

CHAPTER 17 WATER SUPPLY AND DISTRIBUTION SYSTEM

CODE - (Ord. No. 10-02)

(Ord 96-03)(Res 96-01)

ARTICLE 17-1 WATER SERVICE

17-1-1	Definitions
17-1-2	Water Connection Permit Requirements; Fees
17-1-3	Water Capacity Fee (Connection Fees)
17-1-4	Connection Required; Expenses
17-1-5	Distribution System Extensions (Ord. 00-05)
17-1-6	Reimbursement Agreements (Ord. 00-05)
17-1-7	Rates and Charges for Water Service (Ord. 00-05)
17-1-8	Specific Water Service Areas and Area-Specific Water Line Extension Fees
17-1-9	Backflow Control Program – General Policy (Ord. 00-11)
17-1-10	Unlawful Acts
17-1-11	Penalties

Section 17-1-1 Definitions

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

- A. **“A.A.C.”** means the Arizona Administrative Code.
- B. **“ADEQ”** means the Arizona Department of Environmental Quality.
- C. **“Approved laboratory procedures”** means the measurements, tests and analyses of the characteristics of water and wastes in accordance with analytical procedures determined acceptable by Federal Guidelines as established in Title 40, Code of Federal Regulations, Part 136, or as approved by the Regional Administrator, U.S. Environmental Protection Agency.
- D. **“A.R.S.”** shall denote the Arizona Revised Statutes.
- E. **“Average quality”** means the arithmetic average (weighted by flow value) of all the “daily determinations of concentration,” as that term is defined herein, made during a calendar month.
- F. **“Backflow”** is the flow of water or other liquids, mixtures or substances into the distributing pipes of a potable supply of water from any source other than its intended source.
- G. **“Backflow preventer”** means a device or means to prevent backflow into the potable water system.

- H. **“Building water line”** means those pipes commencing at and connecting one or more plumbing fixtures, usually within a structure, to a point approximately five feet outside the foundation of the structure.
- I. **“Calculated demand”** means the demand from a user which is calculated based upon estimated average, peak daily and peak hourly water demands as published by latest engineering design standards.
- J. **“Capital reserve”** means the funds remaining on an annual basis from revenue collected from connection fees, monthly user fees and all other established fees after payment of all water system expenses including debt service.
- K. **“Certified cost”** means all costs as published in the Engineering News Record for Phoenix, Arizona, on the closest date to the first of January in each year.
- L. **“Cross connection”** means any connection or arrangement, physical or otherwise, between a potable water supply system and any plumbing fixture or any tank, receptacles, equipment or device, through which it may be possible for non-potable, used, unclean, polluted and contaminated water, or other substances, to enter into any part of such potable water system under any condition.
- M. **“Connection fees”** means those fees collected in return for the right to connect a “user” to the distribution system.
- N. **“Department”** means the Town of Quartzsite Department of Public Utilities.
- O. **“Demand”** means the total use of water required by a user.
- P. **“Distribution system”** means the series of pipes, reservoirs and pumping stations, if applicable, whose function it is to deliver water from divergent sources to deliver same to one central location.
- Q. **“Maintenance”** means keeping the water system in a state of repair, including expenditures necessary to maintain the capacity (capability) for which said system was designed and constructed.
- R. **“Management contract”** means those professional services with which the town may contract to perform the duties and functions of the department as provided herein.
- S. **“Municipal Utility Administrative Committee”** appointed by the Town Council, to serve as administrative body for the water supply and distribution system and to present findings and recommendations regarding interpretation of the water code as required by the Town Council.

- T. **“Permittee, permit holder”** means any person, firm, association, corporation or trust which owns, operates, processes or controls an establishment or plant requiring potable water.
- U. **“Property line”** means the boundary between the property owned by a user and property owned by the town or the water system.
- V. **“Replacement”** means those expenditures made for obtaining and installing equipment, accessories or appurtenances during the useful life of the water system which are necessary to maintain the capacity and performance of the water system for which they were designed and constructed.
- W. **“Service line”** means the water line from the property line of a customer to the point in the distribution system where the demand exists.
- X. **“Shall”** means mandatory.
- Y. **“Standard methods”** means the procedure as described in the most current edition of Standard Methods for the Examination of Water and Wastewater, published by the American Health Association, or the most current edition of Manual of Methods for Chemical Analysis of Water and Wastes published by the U.S. Environmental Protection Agency.
- Z. **“System design capacity”** means the maximum capacity of the well, storage reservoir, booster pumps and distribution pipes as determined by calculations used in standard engineering practice.
- AA. **“Total developed cost”** means the total cost of materials, labor, design, finance, property acquisition and management necessary to complete all or a portion of a water system.
- BB. **“Town engineer”** means a registered professional engineer qualified in all applicable aspects of standard water design.
- CC. **“User”** means any person, lot, parcel of land, building, premises, municipal corporation or other political subdivision that exhibits a demand for potable water.
- DD. **“User fees”** means the monthly fees collected from each “User” in return for supplying potable water that conforms to the ADEQ requirements.
- EE. **“Water department”** means the town or such person, firm, authority or department as may be designated by the town to be the responsible administrative body of the water system.

- FF. **“Water system”** means all facilities including all wells, treatment works, reservoirs, pumps and pipelines necessary for delivering potable water to the user.
- GG. **“Water system owner”** means the individual, company or municipality who at any given time holds title to the improvements described as the “water system”.

Section 17-1-2 Water Connection Permit Requirements; Fees
(Res 96-05)

- A. Connection Authorization Required. It is prohibited for any person to tap or connect or cause to tap or connect any service or other pipe to the water system, or to connect its property to or with any such tap or other pipe connected with said water system without first applying for and obtaining connection permit from the department in coordination with the building department. This permit is to be issued prior to any Town building permit required for any construction to be conducted in connection therewith.
- B. It is the duty of the Town, before issuing said permit to connect, to investigate and inquire into the conditions of all proposed connections to such water system for the purpose of ascertaining whether same can be made in a proper manner. In the event the department finds that the proposed connection can be made or installed in a proper manner and upon receipt of a properly prepared and executed permit application and upon receipt by the department of the applicable fee as computed in accordance with Section 17-1-3, it *shall* be the department’s duty to issue to the applicant a permit to make or install said proposed connection in accordance with the adopted fee schedule.

The permit *shall* apply to the type of user specified on the permit and *shall* not be transferable. The permit will expire in the event that a change of use occurs, a new structure is constructed, or an old structure is enlarged.
- C. The department *shall* keep a record of all permits issued and all taps and connections made. The records *shall* include the names of owners of the property, their agent, or to whom the permit was issued or for whom the tap or connection was made.
- D. All applications for service which would result in the actual total system capacity exceeding the system design capacity, will be rejected.

Section 17-1-3 Water Capacity Fee (Connection Fees) (Res 96-05)

- A. Property owners requesting water services for Phase 1 prior to the last day of February 1996 shall be connected without charge. After February 1996, any property owner within the Phase 1 service area shall be required to pay all designated fees including the connection charge.

