

**KACHINA VILLAGE IMPROVEMENT DISTRICT**

**RULES & REGULATIONS**

**Version 2.3g**

**7/1/2020**

**Table of Contents**

ARTICLE 1 .....	3
GENERAL PROVISIONS .....	3
ARTICLE 2 .....	4
DEFINITIONS .....	4
ARTICLE 3 .....	12
GENERAL SEWER CONDITIONS & CONSTRUCTION REQUIREMENTS .....	12
ARTICLE 4 .....	36
SEWER CHARGES, FEES AND RATES .....	36
ARTICLE 5 .....	50
GENERAL CONDITIONS POTABLE WATER & CONSTRUCTION REQUIREMENTS .....	50
ARTICLE 6 .....	56
POTABLE WATER CHARGES, FEES AND RATES .....	56
ARTICLE 7 .....	59
MISCELLANEOUS PROVISIONS .....	59
ARTICLE 8 .....	65
SCHEDULE OF FEES .....	65

# ARTICLE 1

## GENERAL PROVISIONS

**SECTION 1.01**      **TITLE** This Code may be cited as the Kachina Village Improvement District Code.

**SECTION 1.02**      **GUIDELINE STATUTES** KVID shall utilize, as applicable, Article One, Chapter 6 and Articles One and Two, Chapter 14, Title 48, Arizona Revised Statutes, as amended as operating guidelines for the District.

**SECTION 1.03**      **POWERS AND DUTIES**

It shall be the duty of the District Board of Directors to control and manage all matters pertaining to the operation of the Kachina Village Improvement District in conformity with all applicable federal, state, county, and local laws and regulations, this Code, and other Resolutions of the Kachina Village Improvement District, COCONINO COUNTY, Arizona. The Board shall have general supervision over the District's potable and wastewater system, all real and personal property connected therewith, and the employees thereof.

**SECTION 1.04**      **DISTRICT MANAGER**

There is hereby established the position of District Manager of the System who shall also be known as the District Manager who shall be employed by the District and shall be responsible to and directly report to the Board.

The District Manager shall have the power to employ and discharge any and all employees necessary for the proper operation and maintenance of the systems and shall fix the compensation of such employees consistent with the Coconino County Personnel Policies and Procedures as adopted or amended by the Board.

When any additions or extensions to the system are deemed to be of a nature warranting the employment of an engineer, then the drawings, plans, specifications and estimates therefore shall be prepared by or under the personal direction of an engineer registered with the Arizona Board of Technical Registration.

The District Manager shall, from time to time, recommend to the Board rules and regulations governing the maintenance and operation of the System. It shall be the duty of the Board to act upon such recommendations within a reasonable time. Upon approval, said rules and regulations shall be in effect.

## ARTICLE 2

### DEFINITIONS

The following terms shall have the meanings as set forth hereafter unless the context in which they are used dictates otherwise. All other words shall have their ordinary and common meanings.

- SECTION 2.00**      AAC - denotes the Arizona Administrative Code
- SECTION 2.01**      ACRE - 43,560 square feet of land, excluding easements of rights-of-way.
- SECTION 2.02**      APPLICANT FOR DEVELOPMENT - an applicant for potable water and sewer services to an area under development for commercial, industrial, residential, or other uses.
- SECTION 2.03**      APPLICANT FOR SERVICE - an applicant for sewer service for commercial, individual, family or personal or otherwise
- SECTION 2.04**      APPROVED LABORATORY PROCEDURES - 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.
- SECTION 2.05**      AREA UNDER DEVELOPMENT - an area in which sanitary sewer improvements are being constructed, including but not limited to, single-family and multiple-family residential subdivisions, mobile home subdivisions and parks, Improvement Districts, and plats or development plans with the intent of developing land for residential, commercial, or industrial use. The terms include all development in which "on-site" sewage improvements have been provided by the applicant, by an Improvement District, or by contract.
- SECTION 2.06**      A.R.S. - denotes the Arizona Revised Statutes.
- SECTION 2.07**      AVERAGE QUALITY - the arithmetic average (weighted by flow value) of all the "daily determinations of concentration," as that term is defined herein, made a calendar month.
- SECTION 2.08**      BOD (BIOCHEMICAL OXYGEN DEMAND) - the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory conditions for five (5) days at a temperature of twenty (20) degrees centigrade, reported in mg/L, as described in the "Standard Methods," as defined herein.
- SECTION 2.09**      BOARD - shall mean the Board of Directors of the Kachina Village Improvement District.
- SECTION 2.10**      BUILDING SEWER OR HOUSE SEWER - shall mean the sewer line from the building drain to the sewer tap.
- SECTION 2.11**      CHAIRMAN - shall mean the Chairman of the Board of Directors, Kachina Village Improvement District, COCONINO COUNTY, Arizona.

- SECTION 2.12** **COD (CHEMICAL OXYGEN DEMAND)** - the quantity of oxygen consumed from a chemical oxidation of inorganic and organic matter present in the water or wastewater, expressed in mg/L, as described in the "Standard Methods," as defined herein.
- SECTION 2.13** **CODE** - shall mean this document.
- SECTION 2.14** **COOLING WATER** - the clean wastewater discharged from any heat transfer system such as condensation, air conditioning, cooling, or refrigeration.
- SECTION 2.15** **CUSTOMER'S SERVICE LINE** – the potable water line connecting the District's potable water meter to the customer's structure.
- SECTION 2.16** **DAILY COMPOSITE SAMPLE** - a sample of effluent continuously collected over a normal operating day.
- SECTION 2.17** **DAILY COMPOSITE SAMPLE QUALITY** - the concentration of some parameter tested in a "daily composite sample," as that term is defined herein, and reported proportional to flow.
- SECTION 2.18** **DAILY DETERMINATION OF CONCENTRATION** - for composite samples, "daily determination of concentration" shall be the same as "daily composite sample quality," as that term is defined herein. For grab samples, the "daily determination of concentration" shall be the arithmetic average (weighted by flow value) of all "grab sample qualities," as that term is defined herein, determined for any calendar day.
- SECTION 2.19** **DELINQUENCY** - An account shall be deemed delinquent if an amount equal to or greater than all past due and present charges are not received at the KVID Business office by the 26<sup>th</sup> day of the month in which the billing cycle occurred.
- SECTION 2.20** **DISCHARGE** - the disposal of sewage, water or any liquid from any sewer user into the sewage system.
- SECTION 2.21** **DISCONNECTION** – See SERVICE DISCONNECTION definition.
- SECTION 2.22** **DISPUTE RESOLUTION OFFICER** - the Board of Supervisors shall appoint a Dispute Resolution Officer, herein know as the Hearing Officer, to hear appeals of denials of permits or the termination of water and/or wastewater services.
- SECTION 2.23** **DISTRICT** - shall mean the Kachina Village Improvement District, COCONINO COUNTY, Arizona.
- SECTION 2.24** **DISTRICT MANAGER** - the administrator or District Manager of the Kachina Village Improvement District, COCONINO COUNTY, Arizona.
- SECTION 2.25** **DOMESTIC WASTE** - a typical, residential-type waste which requires no pretreatment under the provisions of this article before being discharged into the sanitary sewer system, excluding all commercial, manufacturing and industrial waste.
- SECTION 2.26** **EQUIVALENT METER SIZE** - equivalent meter size (EMS) is used in rate and fee calculations and is defined as the ratio of the commercial connection pipe area to the area of a three quarter inch (3/4") pipe (.442 square inches).
- SECTION 2.27** **EQUIVALENT RESIDENTIAL UNIT (ERU)** – a residential unit shall be

