untreated water to the point of service delivery for the body of water or turf-related facility.

B. The owner of the body of water or turf-related facility must pay for all cost of construction beyond the point of service delivery for the non-potable or untreated water delivery system or modifying the existing water delivery system, including metering, installation and tap charges.

C. The owner must begin using non-potable or untreated water within five years of the date of receipt of a written notice from the Director that a non-potable or untreated water supply will be made available at the point of service delivery.

Sec. 37-117. Responsibility of facilities using untreated and non-potable water to secure necessary permits.

Developers of bodies of water or turf facilities required to use non-potable or untreated water supplies pursuant to this article must apply for and obtain all applicable federal, state and local permits necessary for use of the non-potable or untreated water.

Sec. 37-118—37-119. Reserved.

Sec. 37-120. Additional remedies.

A. A person who violates any provision of this article, in addition to any other sanction authorized by this Chapter, is subject to a civil sanction of not more than the following amounts:

1. Two hundred per cent of the charges for water used in violation of this article, if the violation is the person's first violation of this article and the violation continued for less than one year.

2. Five hundred per cent of the charges for water used in violation of this article, if the violation is the person's second violation of this article or if the violation continued for more than one year but less than two years.

3. One thousand per cent of the charges for water used in violation of this article, if the violation is the person's third violation of this article or if the violation continued for more than two years but less than three years.

4. Two thousand per cent of the charges for water used in violation of this article, if the violation is the person's fourth or more violation of this article or if the violation continued for more than three years.

B. If, as a result of a person's violation of this article or state law, the City is assessed a civil penalty or is ordered to take remedial action by DWR, the person must pay to the City the amount of the civil penalty, along with all costs and expenses incurred by the City due to the person's violation.

Article X. Drought Management Response Procedure

Sec. 37-121. Scope.

A drought management response procedure is established for the City and its water service area for implementation during a declared water shortage. The drought management response procedure includes the provisions of this article, rules and guidelines adopted pursuant to this article, and the drought management plan.

Sec. 37-122. Declaration of policy.

The waste or unreasonable use of water must be prevented during times of drought and water system or supply interruptions to ensure the general public welfare and safety. Therefore, the drought management response procedure is adopted.

Sec. 37-123. Authorization.

The Director shall implement the drought management response procedure on the Director's determination, pursuant to the standards stated in this article, that implementation is necessary to protect the public welfare and safety.

Sec. 37-124. Application.

The provisions of this article apply to all persons, customers and property served by the Department.

Sec. 37-125. Water Use Reduction Stages; Violations

- A. No person may knowingly use or permit the use of water from the City in violation of the drought management response procedure.
- B. The Director will promulgate a drought management plan that sets out criteria, consistent with this article, for determining when and where particular regulations within a water use reduction stage are to be implemented and terminated. The Director will update the drought management plan when, in the opinion of the Director, the conditions of the public water system have changed and necessitate an update. The drought management plan will be available to the public at the City Clerk's office, the Department administrative offices, and on the City's website.
- C. If there is a violation of the drought management response procedure, the Director may take actions, including mandatory measures up to and including disconnection of service, and other enforcement

actions as necessary to ensure compliance with the drought management response procedure. The Department will provide notice of the violation to the customer for the service where the violation occurred electronically or by placing a notice on the property where the violation occurred. The Department will provide a duplicate notice by United States mail to any other person known to the Department to be responsible for the violation or its correction. The notice will describe the violation and order the action corrected, ceased, or abated immediately or within a time specified by the Department. If the order is not complied with, the Department may immediately terminate the service where the violation occurred. If a service is terminated, the Department will assess and collect a fee, in an amount to be determined by the Director, before service is restored. The fee will be in addition to other fees or charges imposed by this Chapter for termination or reconnection of service.

D. If a second violation occurs at the same property or is committed by the same responsible party, the Department may immediately physically disconnect service at the location of the violation. Service will not be reconnected unless a device supplied by the Department that restricts the flow of water to the service is installed. The Director may impose an additional fee, in addition to other fees or charges imposed by this section and Chapter, for the disconnection and reconnection of service.

Sec. 37-126. Stage 1—Water Alert

A. The Director may declare a Stage 1 Water Alert when an insufficient water supply appears likely due to water system or supply limitations or structural failure, or when a catastrophic incident threatens the existing water supply or water delivery system. The declaration may designate the entire City service area or a portion of the service area, if the shortage is not system-wide.