- B. All properties connecting to the water system *shall* connect all structures, RV spaces, mobile homes or commercial establishments or facilities which demand water within that property. No portions or partial service *shall* be allowed.
- C. The actual rates and categories *shall* be set by resolution which *shall* be amended from time to time. The rates will be established in compliance with the public hearing requirement of A.R.S. § 9-511.01.

Section 17-1-4 Connection Required; Expenses (Ord 98-04)

- A. All persons owning, leasing or using real property, buildings or fixtures within the service area of the water system may cause all structures located on said property to be connected to said water system by submitting the appropriate permit application and paying the appropriate fees. All expenses of such connection within the property line (lines) shall be borne by the owner of said property or building, or the person using or leasing the same.
- B. All lots, parcels, or tracts by which the water line passes or whose property line is within 200 feet of a water main which are not connected to the water system in accordance with Section 1.2 *shall* connect to the water system within 90 days of notice. As to any provisions of this chapter that conflict with or contravene this subsection, this subsection shall prevail and be construed as if to give a consistent meaning to such sections. Violations are as mandated by Section 16.2.8 of Ordinance 94-06 and Section 1.8 of Ordinance 96-03 and may consist of a criminal penalty of a Class I misdemeanor punishable by imprisonment for not more than one hundred and eighty (180) days, or a fine of up to \$2,500, or both fine and imprisonment.
- C. All new residential, commercial or industrial developments *shall* connect to the water system if the water main is within 200 feet of the property line and shall pay the appropriate fees. Violations are as mandated by Section 16.2.8 of Ordinance 94-06 and Section 1.8 of Ordinance 96-03 and may consist of a criminal penalty of a Class I misdemeanor punishable by imprisonment for not more than one hundred and eighty (180) days, or a fine of up to \$2,500, or both fine and imprisonment.
- D. After completion of the initial phase of construction, property owner connecting to the water system *shall* have 60 days to connect to the system. For those property owners who may require additional time, a written request for a maximum 30-day extension shall be issued to the town for consideration. The request *shall* be presented 2 weeks prior to the imposed connection time limit.
- E. Any parcel produced from a parcel split *shall* be required to connect to the water system.

- F. Any existing non-conforming use parcel of land *shall* be required to connect to the water system.

Section 17-1-5 Distribution System Extensions (Ord. 00-05)

A. Minimum Size.

1. No water line less than eight (8) inches inside diameter *shall* be accepted as part of the Town of Quartzsite Water System.

B. Grid System.

1. Distribution water lines of twelve (12) inches inside diameter are required on all section lines and distribution water lines of ten (10) inches inside diameter are required on all half section lines and distribution water lines of eight (8) inches inside diameter are required on all one sixteenth (1/16) lines except where otherwise called for by the Town of Quartzsite Water Master Plan.

C. Conditions of Line Extensions.

1. All line extensions to serve a lot, lots, subdivisions or developments *shall* begin at the nearest adequate existing distribution line as determined by the Department and Town Engineer.
2. Water Distribution Lines.
 - a. All water distribution lines other than those provided for in Section 17-1-5 D *shall* extend across the total frontage of the property or development to be served. Where the property or development is on a corner and fronts two exterior sides, total frontage *shall* mean one exterior side of the property or the development as determined by the Town Engineer in accordance with the Water Distribution System Master Plan.
 - b. For a property on a corner that abuts a section line and a half section line, or that abuts two section lines or two half section lines, the frontage for a line extension *shall* mean the longest of the two exterior sides abutting the section or half section lines.
 - c. Those properties, meeting the conditions of paragraph 2(b) above where a line extension is required across the longest exterior frontage of the property, are exempt from any reimbursement charge for a connection to a line extension on the property's short exterior frontage when required by the Town for the purpose of looping the distribution system.

- d. For those properties meeting the conditions of paragraph 2(b) above and where an adequate water distribution line already exists along one of the two exterior frontages at the time of development, a line extension is required to be installed across the property's remaining exterior frontage. The property is exempt from any reimbursement charge for connection to the existing water distribution system.
 3. Distribution lines *shall* be installed only in public streets, alleys, roads and highways and on other public and private property where satisfactory right-of-way can be obtained without involving direct purchase or lease of land by the Department.
 4. Distribution lines may be installed in private streets or thoroughfares to provide water service to premises along such street upon approval of the Department, providing:
 - a. Right-of-way or easement provided is satisfactory to the Department.
 - b. The Department has no responsibility to maintain or repair the surface of the street other than to restore it to its original condition after cutting the street for installation of the water line or after repairs to the line.
 5. Distribution lines which are extended or installed will become the property of the Town of Quartzsite after final inspection and acceptance by the Town & ADEQ approval of construction.
 6. Construction drawings for water line extensions certified by a registered engineer *shall* be submitted to the Department & Town Engineer for approval and *shall* be in accordance with the Town of Quartzsite Standard Specifications for Utility Installations as adopted.
 7. Payment is required for all water used in construction, sterilization and testing of water main extensions and the contractor or developer *shall* be held accountable for that cost. Amount of water used shall be estimated by the Department.
- D. Distribution Line Extensions Within Or Bounding A Development.
 1. Installed by Developer.
 - a. Distribution lines *shall* be installed within or bounding the development to locations and grades and of such sizes as approved by the Town Engineer & Department and in conformance with Town standards as adopted. Distribution lines of sizes and at locations approved by the Town Engineer & Department and in

conformance with the Town standards shall be installed for each lot within the development prior to paving the adjacent street.

- b. Where the line extensions or a portion of the line extension does not meet the requirements listed in Paragraph (2) of this Section (17-1-5-D.2) the developer will be required to pay the full cost of the line extension or portion of the line extension.
- c. The Town will enter into a reimbursement agreement with the developer requiring future customers to pay a pro rata share of the cost of the line extension if such initial service is taken during the term of the agreement. See Section 17-1-6.
- d. The developer shall install a minimum one (1) inch water service connection for each lot within the development is his expense, concurrently with the water line construction in the development. The service connections installed by a developer *shall* be guaranteed against any and all defects by the developer for a period of one (1) year after acceptance of the installations by the Town. No one except authorized Town personnel *shall* be authorized to install, remove or reinstall water meters and in the event the developer's contractor, plumber, (or others), removes, changes or relocates water meters, the developer *shall* be charged the cost to the Town for restoring meters to their authorized and designated locations.
- e. Fire hydrants *shall* be installed within and along perimeter streets of the development at locations and to lines and grades approved by the Town Engineer and in conformance with Town standards.
- f. The developer *shall* be responsible for adjusting all water valves, meter boxes and appurtenances to the approved final grade before acceptance of the system by the Town.
- g. A letter of acknowledgment *shall* be submitted by the developer concurrently with the submittal of proposed project design drawings. Included in the letter will be:
 - 1. Identification of the proposed project.
 - 2. Identification of the project developer.
 - 3. Acknowledgement of the project developer.
- i. The developer *shall* cause his professional engineer to submit all documentation required by the Arizona Department of Environmental Quality (ADEQ) Engineering Bulletin No. 10, as applicable,

to the ADEQ for review and approval and to obtain all permits required to facilitate completion of the proposed project.