175 gallons of usage per day.

- SECTION 2.28**      **ESTABLISHMENT, PLANT** - any establishment or plant producing liquid waste, with or without suspended solids, required to be discharged into the sewer system.
- SECTION 2.29**      **GARBAGE** - domestic waste, may also be known as municipal solid waste.
- SECTION 2.30**      **GRAB SAMPLE QUALITY** - the concentration of some parameter tested in a "grab sample," as that term is defined herein.
- SECTION 2.31**      **GUEST QUARTERS** - a dwelling unit that can be identified as “self sustaining”, regardless if it is under the same roof as another dwelling unit.
- SECTION 2.32**      **HOUSE SEWER** - see Building Sewer.
- SECTION 2.33**      **IMPROVEMENT DISTRICT** - a district formed under the provisions of Article 2, Chapter 14, Title 48, Arizona Revised Statutes.
- SECTION 2.34**      **INDUSTRIAL USER** - any non-governmental user of the sewage system identified in the Standard Industrial Classification Manual, 1972 edition, classified in Division A, B, D, E, or I.
- SECTION 2.35**      **INDUSTRIAL WASTE** - any liquid, free-flowing waste, including cooling water, resulting from any industrial or manufacturing process or from the development, recovery or processing of natural resources, with or without suspended solids; or, the liquid, gaseous or solid wastes resulting from any industrial operation.
- SECTION 2.36**      **LOT or PARCEL** - refers to any parcel of land existent by virtue of a division from a larger piece or parcel of land, including a unit of a horizontal property regime as the same is defined by the Statutes of the State of Arizona.
- SECTION 2.37**      **MAIN LINE** - the piping system or any part thereof located in the public right of way or an easement which collects wastewater from one or more service lines and is owned or maintained by the District; Public sewer.
- SECTION 2.38**      **MAINTENANCE** - keeping the sewer system in a state of repair, including expenditures necessary to maintain the capacity (capability) for which said works were designed and constructed.
- SECTION 2.39**      **MAJOR CONTRIBUTOR** - any wastewater contributor identified in the Standard Industrial Classification Manual (SIC) in any on Divisions A, B, D, E, and I that: (1) has a discharge flow of 50,000 gallons or more per average work day (if seasonal, the average shall be computed on the period of use), or (2) has a flow or pollutant loading greater than five percent (5%) of the design capacity of the treatment works, or (3) has in its waste’s toxic pollutants on toxic amounts as defined in the standards issued under Section 307 (a) of the Federal Water Pollution Control Act Amendments of 1972, or (4) is found by the General Manager to have significant impact, either singly or in combination with other contributing industries, on the treatment works or upon the quality of effluent from the treatment works.
- SECTION 2.40**      **MULTI-FAMILY RESIDENCE** - shall mean a residential complex under single or corporate ownership, designed for use by more than one family unit.
- SECTION 2.41**      **NATURAL OUTLET** - shall mean any outlet into a watercourse, ditch or other body of surface or ground water.

- SECTION 2.42** **OFF-SITE SEWAGE IMPROVEMENTS** - all sewer construction and facilities necessary to connect "on-site" facilities to an existing system as required by the District Manager and approved by the Board of Directors.
- SECTION 2.43** **ON-SITE SEWAGE IMPROVEMENTS** - all sewer construction and facilities within any plan, improvement plan, development plan or other development, excluding capacities in excess of what is necessary to provide sewer service to that development as may be required by the District.
- SECTION 2.44** **OWN, OWNER, OWNED** - any forms of these words shall mean both legal and equitable ownership in any degree and specifically includes the right to release any lot or parcel from the lien of mortgage, trust, indenture, or other similar device designed to permit the release of individual lots or parcels upon partial payment. Property owned by immediate members of the same family shall be deemed to be in common ownership.
- SECTION 2.45** **OWNER ACCOUNT** – The owner of a property for rent or lease shall sign an owner agreement with the District prior to service account establishment in the rentee or leasee’s name.
- SECTION 2.46** **OWNER REVERT** – Owner revert is the process of transferring account ownership and responsibility to the owner of a property. Owner Revert shall occur when a Service Termination occurs.
- All existing fees and penalties are frozen and due upon Owner Revert. Base rates continue to accumulate.
- SECTION 2.47** **PERMITTEE, PERMIT HOLDER** - any person, firm, association, corporation or trust which owns, operates, processes or controls an establishment or plant being operated under a valid industrial waste permit to discharge waste into the District sewer system.
- SECTION 2.48** **PERSON** - any political or governmental agency, cooperative, institution, corporation, company, firm, a partnership, or individual person.
- SECTION 2.49** **pH** - shall mean negative logarithmic value of the Hydrogen ion (H+) concentration, or  $pH = -\log [H^+]$
- SECTION 2.50** **PLUMBING CODE or UNIFORM PLUMBING CODE** - shall mean the Uniform Plumbing Code by the International Association of Plumbing and Mechanical Officials, most current edition.
- SECTION 2.51** **PRIVATE SEWAGE DISPOSAL SYSTEM** - shall mean septic tank, cesspool, individual wastewater treatment plant, or any other means of sewage disposal contained fully within the boundaries of the property or not connected to the District's Sewer System.
- SECTION 2.52** **PRODUCER** - any person, firm, association, corporation or trust which owns, operates, possesses or controls an establishment or plant, whether or not a permittee.
- SECTION 2.53** **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.