B. On publication of a declaration by the Director of a Stage 1 Water Alert, the Department will implement the drought management plan. The water alert will trigger an intensive public education and information program to assist all customers impacted by the shortage to understand the state of the emergency and the need for voluntary compliance. City personnel will direct resources to enforce all existing City codes that impact water use.

C. The Director may terminate the Stage 1 Water Alert when the Director determines that the conditions on which the Director declared the Stage 1 Water Alert no longer exist.

Sec. 37-127. Stage 2—Water Warning.

A. The Director may declare a Stage 2 Water Warning when an insufficient water supply occurs due to water system or supply limitations or structural failure, or when a catastrophic incident limits the existing water supply or water delivery system. The declaration may designate the entire City service area or a portion of the service area, if the shortage is not system-wide.

B. On publication of a declaration by the Director of a Stage 2 Water Warning, elements of a Stage 2 Water Warning prescribed in the drought management plan may become mandatory and be enforced, as determined necessary by the Director. The elements may include, in addition to any other remedy available in this Chapter, surcharges authorized by this Chapter.

C. The Director may terminate the Stage 2 Water Warning when the Director determines that the conditions on which the Director declared the Stage 2 Water Warning no longer exist.

Sec. 37-128. Stage 3—Water Emergency.

A. The Director may declare a Stage 3 Water Emergency when additional reductions in deliveries or other system constraints will occur to a level such that Stage 2 water use reduction measures will be insufficient to ensure water demands are met in the service area. The declaration may designate the entire City service area or a portion of the service area, if the shortage is not system-wide.

B. On publication of a declaration by the Director of a Stage 3 Water Emergency, the Department will implement mandatory water use reduction programs, and the Director will recalculate the surcharge, and the surcharges will be applied to meet the increased regulation and enforcement expenses of this article.

C. The Director may terminate the Stage 3 Water Emergency when the Director determines that the conditions on which the Director declared the Stage 3 Water Emergency no longer exist.

Sec. 37-129. Stage 4—Water Crisis.

A. The Director may declare a Stage 4 Water Crisis when additional reductions in deliveries or other system constraints will occur to a level such that Stage 3 emergency supply and water use reduction measures will be insufficient to ensure water demands are met in the service area and additional measures are necessary to protect human health and safety. The declaration may designate the entire City service area or a portion of the service area, if the shortage is not system-wide.

B. On publication of a declaration by the Director of a Stage 4 Water Crisis, the Director may impose a surcharge for water service sufficient to reduce water demand to match available supplies. All monies collected from surcharges in excess of replacement of revenues lost through drought-induced demand reduction and use programs will be used consistent with this article.

C. The Director may terminate the Stage 4 Water Crisis when the Director determines that the conditions on which the Director declared the Stage 4 Water Crisis no longer exist.

Sec. 37-130. Water use reduction implementation.

A. The Director, in consultation with the City Manager, will declare a stage of water use reduction by public declaration and will publish the declaration a minimum of one time in a daily newspaper or a weekly publication of general circulation. The declaration may include water-use restrictions and other measures ordered by the Director as allowed by this article or the drought management plan. Applicable restrictions take effect and are enforceable on publication of the announcement; except that restrictions due to water treatment or delivery system failure, or unforeseen sudden increases in demand for water, are enforceable immediately following the filing of intent with the office of the City Clerk. All declarations will also be publicly available on the City's website.

B. Termination of a stage of water use reduction will be effective on publication of notice of termination in a daily newspaper or weekly publication of general circulation. The notice of termination of a stage of water use reduction will also be publicly available on the City's website.

Sec. 37-130.1. Surcharges, fees, penalties, and variances.

A. The assessment of surcharges, fees, and penalties is an exercise of the City's regulatory and police powers, and monies collected from reconnection fees, penalties, and surcharges are not rates for production of water revenue. Monies collected from surcharges will be placed in a special fund. The fund will be used for furthering the purposes of this article including meeting the expenses of enforcement of this article, providing demand reduction assistance to customers, meeting demand reduction-induced cash shortfalls, or augmenting water supplies.

B. The Director may, in writing, grant variances to persons who apply, on forms supplied by the Department, for water uses not in compliance with the drought management response procedure or for relief of the drought surcharge. The Director may grant a variance if the water use is

necessary to prevent an emergency condition relating to health, safety, or extreme economic hardship; is essential to governmental services such as police, fire, and similar emergency services; or is for customers who have made every reasonable effort to reduce water use. The Director may consider the applicant's efforts to conserve water before onset of drought conditions in granting a variance.