- ii. The developer *shall* contract a professional engineer to provide detailed construction inspection services for the proposed project. Upon completion of the project, the developer's engineer shall forward a copy of same, including one (1) set of mylar, reproducible as-built drawings, affixed with the developer's engineer's seal, and an electronic file to the Town of Quartzsite, Department of Public Utilities, for review and approval.
- iii. Upon issuance of the Approval to Operate by ADEQ, Final Acceptance of the facility will be acknowledged by the Town of Quartzsite and the one year warranty period *shall* commence.

2. Installed by Town.

- a. Subject to the limitation set forth below water line extensions of 10 inch or larger sizes as required by the Water Master Plan located on section lines and half section lines *shall* be installed by Town employees or by contract at Town expense.
- b. Extensions installed and paid for by the Town will include the appropriate valves, tees, crosses, etc. as well as fire hydrants.
- c. Water service installations to serve individual lots *shall* not be considered as part of the line extension installed at Town expense but may be included at the time of construction at the developer's expense.
- d. Line extensions are limited to a maximum per subdivision per fiscal year as budgeted in compliance with water adequacy.
- e. Any line extensions in excess of the limitations set forth in Section 7-1-5.O as revised will be eligible for a reimbursement agreement under the provisions of Section 17-1-6.

3. Limitation on Town Installation

- a. Funds for Town installed line extensions are derived from system development charge.

- b. The total dollar amount of funds available in any one year for construction of distribution line extensions is limited by the Town to an amount equal to the cost of construction of a combination of one-half mile of ten (10) inch and twelve (12) inch main extensions.
- c. Distribution of available funds for line extensions each fiscal year shall be on a first come basis. The project effective date for availability of funds is the date of the posting of construction assurances with the Town Engineer.

Section 17-1-6 Reimbursement Agreements (Ord. 00-05)

A. Eligibility.

- 1. When a 10” or larger line extension conforming to the Water Master Plan is installed outside, abutting or within the applicant’s lot, lots, subdivision or development, and does not meet the requirements of Section 17-1-5 D (2) & (3) for a line extension by the Town then the applicant *shall* be eligible for a line extension agreement.
 - a. Line extension smaller than 10 inches paid for by the applicant which may be used by property other than that being developed by the applicant *shall* be eligible for a reimbursement agreement.
- 2. The Town will enter into an agreement with the original applicant of the line extension and will collect and return to the applicant as provided in the agreement a distribution line reimbursement charge from parties connecting laterally to the line extension.
- 3. To be eligible for a reimbursement agreement, the original applicant for the line extension must submit the certified costs of the extension as prescribed in Section 17-1-6 B within one hundred twenty (120) days from the date of acceptance of the line extension by the Town of Quartzsite. Eligibility must be established in a timely manner so that project records and the utility atlas is fully updated. The applicant shall be notified in writing of the availability of a reimbursement agreement by the Town Utility Department.

B. Reimbursement Charge.

- 1. The reimbursement charge will be based on one-half the cost per lineal foot of the water line extension abutting the premises of the party desirous of obtaining a connection or connections to the line or by a fee per parcel for the area serviced by the connection

2. The certified cost per lineal foot of the water line extension *shall* be obtained by taking the total cost of construction of the extension divided by the total lineal feet of the water line extension that was installed. Such costs must be certified by both the developer's Engineer and the Town Engineer. The per parcel fee shall be determined either by obtaining the total cost of construction of the extension minus the pro-rata share of cost for the line extension belonging to the original applicant served by the line extension; or by setting a fixed cost per parcel. Such cost to be certified by the developer's engineer and the Town Engineer. The method used for determining per parcel cost shall be determined by the Town Engineer.

C. Cost of Construction.

1. The cost of construction of a line extension *shall* include in addition to the actual material and installation costs of piping, valves and other appurtenances, the engineering costs for preparation of plans and specifications and costs of inspection and staking. The cost of water service connections shall not be included in the cost of construction of the water line extension for reimbursement purposes.

D. Payment by Applicant for Service Connection.

1. An applicant for a service connection from a line which is subject to a reimbursement agreement *shall* pay the appropriate reimbursement charges. Such charge(s) *shall* be in addition to all other applicable charges provided by these regulations, including charges for service connections, capacity charges and fees for meter installation.
2. A corner property meeting the provisions of Section 17-1-5 C.2 (c) or (d) of these regulations is exempt from payment of a reimbursement charge for connection to a line extension on the property's other exterior frontage when for the purpose of looping the system.
3. Applicants *shall* pay the distribution line reimbursement charge before construction of their connection to the line extension. This charge *shall* be in addition to all other applicable charges provided by these regulations, including charges for service connection, capacity charges and meter installations.

E. Maximum Amount of Reimbursement.

1. The maximum amount of any reimbursement *shall* be identified in the agreement and *shall* not exceed 100% of the total certified construction cost of the extension. Interest to be compounded yearly and calculated based on the interest rate of U.S. Government Treasury Bills dated January 1 of each year following the date of acceptance of the line

extension. The interest rate for the last months of a reimbursement period, if short of a full year, *shall* be at the interest rate as of January 1 of that year.

2. The reimbursement cost *shall* be calculated using the reimbursement charge and multiplying it by the appropriate interest rate for each one year period or portion of one-year period. Interest begins at the date of acceptance of the line, and ends at the date of connection to that line by that particular applicant. Compound interest to be calculated by adding the calculated interest in the succeeding years period to the reimbursement charge amount before that period's interest is calculated. The reimbursement cost will then be the sum of the reimbursement charge and each of the periods interest amounts.
3. Terms of Reimbursement Agreement.
4. The reimbursement agreement *shall* have a maximum term of five (5) years and *shall* close at the end of that period whether or not the total amount of reimbursement has been made.
5. All reimbursement agreements *shall* comply with the above terms.

Section 17-1-7 Rates and Charges for Water Service (Ord. 00-05)

1. Distribution System Development Charge.
2. Distribution system development charge is a charge for the Town providing adequate sized water distribution lines at the boundaries of a lot, lots, subdivisions or development.
3. A distribution system development charge *shall* apply to a property owner or developer when a connection is made to any portion of the Town Water Distribution System.
4. The charge *shall* be paid at such time as a water connection permit is issued for a single lot or at the time the construction assurances are posted with the Town Engineer for a subdivision or development.
5. No connection to any portion of the Town Water Distribution System is permitted until payment of the charge has been made.
6. A unit of cost rate per acre *shall* be developed by taking costs of construction of 2 miles of 12-inch distribution line and 2 miles of 10 inch distribution line and then dividing their sum by 640, the number of acres in a regular section of land.