- SECTION 2.54** **PROPERLY SHREDDED GARBAGE** - shall mean garbage that has been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in Kachina Village sewers, with no particles greater than one-fourth of an inch in any dimension.
- SECTION 2.55** **PUBLIC PROPERTY** - shall mean property owned by the United States of America, the State of Arizona, any unit of local government, or any agency, a department branch, political subdivision, or governmental unit thereof.
- SECTION 2.56** **PUBLIC SEWER** - shall mean a sewer controlled by Kachina Village Improvement District authority.
- SECTION 2.57** **PUBLIC SEWER UTILITIES SYSTEM** - shall mean a publicly-owned and operated sewer system.
- SECTION 2.58** **REPLACEMENT** - those expenditures made for obtaining and installing equipment, accessories and/or appurtenances during the useful life of the treatment works which are necessary to maintain the capacity and performance of the treatment works for which they were designed and constructed.
- SECTION 2.59** **RESIDENTIAL** - an area under development normally for residence by family units.
- SECTION 2.60** **SANITARY SEWER** - shall mean a sewer which carries sewage and to which storm, surface and ground waters are not intentionally admitted.
- SECTION 2.61** **SCAVENGER WASTE HAULER** – An enterprise that transfers wastewater from sewage collection containers, such as septic tanks, vaults, etc., for transportation to a wastewater processing facility.
- SECTION 2.62** **SERVICE DISCONNECTION** – Service disconnection is revocation of services to a customer premise. Service Disconnection may be achieved by the discontinuance of water and wastewater services by the closure of the premise water supply valve or by the physical removal of the water meter and/or the capping of the sewer lateral to the customer premise. The choice of action is at the sole discretion of the Utility.
- SECTION 2.63** **SERVICE LATERAL** – the potable water line that pipes potable water from the District’s main line to the District’s potable water line.
- SECTION 2.64** **SERVICE LINE** - the sewer line which pipes wastewater from a building drain to a sewer tap connected to the main line; Building sewer.
- SECTION 2.65** **SERVICE TERMINATION** – Service Termination occurs when an account is in arrears in excess of 90 days. An Owner Revert is executed, if the property is rented or leased by the owner, and a Service Disconnection is executed.
- SECTION 2.66** **SEWAGE OR WASTEWATER** - the used water and water-carried solids from a community that flow through the sewer collection system to a treatment plant.
- SECTION 2.67** **SEWAGE SYSTEM** - pipelines or conduits, pumping stations, force mains, and all other devices, appurtenances, and facilities used for collection and conducting sewage to a point of treatment and/or disposal.

- SECTION 2.68**      **SEWER TAP** - shall mean the connection to or saddle tap installed at the collecting sewer or sewer main.
- SECTION 2.69**      **SHALL** - means mandatory.
- SECTION 2.70**      **STANDARD INDUSTRIAL CLASSIFICATION (SIC)** - a coded classification of industries based upon economic activity developed by the U.S. Department of Commerce as published in the current Standard Industrial Classification Manual published by the U.S. Government Printing Office.
- SECTION 2.71**      **STANDARD METHODS** - 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.
- SECTION 2.72**      **SUBDIVISION** - a tract of land divided into four (4) or more parcels, or interests.
- SECTION 2.73**      **SUSPENDED SOLIDS (SS)** - solids measured in mg/l that either float on the surface of, or are in suspension in, water, wastewater or other liquids and which are largely removable by a laboratory filtration device, as defined in the "Standard Methods", as defined herein.
- SECTION 2.74**      **SURCHARGE** - is when the sewer is flowing beyond pipe capacity
- SECTION 2.75**      **SYSTEM** - the entire sewage collection, treatment, effluent and reuse, facilities of the District.
- SECTION 2.76**      **SYSTEM DESIGN CAPACITY** - the design capacity for normal Domestic Wastewater as established by accepted engineering standards.
- SECTION 2.77**      **TAP** - The physical connection of the service line to the main line (i.e. tapping saddle).
- SECTION 2.78**      **TOTAL ORGANIC CARBON (TOC)** - the total of all organic compounds expressed in milligrams per liter as determined by the combustion infrared method prescribed by approved laboratory procedures.
- SECTION 2.79**      **TREATMENT PARAMETER** - a fundamental characteristic of sewage around which treatment is designed, such as, but not limited to, flow, BOD, suspended solids and phosphorus.
- SECTION 2.80**      **UNAVAILABLE PUBLIC SEWER** - shall mean the applicable building or zoning restrictions, elevations, distances, or other related causes which would make the connection of the house sewer or building sewer to the District sewer an unreasonable burden or hardship upon the property to be served and/or upon the District.
- SECTION 2.81**      **USER** - any person, lot, parcel of land, building, premises, municipal corporation or other political subdivision that discharges, causes or permits the discharge of wastewater into the District sewerage system.
- SECTION 2.82**      **WASTE TREATMENT WORKS** - any plant, disposal field, lagoon, pumping station, incinerator, or other works used to treat or stabilize sewage.
- SECTION 2.83**      **WATERCOURSE** - shall mean a natural or manmade channel in which a flow

of water occurs, either continuously or intermittently.

**SECTION 2.84**

**WATERS OF THE NORTHERN COCONINO COUNTY SANITARY DISTRICT** - all streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, irrigation systems, drainage systems, and all other bodies or accumulations of water, surface and underground, natural or artificial, public or private, which are contained within, that flow through or border upon the Kachina Village Improvement District.

## **ARTICLE 3**

### **GENERAL SEWER CONDITIONS & CONSTRUCTION REQUIREMENTS**

#### **SECTION 3.01      WATERS OF THE KACHINA VILLAGE IMPROVEMENT DISTRICT**

**Waters of Kachina Village Improvement District** - all streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, irrigation systems, drainage systems, and all other bodies or accumulations of water, surface and underground, natural or artificial, public or private, which are contained within, that flow through or border upon the Kachina Village Improvement District.