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Article XI. Water Environmental Charge

Sec. 37-131. Definitions.

In this article:

Advanced water treatment means programs and processes required to meet the 1987 amendments to the Safe Drinking Water Act, the National Pollutant Discharge Elimination System (NPDES) permit and any subsequent amendment to the Safe Drinking Water Act or NPDES permit. These processes may include used water recovery, corrosion control, reduction of disinfectant byproducts, well head treatment or down-hole modifications, granular activated carbon treatment, water quality testing and monitoring and other similar programs as deemed appropriate by the Director.

Corrosion control (lead and copper) means programs implemented to reduce lead and copper in the water system and at the customer's tap.

Disinfectant byproducts reduction means programs required to reduce disinfection byproducts that are produced when natural organics in the water interact with disinfectants. The Safe Drinking Water Act amendment regulates the level of disinfectant byproducts in treated water.

Granular activated carbon treatment means a process in which nonvolatile and semivolatile organic compounds are removed through absorption on the surface of carbon particles.

Used water recovery means a process required for the treatment of waste streams produced by water treatment plants and residual solids handling to meet water quality standards for discharge to receiving waters.

Water quality programs means programs required by the 1987 amendments to the Safe Drinking Water Act and any subsequent amendments, such as water quality testing and monitoring and customer education.

Well head treatment or down-hole modification means treatment processes to remove contaminants from groundwater at the well head or structural modification to seal wells at the level that contaminants are occurring.

Sec. 37-132. Purpose of water environmental charge.

The purpose of the charge imposed by this article is to identify and to ensure recovery of the cost of advanced water treatment.

Sec. 37-133. Water environmental rate.

A. In addition to other rates and charges prescribed in this Chapter, the Department will charge monthly the following water environmental rates for customers receiving the City water service located within the City or the Town of Paradise Valley:

Environmental Rate

1. *Residential Users:*

Single-family residence, rate per 100 cubic feet	\$0.620
Multi-family residence:	
Trailer courts and all other multiple-family uses, rate per 100 cubic feet	\$0.620

2. *Commercial Users:*

All commercial categories, rate per 100 cubic feet	\$0.620
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3. *Industrial Users:*

All industrial categories, rate per 100 cubic feet	\$0.620
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B. The Department will charge monthly customers serviced directly by the City located outside the City's limits, except the Town of Paradise Valley, a water environmental rate in the amount of one and one-half times the water environmental rate for the same classification of service inside the City.

Sec. 37-134. Payment of bills and charges.

The Department will charge all water service accounts the monthly water environmental rate on the monthly utility bill, and the Department will state the water environmental rate separately on the utility bill.

Sec. 37-135. Utilization of water environmental charge revenues.

A. The City will maintain financial records to ensure use of water environmental charge revenues pursuant to this section.

B. The water environmental charge revenues may be used for any of the following:

1. Operations, maintenance and replacement costs for advanced water treatment.
2. Water quality programs required by the 1987 amendments to the Safe Drinking Water Act, and any subsequent amendments to the Safe Drinking Water Act, such as treatment plant laboratory analysis and monitoring.
3. Debt service, direct capital costs, and in lieu of property tax payments incurred for facilities necessary for advanced water treatment.
4. Administrative functions that directly support advanced water treatment. Administrative functions include Department and division indirect costs, central service costs from other City departments, and computer billing implementation costs.

Sec. 37-136—37-140. Reserved.

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Article XII. Backflow Prevention

Sec. 37-141. Declaration of policy; authorization.

Danger to the public health, safety, and welfare resulting from contamination or pollution of the public potable water supply system requires that measures be adopted to protect that system by authorizing City officials to do all of the following:

1. Protect the public potable water supply from the possibility of contamination or pollution by preventing the backflow of contaminants or pollutants into the public potable water supply system.
2. Promote the awareness and elimination of cross connections, actual or potential, of a customer's internal potable water system with the public potable water supply system.
3. Provide for a continuing program of backflow prevention control that will prevent the contamination or pollution of the public potable water supply system.
4. Provide for the monitoring and enforcement of a continuing program of backflow prevention that will prevent the contamination or pollution of the public potable water supply.
5. Comply with R18-4-215, Arizona Administrative Code, "Backflow Prevention," effective August 30, 2008. One copy of R18-4-215 will be on file with the City Clerk and the Planning and Development Department.