7. Allowable items included in the costs of construction of the 10-inch and 12-inch distribution lines are: material and installation costs of pipe, valves, tees, crosses, etc., fire hydrants and costs of engineering, construction staking and inspection.
8. The unit cost rate *shall* be revised semiannually.
9. The two miles of 10 inch and 2 miles of 12-inch distribution lines included in the unit cost rate are the number of miles of distribution line in a typical section of land as required by the Water Master Plan.
10. The unit rate per acre for the year 2000 is \$1,200.00.
11. A system development charge *shall* be calculated individually for each connection to the distribution system by multiplying the unit rate per acre by the total number of acres in the lot or development served by the connection. The total number of acres in a development *shall* mean the gross area within the development boundaries.

Section 17-1-8 Specific Water Service Areas and Area-Specific Water Line Extension Fees

- A. The department may recommend to the Council the acceptance of a specific water service area and the establishment of an area-specific water extension fee if:
 1. An applicant for a permit to construct and extend a water main requests that the department approve construction of a water main with a capacity in excess of the size required to serve his development.
 2. The department finds that such construction is:
 - a. In accordance with the water service plan of the town.
 - b. In the public interest.
 - c. That the water main extension would have sufficient capacity to serve property not owned by applicant.
 3. The owner of the development submits plans and specifications for construction of the water system in that service area to the department for review and approval.
- B. The department may establish a specific water service area and an area-specific water system extension fee. A specific water service area and/or fee *shall* contain the following:

1. A description or map showing the specific water service area.
 2. The cost of construction and installation of the water system and related facilities or a method to determine those costs.
 3. A requirement that all landowners or other persons who connect to the water system extension *shall* pay to the department an amount equal to their pro rata share of the connection fee or a fee based on acreage or another appropriate method approved by the Town. These payments will pay for the cost of the supply, the distribution system and related facilities and administrative costs of the department incurred in administering the specific water service area.
- C. Prior to connection of the water system mains to the water system extension and area-specific water main, the department may require such persons to pay their pro rata share of the cost as set forth in paragraph 3 of subsection B of this section.
- D. Upon the recommendation of the department, the water system may advance a portion, or all, of the costs of construction of a water system extension with a capacity to serve a specific water service area and may establish an area-specific water system extension fee pursuant to subsection C of this section. The area-specific water system extension fee *shall* be utilized to reimburse the department for the cost of construction of the water system extension.
- E. Water System Extensions. Water system extensions may be granted by the department at no cost to the user based on the financial viability of the extension and the projected user fees to be collected from additional system users connected to extension.
- A water system extension is generally determined to be financially viable if that extension generates sufficient demand and subsequent connection fees and monthly user fees to cover associated development costs, debt retirement and its pro rata share of operation and maintenance costs as determined by the department.
- F. If the developer is required to pay for an oversized water system in order to facilitate future connections between the Town system and the newly developed property, the Town will enter into a development agreement with the developer which will outline reimbursement for the cost of the oversized portions of the system.

Section 17-1-9 Backflow Control Program – General Policy
(Ord. 00-11/01-15/09-39)

A. Purpose

To protect the public water supply of the Town of Quartzsite from the possibility of contamination or pollution by isolating to the consumer’s internal distribution system(s) or the consumer’s private water system(s) contaminants or pollutants that could backflow into the public water systems; and

To provide for the maintenance of a continuing program of backflow prevention, which will systematically and effectively prevent the contamination or pollution of all potable water systems.

B. Responsibility

The Town of Quartzsite (“Water Department”) *shall* be responsible for the protection of the public potable water distribution system from contamination or pollution due to the backflow of contaminants or pollutants through the water service connection. An approved backflow prevention assembly is required at the consumer’s water service connection, for the safety of the water system, if any auxiliary water supply exists. The Water Department or its designated agent *shall* give notice in writing to said consumer to install such an approved backflow prevention assembly on the consumer’s premises. The consumer *shall* immediately install such an approved backflow prevention assembly at the consumer’s own expense; and, failure, refusal, or inability on the part of the consumer to install, have tested, and maintained said assembly, *shall* constitute grounds for discontinuing water service to the premises immediately until such requirements have been met satisfactorily. Commercial and industrial consumers *shall* be required to install an approved backflow assembly to protect the potable water distribution system from contamination or pollution.

C. Definitions

The Town of Quartzsite Water Department – The Town of Quartzsite (“Water Department”) is invested with the authority and responsibility for the implementation of an effective cross-connection control program and for the enforcement of the provisions of this ordinance.

Approved – The term “approved” as herein used in reference to a water supply shall mean a water supply that has been approved by the Town of Quartzsite Water Department.

The term “approved” as herein used in reference to an air gap, a reduced pressure principle backflow prevention assembly or other backflow prevention assemblies or methods shall mean approved by the Town of Quartzsite.

Auxiliary Water Supply – Any water supply on or available to the premises other than the Town of Quartzsite approved public water supply will be considered as an auxiliary water supply. These auxiliary waters may include water from another purveyor’s public potable water supply or any natural source(s) such as a well, spring, river, stream, harbor, etc., or used waters or industrial fluids. These waters may be contaminated or polluted or they may be objectionable and constitute an unacceptable water source over which the Water Department does not have sanitary control.

Backflow – The term “backflow” *shall* mean the undesirable reversal of flow of water or mixtures of water and other liquids, gases, or other substances into the distribution pipes of the potable supply of water from any source or sources. See terms Backsiphonage and Backpressure.

Backpressure – The term “backpressure” *shall* mean any elevation of pressure in the downstream piping system (by pump, elevation of piping, or stream and/or air pressure) above the supply pressure at the point of consideration, which would cause, or tend to cause, a reversal of the normal direction of flow.

Backsiphonage – The term “backsiphonage” *shall* mean a form of backflow due to a reduction in system pressure, which causes a sub-atmospheric pressure to exist at a site in the water system.

Backflow Prevention Assembly – An assembly or means designed to prevent backflow and includes:

Air-Gap – The term “air gap” *shall* mean a physical separation between the free flowing discharge end of a potable water supply pipeline and an open or non- pressure receiving vessel. An “approved air gap” *shall* be at least double the diameter of the supply pipe measured vertically above the overflow rim of the vessel-in no case less than 1 inch (2.54 cm).

Reduced Pressure Principle Backflow Prevention Assembly – The term “reduced pressure principle backflow prevention assembly” *shall* mean an assembly containing two independently acting approved check valves together with a hydraulically operating, mechanically independent pressure differential relief valve located between the check valves and at the same time below the first check valve. The unit *shall* include properly located resilient seated test cock and tightly closing resilient seated shutoff valves at each end of the assembly. This assembly is designed to protect against a non-health (i.e. pollutant) or a health hazard (i.e. contaminant). This assembly *shall* not be used for backflow prevention of sewage or reclaimed water.

