



Staff Report

Agenda Item: WATER CODE - Draft Water Code review and direction to staff regarding the draft Water Codes for the Town of Clarkdale.

Staff Contact: Utilities Director Ron Doba
Town Manager Gayle Mabery

Meeting Date: January 8, 2008

Background: The attached draft of the Water Codes are the result of the work that has been undertaken, led by Willdan, and reviewed and edited by the Town of Clarkdale Water Code Team (Town Manager Mabery, Utilities Director Ron Doba, Public Works Director Steve Burroughs, Fire Chief Don Eberle, Community Development Director Sherry Bailey, Building Official Mike Baker, Finance Director Carlton Woodruff, and Town Attorney Rob Pecharich).

Sections 19-1 through 19-10 are all new sections. The previously adopted Drought and Water Shortage Preparedness Plan has been renumbered as Section 19-11 (Council does not need to focus its review on this part of the code at this time). Section 19-12 has been reserved for insertion of the upcoming Water Conservation Code.

In addition to the proposed water codes, staff is recommending that we consider an additional Article to the Town Code, Chapter 21, which will deal with both water line and sewer line extensions. We are recommending that this new code be adopted, since the extensions policy relates to both water and sewer, and therefore would be inappropriate to just incorporate in one of those policies. It is possible that we would incorporate other types of infrastructure extensions in this new chapter at a later date.

As has been noted previously, the staff is recommending that the Council review these codes and give direction to staff about any changes that they may have. We are recommending that the codes adoption be in conjunction with the Town's take over of the water utility billing, which will occur in March, 2008. Once we have received Council comments, we will incorporate the comments, draft the appropriate Ordinance for adoption, then bring the codes back to the Council in February, to meet the 30-day adoption time frame necessary to make the codes effective in March.

Representatives from Willdan, and staff team members, will be present at the Council meeting to discuss the provisions that are recommended, and answer any questions that the Council may have. To aid in this effort, if it is possible for individual Council members to forward any items that they have specific questions on to the staff by Friday, January 4th, staff will have a chance to better organize responses to those questions during the Council meeting. Council comments can be emailed to Utilities Director Ron Doba at rond@clarkdale.az.us

Recommendation: This agenda item does not require formal action from the Council at this time. Staff would appreciate any input regarding amendments to this draft from the Council, so that we can incorporate changes and bring back a final ordinance to the Council in February.

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July 26, 2007 Revised August 21, 2007, Final Draft Oct. 1, 2007 *Final Draft 2 November 27, 2007 Final Draft 3 December 7, 2007, Final Draft 4 December 28th, 2007*

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***Cross References: International Plumbing Code 2006
International Fire Code 2006
Arizona Administrative Code Title 18 Environmental Quality
Arizona R18-4-115. Backflow Prevention**

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Article 19-1 Definitions

In this chapter unless the context otherwise requires:

Account - the individual identification of a property being served water by the Town.

Approved - reviewed by the appropriate department at the Town in accordance with all applicable local, state and federal regulations and deemed in conformance by the appropriate department at the Town.

Backflow – means the reversal of the normal flow of water caused by either backpressure or backsiphonage.

Backflow preventer - means an approved assembly or means designed to prevent the reversal of the normal flow of water caused by either backpressure or backsiphonage.

Bulk water – Potable water supplied by the Town through a fire hydrant meter.

Commercial Provision - An agreement between the Town of Clarkdale and a commercial customer where compliance with the Stage Level may cause unreasonable economic hardship. Requests for provision shall be in written form to include the nature of the business and the economic impact the provision will cause. The Utilities Director will consider the provision on a case-by-case basis. Under Demand Reduction Strategy III, new Commercial Provisions may only be considered by the Town Council.

Contracted Operator – Any person, company, or organization under legal contract with the Town of Clarkdale to monitor, maintain, affect repair of and/or facilitate operations of the Clarkdale Municipal Water Utility.

Contractor – the individual, partnership, business or corporation who is a licensed contractor in the State of Arizona in the appropriate area to perform work on water facilities.

Cross-connection – means any unprotected actual or potential connection or other arrangement of piping or fixtures between a piping system containing potable water and a piping system containing non-potable water, waste fluids, industrial fluids, or any other fluids or substances of questionable safety for human consumption, through which, or because of which, backflow can or may occur into the potable water system.

Customer - the individual, partnership, business, or corporation in whose name the application for water service is made, and is responsible for all transactions in regards to receiving water from the Town.

Customer water supply system – the piping and appurtenances located immediately downstream of the water meter and box on the consumer/customer's property.

Demand Reductions - Demand reductions are all measures taken by the water utility to reduce

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the use of potable water in response to water drought or supply insufficiency conditions. Demand reduction includes measures, which would restrict water further than a normal, conservation minded desert lifestyle.

- A. Water demand reduction during a drought may incorporate both voluntary measures and mandatory ones, such as curtailment of irrigation water use and, in extreme cases, rationing of available supplies. Many of the organizational demand management responses to a drought condition, including conservation measures, are appropriate for responding to a short-duration supply insufficiency. Generally, responses to a systemic failure will be more rapid and may omit intermediate steps normally associated with an incremental drought response plan.
- B. It is evident that drought is not a constant or totally predictable condition in occurrence or duration. Rather, there are levels of drought and levels of drought impact, and therefore, levels of demand reduction response.

Developer/owner – shall be deemed the individual firm, corporation, partnership, association, syndication, trust or other legal entity that is responsible for creating a demand on the Town water facilities.

Distribution System Line(s) – means the network of pipeline(s) used to deliver water from the Town's facilities to the customer's water supply system.

Domestic water – means water that meets all of the criteria of the Rules and Regulations of the Arizona Department of Health Services or the Arizona Department of Environmental Quality, except for certain chemical parameters.

Drought - Water drought is a long period of abnormally low precipitation (rain or snow), especially one that adversely affects growing or living conditions. Water drought can be caused by seasonal or multi-year weather conditions, and is usually systemic and regional in nature and of indeterminable length.

DWSPP – means Drought and Water Shortage Preparedness Plan.

Effluent - means outflow from a sewer or sewage system and remains effluent until it acquires the characteristics of ground water and surface water. Effluent that is reused is treated to a quality suitable for non-potable applications such as landscape irrigation, decorative water features, and non-food crops. Such water remains effluent until it acquires the characteristics of groundwater or surface water.

Emergency Authority - The Utilities Director, or a certified operator acting under the direction of the Utilities Director, has the authority to make operational adjustments and/or changes to the potable water and reclaimed water system for the purpose of protecting the system from damage, maintaining water supply, or restoring the system to operation after a system failure.

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Even-Numbered Address – Any street address ending in zero (0), two (2), four (4), six (6) or eight (8).

Fountain - Any fountain or water feature that is solely or partially used for decorative purposes.

Hearing Officer- means a non-Town contract employee appointed by the Town Council to hear and render a final decision for appeals.

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

Municipal water system – means the network of pipelines and other public water facilities maintained and operated by the Town.

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

Potable water – means water suitable for drinking or cooking purposes from both health and aesthetic considerations, and which meets the quality standards prescribed in the Safe Drinking Water Act, and which is approved for drinking purposes by the Town of Clarkdale Municipal Water Utility.

Private water system – means any water system that delivers water to one or more users and is not located in public rights-of-way or public easements, and is operated and maintained by the owner of the private water system.

Public water lines – are defined as any water distribution lines or transmission mains.

Reclaimed Water – Recycled wastewater treated to improve its quality. Reclaimed water can serve in many capacities where it is unnecessary to use high-quality potable (or drinking) water. Non-potable uses include but are not limited to: irrigation, wetland restoration, industrial washing and cooling, fire protection, dust control, car washing and geothermic energy production.

Safe Production Capability – Water resources available measured in gallons per day (GPD), based on seventy-five percent (75%) of available capacity.

