

KACHINA VILLAGE IMPROVEMENT DISTRICT  
SEWER USE ORDINANCE  
NO. 88-1  
ARTICLE 1  
DEFINITIONS

The following definitions shall apply unless specifically defined otherwise:

1. "District" means the Kachina Village Improvement District (KVID).
2. "Board" means the Board of Directors of the Kachina Village Improvement District (KVID).
3. "Proper District Authority" means the District Manager or one charged with the responsibility of carrying out the objectives of the District as outlined by the Board.
4. "Shall" means mandatory.
5. "Permit" means any written authorization required pursuant to this or any other regulation of the District for the installation of any sewage works.
6. "Sewage" or "Sanitary sewage" means any and all waste substances, liquids or solids associated with human habitation, but excluding storm, surface and ground waters, and industrial waste.
7. "Industrial waste" means all wastewaters of the community excluding sanitary sewage and uncontaminated water.
8. "Sewer" means a pipe or conduit for carrying sewage.
9. "Public sewer" means a sewer controlled by public authority.
10. "Private sewer" means a sewer, generally on private land, connecting a sewage source to the public sewer.
11. "Storm sewer" means a sewer which carries storm and surface waters and drainage, but excludes sewage and polluted industrial wastes.
12. "Sanitary sewer" means a sewer which carries sewage and to which storm, surface and ground waters are not intentionally admitted.
13. "Natural outlet" means any outlet into a watercourse, ditch, or other body of surface or ground water.
14. "Watercourse" means a channel in which a flow of water occurs either continuously or intermittently.
15. "Sewer works" means all facilities for collecting, pumping, treating and disposing of sewage.

16. "Sewage treatment plant" means any arrangement of devices and structures used for treating sewage.
17. "Sewer connection" means the connection to the public sewer and the extension therefrom of the sewer to the property line.
18. "Sewer connection fee" means the initial sewer connection charge as set forth in this Resolution and shall apply to all sewer connections to the public sewer after the effective date of this code.
19. "Garbage" means solid wastes from the preparation, cooking and dispensing of food and the handling, storage and sale of produce.
20. "Properly shredded garbage" means garbage that has been shredded to a degree that all particles will be carried freely under the flow conditions prevailing in the Districts sewers, with no particles greater than one-fourth (1/4) of an inch in any dimension.
21. "Suspended solids" means solids that either float on the surface of, or are suspended in, water, sewage or other liquids and which are removable by laboratory filtering.
22. "B.O.D.", denoting biochemical oxygen demand, means the quantity of oxygen utilized in the, biochemical oxidation of organic matter under standard laboratory procedures in five days at twenty (20) degrees centigrade expressed in parts per million (P.P.M) in weight.
23. "pH" means the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.
24. "User charge" means the charge made to the recipient of sanitary sewer services by the District to defray the costs of operation, maintenance and replacement of the sewage collection and treatment facilities of the District.
25. "User" means the person or persons using or required to use the Districts sanitary sewer system whether or not the user is the owner of the property upon which are located the improvements that are connected to the sewer".

ARTICLE II  
GENERAL CONDITIONS GOVERNING SEWER INSTALLATIONS AND USE

Section 1. DUTIES OF IMPROVEMENT DISTRICT BOARD

It shall be the duty of the Kachina Village Improvement District Board of Directors to control and manage all matters pertaining to the Sewage Collection and Disposal System of the Kachina Village Improvement District in conformity with all applicable federal, state, county and local laws and regulations set forth in this Resolution, and any other Resolutions of the Kachina Village Improvement District, Coconino County, Arizona. The Board shall have general supervision over the Districts sewer system, all real and personal property connected therewith, and the employees thereof.

Section 2. CONNECTION

No person shall connect a private sewer line or lines to any portion of the District sewer system unless said person has first made proper application for a permit to connect to said sewer system, has paid all fees required by the District to accompany said application and said application has been approved by the proper District authorities. All connections to the District sewer shall be made pursuant to any rules, regulations or resolutions pertaining to the payment of hookup fees. Further all connections shall be made in compliance with the Standard Specifications adopted by the District and the current edition of the Uniform Plumbing Code, and be subject to inspection and approved by the District, its agents or assignees, at the time of connection. A sewer connection shall be deemed to have occurred when a lateral from the sewer located within the sewer right of way is continuous from the sewer to any point within the vertical plane of any boundary of the property.