Contamination – The term “contamination” *shall* mean an impairment of the quality of water, which creates an actual hazard to the public health through poisoning or through the spread of disease by sewage, industrial fluids, waste, etc.

Cross-Connection – The term “cross connection” *shall* mean any unprotected actual or potential connection or structural arrangement between the public and a consumer’s potable water system and any other source or system through which it is possible to introduce into any part of the potable system any used water, industrial fluid, gas or substance other than the intended potable water with which the system is supplied. Bypass arrangements, jumper connections, removable sections, swivel or changeover devices and other temporary or permanent devices through which or because of which backflow can or may occur are considered to be cross-connections.

1) The term “direct cross-connection” *shall* mean a cross connection which is subject to both backsiphonage and backpressure.

2) The term “indirect cross-connection” *shall* mean a cross-connection which is subject to backsiphonage only.

Cross Connections-Controlled – A connection between a potable water system and a non-potable water system with an approved backflow prevention assembly properly installed and maintained so that it will continuously afford the protection commensurate with the degree of hazard.

Hazard, Degree of – The term “degree of hazard” *shall* mean either a polluttional (non-health) or contamination (health) hazard and is derived from the evaluation of conditions within a system.

Hazard-Health – The term “health hazard” *shall* mean an actual or potential threat of contamination of a physical or toxic nature to the public potable water system or the consumer’s potable water system that would be a danger to health.

Hazard-Plumbing – The term “plumbing hazard” *shall* mean an internal or plumbing type cross-contamination in a consumer’s potable water system that may either be a polluttional or contamination type hazard. This includes but is not limited to cross-connections to toilets, sinks, lavatories, wash trays and lawn sprinkling systems. Plumbing type cross-connections can be located in many types of structures including homes, apartment houses, hotels, and commercial or industrial establishments. Such a connection, if permitted to exist, must be properly protected by an appropriate type of backflow prevention assembly from a polluttional or a contamination type hazard.

Hazard-Polluttional – The term “polluttional hazard” *shall* mean an actual or potential threat to the physical properties of the water system or the potability of the public potable water system but that would not constitute a health or system hazard, as defined. The maximum degree or intensity of pollution to which the potable water system could be degraded under this definition would cause a nuisance or be aesthetically objectionable or could cause minor damage to the system or its appurtenances.

Hazard-System – The term “system hazard” *shall* mean an actual or potential threat of sever danger to the physical properties of the public potable water system or of a pollutional or contamination hazard that would have a protracted effect on the quality of the potable water in the system.

Industrial Fluids – The term “industrial fluids” *shall* mean any fluid or solution which may be chemically, biologically or otherwise contaminated or polluted in a form or concentration which would constitute a health, system, pollutional or plumbing hazard if introduced into an approved water supply. This may include but not be limited to: polluted or contaminated used water; all types of process waters and used water originating from the public potable water system which may deteriorate in sanitary quality; chemicals in fluid form, planting acids and alkalies; circulated cooling waters connected to an opening cooling tower and/or cooling waters that are chemically or biologically treated and stabilized with toxic substances; contaminated by natural waters such as from wells, springs, streams, rivers, bays, harbors, seas, irrigation canals, or systems, etc.; oils, gases, glycerin, paraffin, caustic and acid solutions and other liquid and gaseous fluids used industrially, for other processes, or for firefighting purposes.

Pollution – The term “pollution” *shall* mean an impairment of the quality of the water to a degree which does not create a hazard to the public health but which does adversely and unreasonably affect the aesthetic qualities of such waters for domestic use.

Service Protection – The term “service protection” *shall* mean the appropriate type or method of backflow protection at the service connection, commensurate with the degree of hazard of the consumer’s potable water system.

Water-Potable – The term “potable water” *shall* mean any public water supply, that has been investigated and approved by the Arizona Department of Environmental Quality (“A.D.E.Q.”). The system must be operating under a valid health permit. In determining what constitutes an approved water supply, A.D.E.Q. has final judgment as to it’s potability.

Water-Non-Potable – The term “non-potable water” *shall* mean a water supply that has not been approved for human consumption by A.D.E.Q.

Water-Service Connection – The term “service connection” *shall* mean the terminal end of a service connection from the public potable water system, (i.e., where the Water Department may lose jurisdiction and sanitary control of the water at its point of delivery to the consumer’s water system). If a water meter is installed at the end of the service connection, then the service connection shall mean the downstream end of the water meter.

Water-Used – The term “used water” shall mean any water supplied by the Water Department, from a public potable water system to a consumer’s water system, after it

has passed through the service connection and is no longer under the control of the Water Department.

D. Water System

1. The water system *shall* be considered as made up of two parts: The Town of Quartzsite's System and the Consumer's System.
2. The Town of Quartzsite's System *shall* consist of the source facilities and the distribution system; and shall include all those facilities of where the water system under the complete control of the Water Department, up to the point where the consumer's system begins.
3. The source facilities *shall* include all components utilized in the production, treatment, storage, and delivery of water to the distribution system.
4. The distribution system *shall* included the network of conduits used for the delivery of water from the source facilities to the consumer's system.
5. The Consumer's System shall include those parts of the facilities beyond the termination of the Town of Quartzsite's System that are utilized in conveying potable water to points of use.

E. Policy and Requirements

1. No water service connection to any premises *shall* be installed or maintained by the Quartzsite Water Department unless the water supply is protected as required by Town of Quartzsite laws and regulations and this Ordinance. Service of water to any premises shall be discontinued by the Quartzsite Water Department if a backflow prevention assembly required by this ordinance is not installed, tested and maintained, or if it is found that a backflow prevention assembly had been removed, bypassed, or if an unprotected cross-connection exists on the premises. Service will not be restored until such conditions or defects are corrected. Appropriate fees shall be assessed for the disconnection and reconnection of water service to the consumer.
2. The Consumer's System should be open for inspection at all reasonable times to authorized representatives of the Town of Quartzsite Water Department, to determine whether unprotected cross-connections or other structural or sanitary hazards, including violations of these regulations, exist. When such a condition becomes known, the Quartzsite Water Department shall deny or immediately discontinue service to the premises by providing for a physical break in the service line until the consumer has corrected the condition(s) in conformance with the Town of Quartzsite Ordinances and Codes relating to plumbing and water supplies and the

regulations adopted pursuant thereto. Appropriate Fees *shall* be assessed for disconnection and reconnection of water service to the consumer.

3. An approved backflow prevention assembly *shall* also be installed on each vice line to a consumer's water system at or near the property line or immediately inside the building being served; but in all cases, before the first branch line leading off the service line wherever the following conditions exist:

- A)** In the case of premises having an auxiliary water supply, the public water system *shall* be protected against backflow from the premises by installing an approved backflow prevention assembly in the service line commensurate with the degree of hazard.