#### **SECTION 3.02      CONNECTION(S) TO THE DISTRICT SEWER SYSTEM**

- A) Any connections to the District sewer shall be made pursuant to this Code and any rules, regulations or resolutions pertaining to the payment of applicable 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.
- B) A sewer connection shall be deemed to have occurred when a lateral from the sewer main located within the sewer right-of-way is continuous from the sewer main to any point within the vertical plane of any boundary of the property.
- C) A sewer permit from the District shall be obtained before any person shall install or make a connection from a building sewer or house sewer to the District sewer.
- D) Every installation of the connection from a building sewer or house sewer to the District sewer shall be inspected and approved by the District before the construction is backfilled or the sewer is used.
- E) Any residence or business not utilizing the District's sewer system shall make application to the District for potable water service in compliance with SECTION 3.03 of this code.
- F) Potable water service shall be granted only upon inspection by Coconino County Community Development and assertion that the installed sewage management system is installed properly and adequate for use.

## SECTION 3.03

## CONNECTION PERMITS AND REQUIREMENTS

### CONNECTION PROCEDURE

- A) **Permit Application** – All persons required to or desiring to connect the improvements located upon real property within the District to the sewer system of the District may do so by making application in the name of the owner of the real property to the District upon such form as provided by the District and upon payment of all applicable fees. Said fees will be in such amounts as annually approved by the Board of Directors of the District.
- B) **Permits** – All permits for connections to the sewer shall be subject to the following general conditions:
1. **Adequacy of Design** – The responsibility and liability for the adequacy of the design of or the materials used in the service lines shall rest solely with the permittee and the issuing of a permit shall not relieve the permittee of such responsibility. The issuance of a permit shall in no way be construed as approval of the concept, design or proposed or completed construction of the proposed facilities and shall not absolve the permittee, or design engineer, if any, of their respective responsibilities nor shall the issuing of a permit be construed to confer any liability upon the District.
  2. **Connection Compatibility** – It shall be the sole responsibility and liability of the permittee and the successors of the permittee and/or the owner whom the permittee represents to construct the permittee's service line and to connect to the District's sewer lateral in such a manner as to make the use of the District's facilities compatible with the permittee's facilities.
  3. **Corrective Action** – In the event that the concept, design, or construction of the proposed facilities for which a permit was obtained fails at any time to conform with the then existing provisions of this Code, other Rules and Regulations of the District or for any reason demonstrates its inadequacy for its purpose or incompatibility with the sewer collection system of the District, in the sole discretion of the District, the District may:
    - Recommend a correction to the permittee or owner;
    - Demand a correction be made by the permittee or owner;
    - Invoke the remedies set forth in Section 3.03 (K) of this code;
    - Take any other appropriate action; or
    - Do any one or more of the above.
- C) **Advance Notice** – Prior to commencement of construction under this permit, the permittee shall give the District an advance notice of at least two (2) working days. When advance notice is given, the permittee shall provide the permit number.

D) **Compliance with Plans and Specifications** – All construction shall be in accordance with the plans and 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 (or 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.

E) **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.

F) **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.

G) **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.

H) **Third Parties** – This permit does not grant the right or authority to the permittee:

1. To construct or encroach upon any lands of the District or of any other parties,
2. To construct outside of the territorial boundaries of the District, or
3. To construct or encroach upon the territorial boundaries of any units of local government within the District.

I) **Nontransferable** – This permit may not be assigned or transferred without the written consent of the District.

J) **Expiration** – This permit shall expire if construction has not started within one hundred eighty (180) days 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 hundred eighty (180) days after the start of construction. If conditions so warrant, an extension may be granted.

K) **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.

The District shall notify the Permittee of permit revocation in writing, at the Permittee's last know address. The Notice of Revocation will give the reason or reasons for the revocation and will indicate that the permit will be revoked 30 days from the date of the Notice of Revocation. All rights under the permit are null and void at the conclusion of the 30 day period.

The Permittee may appeal by serving a Notice of Appeal within 30 days calculated from the date of the notification. Notice of the appeal must be in writing and shall indicate in detail the reason or reasons why the permit should not be revoked. Notice of the appeal must be submitted to the Coconino County Clerk of the Board of Supervisors. Appeal is to the Board of the District.

The hearing must be set within 15 days of receipt of the Notice of Appeal by the Clerk of the Board. Either party may be represented by Counsel. If either Party chooses to be represented by Counsel it will inform the other Party in writing at least 10 days before the hearing. Lists of exhibits and witnesses shall be exchanged at least 10 days before the hearing and submitted to the Clerk of the Board. If a party fails to list an exhibit or witness on the submitted list, the evidence will be excluded. If either Party fails to appear at the hearing the Board will enter default judgment in favor of the Party who appears and all allegations against the Party who fails to appear shall be deemed admitted. The Board of the District may relax the Rules of Evidence at its discretion.

The order of the proceeding shall be as follows:

1. The Chairperson of the District shall call the case and briefly describe the procedures.
2. District's statement.
3. Testimony of District's witnesses.
4. Permittee's statement.
5. Testimony of Permittee's witnesses.
6. Testimony of others attending the hearing at the Chair's discretion.
7. Permittee's rebuttal.
8. District's rebuttal.

9. Cross-examination of witnesses shall be strictly limited to subjects or evidence elicited during direct testimony.
10. Permittee's closing statement.
11. District's closing statement.

The Board of the District will render a decision within 30 days of the hearing and will make findings of fact and conclusions of law regarding incorrect statements or representations on the permit application. Appeal of the Board's decision is to Superior Court.

L) **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 run-off or rain waters shall not be permitted to enter the sanitary sewer system.

M) **Maintenance** – The property owner is responsible for the condition, maintenance, design, construction, repair and function of the Service Line. The Service Line begins at the saddle tap on the main and extends to the structure.

A Service Line shall be maintained and operated in strict accordance with District Codes, rule and specifications as the same may exist from time to time, and shall be modified from time to time to conform to such Codes, rules and regulations as they are modified from time to time.

Repair work to a Service Line shall be in strict accordance with District Codes, rules and specifications as they exist at the time of repair. Before repairs are made to a service line, application for a Permit must be made to the District by the owner or contractor. Repairs to service lines must be inspected and approved by District personnel prior to the trench being backfilled.

N) **District Responsibility** – The District is responsible for the condition, maintenance and repair of Main Lines, manholes and other public facilities.

District personnel are the only authorized persons to install sewer taps onto the Main Line and to remove manhole covers within the collection system, except for tap installation permitted by the District during development construction.

O) **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.

Reference SECTION 5.03.D (Construction Requirements)



P) **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, expansion or enlargement of the use of the building to a use other than, or larger than, that indicated in this permit without first having obtained written permission from the District.