Service connection – means the terminal end of a service line from the Town's water system at its point of delivery to the customer's water supply system. If a meter is installed between the customer's water supply system and the Town's water system, the service connection shall end immediately downstream of the water meter and box. Service connections shall also include a water connection from a fire hydrant and any other temporary or emergency water connections with the Town water supply system.

Service line – means the water line from the Town's water distribution system line to the water meter.

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Supply Insufficiency - Supply insufficiency occurs when water available in an area is not sufficient to meet immediate unrestricted demand. A supply insufficiency may be system-wide or very localized and can be of relatively short duration. Supply insufficiencies can be caused by unforeseen increases in water demand, failure of a localized part of the storage or delivery system, water quality problems or any number of other natural or man-made situations that result in an inability to provide a sufficient, unrestricted supply of water.

Surcharge – To charge an additional fee, cost or levy to a Clarkdale Municipal Water Utility user for violation of any prohibition of the Town of Clarkdale Drought and Water Shortage Preparedness Plan.

Total Production Capability - The total water resources available measured in gallons per day (GPD) based on potable water production and distribution components.

Town – means the Town of Clarkdale, Arizona.

Unit of service – means each structure, group of structures, portion of a structure or real property that is served by a separate water meter.

User – means the owner, tenant, trustee, mortgagee, receiver or occupier whether person, corporation, firm or municipality of property that is connected to the municipal water system.

Wasting Water - To use or expend water thoughtlessly or carelessly. Examples include, but are not limited to, allowing water to run into the street/gutter, allowing water to pool, irrigating during precipitation events, and failing to repair water leaks. A representative of the Clarkdale Municipal Water Utility shall make the determination of Wasting Water.

Water Conservation Enforcement Aid – Town employees, working under the direction of the Utilities Director or his/her designee, charged with the responsibility of educating the public regarding the Town's Drought and Water Shortage Prepared Plan, and enforcing water restrictions related thereto. The Water Conservation Enforcement Aid enforces compliance with the DWSPP by field inspections of perceived violations, verbally informing users of the DWSPP's prohibitions, and by delivering written warnings and/or written surcharge notifications to users violating those prohibitions.

Water Demand Reduction Strategies - An effort initiated to ensure the availability of adequate water resources for the future, and in times of emergency.

Water Division – means the Town of Clarkdale Water Division responsible for overseeing the activities of the municipal water system. The Town of Clarkdale Water Division is a Division of the Town of Clarkdale Utility Department.

Water Service Agreement – means agreement between property owner and Town of Clarkdale for water service when owners well is abandoned as a condition of water service.

Water System Lines/Water lines – means the same as distribution system lines.

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Water Transmission Mains – means the Town-owned water pipelines connecting to the water system lines. Typically, water transmission mains are not allowed to be tapped for individual service connections.

Water Tap – means the physical connection into Town-owned water distribution system line.

Article 19-2 Town of Clarkdale Water Division - Authority

- 19-2-1 Town of Clarkdale, Arizona authorized to supply potable water
- 19-2-2 Town of Clarkdale Water Division Director – Authority

Section 19-2-1 Town of Clarkdale, Arizona authorized to supply potable water

- A. The Town of Clarkdale, Arizona is authorized to supply potable water in accordance with the Arizona Revised Statutes and other applicable federal and state laws. (Effective date January 25, 2006)
- B. The Town may make rules and regulations not in conflict with the provisions of any ordinance governing the use of the connection to the municipal water system of the Town.

Section 19-2-2 Water Division Director – Authority

The Town of Clarkdale Utilities Director or his designated representative shall serve as the Water Division Director and shall have full charge over and direction of the water system of the Town and all improvements, extensions, and equipment pertaining thereto, and shall have charge and supervision over all Town of Clarkdale employees assigned to the work thereon.

Article 19-3 Conditions of Service; Appeals

- 19-3-1 Water Supplied Through Meter Only
- 19-3-2 Appeals
- 19-3-3 Waterline Frontage Requirement
- 19-3-4 Water Service Area
- 19-3-5 Use of Fire Hydrants and/or Hydrant Fire Meters
- 19-3-6 Bulk Water
- 19-3-7 Abandonment of Existing Wells
- 19-3-8 Approved Sewer or Septic System
- 19-3-9 Easement and Right-of-Way Dedication and Restrictions

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Section 19-3-1 Water Supplied Through Meter Only

Whenever a water service is installed connecting any property or water using equipment with the potable water supply system of the Town, the water will be supplied to such property or equipment through meter only, except for commercial sprinkler-type fire suppression systems.

Section 19-3-2 Appeals

- A. The customer of the water utility may appeal a decision made under this Chapter to a Hearing Officer appointed by Town Council. Arizona Revised Statutes and other federal and state laws and regulations may not be appealed.

- B. If a customer wishes to file an objection and request a hearing before the Hearing Officer for a decision rendered under this Chapter, except as set forth in this Section, the customer shall submit a certified written notice of objection within fifteen (15) days of receiving such decision. The written objection shall include copies of all documents that support the customer's position.

- C. Within ten (10) days of date of receipt of the objection and request for a hearing before the Hearing Officer from the customer, the Town shall schedule a hearing date and give written notice to the customer of the scheduled date.

- D. The hearing shall be held by a Hearing Officer
 - 1. The hearing shall be held during regular Town business hours.
 - 2. The hearing may be continued one time by the Hearing Officer upon the written request for good cause from the customer.
 - 3. The customer and the Town (if requested by Hearing Officer) shall each be given an opportunity to present their respective cases.

- E. The Hearing Officer shall render a written decision within 30 days of the close of the hearing.

- F. All decisions of the Hearing Officer shall be final.

Section 19-3-3 Waterline Frontage Requirement

Each parcel or lot where water service is desired must have an adequately sized, Town-owned water system line extending the full property frontage along at least one (1) side of the parcel before it is eligible for service, unless otherwise approved by the Water Division Director. The Water Division Director shall determine size of the water system line.

Section 19-3-4 Water Service Area

- A. The Town of Clarkdale's incorporated boundary is defined as the Town of Clarkdale's water service area.

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- B. Any potable water service provided for commercial purposes of sale within the Town of Clarkdale Water Service Area by other than the Town of Clarkdale water system will require approval of the Town of Clarkdale Council.
- C. The Town of Clarkdale may serve potable water outside the Town limits as approved by the Town Council. Should the Town Council approve water service outside the Town boundary the Water Service Area will be amended to include the limits of the infrastructure service area plus 600 feet.

Section 19-3-5 Use of Fire Hydrants and/or Fire Hydrant meters

- A. Only authorized Town, Contracted Operator, and Fire District personnel may operate fire hydrants.
- B. Use of hydrant meters for residential, commercial or construction customers will be allowed only by permit through the Water Division.

Section 19-3-6 Bulk Water

- A. Whenever bulk water is requested by a customer for construction or potable consumption, customer and/or his representative shall make application to the Water Division for a fire hydrant meter and bulk water use permit. Upon approval by the Water Division Director and payment of appropriate fees and charges that may be set from time to time by Resolution of the Town Council, a fire hydrant meter may be installed at the location of the approved service.
- B. Bulk Water shall not be hauled for sale outside the Town of Clarkdale water service area without approval of the Town Council.

Section 19-3-7 Abandonment of Existing Wells

- A. In order to establish new potable water service from the Town, any existing wells on the property shall be abandoned in accordance with well abandonment procedures of the Arizona Department of Water Resources, and all other local, state and federal regulations in regards to abandonment of wells as a condition of service.
- B. The property owner shall enter into a Water Service Agreement prior to connection to the Town potable water system.

Section 19-3-8 Approved Sewer or Septic System

Customer shall obtain and maintain a connection to an approved sewer or septic system as a condition of service.