ARTICLE III

REGULATION OF PRIVATE SEWAGE DISPOSAL SYSTEMS

Section 1 . BUILDINGS SUBJECT TO ARTICLE

All buildings within the District inhabited or used by human beings are to be connected with the sewage system of the Kachina Village Improvement District.

ARTICLE IV  
SEWER USE REGULATIONS

Section 1. WATER OTHER THAN SEWAGE PROHIBITED

No person shall discharge or cause to be discharged any storm water, surface water, ground water, roof runoff, sub-surface drainage, cooling water, water used for air cooling purposes or unpolluted industrial process waters to any sanitary sewer.

Section 2. CERTAIN SUBSTANCES PROHIBITED

Except as hereinafter provided, no person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewer:

- A. Any liquid or vapor having a temperature higher than 150 degrees F.
- B. Any water or waste which may contain more than 100 parts per million, by weight, of fat, oil or grease.
- C. Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid or gal.
- D. Any garbage that has not been properly shredded.
- E. Any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, paunch manure, or any other solid or viscous substance capable of causing obstruction to the flow in sewers or other interference with the proper operation of the sewage works.
- F. Any water or wastes having a pH lower than 5.5 or higher than 9.0 or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works.
- G. Any waters or wastes containing a toxic or poisonous substance in sufficient quantity to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, or create any hazard in the receiving waters of the sewage treatment plan.
- H. Any water or waste containing suspended solids of such character and quantity that unusual attention or expense is required to handle such materials at the sewage treatment plant.
- I. Any noxious or malodorous gas or substance capable of creating a public nuisance.

- J. Any substance whose physical, chemical, or electrical properties might be such as to interfere with any phase of the operation of the sewage treatment plant of the Kachina Village Improvement District.

Each user that discharges any of the waters or wastes set forth in Section 2, which causes an increase in the cost of managing the effluent or the sludge of the Districts treatment works, shall pay for such increased costs.

### Section 3. OIL OR SAND INTERCEPTORS, LINT AND GREASE TRAPS

Grease traps shall be required at all public premises where food is served, such as restaurants, cafeterias and boarding houses.

Grease, oil or sand interceptors shall also be provided when, in the opinion of the proper District authorities, they are necessary for the proper handling of liquid wastes containing grease in excess of limits set forth in Section 2 of this Article, <sup>01</sup> any flammable wastes, sand, and other harmful ingredients. All Interceptors shall be of a type and capacity approved by the proper District authorities and shall be located as to be readily and easily accessible for cleaning and inspection. Grease and oil interceptors shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, water-tight, equipped with easily removable covers which, when bolted in place, shall be gas-tight and water-tight.

Lint traps, approved by the District, shall be required on all lateral lines which contain <sup>01</sup> carry wastewater discharge from washing machines into the sewer system, except for private homes, apartments, or condominiums.

### Section 4. MAINTENANCE OF INTERCEPTORS

Where installed, all grease, oil and sand interceptors shall be maintained by the Owner, at his expense, in continuously efficient operation at all times.

### Section 5. SEWAGE REQUIRING SPECIAL TREATMENT OR HANDLING

In cases where the character of sewage or industrial waste from any manufacturing or industrial plant, building, or premises is such that it will damage the sewer system, or cannot be treated satisfactorily in the Wastewater Treatment Plant, the District shall require such users to dispose of such waste and prevent it from entering the system.

In such cases where the character of the sewage or industrial waste from any manufacturing or industrial plant, building or premises is such that it imposes an unreasonable burden upon said sewer system or treatment plant greater than imposed by the average sewage entering said sewer system, the District shall, if deemed advisable, require such manufacturing

or industrial plant, building, or premises, to pretreat such sewage in such a manner as defined in this Section.