Sec. 37-142. Cross connections from or to source of water supply other than that of City.

No person may cause a connection to be made or allow a connection to exist for any purpose between the City water supply and any other source of water without the approval of the Director.

Sec. 37-143. Responsibility for backflow prevention control.

- A. *Director.* The Director will protect the public water supply by applying the remedies and enforcement provisions set forth in this article.
- B. *Planning and Development Director responsibilities.* The Planning and Development Director will enforce all of the following:

1. The Planning and Development Director will administer and enforce all applicable cross connection control provisions of the Phoenix Plumbing Code, including issuance of permits for all required backflow prevention assemblies.

2. The Planning and Development Director will determine whether a facility is a listed facility or activity in section 37-144 and therefore requires backflow protection. This responsibility includes inspection as necessary of all existing facilities connected to the City water system.

3. The Planning and Development Director will, as a condition of issuance of any building permit, require installation of appropriate backflow prevention as required by section 37-144 and the Phoenix Plumbing Code.

4. The Planning and Development Director will determine the type and location of all backflow prevention assemblies in accordance with this Chapter and all other codes and ordinances of the City.

5. The Planning and Development Director will keep adequate records of each test of an approved backflow prevention assembly and any subsequent maintenance or repair thereof.

C. *Customer responsibilities.* A customer shall prevent pollutants or contaminants from entering the customer's water system and the public potable water system. The customer's responsibility is for the customer's water system, which starts at the point of service delivery from the public potable water system and includes all water piping systems. The customer shall properly locate, install, test and maintain each backflow prevention assembly in good working condition and shall provide the necessary inspections to assure that the assembly is operating properly. In addition, the customer must comply with all of the following:

1. The customer shall obtain a permit from the Planning and Development Department for the installation of any backflow prevention assembly or for the modification of any plumbing system.

2. The customer shall test all backflow prevention assemblies at least once a year except that the Planning and Development Director may require more frequent testing. As to fire lines or fire sprinkler systems with backflow prevention assemblies, the initial and annual test must be performed by a certified tester who is also

permitted by the City Fire Marshal to test fire lines or fire sprinkler systems. The initial and annual test must include a full flow test. The customer shall test and submit all testing results to the Planning and Development Director. If the test reveals the assembly to be defective or in unsatisfactory operating condition, the customer shall perform to the satisfaction of the Planning and Development Director all repairs or replacement so that the assembly is in satisfactory operating condition.

3. If the Director, the Planning and Development Director, or customer becomes aware during the period between annual tests that an assembly is defective or in unsatisfactory operating condition, the customer shall perform to the satisfaction of the Planning and Development Director all repairs, replacement and any retesting so that the customer has an assembly in satisfactory operating condition.

4. Assembly testing must be performed by a certified tester. Testing requirements must be in accordance with the procedures outlined in the most recent edition of the University of Southern California Manual of Cross-Connection Control ("USC manual"). Copies of the most recent USC manual will be on file with the City Clerk and the Planning and Development Department. Assembly repair must be performed by a certified repairer in accordance with the procedures outlined in the most recent edition of the American Society of Sanitary Engineering (ASSE) Series 5000 Cross-Connection Control Professional Standard #5130. Copies of the most recent ASSE Standard will be on file with the City Clerk and the Planning and Development Department

5. The customer shall submit copies of testing records pertaining to assemblies, on forms approved by the Planning and Development Director, by the date specified by the Planning and Development Director. The customer must retain all records for a minimum of three years from the date that a copy of the record was provided to the Planning and Development Director.

6. The customer shall install backflow prevention assemblies, at the customer's expense, in compliance with the standards and specifications adopted by the City.

7. In the event the customer's or the public water system is contaminated or polluted due to a cross connection or other cause, the customer shall, on discovery of the contamination or pollution, promptly notify the Director and the Maricopa County Health Authority.

D. For the purposes of this article, “customer” means any person that has physical control, authority or responsibility for a water system that receives water service from the City public water system.

Sec. 37-144. Backflow prevention methods.

A. *Approved backflow prevention method.* Unless otherwise specifically designated by the Director, an approved backflow prevention method shall be one of the following types:

1. *Air gap:* An unobstructed vertical distance through the free atmosphere between the opening of any pipe or faucet supplying potable water to a tank, plumbing fixture or other device and the flood level rim of said tank, plumbing fixture or other device. An approved air gap must be at least double the diameter of the supply pipe or faucet and in no case less than one inch.