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Section 19-3-9 Easement and Right-of-Way Dedication and Restrictions

- A. A customer requesting establishment for new water service, shall at no charge to the Town grant or convey or shall cause to be granted or conveyed to the Town a permanent easement and/or right-of-way across any property owned or controlled by the customer wherever the easement and/or right-of-way is necessary to enable the Town to serve water to the customer.
- B. A customer shall not erect any permanent structure around, across or on the easement or right-of-way of any Town water system infrastructure without the prior approval of the Town.
- C. In the event removal of a non-permanent structure, landscaping, or other improvements in a dedicated easement or right-of-way of the Town is necessary to maintain, repair, and/or operate the municipal water system, the customer shall be responsible for removal and replacement of such items, and all costs for such removal and replacement shall be borne by the customer.

Article 19-4 Application For Water Service

- 19-4-1 19-4-1 Application for Service: Deposits
- 19-4-2 Payment of Water System Connection Fees, Deposits and Other Water Service Charges/Fees
- 19-4-3 Change of Mailing Address

Section 19-4-1 Application for Service: Deposits

- A. A customer shall make application for service to the Town of Clarkdale in person or by first class mail on a notarized form prescribed by the Town. When the customer is a Tenant rather than the property owner the owner of property to which Town water service is desired shall also file a completed and signed Landlord Water Service Application with the Town Water Division in the form prescribed by the Town and made available by the Town to the owner, for each water meter servicing the landlord's properties, as a condition of receiving water service.
- B. The customer/tenant in whose name the application and deposit are made shall be responsible for payment of all bills incurred in connection with the service furnished. However, if payment is not made by the primary responsible party, the owner of the property to which the service is made shall be responsible for payment of all bills incurred in connection with the service furnished. In addition, any other person(s) who may be found liable for payment of the account under law, shall be responsible for payment of all bills incurred in connection with the service furnished.

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- C. Potable water service shall not be furnished to any property until the application is completed and approved, and all water related charges against the property due and payable to the Town under any Town ordinance shall have been paid. This includes any deposits that may apply.
- D. Any delinquent amounts owing on an existing or prior account must be paid when the customer applies to open another service account. Failure to pay the delinquent amount owing on a prior account or accounts constitutes grounds for the Town to refuse new service.
- E. The security deposit is refundable after twelve (12) months of good payment history. Good payment history means no late payments in twelve (12) months of consecutive billing. This document will be kept in the consumer/customer's file. The payment history will be automatically reviewed after one (1) year. The security deposit shall be credited to the customer's account or applied to the final bill, whichever comes first. No interest will accrue on the deposit.
- F. Upon discontinuance of service requested by account holder, the Town shall apply the deposit toward settlement of the account. The account holder shall provide the Town three (3) days notice for discontinuation of service.
- G. A separate security deposit shall be required for each new account.

Section 19-4-2 Payment of Water System Connection Fees, Deposits and Other Water Service Charges/Fees

Customer as a condition of water service shall be responsible to pay all water system connection fees, deposits and other water service charges may be set from time to time by Resolution of the Town Council to maintain water service from the Town.

Section 19-4-3 Change of Mailing Address

Customer and/or property owner shall be required to notify the Town of any change in mailing address, occupancy, or ownership within fifteen (15) days after such change occurs. Failure to contact Town may result in penalties or late charges that shall be the responsibility of the customer and/or property owner.

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Article 19-5 Connection Tap and Water Meter Installation

- 19-5-1 Connection Tap to Town Municipal Water System
- 19-5-2 Minimum Water Meter Size for Residential Sprinkler System
- 19-5-3 Water Service Line, Meter and Box
- 19-5-4 Relocation of Water Service/Water Meter
- 19-5-5 Actual Costs to Perform Services

Section 19-5-1 Connection Tap to Town Municipal Water System

All taps shall be performed by the Town's licensed contractor or Water Division forces. The Water Division reserves the right to contract with an appropriately licensed contractor in the State of Arizona to provide water tapping services. **Note: (will need to rescind Resolution No. 1210/adopt. 09-26-06)**

Section 19-5-2 Minimum Water Meter Size for Residential Sprinkler System

The Community Development Department of the Town shall review and approve the required water meter size.

Section 19-5-3 Water Service Line, Meter and Box

- A. The Town shall supply and install the water service line; meter and meter box up to two (2) inches in size to the property after receipt of proper application and payment. The Water Division reserves the right to contract with an appropriately licensed Arizona Contractor to perform this work.
- B. The customer shall be responsible for the purchase and installation of Town-approved water service line, water meter larger than two (2) inches in size and vault. The Water Division will provide the specifications.
- C. In new subdivisions, the developer's licensed contractor shall install the water service line, and meter box in accordance with the Town's specifications.

Section 19-5-4 Relocation of Service Line/Water Meter

In the event the customer requests the Town to relocate the water service line and/or water meter to the property, the customer shall pay all charges associated with the relocated water service line and/or meter.

Section 19-5-5 Actual Costs to Perform Services

Notwithstanding any of the fees and charges specified in this section, nothing shall prohibit the Town from charging the consumer/customer the actual cost to perform the services requested. In all such cases the person requesting services shall receive itemized billing for any amounts due above any service charge paid pursuant to this section.

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Article 19-6 Backflow Prevention and Cross-Connection Control

19-6-1 Purpose

19-6-2 Backflow Prevention Required A.A.C.18-4-115

Section 19-6-1 Purpose

- A. To protect the potable water supply of the Town from the possibility of contamination or pollution by preventing the backflow of contaminants and pollutants into the municipal water supply system.
- B. To promote the elimination or control of existing cross-connections, actual or potential, within a user's internal potable water system, plumbing fixtures and industrial piping systems.
- C. To provide for a continuing program of cross-connection control which will prevent the contamination or pollution of the public potable water supply system; and
- D. To comply with Arizona Department of Environmental Quality Regulations. A.A.C.18-4-115. Backflow Prevention.

Section 19-6-2 Backflow Prevention Required A.A.C.18-4-115

- A. Backflow prevention shall be required at every service connection to a user's water system when the Water Division determines the potable water supplied by the municipal water system may be subject to contamination, pollution or other deterioration of quality by conditions or potential conditions within the user's water system.
- B. Backflow prevention required by the Water Division shall be sufficient to protect against the potential degree of hazard to the potable water supply from the user's water system.
- C. The Town shall have the right to refuse to provide potable water service unless consumer's water lines or piping are installed in such a manner to prevent cross-connections or backflow.
- D. For any backflow prevention devices required by the Water Division it shall be the responsibility of the property owner to yearly certify that the all backflow devices are in proper working order. Backflow certifications shall be submitted to the Water Division within 30 days of the anniversary date of the installation of the backflow prevention device. Failure to provide backflow certification will result in termination of water service.

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Article 19-7 Water Division and Customer Responsibilities

- 19-7-1 Water Division Responsibilities
- 19-7-2 Customer's Responsibilities
- 19-7-3 Interference with Authorized Personnel in the Discharge of their Duties
- 19-7-4 Permit Required

Section 19-7-1 Water Division Responsibilities

- A. The Water Division shall not be responsible for the installation, maintenance, or inspection of the customer's water piping and apparatus or for any defects therein.
- B. Under normal conditions, the customer shall be notified of any anticipated interruption of water service. Customer's water supply system may at any time be shut off from the Town's municipal water system due to emergencies or for the purpose of making repairs, extensions or any other necessary work. Notice will be given when reasonably possible. The Town shall not be liable for any damages that may occur due to the potable water supply being shut off for any purpose or on account of the breaking of any pipe or fixture. Water users who have any machinery, material, process or plant which requires a constant supply of water shall install upon their premises such water storage facilities as will prevent any damage in case the Town's potable water supply may, for any reason, be interrupted or discontinued.
- C. The Water Division shall not be responsible for the negligence of third persons or forces beyond the control of the Water Division resulting in any interruption of service or damage to the property of the consumer.
- D. The Water Division may discontinue water service for the following reasons:
 - 1. To prevent fraud or abuse.
 - 2. The customer's willful disregard of or refusal to comply with this Chapter or other rules as may be adopted by the Town Council.
 - 3. To prevent or stop any serious public health hazard, including, but not limited to, lack of connection to an approved sewer or septic system.
 - 4. Non-payment of water service charges in accordance with the Articles in this Chapter of the Town Code.