The admission into the public sewers of any waters or wastes having:

- A. a five (5) day B.O.D. greater than two hundred fifty (250) parts per million by weight, or
- B. containing more than two hundred fifty (250) parts per million by weight of suspended solids, or
- C. containing any quantity or substances having the characteristics described in Section 2 of this Article, or
- D. having an average daily flow greater than two percent (2%) of the average daily flow of the District,

shall be subject to the review and approval of the proper District authorities. Where necessary in the opinion of the proper District authorities, the owner shall provide, at his expense, such preliminary treatment as may be necessary to

- A. reduce the B.O.D. to 250 parts per million and the suspended solids to 250 parts per million by weight, or
- B. reduce objectionable characteristics of constituents to within the maximum limits provided for in Article IV, Section 2 of this Regulation, or
- C. control the quantities and rates of discharge of such waters or wastes.

Plans, specifications, and any other pertinent information relating to preliminary treatment facilities shall be submitted for the approval of proper District authorities and the Department of Environmental Quality of the State of Arizona, and no construction of such facilities shall be commenced until said approvals are obtained in writing. Federal pretreatment regulations shall be enforced as applicable.

Prior to the connection of any industry's sewer to a sewer of the Improvement District, the industry and the Improvement District will develop and enter into an agreement encompassing an industrial Cost Recovery system that complies with the current U.S. EPA regulations and which has the approval of the EPA.

#### Section 6. MAINTENANCE OF SPECIAL TREATMENT FACILITIES

Where preliminary treatment facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation, by the owner at his expense.

Section 7. CONTROL MANHOLES FOR SAMPLING AND MEASURING

When required by the proper District authorities, the owner of any property served by a private sewer carrying industrial wastes shall install a suitable control manhole in the private sewer to facilitate observation, sampling and measurement of the wastes. Such manhole, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the proper District authorities. The manhole shall be installed by the owner at his expense, and shall be maintained by him so as to be safe and accessible at all times. Such analyses as may be required to insure compliance with Sections 2, 3, & 5 of this Article shall be provided by the owner, whenever deemed necessary by the proper District authorities.

Section 8. SAMPLING AND MEASURING PROCEDURES

All measurements, tests, and analyses of the characteristics of water and wastes to which reference is made in Sections 2, 3 & 5 of this Article shall be determined by the proper District authorities, in accordance with "Standard Methods for the Examination of Water and Sewage", and shall be determined at the control manhole provided for in Section 7 of this Article, or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer from the point at which the private sewer is connected".

Section 9. SPECIAL AGREEMENTS

No statements contained in this Article shall be construed as preventing any special agreement or arrangement between the District and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the District for treatment, subject to payment therefor by the industrial concern.

Section 10. CHECK VALVES

All property owners connected to the sewer system shall install check valves in their house laterals or sign a Waiver absolving the Kachina Village Improvement District of any liability for damage caused by sewage backing up into their homes and property because of their failure to install check valves. The Board of Directors authorizes that notice be given to all property owners of this requirement to either install a check valve in the lateral to their property, or to sign a Waiver absolving the Kachina Village Improvement District of any responsibility or liability for damage to their property caused by a backup of sewage, which could have been prevented by the installation of a check valve. The Kachina Village Improvement District or its agents or employees shall not be responsible for the decision made by the property owner to properly install a check valve.

Section 11. IMPROVEMENTS

The owners of all property lying adjacent to a sewer of the Kachina Village Improvement District shall connect the improvements located upon their property directly to the sewer system of the Kachina Village Improvement District upon the payment of a Connection Fee. Said fees to be in an amount as approved from time to time by the Board of Directors of the Kachina Village Improvement District in cash at the time of the connection to the sewer.

Section 12. LIFT STATIONS AND SPECIAL FACILITIES

If the hookup in any parcel requires a lift station or other special facility, said lift station or other special facility shall be installed in accordance with the Standard Specifications of the Improvement District at the expense of the owner. Such lift station or other facility shall be maintained and operated by the Improvement District at no cost to the owner when said lift stations are installed in utility easements or dedicated rights of way.