Q) **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.

R) **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.

S) **Agreement** – The permittee, in consideration of the District providing sewer service, agrees to timely pay all applicable fees.

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) **Collections of Fees** – 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 mechanic's or materialman's lien. For purposes of this permit, and any actions taken thereunder, the permittee hereby waives any claim of homestead or other exemption now or hereafter granted by law. Further the permittee agrees to pay all recording fees incurred by the District.

V) **Termination of Permit** – It is understood and agreed that except for nonpayment, in the event the permittee, owner or any of their successors shall default in or fail to perform and carry out any of the covenants, conditions, and provisions of the permit issued pursuant to this Code, or of this Code as it is amended from time to time, and such default or violation shall continue for sixty (60) days, that the District may declare the permit terminated.

The permittee and the owner represented by the permittee and their respective successors agree, acknowledge and are put on notice that immediately upon receipt of written notice of such termination they will stop all operations, discontinue any discharges and disconnect the sewage system or facilities constructed under the permit. If the permittee, owner or their successor(s) fails to do so, the District shall have the right to disconnect said system. The permittee, owner and their successors agree to and shall be liable to pay for any costs incurred by the District for said

disconnections.

The various rights and remedies of the District contained in the permit shall be construed as cumulative, and no one of them shall be construed as exclusive if any one 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 any one 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 the permit, this Code, or applicable rules, regulations, resolutions, ordinances or laws.

## **SECTION 3.04      CONSTRUCTION REQUIREMENTS**

- A) **Separate Connections** – A separate sewer connection to the District main sewer line in the street, alley or right-of-way shall be installed for each residential or business property, except as hereinafter provided.
- B) **Residential or Business Connections** – A residential or business property is defined as a single parcel or piece of property under separate ownership using a sewer for business or residential purpose and multiple business or residential units designed and constructed as to indicate a probability that such multiple business or residential units will not be divided into several ownerships.
- C) **Common Sewer Connections** – A common sewer connection for several business or residential units within one structure shall be permitted under the following circumstances:
  - 1. The units are to be owned in condominium interests; and
  - 2. Plans for the sewer connections are reviewed and approved by the District before construction; and
  - 3. Before the plans for the sewer connections are approved, the owner makes a written agreement with the District that if a stoppage occurs in the common sewer at any time the owner will immediately correct and repair the sewer stoppage at his own cost and the owner forever saves and holds harmless the District from any and all claims, demands and liabilities proximately occurring from the construction of the common sewer connection.

D) **Check Valves** – All property owners connected to the sewer system shall install a check valve in the lateral connecting their property to the District system or sign a Waiver absolving the Kachina Village Improvement District of any and all liability for damage caused by sewage backing up into their residence, business or property because of their failure to install said check valve.

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 3.05

### CODE REQUIREMENTS

- A) **Uniform Plumbing Code Requirements** – All sewer service lines and facilities shall be constructed and installed in accordance with the then most recent version of the Uniform Plumbing Code, and any requirements imposed by the District. All sewer service lines and facilities shall be maintained by the owner thereof in accordance with the then most recent version of the Uniform Plumbing Code and any special requirements imposed from time to time by the District. Nothing herein shall impose upon the District any duty of imposing requirements upon the construction or maintenance of sewer service lines or facilities on private property, but the District may do so in its sole discretion from time to time.
- B) **Interceptors and Manholes** – Where a grease, oil or sand interceptor or manhole which is found to be necessary and is required to be installed, the interceptor or manhole shall be of a type and capacity approved by the Uniform Plumbing Code adopted by the Board and any amendments thereto. Maintenance of such devices is the property owner's responsibility. The frequency of maintenance shall be such to keep the device functioning and in good repair at all times.
- C) **Construction Requirements and Blue Stake Compliance**
1. All sewer systems and sewer development plans prepared for District review and approval will be designated using NAD 1983 State Plane Arizona Central FIPS 0202 Feet Intl base datum. All plans must indicate the datum source.
  2. The District participates in the local area Blue Stake program. Arizona Revised Statutes, Title 40, Chapter 2, Article 6.3, Section 360.21 through 360.40 which requires the location of utilities before excavations by contractors and other person(s). Any person (s) found in violation of the Blue Stake regulations who causes damage to District lines, facilities or equipment will be charged direct and indirect costs associated with coordination and execution of the required repairs, as determined by the District. This does not preclude the levy of fines or penalties allowed by the State Statutes and/or this Code. If a permit has been issued for such work, the permit holder shall be responsible for prevention of all violations of this Code or State law and for such violations when they occur and shall accordingly be liable for all costs and/or penalties attaching thereto or imposed as a result thereof.
  3. Nothing in this paragraph shall be construed to prevent imposition of these charges, in the discretion of the District or a Court of competent jurisdiction, on a person or entity other than the permit holder.

**SECTION 3.06**

**PROHIBITED CONNECTION AND ACTS**

No person shall uncover, make or maintain any connection with or opening into, modify or enlarge or reduce a connection, use, place or discharge sewerage or any other material into, alter or disturb any part or portion of the District sewerage system, sewer line, or any appurtenance thereof, except as authorized and approved by the District.

**SECTION 3.07**

**PROHIBITED DISCHARGE OF SEWAGE**

A) **Sewage Discharge** – No person shall discharge any sewage or matter into the water of the District nor over any land within the District in any manner which is detrimental to the health, safety or welfare of persons or the public who may be affected by the resulting environmental condition.

B) **Accidental Discharges**

1. Each permittee shall provide protection from accidental discharge of prohibited materials or other wastes regulated by this Code.
2. For countermeasures to be taken by the District to minimize damage to the sewer system and/or degradation of the receiving waters, permittee shall notify the District immediately upon accidentally discharging wastes in violation of this chapter.

This notification shall be followed within fifteen (15) days of the date of occurrence by a detailed written statement describing the causes of the accidental discharge and the measures being taken to prevent future occurrence.

Such notification will not relieve permittee of liability for any expense, loss or damage to the sanitary sewer system, or for any fines imposed on the District on account thereof and/or for any enforcement action pursuant to this occurrence.