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- E. The Water Division Director, or Designee, may issue an order to all customers to boil the potable water prior to human consumption upon verifiable information from the Water Division that the potable water system does not meet required water quality standards and therefore is a potential for serious health risks if the water is consumed prior to boiling. Every effort will be made to inform the Mayor and Town Manager or their designee of the notice prior to issuance of any boil order.

Section 19-7-2 Customer's Responsibilities

- A. Where a meter is placed on a customer's property, the water meter and box shall be located in an easement, and the water meter and box shall be unobstructed and accessible at all times to Town authorized personnel. The Water Division shall approve the final location.
- B. Where a fire hydrant is placed in an easement or in public right-of-way, the customer shall provide a suitable place for the fire hydrant, which place shall be unobstructed at least three (3) feet in all directions, accessible at all times to Water Division and Fire District authorized personnel, and functional for unobstructed use for fire protection purposes.
- C. The customer shall furnish and maintain a private shut-off valve on customer's side of the meter within eighteen (18) inches of the meter box, and any other customer's device. The Town shall provide a like valve on the Town's side of the meter.
- D. The customer shall install customer's piping and apparatus and maintain it in a safe and efficient manner at customer's own expense, in accordance with the Town's rules and regulations, and in full compliance with the regulations of the State Department of Health Services and the Arizona Department of Environmental Quality.
- E. The customer shall safeguard the Town's property placed on customer's premises and shall permit access to it only by authorized representatives of the Town.
- F. In the event of any loss or damage to the property of the Town being used to provide water service to customer, caused in whole or in part by customer, customer shall pay to the Town the cost of the necessary repairs or replacements, and customer shall assume any liability otherwise resulting. The Town shall add the amount of the loss or damage to customer's bill, and if the amount is not paid, the Town shall discontinue service to customer after providing notice and an opportunity for a hearing as specified in this Chapter.

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- G. If customer alters the grade of the land surrounding any of the Town's meters or other water system facilities, such that alteration of the facility is necessitated thereby, customer shall pay to the Town actual costs of alteration by Town. The Town shall add the amount of the costs to customer's bill, and if the amount is not paid, the Town shall discontinue service to customer after providing notice and an opportunity for a hearing as specified in this Chapter. In the event, the alteration occurs prior to issuance of a water meter, customer shall be denied water service from the Town until the alteration is corrected by customer.
- H. No person shall maliciously, willfully or negligently, break, damage, uncover, deface or tamper with any structure or equipment that is a part of the municipal water system.

Section 19-7-3 Interference with Authorized Personnel in the Discharge of their Duties

It shall be unlawful for any person to interfere in any way with authorized personnel of the Town of Clarkdale or its Contracted Operator in the discharge of any of their duties, either in the tapping of any water pipe, main or service line belonging to the Town, or in the laying or connecting of such pipe, main, or service line or inspection of any part of the potable water system.

Section 19-7-4 Permit Required

No unauthorized person shall uncover, make any connections with or opening into, use, alter or disturb any component of the municipal water system without first obtaining a written permit from the Town of Clarkdale Water Division.

Article 19-8 User Rates, Fees, and Other Charges

19-8-1 User Rates, Fees, and Other Charges

Section 19-8-1 User Rates, Fees, and Other Charges

Water user rates, fees, and other charges shall be set from time to time by Resolution of the Town Council.

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Article 19-9 Meter Reading, Billing and Collecting

- 19-9-1 Meter Fails to Register
- 19-9-2 Maintenance and Testing of Water Meters
- 19-9-3 Changing Size of Meter
- 19-9-4 Separate Meters
- 19-9-5 Readings from Different Meters
- 19-9-6 Delinquent Bills
- 19-9-7 Denial of Service to Uninhabitable and Unsafe Properties
- 19-9-8 (Reserved)
- 19-9-9 (Reserved)
- 19-9-10 After Hours Service Generally
- 19-9-11 Actual Costs to Perform Services
- 19-9-12 Administration and Enforcement

Section 19-9-1 Meter Fails to Register

If a meter fails to register or stops for any cause for which customer is not responsible, customer shall pay an amount estimated from the record of the customer's previous bills or from other proper data until the meter is repaired or replaced.

Section 19-9-2 Maintenance and Testing of Water Meters

- A. Except as otherwise provided in this Chapter, the user shall maintain all water lines and connections within his property. The water meter shall remain the property of the Town. All water meters, except in cases where they are willfully damaged by the user, shall be maintained and repaired by the Town at its expense.
- B. The customer may request the meter be removed and subjected to a shop test. If the shop test indicates that the meter is recording usage at or below American Water Works Association standards, the user will pay the costs associated with the testing of the water meter.

If the results of the shop test indicate that the meter is recording usage at or below American Water Works Association standards, customer will immediately pay any outstanding water bills associated with the meter that was tested.

- C. If the seal of a meter is broken by anyone other than the Town's representative, customer shall pay an amount estimated from the record of customer's previous bills or from other proper data.

Section 19-9-3 Changing Size of Meter

- A. Approval of the Town of Clarkdale Utilities Department, Water Division is required prior to changing the size of a water meter and/or water service line serving an existing

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account. Application shall be made to the Town Water Division, on a form provided by the Town by the owner of the premises where the change in water meter size and/or water service line is desired.

- B. After review and approval of the application from the Town Water Division, and payment of applicable fees and charges for the appropriate size meter, a new meter and water service line may be installed in accordance with the procedures described elsewhere in this Chapter.

Section 19-9-4 Separate Meters

- A. The Town will provide one (1) water meter per residential property. If the residential property owner chooses to separately meter their landscaping, the landscape meter shall be considered private and will be located behind the Town water meter on the customer's side. The Town will only read the Town's supplied water meter.
- B. For commercial properties the Town shall provide meters as required by the Water Division thorough their review of water meter sizing.

Section 19-9-5 Readings from Different Meters

Readings from different meters, except for compound meters, shall not be combined for billings, irrespective of the fact that the meters may be for the same premises, for the same or different customers or for the same or different services.

Section 19-9-6 Delinquent Bills

- A. Bills shall be due when rendered and shall be delinquent fifteen (15) days thereafter. It is the policy of the Town to discontinue water service to customer by reason of non-payment of bills only after notice and a meaningful opportunity to be heard on disputed bills.
- B. If the customer believes the bill is in error, he or she shall notify the Town before the bill becomes delinquent.
- C. If any bill becomes delinquent, a second bill will be mailed containing a shut-off notice, stating service will be discontinued for nonpayment sixty (60) days from the original due date.
- D. Any customer disputing the correctness of a bill after notifying the Town and receiving a decision regarding the correctness of the bill shall have a right to request a hearing before the Town's Hearing Officer in accordance with the procedures described elsewhere in this Chapter. Requests for delays or waiver of payment will not be entertained at this hearing; only questions of proper and correct billing will be considered.

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- E. In the absence of payment of the bill rendered or resort to the hearing procedure provided herein, service will be discontinued at the time specified, but in no event until the charges have been due and unpaid for at least sixty (60) days.
- F. The customer's bills shall become delinquent despite customer's failure to receive bills or notices, and customer shall not be relieved of his or her obligation therein due to his or her failure to receive bills/notices.
- G. When it becomes necessary for the Town to discontinue water service to a customer for nonpayment of bills, service will be reinstated only after all bills and charges for service then due have been paid in full, along with any other charges due as may be set from time to time by Resolution of the Town Council.