- B)** In the case of premises on which any industrial fluids or any other objectionable substance is handled in such a fashion as to create an actual or potential hazard to the public water system, the public water system *shall* be protected against backflow from the premises by installing an approved backflow prevention assembly in the service line commensurate with the degree of hazard. This shall include the handling of processed waters and waters originating from the water purveyor's system which have been subject to deterioration in quality.

- C)** In the case of premises having internal cross-connections that cannot be permanently corrected or protected against, or intricate plumbing or piping arrangements or where entry to all portions of the premises is not readily accessible for inspection purposes, making it impracticable or impossible to ascertain whether or not dangerous cross-connections exist, the public water system shall be protected against backflow from the premises by installing an approved backflow prevention assembly in the service line.

4. The type of protective assembly required by Section E, Subsection 3 (A), (B) and (C), *shall* depend upon the degree of hazard which exists as follows:

- A)** In the case of any premises where there is an auxiliary water supply as stated in Section E, Subsection 3 (A) of this section and it is not subject to any of the following rules, the Town of Quartzsite's system shall be protected by an approved air gap or an approved reduced pressure principle backflow prevention assembly.

- B)** In the case of any premises where there is any material dangerous to health, which is handled in such a fashion as to create an actual or potential hazard to the Town of Quartzsite's System, the Town of

Quartzsite's System *shall* be protected by an approved air gap or an approved reduced pressure principle backflow prevention assembly. Examples of premises where these conditions may exist include sewage treatment plants, sewage pumping stations, chemical manufacturing plants, hospitals, mortuaries and plating plants.

- C) In the case of any premises where there are unprotected cross-connections, either actual or potential, the Town of Quartzsite's System shall be protected by an approved air gap or an approved reduced pressure principle backflow prevention assembly at the service connection.
- D) In the case of any premises where, because of security requirements or other prohibitions or restrictions, it is impossible or impractical to make a complete in-plant cross-connection survey, the Town of Quartzsite's System shall be protected against backflow from the premises by either an approved air gap or an approved reduced pressure principle backflow prevention assembly on each service to the premises.

5. Any backflow prevention assembly required herein *shall* be a make, model and size approved by the Town of Quartzsite Water Department. An "Approved Backflow Prevention Assembly" *shall* mean an assembly that has been manufactured in full conformance with the standards established by the American Water Works Association (AWWA) entitled: AWWA/ANSI C511-07* Standard for Reduced Pressure Principle Backflow Prevention Assemblies;

- 1. It *shall* be the duty of the consumer at any premises where backflow prevention assemblies are installed to have an initial field test performed by a certified backflow prevention assembly tester at the time of the initial installation and on a yearly basis herein after the initial installation.

Quartzsite Water Department *shall* notify the consumer when the annual test is required. Thirty (30) days shall be allowed for the consumer to complete the annual test. Failure to have the approved backflow assembly tested within the thirty (30) day time period *shall* result in a ten (10) day door notice of disconnection of service. Upon expiration of the ten (10) day notice without the completion and submission to the Water Department of a satisfactory annual test, service to the consumer shall be disconnected. Appropriate fees *shall* be assessed for disconnection and reconnection of water service to the consumer.

In those instances where the Quartzsite Water Department deems the hazard to be serious in the sole discretion of the Water Department, the Water Department may require field tests at more frequent intervals. These tests *shall* be at the

expense of the consumer, and *shall* be performed by a certified tester approved by the Quartzsite Water Department. It shall be the duty of the Quartzsite Water Department, to see that these tests are made in a timely manner. The consumer may notify the Department in advance when the tests are to be undertaken so that an official representative may witness the field tests, if so desired. Backflow prevention assemblies shall be repaired, overhauled, or replaced at the expense of the consumer whenever said assemblies are found to be defective. Records of such tests, repairs, and overhauls shall be kept and copies filed with the Quartzsite Water Department.

The Quartzsite Water Department *shall* keep an inventory of all records for a period of at least three (3) years, for Arizona Department of Environmental Quality inspection purposes as required.

7. All presently installed backflow prevention assemblies which do not meet the requirements of this ordinance but were approved devices for the purposes described herein at the time of installation and which have been properly maintained, *shall*, except for the testing and maintenance requirements under section 6, be excluded from the requirements of these rules so long as the Quartzsite Water Department finds that they will satisfactorily protect the Town's water system. Whenever the existing device is moved from the present location or requires more than minimum maintenance or when the Quartzsite Water Department finds that the maintenance constitutes a hazard to health, the backflow prevention assembly *shall* be replaced by an approved backflow prevention assembly meeting the requirements of this ordinance or any related regulation.

All backflow prevention assemblies *shall* be installed to allow adequate space for testing and maintenance; provide for adequate drainage; allow adequate room for shut off valve rotation; allow space for attaching fittings and hoses to test cocks; include union coupling needed for removal of or repair to backflow; include y-type strainer used for protection of backflow device; include riser uprights that are copper wrapped in a minimum 10 mil wrapping tape or PVC that may be wrapped; risers *shall* be a minimum of 12" above and a maximum of 30" above grade; dissimilar metals shall be avoided to prevent electrolysis by using recommended PVC; consumers *shall* assure there are no physical connections between the meter and the backflow device; install a box cover to protect the backflow from heat & freezing; and install new pipe at a depth of no less than eighteen (18) inches.

8. The Town of Quartzsite Water Department *shall* submit to the Arizona Department of Environmental Quality and the local health authority a written cross-connection incident report within five business days of a cross-connection problem, which has resulted in the contamination of the public water system, including the information required in A.A.C.R.-18-4-115.H.

9. The Town of Quartzsite Water Department is authorized to make all necessary and reasonable rules and policies with respect to the enforcement of this ordinance. All such rules and policies shall be consistent with the provisions of this ordinance and shall be effective 30 days after being filed with the Town Clerk of the Town of Quartzsite.

Section 17-1-10 Unlawful Acts

- A. Any person who interferes with the officers or agents of the department in the discharge of their duties or who violates any of the provisions of this article is guilty of a misdemeanor. Such interference's include, but are not limited to:
 1. The tapping of a water main belonging to the system.
 2. Laying, connecting, inspecting or repairing of main.
 3. The excavating, either directly or indirectly, of a street or alley for the purpose of connecting to the water system without first obtaining a permit from the department and the town building department.
 4. Illegal use of the water system including, but not limited to:
 - a. Serving more than one lot or parcel from a single meter.
 - b. Being connected to the water main belonging to the system without a properly installed and maintained backflow assembly, where required.

Section 17-1-11 Penalties

Any person found in violation of the provisions of Section 17-1-7 will be subject to the following penalties and cost recovery:

- A. Fines shall be those as set forth for any code violation.
- B. In addition to the fine, costs equal to the remedy of the violation may be assessed. Those costs include, but are not limited to:
 1. Uncovering, inspecting, reinstalling (where required) and covering the tap.
 2. Uncovering, inspecting, relaying or repairing the water main.
 3. Testing, re-excavating (where required), inspecting, backfilling and compacting of a street or alley excavated without a permit.
 4. Correcting or repairing any physical damage caused by an illegal connection.