ARTICLE V  
CONNECTION PERMITS AND NEW SEWER CONSTRUCTION IN NEW  
DEVELOPMENTS

Section 1. STANDARDS GOVERNING CONNECTION PERMITS

All applications for new connections to the sewer system and for the development of new sewage collection and transmission systems with the District shall be made on a form of Application approved by the District. The following standards, rules and regulations shall govern the issuance of permits:

- A. Adequacy of Design. The responsibility for the adequacy of the design or the materials used shall rest solely with the permittee and the issuing of a permit shall not relieve him of that responsibility. The issuance of a permit shall not be construed as approval of the concept or construction details of the proposed facilities and shall not absolve the permittee, or design engineer, if any, of their respective responsibilities.
- B. Joint Construction and Operation Permits. Unless otherwise stated by special conditions, the issuance of this permit shall be a joint construction and operation permit provided that the permittee complies with all general, standard and special conditions of the District.
- C. Allowable Discharges. Discharges into the sanitary sewer system constructed under this permit shall consist of sanitary sewage only. Unless otherwise stated by the special permit conditions, there shall be no discharge of industrial wastes under the permit. Storm waters shall not be permitted to enter the sanitary sewer system.
- D. Construction Inspection. All sewer construction shall be inspected and approved by the District. No sewer trenches shall be backfilled except as authorized by the District after having been inspected and approved and the sewer installed.
- E. Maintenance. The sewer connections, lines, systems or facilities constructed hereunder, or serving the facilities constructed hereunder, shall be properly maintained and operated at all times in accordance with all applicable requirements. It is understood that the responsibility for maintenance shall run as a joint and several obligation against the property served, the owner or the operator of the facilities, and said responsibility shall not be discharged nor in any way affected by change of ownership of said property.
- F. Indemnification. The permittee shall be solely responsible for and shall defend, indemnify and save harmless the District from and against any and all claims, costs, damages, or expenses the District may suffer, incur, sustain or become liable for on account of any injury to, or death of, any person or persons, or any

damage to, or destruction of, any real or personal property that may be caused by the construction, use, state of repair, operation and maintenance of the proposed facilities, arising out of or in consequence of the issuance of this permit. Without limiting the generality of the preceding sentence, the provisions of this paragraph shall extend to indemnify and save harmless the District from any claims or damages arising out of or in connection with the termination or revocation of this permit .

- G. Third Parties. This permit does not grant the right or authority to the permittee:
  - (a) to construct or encroach upon any lands of the District or of any other parties,
  - (b) to construct outside of the territorial boundaries of the District, (c) to construct or encroach upon the territorial boundaries of any units of local government within the District.
- H. Costs. It is expressly stipulated and clearly understood that the sewerage system or facilities for which the permit is issued shall be constructed, operated and maintained at no cost to the District.
- I. Other Construction. The District reserves the right, privilege and authority to permit others to reconstruct, change, alter and replace all sewers and appurtenances thereto at the point of connection of any sewage system to a District interceptor or in public rights-of-way or District easements, and to introduce additional sewage flow through this connection into the intercepting sewer of said District.
- J. Change of Use. This permit shall be incorporated in the building and occupancy permit for the building or buildings served under this permit. The owner or occupant of any building served under this permit shall not cause, or permit, a change of use of the building to a use other than that indicated in this permit without first having obtained written permission from the District.
- K. Interceptors Overloading. The District serves notice that its interceptors may flow full and may surcharge, and flooding of the proposed system may occur. The permittee is put on notice that the proposed systems shall be constructed, operated and maintained at the sole risk of the permittee.
- L. Nontransferability. This permit may not be assigned or transferred without the written consent of the District.
- M. Agreement. The permittee, in consideration of the District providing sewer service, agrees to pay all sewer use charges levied by the District within twenty days of the mailing of the statement for the same by the District or its agent. In the event the permittee fails to make such payment when due, the permittee agrees that the District may record a lien against the interest of the permittee in the property or improvements of the permittee affected by this permit and that said lien may be foreclosed in the same manner as a mechanics or material mans lien. For purposes of this permit, and any actions taken thereunder, the permittee

hereby waives any claim of homestead or other exception now or hereafter granted by law.