Section 19-9-7 Denial of Service to Uninhabitable and Unsafe Properties

- A. Upon receipt of written notice from the owner that a structure has been permanently abandoned, or notice from the Town or County health officer that a structure has been condemned as uninhabitable or unsanitary and dangerous to human life, potable water shall be immediately turned off, the water meter removed and the service locked in the off position.
- B. A water meter may be reinstalled to the same unit of service and water service may be provided upon the authorization of the Town or County health officer that the structure is habitable, and upon compliance with the conditions for service initiation.
- C. Due to extenuating circumstances such as broken or leaking pipes or other causes that in the opinion of the Town constitute good cause, the Town may refuse to resume any unit of service until such time as those circumstances have been satisfactorily addressed to the satisfaction of the Town.

Section 19-9-8 (Reserved)

Section 19-9-9 (Reserved)

Section 19-9-10 After Hours Service Generally

Users requesting service after normal business hours to connect or reconnect water service shall be charged the applicable fees as may be set from time to time by Resolution of Town Council. The fee is in addition to any other charges currently due and payable. All payments shall be made during regular business hours only.

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Section 19-9-11 Actual Costs to Perform Services

Notwithstanding any of the fees and/or charges as specified in this section, nothing shall prohibit the Town from charging the user or potential user, the actual cost to perform the services requested. In all such cases the person requesting services shall receive itemized billing for any amounts due above any service charge or fee paid pursuant to this section.

Section 19-9-12 Administration and Enforcement

- A. Duly authorized agents of the Town are hereby authorized to carry out periodic inspections or re-inspections of facilities, equipment, property, records as may be deemed necessary to determine compliance with this chapter.

- B. Any person, firm or corporation violating any provision of this chapter, except those provisions covering rates, fees, other charges, delinquent bills, tampering with a public water system (which is considered a felony in certain instances), shall be deemed guilty of a misdemeanor or felony, and upon conviction thereof shall be punished as provided in the Town Code. Each and every day any such violation continues shall be deemed and considered a separate offense. Any person, firm, or corporation violating any provisions of this chapter shall become liable to the Town for any expense, loss or damage occasioned by the Town by reason of such violation.

- C. The penalties set forth above shall be cumulative and nonexclusive. In addition to those penalties set forth herein, the Town may institute any other remedies available, including, but not limited to, a civil action or lien on the property to recover any and all monies due the Town.

Article 19-10 Design and Construction

- 19-10-1 Standards
- 19-10-2 Approval of Public Water System Improvements
- 19-10-3 Coordination with Clarkdale Fire District
- 19-10-4 Extension of Water Lines
- 19-10-5 Oversizing of Water Lines
- 19-10-6 Dedication of Right-of-Way/Easement
- 19-10-7 Private Water Lines

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Section 19-10-1 Standards

All design and construction of facilities for the transmission, distribution, supply, and storage of domestic and potable water systems shall meet the Arizona Department of Health Services, Engineering Bulletin 10 Guidelines for the Construction of Water Systems. All construction under this chapter shall conform to the specifications of the Town entitled "Uniform Standard Specifications for Public Works Construction Sponsored and Distributed by the Maricopa Association Of Governments" (most recent edition) and as amended by the Town.

Section 19-10-2 Approval of Public Water System Improvements

- A. Before design and construction of any public water system improvements, the applicant shall have received an approved letter of Water Service Availability from the Water Division Director.
- B. The Town shall review and approve the design, engineering, and construction of all public water systems improvements provided for under this Chapter in addition to any other required agency approvals.
- C. The Arizona Department of Environmental Quality (ADEQ) or its designated representative shall review and approve all potable and domestic water system improvement plans of the Town in accordance with Arizona Administrative Code. Submittal to ADEQ or its designated representative shall be performed concurrent with the Town review. Approval of the water system improvement shall require both ADEQ and Town approval of the plans.
- D. All costs to obtain approvals, including inspection shall be the responsibility of the Developer/Owner.

Section 19-10-3 Coordination with Clarkdale Fire District

- A. The Town will coordinate with the Clarkdale Fire District in regards to any proposed improvements to the Town's water system and notify applicant of any additional requirements by the Clarkdale Fire District.

Section 19-10-4 Extension of Water Lines

- A. Extensions of water system lines or water transmission mains shall meet the specifications, regulations, and requirements of as set forth in this Chapter and shall have an approved letter of Water Service Availability from the Water Division Director prior to design and construction.
- B. Extensions of water system lines or transmission mains shall be designed and constructed so that the system may be readily expanded and, where feasible, connected to other Town public water lines to provide multiple sources of supply (looped systems).

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Section 19-10-5 Oversizing of Water Lines

- A. If the Town requires that a water line larger than that required by the applicant be installed, the Town may pay for the cost difference between the sizes the owner requires and the size the Town requires, providing there are sufficient funds in the Town's Water Division Capital Improvement budget. Should there not be sufficient funds, the Town shall have no responsibility or requirement to pay for oversizing, and the extension of the water line shall not be installed unless the developer/owner pays both the cost of the line and the cost for oversizing.

- B. If the Town will pay for oversizing, the Town and developer/owner shall enter into a development agreement that shall set forth the proportionate costs to be paid by the Town and the owner.

Section 19-10-6 Dedication of Right-of-Way/Easement

All new public water line extensions shall be located within a dedicated right-of-way or easement.

Section 19-10-7 Private Water Lines

- A. Private water lines shall be installed-when:
 - 1. The streets are private and
 - 2. Dedication of adequately sized water line easement, public utility easement or right-of-way is not possible. (Adequately sized to be determined by Water Division Director).

- B. A private water line shall not be installed within a public utility easement except to connect to a public water line.

- C. Where a private water line connects to the Town water system, the connection shall be made with a valve and backflow device between the two systems and located within the public right-of-way.

- D. All proposed private water lines shall be reviewed and approved by the Building Department, the Water Division, the Clarkdale Fire District and other appropriate agencies prior to construction.

- E. The private water line shall be installed and maintained at the expense of the individual, partnership, business, or corporation making the application for the private system.

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Article 19-11 Drought and Water Shortage Preparedness Plan

- 19-11-1 Executive Summary
- 19-11-2 Purpose and Objectives
- 19-11-3 Authority
- 19-11-4 Best Practices/Industry Standards
- 19-11-5 Water Resource Status Level Descriptions
- 19-11-6 Demand Reduction Strategies
- 19-11-7 Demand Reduction Strategy Implementation
- 19-11-8 General Powers of Common Council
- 19-11-9 Violations, Warnings, Surcharges
- 19-11-10 Appeal of Assessment of Surcharge
- 19-11-11 Tracking of Surcharges
- 19-11-12 Plan Amendments

Section 19-11-1 Executive Summary

- A. In adherence to the Arizona Drought Preparedness Plan issued by the Governor of Arizona, the Town of Clarkdale herewith submits its Drought and Water Shortage Preparedness Plan (DWSPP).

- B. The Town of Clarkdale recognizes the necessity for protection of its water supply by monitoring water use to existing, pending, and future development within its water service areas in order to ensure the continuing economic development and stability of the Town, and to promote the health safety and welfare of all citizens, visitors and users of the Clarkdale Municipal Water Utility. This Drought and Water Shortage Preparedness Plan (DWSPP) addresses the options and drought mitigation strategies to reduce the impact of drought and other water shortages to the Clarkdale Municipal Water Utility users.

Section 19-11-2 Purpose and Objectives

- A. The purpose of the DWSPP is to provide strategies and procedures for periods of time when the Town's normal and customary water supplies may not be able to meet the Town's needs due to below normal rainfall or other issues that have affected the municipality's water supply. A DWSPP plan is also a resource that can be used should a meteorological drought last for several years.