ARTICLE 17-2 AUTHORITY OF WATER DEPARTMENT, CHARGES & EASEMENTS

- 17-2-1 Authority of Water Department
- 17-2-2 Water Charges (Ord No. 09-36)
- 17-2-3 Easements

Section 17-2-1 Authority of Water Department

- A. Design, Review and Issuance of Construction Permit. The water department, in conjunction with the Town Building Department, *shall* review all designs, plans, specifications, etc., relating to water supply and distribution systems, pumping structures and water connections prior to issuing a construction permit. The department, in conjunction with the building department, *shall* issue a construction permit only if they are satisfied that all departments are in compliance with this code and the water supply and distribution systems, pumping structures and water connections will operate in a safe and sanitary manner. Prior to the issuance of a construction permit, the owner *shall* pay all fees assessed by the town.
- B. Construction Inspections. All water lines and service lines to be attached directly to a water main *shall* be inspected by personnel of the water department and building department during construction. At least forty-eight hours prior to tapping the water main, the water department and building department *shall* be notified. In making a connection to a water system, no physical alteration of the facilities *shall* commence until a Department Inspector is present. No water *shall* be withdrawn from any water main prior to obtaining inspections, meter installation and approval of construction by the department. Following satisfactory completion of construction, inspection, pressure, and microbiological testing, the department *shall* issue a construction inspection certificate.
- C. Collection of Fees and Miscellaneous Powers. Fees levied pursuant to this code *shall* be collected by the department. The department *shall* enforce such rules and regulations the Council authorizes as for the safe, economical and efficient management and protection of the system; for the construction and use of the waters and connections to the water system; and for the regulation, collection, rebating and refunding of such water fees.

Section 17-2-2 Water Fees (Res. No. 01-06/Ord No. 09-36)

- A. Necessity for Charges. It is hereby deemed necessary for the protection of the public's health, safety and welfare that this system conform with federal, state and local laws and regulations. It is also necessary that a system of charges for water service be established which allocates the cost of providing water service to each user in such a manner that the allocated costs are proportionate to the

cost of providing water service to that user, insofar as those costs can reasonably be determined.

B. Charges Established. Water charge categories will include, but are not limited to:

1. Water system capacity fee.
2. Water user deposit.
3. Water use charges.
4. Turn-on fees.
5. Tap fees.
6. Re-read fee (no error only).
7. Administration fees (inspection, plan review and permits).
8. Special assessments.
9. Delinquent charges.

The actual rates and categories will be set by resolution which *shall* be amended from time to time. The rate will be established in compliance with the public hearing requirements of A.R.S. § 9-511.01.

C. Rate Establishment Procedures. Rates for each type of water charge and associated fees shall be reviewed periodically by the department or the Municipal Utility Administrative Committee. If the department recommends changes to the fee structures, they *shall* issue a request to the Council with a recommendation for fee modification. The Council shall then act upon the recommendation in accordance with A.R.S. § 9-511-01. The rate schedules adopted by the Council shall be based upon the following factors:

1. Annual debt service charge for the retirement of project debt.
2. The total applicable cost of salaries and benefits of employees engaged in providing water service.
3. Applicable operating expenses, including parts, materials and services incurred in providing water service.
4. Applicable equipment replacement costs necessitated by the provisions of water service.
5. Appropriate indirect costs of the department and other Town Departments in rendering water related services, such as purchasing, accounting, billing, administration and insurance.
6. Other pertinent factors as determined by the Municipal Utility Administrative Committee.
7. Any shortfalls of operating revenue in prior operating period(s).

8. Any reserve funds required by Funding Agencies.

D. Water Use Charge.

1. For the purposes of determining the water use charge, the charge will be based upon meter size, base rate and actual demand.
2. Water use charges *shall* commence when connection of the service line to the facility being served is completed and inspected and *shall* terminate only when the facility served is no longer physically connected to the Town water line.
3. Water service charges in this section *shall* be billed and paid monthly. Property owners will be required to pay a deposit equivalent to one month when water service is requested. If monthly payments are made on time for twelve months, the deposit will be refunded, upon written request, to the owner.
4. The actual rates and categories will be set by resolution which *shall* be amended from time to time. The rate will be established in compliance with the public hearing requirement of A.R.S. § 9-511.01.

E. Water use Charge; Determination of Payments and Charges. A proportionate charge *shall* be made to all users who use potable water based upon meter size, base rate and actual demand.

F. Water System Capacity Fee. For the purpose of providing revenue to assist in the financing and to more equitably distribute the cost of the construction of necessary additions to the water system, it is hereby determined and declared necessary to provide for the establishment, exaction and regulation of a water capacity charge as hereinafter determined, with such charge to be in addition to any and all other fees which may be imposed with respect to the said water system.

The funds received from the collection of such charge, as it is herein authorized, *shall* be deposited daily with the Town who *shall* credit them to a special fund from which the Council may take appropriations for the payment of the cost and expense of the construction of the water system, wells, pump stations and appurtenances and for the payment of the cost and expense of extensions to or the enlargement of same.

The department director *shall* be and is hereby authorized and directed to charge and collect a water system capacity charge whenever:

1. A water system agreement has been executed by the parties.

2. Application is made for the issuance of a water permit to provide water service to a new structure.
3. At the time an existing structure is enlarged or its use changes.
4. When an existing structure is removed and a new structure built and reuse is made of an existing water service or a new water service is constructed, where such property is or will be tributary, directly or indirectly to any water system built by the Town.

Credit for any existing structure which has a use change or for an existing structure enlarged or removed may be applied against the system capacity imposed in the amount of the original structure charge up to, but not more than, the current charge.

- G. Tap Fees. A Water Tap is required to connect any building or house to the water system, the fees for such tap shall be paid prior to the tap construction. The actual rates and categories will be set by resolution which *shall* be amended from time to time. The rate will be established in compliance with the public hearing requirements of A.R.S. § 9-511.01.
- H. Turn-On/Off Fee. A turn-on/off fee must be paid at the time service is rendered. The actual rates and categories will be set by resolution which *shall* be amended from time to time. The rate will be established in compliance with the public hearing requirements of A.R.S. § 9-511.01.
- I. Special Assessments. This fee is applicable in the event of an unusual industrial connection or in the event of a specific water area or area-specific line extension (see Section 17-1-5), or in the event of an unforeseen event which may require specific consideration.
- J. Administrative Fees. Administrative fees shall include, but not be limited to:
 1. Reimbursable expenses of the department.
 2. Bad check charges.
 3. Lien recording fees.
 4. Account transfer fees.
 5. Plan review fees.
 6. Inspection fees.

The actual rates and categories will be set by resolution which *shall* be amended from time to time. The rate will be established in compliance with the public hearing requirements of A.R.S. § 9-511.01.