- N. Termination. It is understood and agreed that except as provided in Article VI, Section 7, for non-payment, in the event the permittee shall default in or fail to perform and carry out any of the covenants, conditions and provisions of this permit and such default or violation shall continue for sixty (60) days after receipt of notice thereof, in writing, given by the District, then it shall be lawful for the District, at or after the expiration of said sixty (60) days, to declare said permit terminated. The permittee agrees that immediately upon receipt of written notice of such termination it will stop all operations, discontinue any discharges and disconnect the sewerage system or facilities constructed under this permit. If the permittee fails to do so, the District shall have the right to disconnect said system. The permittee hereby agrees to pay for any costs incurred by the District for said disconnections. The various rights and remedies of the District contained in this permit shall be construed as cumulative, and no one of them shall be construed as exclusive of anyone or more of the others or exclusive of any other rights or remedies allowed by applicable rules, regulations, ordinances and laws. An election by the District to enforce anyone or more of its rights or remedies shall not be construed as a waiver of the rights of the District to pursue any other rights or remedies provided under the terms and provisions of this permit or under any applicable rules, regulations, ordinances or laws.
- O. Expiration. This permit shall expire if construction has not started within six (6) months from the date of issue. Construction under an expired permit is deemed construction without permit. All construction under this permit shall be completed within one (1) year after start of construction. If conditions so warrant, an extension may be granted.
- P. Revocation. In issuing this permit, the District has relied upon the statements and representations made by the permittee or his agent. Any incorrect statements or representations shall be cause for revocation of this permit, and all the rights of the permittee hereunder shall immediately become null and void.
- Q. Advance Notice. Prior to commencement of construction under this permit, the permittee shall give the District an advance notice of at least two working days. When advance notice is given, the permittee shall provide the permit number.
- R. Compliance with Plan and Specifications. All construction shall be in accordance with the plans and specifications, if any, submitted for this permit, the general specifications of the District and the Uniform Plumbing Code. No changes in, or deviation from the plans and specifications which affect capacity maintenance, design requirements, service area or permit requirements shall be permitted unless revised plans shall have been submitted to, and approved by the District. The permit together with a set of the plans and specifications, if any (revised plans and specifications, if any) shall be kept on the job site at all times during construction until final inspection and approval by the District.

- S. Testing and Approval. All construction under this permit shall be subject to inspection, testing and approval by the District. Upon satisfactory completion of construction, the permittee and the owner shall submit, or cause to be submitted a request for approval on the form prescribed by the District. No sewer or other facilities shall be put in service until all the conditions of the permit have been satisfactorily met.
- T. Compliance with Rules and Regulations. The permittee is responsible for meeting the requirements of all applicable rules, regulations, ordinances and laws of local, state and federal authorities. Issuance of this permit shall not constitute a waiver of any applicable requirements.
- U. Required "As Built" Plans. All parties receiving a permit for connection of sewage facilities to the Kachina Village Improvement District shall provide to the District upon completion of the installations of the sewer system, installed by such parties a copy of reproducible "as built" plans and specifications for the sewer system installed in accordance with the Plans and Specifications submitted at the time of application for the permit.
- V. Required County Building Permit. All parties shall have a valid current building permit or occupancy permit issued by Coconino County prior to making the physical connection to the sewer.

Section 2. STANDARDS APPLYING TO NEW DEVELOPMENTS – REQUIRE DEVELOPER PAY FOR ALL LINES TO THE SEWER AND GIVE EASEMENTS.

In addition to the conditions set forth in Section 1 of this Article, the following conditions apply to all new developments, subdivisions, all non-residential facilities, condominiums and apartments.

- A. All applicants seeking to develop or improve any real property through the construction of any improvements greater in density and use than a single family dwelling on an already platted subdivision lot shall first submit to the District for preliminary approval, copies of the preliminary plans for review by the District to insure compliance with its Rules and Regulations. In the case of any new subdivision, the preliminary plans for the subdivision must be submitted to the District at the same time it is submitted to the County for County approval.
- B. Before the District will approve or execute an Agreement to Accept Sewage acceptable to the Arizona Department of Environmental Quality, the applicant shall have complied with all applicable Rules and Regulations of the District and paid all fees as required by the District pursuant to its Rules and Regulations.
- C. It shall be the duty of the applicant developing the property to provide or construct all sewer lines connecting the improvements located upon the property

to the existing District sewer system, including the construction of new collector sewers, both on and offsite, to extend the Districts sewer lines to the property under development. The applicant must provide to the District all such sewer lines, as well as all easements necessary to insure a continuous public right of way along all sewers to be maintained and operated by the District, at no cost to the District.