2. *Reduced pressure principle assembly (hereafter "RP"):* An assembly containing two independently acting approved checkvalves together with a hydraulically operating, mechanically independent pressure differential relief valve located between the checkvalves and at the same time below the first checkvalve. The assembly must include properly located test cocks equipped with brass plugs and tightly closing resilient seated shut-off valves at each end of the assembly.

3. *Pressure vacuum breaker assembly (hereafter "PVB"):* An assembly containing an independently operating, loaded checkvalve and an independently operating, loaded air inlet valve located on the discharge side of the checkvalve. The assembly must be equipped with properly located test cocks fitted with brass plugs and tightly closing resilient seated shut-off valves located at each end of the assembly.

4. *Double checkvalve assembly (hereafter "DC"):* An assembly composed of two independently acting, approved checkvalves, including tightly closing resilient seated shut-off valve at each end of the assembly and fitted with properly located test cocks equipped with brass plugs.

B. *Requirements for new services and existing services.* An approved backflow prevention method is required for the activities or facilities listed in this paragraph that are connected to the public water system. The backflow prevention method must be in accordance with that specified in the USC manual. The location must be as close as practicable to the point

of service delivery except that the customer may request that the approved backflow prevention method be located internally within the activity or facility. The customer must demonstrate that the proposed location will adequately protect the public water supply as well as satisfy the applicable requirements of this article. For purposes of this paragraph, the listed facilities, equipment or conditions must be as defined in the USC manual, or if not listed in the USC manual, must be as defined in the City of Phoenix Zoning Ordinance or Construction Code:

Industrial facilities:

1. Aircraft and missile plants (air gap or RP).
2. Automotive plants (air gap or RP).
3. Beverage bottling plants (air gap, RP or DC).
4. Breweries (air gap or RP).
5. Canneries, packing houses, reduction plants and food processing plants (air gap or RP).
6. Chemical plants—manufacturing, processing, compounding or treatment (air gap or RP).
7. Dairies and cold storage plants (air gap, RP or DC).
8. Film laboratories (air gap or RP).
9. Laundry and dye works (air gap or RP).
10. Metal manufacturing, cleaning, processing and fabricating plants (air gap, RP or DC).
11. Oil and gas production, storage or transmission properties (air gap or RP).
12. Paper and paper products plants (air gap or RP).
13. Plating plants (air gap or RP).
14. Power plants (air gap or RP).
15. Radioactive materials or substances—plants or facilities handling (air gap or RP).

16. Rubber plants—natural or synthetic (air gap or RP).
17. Sand and gravel plants (air gap or RP).
18. Semiconductor manufacturing facilities (air gap or RP).
19. Sewage and storm drain facilities, reclaimed water (air gap or RP).

Medical facilities:

20. Research laboratories (air gap or RP).
21. Hospitals, medical buildings, sanitariums, morgues, mortuaries, autopsy facilities, nursing and convalescent homes and clinics (air gap or RP).
22. Veterinary hospital, animal research, or animal grooming shops (air gap or RP).
23. Medical marijuana grow facilities (air gap or RP).

Commercial and educational facilities:

24. Buildings: Any structure having a cross connection in violation of the Phoenix Plumbing Code or water operated sewage pumping facilities, auxiliary water supplies or other like sources of contamination which would create a potential hazard to the public water system (air gap, RP or DC).
25. Carwash facilities (air gap or RP).
26. Motion picture studios (air gap or RP).
27. Multi-storied buildings having booster pumps or above-ground storage tanks (air gap, RP or DC).
28. Multiple services—interconnected (air gap, RP or DC).
29. Mobile home parks (RP or DC).
30. Recreational vehicle parks (RP or DC).
31. Schools and colleges with laboratories (air gap or RP).

32. Retail shopping centers and strip malls; retail and industrial shell buildings (when one service supplies more than one tenant) (RP).

33. Supermarkets, butcher shops, and restaurants (air gap or RP).

34. Retail and wholesale nurseries (air gap or RP).

35. Equestrian properties (air gap or RP).

Portable or temporary services or equipment:

36. Construction sites or construction water services (air gap or RP).

37. Mobile equipment utilizing public potable water (i.e., water trucks, street sweepers, hydro-vacs, etc.) (air gap or RP).

