



Staff Report

- Agenda Item:** **RESOLUTION DECLARING THE "WATER CODE" A PUBLIC RECORD** - Discussion and consideration of a resolution declaring, as a public record, those certain documents filed with the Town Clerk and entitled "Water Code"
- Staff Contact:** **Ron Doba, Interim Utilities Director**
- Meeting Date:** **February 26, 2008**
- Background:** **Adoption of this resolution allows the Water Code to be kept on file by the Town Clerk for public viewing in lieu of publishing the entire code in the local newspaper. The benefit to the Town is reduced publishing cost.**
- Recommendations:** **To approve Resolution # _____, declaring as a public record those certain documents filed with the Town Clerk and entitled "Water Code".**

RESOLUTION # _____

**A RESOLUTION OF THE MAYOR AND THE TOWN COUNCIL OF THE
TOWN OF CLARKDALE, ARIZONA, DECLARING AS A PUBLIC RECORD
THOSE CERTAIN DOCUMENTS FILED WITH THE TOWN CLERK AND
ENTITLED; "WATER CODE".**

BE IT RESOLVED by the Mayor and the Town Council of the town of Clarkdale:

THAT the certain documents entitled "Water Code", three copies of which are on file in the Office of the Town Clerk, are hereby declared to be a public record, and said copies are ordered to remain on file with the Town Clerk.

PASSED AND ADOPTED by the Mayor and the Town council of the Town of Clarkdale, Arizona on his 26th day of February, 2008.

Doug Von Gausig, Mayor

ATTEST:

Kathy Bainbridge, Town Clerk

Chapter 19
WATER

TOWN OF CLARKDALE, AZ

Chapter 19 WATER*

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

Article 19-1 Definitions..... 2

Article 19-2 Town of Clarkdale Water Division - Authority 6

Article 19-3 Conditions of Service; Appeals..... 6

Article 19-4 Application For Water Service 9

Article 19-5 Connection Tap and Water Meter Installation..... 10

Article 19-6 Backflow Prevention and Cross-Connection Control 11

Article 19-7 Water Division and Customer Responsibilities..... 13

Article 19-8 User Rates, Fees, and Other Charges..... 15

Article 19-9 Meter Reading, Billing and Collecting..... 15

Article 19-10 Design and Construction 19

Article 19-11 Drought and Water Shortage Preparedness Plan..... 21

Article 19-12 Water Conservation Code..... 31

Chapter 19 WATER

Article 19-1 Definitions*

***Bolded items in this Article are identifying terms in the definitions section.**

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 **customer's** property.

Chapter 19

WATER

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

- 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 treatment facility or sewage disposal system and remains **effluent** until it acquires the characteristics of ground water or 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.

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.

Chapter 19

WATER

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.

Good payment history – means no late payments in twelve (12) months of consecutive billing.

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 from the **Town's** water system or private well.

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 lines – are pipes that convey potable water that are not owned and maintained by the Town of Clarkdale.

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 owned by the Town of Clarkdale.

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.

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.

Chapter 19

WATER

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

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.

Chapter 19 WATER

Water Service Agreement – means an agreement between property **owner** and **Town** of Clarkdale for water service when **owner's** request water service from the **Town**.

Water Service Area – The area of land actually served water by the municipal provider and additions to the area that contain the municipal provider's operating distribution system for the delivery of water.

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

Water Transmission Mains – means the **Town**-owned water pipelines that transport water from the main supply or source to an area where the water is distributed through distribution mains.

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

Chapter 19 WATER

- 19-3-8 **Approved** Sewer or Septic System
- 19-3-9 Easement and Right-of-Way Dedication and Restrictions

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**.

Chapter 19

WATER

Section 19-3-4 Water Service Area

- A. The Town of Clarkdale's incorporated boundary is entirely within the Town of Clarkdale's **water service area**.
- B. Any **potable water** service provided for commercial purposes 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, the **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 sold outside the Town of Clarkdale **water service area** without approval of the **Town** Council or designee.

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.

Chapter 19 WATER

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.

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

- A. A **customer** requesting establishment for new water service, shall at no cost 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**. If the **customer** fails to remove the improvements, the **Town** shall have the right to remove the improvements and charge the **customer** the cost incurred for the removal.

Article 19-4 **Application For Water Service**

- 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. Application made by mail must be 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

Chapter 19 WATER

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.

- 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**. This document will be kept in the **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**.

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

Chapter 19 WATER

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 a **contractor** appropriately licensed 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 Utilities 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.

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

Chapter 19

WATER

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. It shall be the responsibility of the property **owner** to maintain and test required **backflow** devices on one and two family (R-3 use group) dwellings. The Utilities Director shall determine when and if a **backflow** device needs to be tested. The test shall be performed by **Town** personnel or a qualified third party inspector. A test will be necessary after one or more fire sprinklers have discharged, a service main is required or replaced, and an irrigation system is added, replaced or undergoes a major repair, or when required by the Utilities Director. **Backflow** devices not requiring tests will normally include hose bib vacuum breakers and open site drains.
- E. **Owners** of all other use group structures equipped with **backflow** protection devices shall submit annual **backflow** tests performed by authorized inspectors. The Utilities Director shall have the right to waive inspections and specify the kinds of devices to be tested.

Chapter 19 WATER

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. 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 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**.

Chapter 19

WATER

- 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.

Chapter 19 WATER

- 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.

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

Chapter 19

WATER

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 damaged by the **user**, shall be maintained and repaired by the **Town** at its expense.
- B. The **customer** may request the meter be subjected to a test. If the 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 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.

If the meter is found to be reading too high, no more than a three (3) month credit based on the past monthly average for the past year will be given to the **customer**.

- 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 **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

Chapter 19

WATER

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 on the **customer's** side of the **Town** water meter. 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** through 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.
- 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. If the **customer's** bills become delinquent due to **customer's** failure to receive bills or notices, **customer** shall not be relieved of his or her obligation therein due to his or her failure to receive bills/notices.

Chapter 19 WATER

- 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.

Chapter 19

WATER

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**

Chapter 19

WATER

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).

Chapter 19 WATER

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.
- 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.

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

Chapter 19

WATER

- 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.

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

Chapter 19

WATER

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 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

Chapter 19

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 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:

Chapter 19

WATER

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 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:

Chapter 19

WATER

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.
- 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”

Chapter 19

WATER

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), 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.

Chapter 19

WATER

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.
- 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 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

Chapter 19

WATER

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** 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.

Chapter 19 WATER

- 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.
- 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.

Chapter 19

WATER

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