K. Special Assessment Fees. For properties not within the present service area of the water system, the applicable fees shall include a connection fee payable on a per parcel basis, which *shall* be established by the Council, similar in amount to the costs of construction of an equivalent water system adjacent to the landowner" property, including the cost of construction, engineering, legal and administrative services, and in accordance with the benefit received, plus a fee for each service line constructed in the public right-of-way to service the property; said money to be paid directly to the department prior to the time of the connection to the department water system. Said money so collected is to be used to pay all or part of the cost of installing other water mains in the Town as and when designated by the Council, or the costs of construction of additional system capacity. When said monies are not being expended for that purpose, they are to be invested or spent at the discretion of the Council. The actual rates and categories will be set by resolution which *shall* be amended from time to time. The rate will be established with the public hearing requirements of A.R.S. § 9-511.01.

L. Delinquent Charges.

1. All rates and service charges are due and payable when rendered and shall be delinquent fifteen days after the date of the billing. Any delinquent account requiring special collection effort may be assessed a delinquent collection charge. The actual rates and categories will be set by resolution which *shall* be amended from time to time. The rate will be established in compliance with the public hearing requirements of A.R.S. § 9-511.01. If the total of such delinquent charges is not received within five days after date of delinquency and notice of delinquency having been given, water service *shall* be disconnected, from the premises of the delinquent consumer and a delinquent turnoff fee charged to the customer's account. The delinquent turnoff fee, plus the total amount of the bill due and any deposit used to remedy the delinquency, *shall* be collected before providing water service again to delinquent customer.
2. Customer's water service may be disconnected for nonpayment of a bill for water services rendered at a previous location provided such bill is not paid within twenty days after the unpaid bill has been presented to the customer at his new location.
3. Any expense caused to the department for the repair or replacement of damaged, stolen, tampered or misused water facilities *shall* be charged against and collected from the person who caused the expense.
4. When a user of the water system has been notified of amount of water use charges remaining due after the deduction of his user deposit and payment of same has not been received within five days, the department *shall* assign the account to a bona fide collection agency.

5. Before water service will be provided to any premises, all charges against the premises then due and payable to the department, as required by this code, or including any of the following items must have been paid: on account of labor supplied or materials furnished by the department in the installation of service lines connecting the premises with the Town water mains or for tapping the system water lines; on account of services of water service previously supplied to the premises, whether used by the applicants or by some previous occupant of the premises; or on account of the assessment of any fine or penalty; or for turning water service off or on; or for repair or replacement of damaged, stolen or misused water supply and distribution facilities.
6. Before disconnecting water for nonpayment of any water user charge, deposit or other assessment provided for in this code, the department shall give written notice of the discontinuance to the person and afford them or their designee an opportunity to appear before the department on any disputed matter relative to the discontinuance of water service.
7. A water customer who defaults in his or her obligation for the payment of utility monies owed to the Town of Quartzsite is liable for any and all fees and charges assessed by a collection agency that is licensed pursuant to Title 32, Chapter 9, Article 2, Arizona Revised Statutes, and that is engaged by the Town of Quartzsite to collect and enforce such payment. The collection fees and charges assessed by the collection agency shall be added to the sum or sums due from and chargeable against the customer.

M. Distribution of Water System Revenue and Establishment of Special Funds.

1. There *shall* be established the following funds into which the water charges, as levied herein, shall be distributed:
 - a. *Water system operations, maintenance and capital outlay fund.* The water system operations, maintenance and capital outlay fund *shall* be used exclusively for debt service, operational expenses and equipment replacement expenses associated with the provision of water system services.
 - b. *Renewal and replacement fund.* The water system renewal and replacement fund *shall* be used as follows:
 - (1) To fund any budget shortages in the water system operations, maintenance and capital outlay fund.
 - (2) Funds collected in the renewal and replacement fund in

excess of 1.25 times the annual system debt service and operation and maintenance costs *shall* be utilized within the system as deemed appropriate by the Council on recommendation by the Municipal Utility Administrative Committee and the department.

- c. *Water system users deposit fund.* The water system users deposits *shall* be utilized exclusively for the purpose of temporarily paying a customer's delinquent fees.
2. The distribution of water charges *shall* be as follows:
- a. *Water system capacity charges.* All water system capacity fees (connection fees) will be deposited in the renewal and replacement fund.
 - b. *Water system user charges & tap fees.* Water user fees shall be allocated to the water system operations and capital outlay fund.
 - c. *Water system user deposits.* One hundred percent of the water user deposit fund shall be used to assure payment of monthly users fees by customer, as follows:
 - (1) If a customer is delinquent (see Section 17-2-2 L,) in paying their monthly user fee, then the department may utilize a portion of that user's deposit to bring the account current.
 - (2) The customer will be considered delinquent until the deposit is returned to the full amount.
 - (3) If a customer in good standing is disconnected and/or sells their property, the total amount of the deposit will be refunded upon written request.
 - d. *Special assessments.*
 - (1) Special assessments *shall* be utilized in accordance with the agreement between the water department and the customer.
 - (2) Additional connection applications may not be accepted after the plant reaches "calculated design capacity" without review and approval by department confirming that actual maximum measured demand does not exceed design capacity.

Section 17-2-3 Easements

- A. All property owners desiring the connection of the improvements on their property to the water system of the town *shall* grant to the town, at no charge, those easements necessary to properly effectuate the water connection desired.
- B. All easements granted to the Town *shall* be subject to the following restrictions and conditions of use:
1. No person, firm or corporation having charge of property subject to easement in favor of the Town shall hereafter construct, build or establish a building upon the property subject to said easement. A building means a house, commercial building, industrial building or any structure of a size or construction that the moving thereof would cause great inconvenience to any person.
 2. Should the owner of the property subject to an easement in favor of the Town construct a building thereon in violation of this code, the Town may employ individuals to clear said property and charge the costs of the same to the owner of the property. Nothing contained herein *shall* obligate the Town to compensate the owner of the property subject to the easement for the value of a “building” cleared. The Town may take those steps as are required to work in the easement and preserve the improvement, rather than clear the improvements.
 3. No person *shall* excavate deeper than three feet upon the property subject to the easement in favor of the Town without having first obtained a permit therefore as herein required. Such permit *shall* be issued by the Town. Applications for a permit to excavate upon property subject to easement in favor of the Town shall be made in writing to the Town and *shall* state thereon specifically the size of the space intended to be excavated and the purpose for the excavation.
 4. No person *shall* plant any trees or shrubbery upon the property subject to the easement in favor of the Town without having secured a permit therefore. Applications for such permit *shall* be made to the Town. All trees and shrubs so planted shall be placed subject to the direction and approval of the Town. No boulders, benches or fences *shall* be built or maintained upon the property subject to the easement unless approved by the Town.
 5. In the event any improvements are constructed within the boundaries of the easement and these create any additional costs to the Town because it must incur additional expenses to repair, install or replace its water system, the property owner shall be charged all additional costs incurred.