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The objective of the plan is to provide ways for the Town, businesses, and residents to aid in water demand reduction when a water supply insufficiency occurs, and to provide a framework for operations of the Clarkdale Municipal Water Utility during times of drought and water shortage.

Section 19-11-3 Authority

- A. Mayor: The Mayor, upon the recommendation of the Utilities Director, after notification to the Town Council, is hereby authorized to declare and suspend Demand Reduction Strategies and elements of Strategies. These may be initiated and suspended based upon Resource Status Levels, or other pertinent information, which evaluate the relationship between water demand and municipal safe production capability. The Mayor may also authorize exemptions to Strategies and/or elements of strategies when necessary for the protection and preservation of the public health, welfare and safety.
- B. Utilities Director: The Utilities Director of the Utility Department, and/or his/her designee or contracted operator, has emergency authority to take operational measures deemed necessary to protect the potable water systems.
- C. Exemptions: This DWSPP is applicable to ALL users of the Town of Clarkdale Municipal Water Utility, regardless of whether they live within – or with out – the corporate limits of the Town. Private well owners and private ditch operators, however, who operate water systems, the sources of which are not supplied or maintained by the Town of Clarkdale Municipal Water Utility, are EXEMPT from this Plan.

Section 19-11-4 Best Practices/Industry Standards

- A. Preparedness: The DWSPP provides Town leaders the opportunity to react quickly and implement appropriate restrictions early, while making allowances to suit situational needs. During drought, water shortage, or at all other times, the ultimate goal for the municipality is to protect and preserve public health, welfare and safety and minimize adverse impacts.
- B. Responsiveness to Citizens: Clarkdale's goal is to continue to provide sufficient water to meet the needs of its citizens. Should water shortage conditions arise, the Town of Clarkdale wants to be sensitive to the needs of its citizens and water customers and wants to be sure that residential customers and business interests have the opportunity to respond in an informed manner. Shortages should be handled in a manner that minimizes the disruption of the economy so that jobs are protected and regional economic stability is preserved. The citizens of Clarkdale should expect competent implementation of demand reduction measures when they are necessary.
- C. Equity and Fairness During Water Shortages: The impacts and hardships caused by drought or other water shortages should be shared equitably and in proportion to the magnitude of the shortage. Not all uses of water are the same. Some uses, such as

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reserves for fire suppression, critical cooling applications, and medical necessity will have to take priority over less universally beneficial applications of the available resource, such as lawn and park irrigation, maintenance of decorative fountains or water features, and cooling of outdoor recreation areas.

- D. **Public Education:** In order to effectively provide ways for the residents and businesses to participate in water demand reduction when a water supply shortage occurs, the Town must provide the public with education and information about the Drought and Water Shortage Preparedness Plan and the Town's Demand Reduction Strategies.
- E. **Water Conservation:** Water conservation, by its very nature, should be a normal component of a well run water utility, which seeks to maintain a reliable water resource, and is particularly applicable to communities like Clarkdale, that are located in desert environments. Water conservation should be an on-going practice of the citizens of the community.
- F. **Proactive Approach:** Effective conservation programs can extend the existing water supply, reduce the costs of finding and delivering additional water, and minimize the damage to the natural ecosystem caused by removing groundwater. For customers, conservation efforts can decrease overall household operating expenses. For both the utility and customers, conservation activities are exercises in responsible behavior.
- G. **Common Practice of the Town:** As part of the Best Practices / Industry Standards provisions, it shall be the practice of the Town of Clarkdale to mirror – to the degree possible under the prevailing facts and circumstances – the requirements of Water Resource Status Level I, and its corresponding Demand Reduction Strategy I – “Water Alert” as more thoroughly delineated in Town Code Sections 19-11-5-C.1 and 19-11-6-D.1
- H. **Adherence Mandatory:** Adherence to Water Resource Status Levels I, II, and III, and their corresponding Demand Reduction Strategies I, II, and III – “Water Alert”, “Water Emergency”, and Water Crisis”, are mandatory whenever any one of those particular Demand Reduction Strategies have been declared, and are strictly enforced.
- I. **Encouragement:** As part of the Best Practices / Industry Standards concepts in this Plan, the Town of Clarkdale strongly encourages all Town of Clarkdale Municipal Water Utility users to adhere to Water Resource Status Level I, and its corresponding Demand Reduction Strategy I – “Water Alert” – (Town Code Sections 19-11-5-C.1 and 19-11-6-D.1) – requirements ON A DAILY BASIS, regardless of whether that particular Status Level or Reduction Strategy have been ordered by the Town Manager and/or the Utilities Director.
- J. **New Landscaping for Commercial Projects:** New landscaping for commercial projects should only be accomplished with plant materials that require little or no supplemental irrigation water. For such new projects, daily irrigation for purposes of plant establishment should only be allowed for landscaping that is required under the

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landscaping codes of the Town. A thirty (30)-day Landscape Water Permit shall be obtained through the Clarkdale Municipal Water Utility prior to landscape installation and shall be prominently posted at the irrigation site.

Section 19-11-5 Water Resource Status Level Descriptions

- A. Water Resource Status Levels provide comparisons between water demands and safe water production capabilities of the Clarkdale Municipal Water Utility at a given point in time.
- B. Resource Status Levels may trigger the implementation of Demand Reduction Strategies, the violation of which may result in SURCHARGES being added to a Town of Clarkdale Municipal Water Facility user's utility bill, as further provided in Town Code Section 19-11-9 – Violations, Warnings and Surcharges of this Drought and Water Shortage Preparedness Plan.
- C. Water Resource Status Level Descriptions:
1. Resource Status Level I:

Resource Status Level I is in effect at times when water demand exceeds safe production capability for five (5) consecutive days and/or during the months of May, June, July, August and September.
 2. Resource Status Level II:

Resource Status Level II is in effect when water demand exceeds safe production capability by more than twenty percent (20%).
 3. Resource Status Level III: Resource Status Level III is in effect when water demand exceeds maximum production capability, when a temporary or permanent failure of any major supply or distribution facility occurs in the water distribution system, or when the amount of water in storage may impair fire protection for the Town.

Section 19-11-6 Demand Reduction Strategies

- A. The Demand Reduction Strategies outlined in this plan incorporate a variety of measures to reduce the use of potable water in response to water drought or supply insufficiency conditions. Demand reduction includes measures, which would restrict water further than a normal conservation minded desert lifestyle.
- B. COMPLIANCE WITH DEMAND REDUCTION STRATEGIES IS MANDATORY, FOR ALL CLARKDALE MUNICIPAL WATER UTILITY USERS, AND ANY VIOLATION OF THE DEMAND REDUCTION STRATEGIES MAY RESULT IN SURCHARGES BEING ADDED TO A TOWN OF CLARKDALE'S MUNICIPAL

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WATER FACILITY USER'S UTILITY BILL, AS FURTHER PROVIDED IN SECTION 19-11-9 OF THIS DROUGHT AND WATER SHORTAGE PREPAREDNESS PLAN.