3. In order that officers, agents and employees of permittee's will be informed of the District's requirements, permittee's shall make available to their employees copies of this Article, together with such other wastewater information and notices which may be furnished by the District from time to time for the purpose of improving and making more effective water pollution control. A notice shall be furnished and permanently posted on the permittee's bulletin board advising officers, agents, and employees who to call in case of an accidental discharge in excess of the limits authorized by the permit.
4. Any possible connection or entry point for a hazardous and/or prohibited substance to the permittee's plumbing or drainage system shall be appropriately labeled to warn operating personnel against discharge of such substance in violation of this Code.

## SECTION 3.08

### MATERIALS PROHIBITED IN SEWER

- A) No person shall discharge or cause to be discharged into any sanitary sewer, any storm water, surface water, ground water or unpolluted industrial process waters.
- B) Except as provided in this section, no person shall knowingly discharge or cause to be discharged into any sanitary sewer any of the following described waters or wastes:
1. Any liquid or vapor having a temperature higher than 150 degrees Fahrenheit.
  2. Any liquid or waste which may contain more than fifty parts per million by weight of fat, oil or grease.
  3. Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid or gas, or other hydrocarbons.
  4. Any garbage that has not been properly shredded, as defined in this Code.
  5. Any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastic, wood, paunch manure, grits, such as, brick, cement, onyx, carbide, 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.
  6. Any water or wastes having: (1) a five-day biochemical oxygen demand greater than 300 parts per million, or (2) containing more than 350 parts per million of suspended solids, or (3) containing any quantity of substances having the characteristics described in this section.
  7. Any waters or wastes having a pH lower than five and one-half or higher than nine or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works.
  8. Any waters or wastes containing a toxic, radioactive or poisonous substance in sufficient quantity to: (1) injure or interfere with any sewage treatment process, (2) constitute a hazard to humans or animals, or (3) create any hazard in the receiving water of the sewage plant.

9. Any waters or wastes containing dissolved or suspended solids of such character and quantity that unusual attention or expense is required to handle such materials at the sewage treatment plant.
10. Any noxious or malodorous gas or substances in such quantity likely to create a public nuisance.
11. Any dissolved sulfide which has not been corrected to be not more than .05ppm before entry into the sewer system.

**SECTION 3.09      SWIMMING POOLS**

No person shall discharge the contents of a swimming pool into a sanitary sewer except in the manner specified herein.

The size of pipe carrying discharge water shall not be larger than two inches and shall not be under a head to exceed twenty (20) feet. If the water is discharged by pumping, the rate of flow shall not exceed one hundred (100) gallons per minute.

Each swimming pool discharging to a sanitary sewer shall be equipped with an approved backwater valve to preclude any possibility of a backflow of sewage into the swimming pool or piping system.

**SECTION 3.10      INDUSTRIAL USER REQUIREMENTS**

**A) Sewer Charges**

Industrial users shall be required to pay sewer charges as established by the Board and set forth in Schedule A.

**B) Permits Required**

All producers of industrial waste of any quantity, strength, or quality, and all producers who hereafter desire to connect any discharge to the District sewerage system shall obtain a permit for such connection from the District Manager.

### C) Permit Conditions

1. All permits shall be expressly subject to all provisions of this article and all other applicable regulations. Permits may require, but are not limited to, the following:
  - a) Unit charge or schedule of user charges and fees for the wastewater to be discharged to the sanitary sewer;
  - b) The average and maximum strength, characteristics or constituents of the user's wastewater discharge;
  - c) Limits on rate and time of discharge or requirements for flow regulations and equalization;
  - d) Regulations for installation of inspection and sampling facilities, which include requirements for District access to such facilities;
  - e) Pretreatment requirements;
  - f) Regulations for monitoring programs which may include sampling locations, frequency and method of sampling, number, types and standards of tests, and reporting schedule;
  - g) Requirements for the submission of technical reports or discharge reports;
  - h) Requirements for the maintenance of plant records relating to wastewater discharge and affording the District access thereto, and
  - i) Other conditions as deemed appropriate by the District Manager to insure compliance with this article.
2. The District may change the conditions of any permit from time to time, as circumstances or laws or regulations enacted by the State or Federal government may require.
3. Any change in wastewater strength or volume discharged shall be reported to the District Manager for determination of need to change the permit conditions.
4. It shall be unlawful for any permit holder to fail to report to the District for review by the District Manager any change in wastewater strength or volume discharged in excess of those limits stated in any permit.



#### **D) Permit Application Requirements and Conditions**

1. An applicant must submit as part of its application for a permit, a discharge report which must include, but not be limited to, nature of process, volume, rates of flow, production quantities, or any other information that is relevant to the generation of waste, including substances and concentrations in the wastewater discharge.
2. An applicant must, as part of its application for a permit, submit a plat showing location and size of on-site sewers, sampling plant, pretreatment facilities, District sewers and other pertinent details.

An applicant must, as part of its application for a permit, list each product reproduced by type, amount and rate of production and the chemical components and quantity of liquid or gaseous materials stored on-site, even though they may not normally be discharged into the sewer system.

3. In the event a producer of industrial waste which is authorized to make a connection to the District sewer for industrial waste disposal under the provisions hereof is sold, leased or its operation is assumed or taken over by another person, firm or corporation other than that named in the permit, a new application for permit shall be made by the new owner, lessee or operator.

No permit issued under the provisions hereof shall be assignable, and a violation of this provision shall be grounds for summary suspension or revocation of such permit by the District Manager.

4. It shall be a condition of the permit that the District may at any time test any of the wastes being discharged by the company or plant for quality or quantity. A duly authorized District representative may enter the permittee's premises at any time during business or operational hours for the purpose of inspecting plant operations to estimate quality and quantity of wastes as defined herein.

5. It shall be a condition of the permit that the permittee will install facilities (sampling well) at the permittee's expense for the purpose of the District's representative inspecting, observing and sampling representative flows.

It shall be a condition of the permit that periodic reports as hereinafter set forth or as required by the District Manager be submitted to the District Manager.

6. Issuance of an industrial wastewater discharge permit shall not release the permit holder from the obligation to comply with all other provisions of this Code.
7. An industrial user shall make application for a permit on a form provided by the District Manager.
8. An applicant shall pay a fee as set forth in Article 8 for each application for an industrial wastewater discharge permit. The application will not be accepted unless the fee is paid.