ARTICLE VI  
FEES AND CHARGES

Section 1. CONNECTION FEES

The fees for a permit to connect any improvement located within the District to the District sewer system shall be as follows:

- A. Account Establishment Fee: \$30.00
- B. Residential: \$300.00 per residential unit
- C. Commercial: \$300.00 per connection
- D. Said fees are payable at the time of application for the Connection Permit and are to be used to pay all or part of the cost of operation and maintenance, bond retirement, contract fees or installing other main line sewers in the improvement District as and when designated by the Board of Directors of said District. When said monies are not being expended for those purposes, they are to be invested at the discretion of the District Board of Directors.
- E. All new hookups to the sewer occurring after the date of adoption of the Resolution shall be required to pay any and all fees in accordance with this Resolution.

Section 2. PRELIMINARY AND FINAL PLAN CHECK FEES

Before any preliminary or final plans for new sewer connections or hookups are approved by the District Engineer, the applicant must have paid the Plan Check Fee and Connection Fee.

The Plan Check Fee for each application will be determined by the District based upon the District Engineer's estimate of the cost of the plan check in light of the conditions, quality and complexity of the plans. This fee shall be paid prior to the District Engineers plan check and shall be separately charged and collected for each set of plans submitted to the District by the applicant or by Coconino County when acting upon a request by the applicant for subdivision or other approval.

Section 3. MONTHLY SEWER CHARGES

- A. Biennial Review: The District will review not less often than "every two years the wastewater contribution of users of user classes, the total costs of operation and maintenance of the treatment works, and its approved user charge system.

The District shall revise the charges for users for uses classes to accomplish the following:

- 1) Maintain the proportionate distribution of operation and maintenance costs among users and user classes as required herein;
  - 2) Generate sufficient revenue to pay the total operation and maintenance costs necessary to the proper operation and maintenance of the treatment works; and
  - 3) Apply excess revenues collected from a class of users to the costs of operation and maintenance attributable to that class for the next year and adjust the rate accordingly.
- B. Notification of Users: Each user will be notified, at least annually, in conjunction with a regular bill, of the rate and that portion of the user charges which are attributable to wastewater treatment services.
- C. That all monies collected from user charges will be deposited with the Coconino County Treasurer. In compliance with 40 CFR (Code of Federal Regulations) 35.2140 d, there will be separate accountings kept for debt service and for expenditures for operation, maintenance and replacement of the sewage treatment works.
- D. That the current rates per month to be charged to service locations within the District and the formula used to determine them are set forth in the User Charge System.

#### Section 4. RESPONSIBILITY FOR PAYMENT OF SEWER CHARGES

All sewer charges shall be due on the first day of the month following billing. Sewer charges shall be payable by and billed to the owner of the property upon which are located the improvements which are connected to the sewer or the user of the sewer system whether or not the user is the owner of the property upon which are located the improvements that are connected to the sewer. The Board of Directors of the District shall determine whether the owner or the user is to be billed for the use fee based upon factors such as the ownership of the improvements, the physical location of the owner and the user, the severability of the users sewer connection from other sewer connections of improvements located on the same property and the previous payment records for user fees previously charged against the same sewer connection. All charges not paid when due shall be added to and included in the following billing, with interest at the rate of 18% per year on the unpaid balance.

Section 5. DISCONNECT FOR DELINQUENCY

If any sewer charge shall remain unpaid for thirty (30) days or more after the due date, the District may serve written notice upon the Owner served personally or by mailing to the billing address, that if said delinquency is not corrected within fifteen (15) days from the date of the service or mailing of said Notice, the District may disconnect the Owner from the sewer system.

Section 6. RECONNECT CHARGES

Whenever the District shall have disconnected any sewer service for failure to pay the sewer charge, the property shall not be reconnected to the sewer system until all delinquent sewer charges are paid in full, together with a reconnection charge of thirty dollars (\$30.00). In addition to said reconnection charge, the District may require a deposit to cover future sewer services in any amount not to exceed one year's estimated sewer charges before the property is reconnected to the sewer system. All labor, material and equipment costs incurred to disconnect and reconnect shall be billed to the Owner in addition to the reconnection charge.

Section 7. INCONSISTENT AGREEMENTS

The District may have preexisting agreements which address:

- A. The reservation of capacity in the Districts treatment works; or
- B. The charges to be collected by the District in providing wastewater treatment services or reserving capacity.