- C. Water demand reduction during a drought may incorporate both voluntary and mandatory measures. Many of the organizational demand reduction strategies to a drought condition, including conservation measures, are appropriate for responding to a short-duration supply insufficiency. Generally, responses to a systemic failure will be more rapid and may omit intermediate steps normally associated with an incremental drought response plan.
- D. It is evident that drought is not a constant or totally predictable condition in occurrence or duration. Rather, there are levels of drought and levels of drought impact, and therefore, levels of demand reduction strategies. This plan includes three (3) levels of Demand Reduction Strategies, as follows:

1. **DEMAND REDUCTION STRATEGY I**

“WATER ALERT”

Goal: The goal of Strategy I am to reduce water demand to a level where safe production capability exceeds water demand. Demand Reduction Strategy I is designed to work in concert with Resource Status Level I. The following measures are mandatory:

- a. Water shall be conserved both inside and outside the home using best practices available to minimize waste.
- b. Landscaping for residential uses shall be accomplished with plant materials that require little or no supplemental irrigation water.
- c. Outdoor water usage shall not occur between the hours of 9:00am – 5:00pm. Watering days shall be coordinated with your address. Even numbered addresses may irrigate on Wednesday, Friday and Sunday. Odd numbered addresses may irrigate on Tuesday, Thursday and Saturday. For places where there is no discernable address, the even date schedule should be followed (right-of-ways, medians, etc.). No irrigation shall be allowed on Monday.
- d. Automobile washing shall only be undertaken with a bucket and hose with shut off nozzle, other water saving devices such as a pressure washer, or at carwashes that recycle or re-circulate water.
- e. No person shall waste water (see definitions section under “wasting water”).
- f. Cooling of outdoor areas with water or misting devices is prohibited.

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- g. Restaurants shall serve water to customers upon request only, and shall display table tents or other types of public notice to this affect.
- h. Hotels shall wash a customer's linens if a stay is in excess of one night on request only, and the hotel shall display notice to this affect.
- i. Construction projects are required to use reclaimed water or effluent for construction and dust control purposes.
- j. Requests for Commercial Provisions must be made to the Clarkdale Utilities Director.

2. DEMAND REDUCTION STRATEGY II "WATER EMERGENCY"

Goal: The goal of Strategy II is to reduce water demand to a level where safe production capability exceeds water demand for ten (10) consecutive days. Demand Reduction Strategy II includes all Demand Reduction Strategy I requirements (Town Code Section 19-11-6-D.1), with the following additional, mandatory measures:

- a. Sidewalks, driveways, parking areas, tennis courts, patios, or other similar paved surfaces shall not be washed down with water.
- b. Water shall not be added to fountains, water features, recreational swimming pools, spas, or wading pools holding more than one hundred (100) gallons of water.
- c. No new landscaping for commercial projects shall be installed.
- d. Landscaping not installed, which was required by the Town of Clarkdale to meet the Landscaping Requirements of the Clarkdale Town Code or Zoning Code, will not delay a Certificate of Occupancy to be issued, providing its installation is delayed as a result of a suspension of new landscaping permits and a surety is provided that is acceptable to the Community Development Department.

3. DEMAND REDUCTION STRATEGY III

"WATER CRISIS" Goal: The goal of Strategy III is to reduce water demand to a level deemed necessary to recover from the loss of supply due to a temporary or permanent failure of any major supply or distribution facility in the water distribution system or to increase water in storage to a point where fire protection for the Town is not impaired. Demand Reduction Strategy III includes all Demand Reduction Strategy II requirements (Town Code Section 19-11-6-D.2),

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with the following additional, mandatory measures:

- a. No potable water shall be used for outdoor purposes.
- b. No potable water may be used in violation of any other restriction deemed necessary by the Clarkdale Town Council for the purpose of protecting the welfare of the citizens of Clarkdale.
- c. Water system connection permits shall not be issued and permitted new connections shall not be activated.
- d. No new Commercial Provisions shall be allowed unless approved by the Clarkdale Town Council.

Section 19-11-7 Demand Reduction Strategy Implementation

- A. The Clarkdale Municipal Water Utility shall monitor the projected supply and demand for water on a daily basis during periods of emergency or drought and shall recommend to the Mayor and Town Manager the extent of the demand reduction measures required to prudently plan and supply water to the water utility customers.
- B. The Mayor, upon the recommendation of the Utilities Director, or his/her designee, is hereby authorized to declare and suspend the Demand Reduction Strategies and elements of Strategies that are set forth in this Plan. The Strategies may be initiated and suspended based upon Resource Status Levels, or other pertinent information, which evaluate the relationship between water demand and municipal safe production capability.
- C. The declaration of any change in the Demand Reduction Strategy level may be made by:
 1. Providing notice to the members of the Town Council; and
 2. Issuance of a Press Release to radio stations and newspapers of general circulation in the community; and
 3. Appropriate postings on the Town of Clarkdale web site; and
 4. Appropriate signage at strategic locations throughout the Town, that clearly advise citizens that the prevailing Demand Reduction Strategy is then existing (i.e., "Water Alert" – Water Emergency" – or "Water Crisis"); and
 5. Personal notice delivered by Town Water Conservation Enforcement Aids.
- D. The Demand Reduction Strategy designated shall become effective immediately upon announcement by the Mayor. The Demand Reduction Strategy designated shall become effective immediately upon announcement by the Mayor.
- E. The Notice of Demand Reduction shall give the extent, terms and conditions respecting the use and consumption of water. Upon such declaration and issuance of Press Releases, due and proper notice shall be deemed to have been given to each and every Clarkdale

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Municipal Water Utility user.

- F. This implementation may require the reallocation of current staff to enforce the provisions of this Plan. In addition, the Town may hire Water Conservation Enforcement Aids to provide this enforcement that are hereby authorized and empowered to enforce the provisions of this Plan. The Clarkdale Municipal Water Utility has emergency authority to take operational measures deemed necessary to protect the potable water systems.

Section 19-11-8 General Powers of Common Council

- A. Pursuant to A.R.S. § 9-240(B)(28)(a), the Town has the power to “make, amend or repeal all ordinances necessary or proper for the carrying into effect of the powers vested in the [Town], or any department or officer thereof.” *Id.*
- B. Pursuant to A.R.S. § 9-511(A), the Town may engage in any business or enterprise which may be engaged in by persons by virtue of a franchise from the Town, and may construct, purchase, acquire, own and maintain within or without its corporate limits any such business or enterprise [including] sites and rights-of-way for public utility . . . purposes, and for the location thereon of waterworks . . .” *Id.* (emphasis added).

Section 19-11-9 Violations, Warnings, Surcharges

- A. All Demand Reduction Strategies of the Plan shall be enforced, administratively, by the Town of Clarkdale Municipal Water Utility.
- B. Enforcement of the Plan may require the reallocation of current Town of Clarkdale Municipal Water Utility staff to enforce the provisions of this Plan. In addition, the Town may hire Water Conservation Enforcement Aids to provide this enforcement that are hereby authorized and empowered to enforce the provisions of this Plan.
- C. Enforcement shall consist of public education forums, on-site inspections by Water Conservation Enforcement Aids, written warnings, and, as a last result, the addition of surcharges to the monthly utility bills of any Town of Clarkdale Municipal Water Utility user found in violation of the Plan.
- D. Violations of this Plan shall result in the levying of the following surcharges:
1. A surcharge of \$ 25.00 (twenty-five dollars) shall be assessed to the account of record for a violation of Demand Reduction Strategy I “Water Alert” – Town Code Section 19-11-6-D.1.
 2. A surcharge of \$ 50.00 (fifty dollars) shall be assessed to the account of record for a violation of Demand Reduction Strategy II “Water Emergency” – Town Code Section 19-11-6-D.2.
 3. A surcharge of \$ 100.00 (one hundred dollars) shall be assessed to the account of record for a violation of Demand Reduction Strategy III “Water Crisis” – Town

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Code Section 19-11-6-D.3.

4. Surcharges shall double for every repeat violation that occurs within a calendar year.
5. Each succeeding surcharge under the prevailing strategy level may be twice the previous surcharge assessed for the previous violation during the same calendar year.
6. If a Clarkdale Municipal Water Utility user incurs three surcharges for violating this Plan during a given calendar year, the Utility shall shut off service to the user and the user must pay all fees associated with the reestablishment of service before service will be resumed.