38. Portable insecticide and herbicide spray tanks (air gap or RP).

Miscellaneous activities and equipment:

39. Auxiliary water systems (air gap or RP).

40. Chemically contaminated water systems (air gap or RP).

41. Fire systems:

a. Class 1 or 2: Backflow prevention assembly is required. Check valve assemblies required by the Phoenix Fire Code must be inspected, tested and maintained at least annually to verify the valves are properly installed and functioning. Annual flow and valve confidence tests must be performed by a tester who is permitted by the City Fire Marshal to test or maintain fire lines or fire sprinkler systems. Test results, on forms approved by the City, shall be provided to the Director and the City Fire Marshal within 30 days following the inspection. Any fire sprinkler system which fails must be repaired as required by the Fire Code.

b. Class 3, 4, 5, or 6 (RP).

42. Industrial fluid systems. Any industrial fluid system interconnected with the public water supply and containing any fluid

or solution which may be chemically, biologically or otherwise contaminated or polluted in a form or concentration such as would constitute a health, system, pollution or plumbing hazard if introduced into an approved water supply (RP or DC).

43. Irrigation systems:

- a. System using a chemical injection system (RP).
- b. System having elevated areas which are higher than six inches below the PVB or multiple services (RP).
- c. System not subject to backpressure (PVB).

44. Restricted, classified or other closed facilities including civil works (air gap or RP).

45. Solar heating systems—direct and auxiliary (RP).

Exception: Once through solar heating systems.

C. The Planning and Development Director will determine on a case-by-case basis backflow prevention requirements for any facility or activity not listed in this section in order to prevent contamination or pollution of the public potable water system.

D. All assemblies must be accessible for testing and maintenance. A reduced pressure principle assembly or double check valve assembly may not be installed in a basement, meter box, pit, or vault. A pressure vacuum breaker assembly must be installed above ground.

E. Unless a cross connection problem is specifically identified, or as except as otherwise provided in this article, the requirements of this article do not apply to single-family residences used solely for residential purposes.

F. “Close as practicable” means the point nearest the point of service delivery where the assembly can be installed. Where the assembly installation location may interfere with obstacles such as driveways and sidewalks, then “close as practicable” means the nearest point after the obstacle, but in no event beyond the first tap.

G. An air gap separation must be located as close as practicable to the customer’s point of service delivery. All piping between the customer’s connection and receiving tank must be entirely visible unless otherwise approved by the Planning and Development Director.

Sec. 37-145. Appeals.

An action or decision concerning the determination of the Planning and Development Director may be appealed to the Development Advisory Board in accordance with the procedures set forth in chapter 2, article IX of the Phoenix City Code.

Sec. 37-146. Remedies.

A. If a customer has committed one or more of the acts contained in subsection D below and has not taken the corrective action as required by the Planning and Development Director, the Director may impose a civil penalty of not more than 1000 per cent per billing period on the charges for all water used beginning from the date the corrective action was required and until the corrective action has been completed by the customer.

B. If a situation that would otherwise result in termination of water service is not remedied within the time provided in the notice of termination sent to the customer, the Director may install a backflow prevention assembly at the customer's point of service delivery and bill the customer for all costs, together with all applicable penalties.

C. The Director may publish in the largest daily newspaper published in the City notice of customers who during the preceding 12-month period were in violation of any requirement of this article. The publication will also summarize any enforcement action taken.

D. In addition to any other remedy available, the Director, if requested by the Planning and Development Director, may terminate water service to a customer, if the customer does any of the following:

1. Fails to properly locate, install, test or maintain a required backflow prevention assembly.
2. Removes or bypasses a required backflow prevention assembly without the prior approval of the Planning and Development Director.
3. Allows a cross connection to occur.
4. Fails to timely submit records of tests and repairs of a backflow prevention assembly.

5. Fails to comply with the written policy on backflow prevention and cross connection on file with the City Clerk and Planning and Development Director.

6. Fails to comply with any requirements imposed on the customer by R18-4-215, Arizona Administrative Code.

E. Termination of water service as provided by subsection D of this section will be immediate and without prior notice if the Director determines that the customer's water system may cause a health hazard to the public potable water supply. Otherwise, the Director will give 10 days' written notice to the service address to be terminated before termination of water service. Water service may be restored when the condition forming the basis for the termination has been remedied to the satisfaction of the Planning and Development Director. The customer must pay all costs, fees, and expenses incurred by the City, and all surcharges and penalties relating to the termination and restoration of water service, before the water service is restored.