The user charge system shall take precedence over any terms or conditions of agreements or contracts between the grantee and users (including industrial users, special districts, other municipalities, or Federal agencies or installations) which are inconsistent with the requirements of Section 204 (b)(I)(A) of the Clean water Act (P.L. 92-500) and these regulations.

ARTICLE VI I  
MISCELLANEOUS

Section 1. NO PERSON SHALL DAMAGE OR TAMPER WITH SEWAGE WORKS

That no person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is part of the District sewage works.

Section 2. NON-ASSESSED PARCELS

All parcels that were not assessed for sewer improvements will be charged an additional special connection fee for connection to the sewer system, in accordance with Resolution No. 88-11 adopted by the Board of Directors of the Kachina Village Improvement District on June 27, 1988.

Section 3. EASEMENTS

- A. All property owners desiring the connection of the improvements on their property to the sewer system of the Kachina Village Improvement District shall grant to the District, at no charge to the District, those easements necessary to properly effectuate the sewer connection desired, and provide the District with a right of way over and along all sewers it will operate and maintain.
- B. All easements granted to the District 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 Kachina Village Improvement District, 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 Kachina Village Improvement District construct a building thereon, in violation of this Resolution, Kachina Village Improvement District 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 Kachina Village Improvement District to compensate the owner of the property subject to the easement for the value of a "building" cleared. The District 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 upon the property subject to the easement in favor of Kachina Village Improvement District without having first obtained a permit therefor as herein required. Applications for a permit to excavate upon property subject to easement in favor of Kachina Village Improvement District shall be made in writing to the District 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 Kachina Village Improvement District without having secured a permit therefor. Applications for such permit shall be made to the District. All trees and shrubs so planted shall be placed subject to the direction and approval of the District. No boulders, benches or fences shall be built or maintained upon the property subject to the easement in favor of Kachina Village Improvement District, unless approved by the Kachina Village Improvement District.
- 5) In the event any improvements are constructed within the boundaries of the easement and these create any additional costs to the Improvement District because it must incur additional expenses to repair, install or replace its sewers, the property owner shall be charged all additional costs incurred.
- 6) Nothing herein shall prohibit the location of a mobile home on or over all or a portion of any easement of the Kachina Village Improvement District, provided that in the event it becomes necessary for the District to do any work within said easement the property owner shall pay the costs of moving the mobile home, if necessary, or all costs incurred as set forth in paragraph (5), if the work is done without moving the mobile home.

#### Section 5. CONSTRUCTION SPECIFICATIONS

All sewer laterals, house laterals or other connections or connecting sewers which adjoin or connect into any portion of the Kachina Village Improvement District sewer system shall be constructed in accordance with the Uniform Plumbing Code, the codes and requirements of Coconino County Planning and Zoning Department, and the requirements of Kachina Village Improvement District.

Section 6. EFFECTIVE DATE

The charges fixed by this Regulation shall become effective as of the adoption of this resolution.

ARTICLE VIII  
GENERAL

Section 1.


If any section, paragraph, subdivision, sentence, clause, or phrase of these Rules and Regulations shall for any reason be held illegal or unenforceable such decision shall not effect the validity of the remaining portions of these Rules and Regulations. The Board of Directors of the Kachina Village Improvement District hereby declares that the District would have adopted these Rules and Regulations, each and every section, paragraph, subdivision, sentence, clause, or phrase thereof, irrespective of the fact that anyone or more sections, paragraphs, subdivisions, sentences, clauses or phrases of these Rules and Regulations may be held illegal, invalid or unenforceable.

Section 2.

The District hereby authorizes its attorneys, agents, and employees to take all steps as are necessary to enforce these Rules and Regulation.

ADOPTED this 3rd day of October, 1988.

KVID BOARD OF DIRECTORS

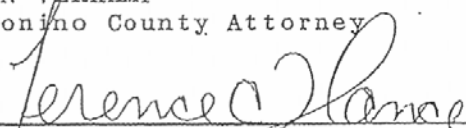
  
\_\_\_\_\_  
Paul J. Babbitt, Jr., Chairman

ATTEST:

  
\_\_\_\_\_  
Ethel Ulibarri, Clerk

APPROVED AS TO FORM:

JOHN VERKAMP  
Coconino County Attorney

By   
\_\_\_\_\_  
Terence C. Hancé  
Chief Deputy County Attorney