Section 19-11-10 Appeal of Assessment of Surcharge

- A. The assessment of a surcharge may be informally appealed, in writing, within fourteen (14) calendar days of the notice of the surcharge assessment.
- B. The written appeal shall be received by the Town of Clarkdale Water Utility Department within said fourteen (14) calendar day time limit, or the right to such appeal shall be permanently waived.
- C. The written appeal shall be reviewed by a Water Utility Appeals Committee, which shall be comprised of the following members:
 1. Two (2) members of the general public, each of which must be at least twenty-one (21) years of age at the time of appointment, and who must be users of the Clarkdale Municipal Water Utility.
 2. The Town of Clarkdale Finance Director.
- D. The two (2) members of the general public shall be appointed by the Town Manager, and shall serve at the pleasure of the Town Manager for a period not to exceed three (3) years. They may be removed and replaced – at any time – as the Town Manager determines appropriate.
- E. The Water Utility Appeals Committee shall determine whether the appeal has merit, taking in to account all the available facts and circumstances. In assessing the merits of any appeal, the Water Utility Appeals Committee shall have full authority to review all documentation of the account of record under appeal.
- F. The Water Utility Appeals Committee shall have the authority to hear testimony on behalf of the appellant and the Water Utility.
- G. The Arizona Rules of Evidence do not apply in the appeal process.
- H. The Water Utility Appeals Committee shall render a written decision to the appellant within ten (10) calendar days after receipt of the appeal.

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- I. Decisions of the Water Utility Appeals Committee are final.
- J. All surcharge-related correspondence shall be addressed to:

Town of Clarkdale Water Utility Department
PO Box 308
890 Main Street
Clarkdale, AZ 86324

Section 19-11-11 Tracking of Surcharges

- A. All surcharges collected for violations of this Plan shall be forwarded by the Clarkdale Municipal Water Utility to the Town Finance Department.
- B. The Town Finance Director, or his/her designee, shall credit the received funds back to the Clarkdale Municipal Water Utility.

Section 19-11-12 Plan Amendments

- A. In an effort to meet the purpose, objectives and goals of this Plan, the Town may amend this Plan pursuant to prevailing facts and circumstances at any given point in time.
- B. If any provision of this Plan is found to be in violation of any Arizona law, statute, ordinance, case opinion or regulation by any court of record, the remaining provisions of this Plan shall remain in full force to the degree possible under Arizona law.

Article 19-12 Water Conservation Code

Reserved

Chapter 21
REIMBURSEMENT AGREEMENTS*

Article 21-1	General Policy	2
Article 21-2	Plan Submittal Requirements	2
Article 21-3	Reimbursement Permit	3
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Chapter 21
REIMBURSEMENT AGREEMENTS*

Article 21-1 **General Policy**

The Town Council may consider reimbursement agreements for extension of water and sewer lines and for other facility improvements or additions to the Town's water and sewer system from which service is desired and available. The elements of the extension policy and program set forth in this article apply for reimbursement agreements that may be approved by the Town Council.

Article 21-2 **Plan Submittal Requirements**

21-2-1	Requirements
21-2-2	Information
21-2-3	Financial Issues

Upon development of any property, area or subdivision within the Town service area for which Town water or sewer service is desired and available, the developer/owner shall:

Section 21-2-1 **Requirements**

Submit a plan for the system improvements prepared by a properly licensed engineer in the State of Arizona in accordance with State licensing requirements.

Comply with all applicable Town standards.

Obtain approval of the plan from the Town.

Obtain all other approvals as may be required.

Section 21-2-2 **Information**

- A. The Utilities Director will review the information submitted. Upon review and approval of all information submitted, the Utilities Director may prepare a reimbursement agreement for Town Council consideration and approval.
- B. Reimbursement agreements shall state to whom reimbursements shall be made and shall include a diagram of the properties and respective amounts from which line payback charges may be collected.
- C. Reimbursement agreements shall state the maximum reimbursement to the developer/ owner for the cost of system improvements installed by owner from which others may be served. The developer/owner shall receive line payback charges within the payback period only from those property owners who tie into the line installed by developer/owner and thereby receive a benefit.

Section 21-2-3 **Financial Issues**

- A. Any agreement providing for reimbursement of developer/owner's system improvements shall be for a maximum payback period of ten (10) years after the date of the reimbursement agreement. At the end of the payback period, all benefits or rights accruing to the developer/owner shall terminate.

Chapter 21
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- B. Upon receipt of the administrative charge defined below and execution of the reimbursement agreement, the Town shall record with the Yavapai County Recorder, as to each affected property, a notice of payback, setting forth the terms of this agreement. Once the payback charges have been collected, the Town will record with the Yavapai County Recorder a release of the original notice of payback.
- C. The Town shall establish a trust account for the collection of line payback charges and payment of reimbursements. Sums collected shall be paid in accordance with the terms of the agreement annually by the Town. No interest shall be paid on such sums.
- D. The Town's cost for administration shall be paid by the developer or owner to the Town prior to the execution of the reimbursement agreement. This administrative charge shall be five (5) percent of the incurred costs by the developer/owner for the lines from which persons other than the developer/owner will be served, however, the administration fee shall not be less than five hundred dollars (\$500.00).

Article 21-3 Reimbursement Permit

Before an encroachment permit is issued for the construction of the extension of any water or sewer line or facility to serve a subdivision, platted or unplatted property, the developer/owner shall submit the following to the Town for consideration of reimbursement from the Town:

- A. A diagram of all property that will be benefited by any water or sewer line or other water or sewer improvement/facility to be installed.
- B. A statement that the Town acquires ownership of any water or sewer line and other water or sewer improvement/facility upon completion and acceptance of the work by the Town.
- C. A statement that the Town's cost for inspecting the work shall be paid by the developer/owner through the issuance of an encroachment permit.

Three (3) quotes from appropriately licensed contractors in the State of Arizona to perform the construction and/or documentation of adherence to the public bidding requirements for reimbursement with public monies.

Article 21-4 Post Construction

Within sixty (60) days after the Town has accepted the extension of any water or sewer line or other water or sewer improvement/facility to serve a subdivision, platted or unplatted property, the developer/owner obtaining a reimbursement agreement with the Town shall provide the following to the Utilities Director:

- 1. A copy of the "letter of acceptance" issued by the Town Engineer stating that the improvements conform to the approved plans and specifications.

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2. A full-size original mylar of the Arizona Department of Environmental Quality (or their designated agency) approved as-built construction drawings indicating actual facilities installed and the Approval of Construction.
3. Receipts identifying actual design and construction costs, and proof (lien releases) that payment was made by the developer/owner.
4. A diagram of all property that will be benefited by the improvements installed.
5. The required information necessary to complete the permit shall be provided by the developer/owner at his expense.

Article 21-5 Line Payback Charges

When an existing line is to provide water or sewer service to a developer/owner, the required line payback charge, including all other required costs, shall be paid to the Town prior to the issuance of a building permit/water meter, or the issuance of an encroachment permit for connecting to the water or sewer line. No person shall extend service from his tap to property for which a line payback charge has been identified but has not been paid to the Town without written approval of the Town.

Article 21-6 Assignability of Agreements

Any developer/owner may assign the benefits arising out of any reimbursement agreement with the Town, but any such assignment shall not relieve the developer/owner of its duties and obligations under the agreement. The assignment shall require the written approval of the Town Attorney.

**Article 21-7 Reimbursement for Water or Sewer Extensions or
Other Water or Sewer System Facilities by Town**

If the Town elects to install a water or sewer line or other water or sewer system improvement, it shall be entitled to reimbursement of its cost plus interest at the rate of one (1) percent per month or portion thereof from the benefiting property prior to the issuance of a building permit/water meter. The Town shall prepare a reimbursement agreement with itself as set forth in this article.

Article 21-8 Payment of Administrative Costs

Separate accounts shall be established for all extension monies paid to the Town for eventual reimbursement to the developer or owner. Authorized employees shall make payment from there as provided in the executed reimbursement agreement.