9. An applicant, upon compliance with the terms and conditions established by this article for the issuance of industrial wastewater discharge permits, shall pay the District a fee as set forth in Article 8 and shall thereafter be issued an industrial wastewater discharge permit which shall be valid for a period of one (1) year from the date of issuance.
10. An applicant, upon continued compliance with the terms and conditions established by the article for the issuance of industrial wastewater discharge permits, shall file an application for renewal of an industrial wastewater discharge permit, shall pay the District a fee as set forth in Article 8 and thereafter shall be issued a renewed industrial wastewater discharge permit which shall be valid for a period of one (1) year from the date of issuance of the renewal.
11. An applicant seeking an industrial wastewater discharge permit must submit, as part of its application, the results of an analysis, compliant with Standard Methods, as that term is defined herein, and conducted by a professional testing laboratory acceptable to the District Manager of a grab sample or a daily composite sample, as those terms are defined herein, of the effluent discharge from the applicant's plant.

#### **E) Interim Permits**

1. An applicant presently operating as an industry that is already connected to the system and that fails to comply with the requirements of this Code regarding discharges of industrial waste into the sanitary sewer system shall be denied an industrial wastewater discharge permit.
2. If such an applicant intends to continue to discharge after refusal of an industrial wastewater discharge permit for noncompliance with discharge standards, then such applicant must reapply for an interim industrial discharge permit upon the payment to the district a fee as set forth in Article 8.

3. An applicant, upon compliance with the terms and conditions established by this article for the issuance of an interim industrial wastewater discharge permit, shall pay the District a fee as set forth in Article 8 and shall thereafter be issued an interim industrial wastewater discharge permit which shall be valid for a period of six (6) months from the date of issuance.
4. An applicant, upon continued compliance with the terms and conditions established by this article for the issuance of interim industrial wastewater discharge permits, shall file an application for renewal of an interim industrial wastewater discharge permit, shall pay a fee as set forth in Article 8 and shall thereafter be issued a renewed interim industrial wastewater permit which shall be valid for an additional period of six months from the date of issuance of the renewal.
5. An applicant issued an interim industrial wastewater discharge permit shall be required to enter into an agreement with the District as hereinafter set forth.

**F) Discharge Restrictions**

1. Unless otherwise required or approved, the delivery of all industrial wastes from the producer to the District Sanitary Sewer shall be at a reasonably uniform rate, as produced, without storage by the producer, except that storage which is necessary in the pretreatment plant of the producer.
2. It shall be unlawful to discharge or cause to be discharged into the District Sewer any subsurface drainage, storm or ground water, downspout or roof runoff, yard sprinklers, drains, fountains or ponds into any sanitary sewer.  

Water from boiler drains, blow off pipes or cooling water from various equipment may be discharged into the sanitary sewer by an indirect connection whereby such discharge is cooled, if required, and flows into the sanitary sewer, provided that the waste does not contain materials or substances in suspension or solutions in violation of the limits prescribed by this Code.
3. It shall be unlawful to discharge or cause to be discharged into the District sewer any of the following described substances, materials, waters or wastes:
  - a) Any liquid or vapor having a temperature higher than one hundred thirteen (113) degrees Fahrenheit (forty-five (45) degrees centigrade).

- b) Any liquid or waste which contains wax, grease, oil, plastic or other substances that will solidify or become discernible viscous at temperatures between sixty (60) to ninety (90) degrees Fahrenheit.
  - c) Flammable or explosive liquids, solids, or gas, such as gasoline, kerosene, benzene, naphtha, etc.
  - d) Solid or viscous substances such as ashes, cinders, sand, mud, straw, shavings, metal glass, rags, feathers, tar, plastics, wood, whole blood, paunch manure, hair and fleshings, entrails, lime slurries, lime residues, slops, chemical residues, paint residues, fiberglass or bulk solids.
  - e) Any noxious or malodorous substance which can form a gas, or which either singly or by interaction with other wastes, is capable of causing objectionable odors or hazard to life and property; or which forms solids in concentrations exceeding limits established herein; or which creates any other conditions deleterious to structures or treatment processes; or which requires unusual facilities, attention or expense to handle such materials.
  - f) Wastes from garbage grinders, except those wastes generated in the preparation of foods that are generally consumed on the premises, and not unless it has been properly comminuted or shredded to reduce all food scraps and like particles to one-fourth (1/4) inch or less in greatest dimensions. Garbage grinders shall not be used for grinding plastics, paper products, garden refuse, hospital or veterinarian refuse, or similar refuse for disposal into a District sewer.
4. Except in quantities or concentrations as herein authorized (reference Table 1- Industrial Discharge Limits), it shall be unlawful for any individual, person, permittee, producer or corporation to discharge waters or wastes to the sanitary sewer containing the following:
- a) Free of yielded oil and grease if such materials:
    - 1. Exceed upon analysis an average of two hundred (200) mg/L of either or both combinations of free or emulsified oil and grease; or
    - 2. Deposit grease or oil in the sewer lines in such manner as to obstruct the sewers; or
    - 3. Overload the discharger's skimming and grease-handling equipment; or
    - 4. Are not amenable to biological treatment and will therefore pass to the receiving waters without being

effected by normal sewage treatment processes; or

5. Have adverse effects on the treatment process due to the excessive quantities or strength.
  - b) Acids or alkalis which attack or corrode sewers or sewage disposal structures or have a pH value lower than 6.0 or higher than 9.0 or which, due to contents, may be reduced or changed with age or by sewage to produce acid or alkaline reactions.
  - c) Any salt of the following heavy metals, in solution or suspension, exceeding the concentration for each metal listed below, the analytical results to be expressed in terms of the element indicated.
  - d) Any discharge exceeding any value for any method of sample listed above is an unlawful discharge.
  - e) Cyanide or cyanogen compounds capable of liberating hydrocyanic gas or acidification in excess of two (2) mg/L as CN in the wastes from any outlet into the District sewers.
  - f) Hospital waste, blood, medicine, pharmaceuticals, and radioactive materials exceeding the existing standard of the Arizona State Department of Health.

**Table 1- Industrial Discharge Limits**

Metal	Average Quality mg/L	Daily Composite Quality mg/L	Grab Sample Quality mg/L
Arsenic	0.1	0.2	0.3
Barium	1.0	2.0	4.0
Boron	1.0	2.0	6.0
Cadmium	0.05	0.1	0.2
Chromium	0.5	1.0	5.0
Copper	0.5	1.0	2.0
Lead	0.5	1.0	1.5
Manganese	1.0	2.0	3.0
Mercury	0.005	0.005	0.01
Nickel	1.0	2.0	3.0
Selenium	0.05	0.1	0.2
Silver	0.05	0.1	0.2
Zinc	1.0	2.0	6.0

5. Any wastewaters containing phenols in excess of ten (10.0) mg/L; or any wastewaters containing other taste-producing substances in such concentrations as to produce odor or taste in the effluent as to affect the taste and odor of the receiving waters.

Discharges which exert of cause:

- a) excessive discoloration, or
  - b) unusual BOD or an immediate oxygen demand, or
  - c) unusual concentrations of solids or composition, as an example, in total suspended solids of an inert nature (such as Fuller's earth) and/or in total dissolved solids (such as sodium chloride or sodium sulfate); or
  - d) unusual flow and concentration.
6. Any substance which is not amenable to treatment or reduction by the wastewater treatment process employed, or is amenable to treatment only to such degree that the wastewater treatment plant cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters without first pretesting to a concentration acceptable to the District.
  7. Materials which exert or cause excessive discoloration such as, but not limited to, dye wastes and tanning solutions, unless, by actual test, it is found that such discoloration will be removed by pretreatment and existing District treatment plant.
  8. Sulfides in concentrations greater than two (2.0) mg/L

**G) Industrial Agreements** – Agreements between an industrial user and the District shall be entered into when any of the following condition exist:

1. The user desires to reserve excess capacity in the District Sewage System. In such a case, the industrial user may be obligated to pay industrial cost recovery charges on the capacity reserved for a minimum period of time as agreed to by the parties.
2. A permit applicant fails to comply with the discharge restrictions of this Code and applies for an interim permit. In such a case, the applicant shall be obligated to file a plan to bring its discharge into compliance with the requirements of this Code for an industrial wastewater discharge permit. The agreement shall set forth the conditions of the interim permit.
3. The user is a significant user of more than ten (10%) percent of the District's Sewage Treatment capacity.

## H) **Waste Monitoring Program**

1. In order to insure continuing compliance with the limitations and restrictions set forth in this Code, each industrial user shall monitor its discharge to the District Sewerage System by testing the discharge with sufficient frequency to insure that such limitations are not excluded and such restrictions are not violated. Such testing may be accomplished by a professional laboratory or in cases where the user has sufficient testing capability, facilities and expertise, by the user itself.
2. The District Manager may require a laboratory analysis of a user's discharge at any time. For the purpose of sampling for such an analysis, the user shall permit access by the District's representative to the sampling well or other facilities as required by Section 4.10.(C) (d) of this Code.

- I) **Prior Permits** – Permits issued pursuant to any prior industrial waste regulation shall remain valid until after their expiration date, or one year from the date of issuance, whichever is sooner.

Upon expiration or invalidation of such permits, application shall be made by the permit holder under the provisions of this Code for an initial industrial wastewater discharge permit.

- J) **Reporting Requirements** – A verified report, to be made upon a form provided by the district, shall be filed annually by all users with industrial wastewater discharge permits or with interim industrial wastewater discharge permits, or those with four-year permits.

The reports shall state that the applicant has not made any change in its operations, or that the applicant has or will within the term of the permit increase the strength, volume or any other characteristic of the user's discharge into the District sewerage system; the applicant then shall, upon a form provided by the District, describe the changes in operation that alter the strength, volume or other characteristics of the discharge.

It shall be unlawful for a permit holder to change its industrial process without approval of the District Manager if such change results in the user exceeding the levels for flow and discharge quality stated in the user's permit.

- K) **Trade Secrets** - All information and data relating to a permittee obtained from reports, questionnaires, permit applications, permits, monitoring programs and inspections shall be available to the public without restriction unless the user specifically requests and is able to demonstrate to the satisfaction of the District that the release of such information to the general public would divulge information or processes of methods that would give a business advantage to competitors who do not otherwise have this information.

### **SECTION 3.11      INDUSTRIAL PRETREATMENT REQUIREMENTS**

- A) **Pretreatment** – Pretreatment will be required in the following instances, and the District Manager shall submit to the applicant the pretreatment levels which must be obtained:
1. If the District Manager determines upon the initial application for a permit under this article that the proposed industrial waste must be pretreated by the applicant to lower the level of any of the components of the industrial waste before discharge to the District sewer.
  2. If the District must improve the discharge from its wastewater treatment plant to the receiving stream as a result of directives from Federal or state regulatory agencies, orders or judgments from courts of competent jurisdiction, or changes in the discharge permit for the District's wastewater treatment plant or plants, then and in that event the District Manager will require that a permit holder install or enlarge pretreatment facilities to lower the affected component of the permittee's industrial waste discharge.
  3. If any wastewater prohibited under the conditions of this article is produced, such producers shall pretreat the wastewater to the extent required to comply with the standards established herein before discharging to any District sewer.
  4. If the District Manager determines that a permittee, because of plant expansion and/or changes in plant operations, has increased either the strength or volume of the discharge, the District Manager may require additional pretreatment to lower the level of the volume and/or any components of the industrial waste before discharge, unless such permittee has previously made cost recovery payments for reservation of additional industrial capacity.
  5. Pretreatment facilities required under the foregoing subsections of this section shall be provided, operated and maintained at the permit holder's expense.



- B) **Disposal** – Any sludge or other material removed from the industrial waste by the pretreatment facility shall be disposed of in accordance with applicable Federal, State and local laws. No sludge will be allowed to be discharged into the District sewer system without prior written approval.
- C) **Dilution** – Dilution of waste discharged to the District Sanitary Sewer System is prohibited, whether accomplished by the combination of two (2) or more waste streams by a producer or producers, or by the addition of other liquids solely for the purpose of diluting the quality of the waste discharge. One or more producers may, upon application and approval by the District Manager, combine industrial waste streams prior to discharge to the District Sanitary Sewer System if, and only if, such combination of industrial waste streams produces a combined discharge of better quality than the two industrial waste streams would have been if charged separately. However, if one or more producers are allowed to mix industrial waste streams to produce a better discharge, the user charge established herein based on the quality of its industrial waste streams prior to combination shall be paid to the District.
- D) **Plan Submittal** – Detailed plans showing any pretreatment facilities shall be submitted to the District Manager for approval before construction of the facilities. The review of such plans will in no way relieve such permit holders from the responsibility of modifying and operating the facilities to produce an effluent complying with the established conditions of the permit. Any subsequent, significant changes in the approved facilities or method of operation shall be reported to the District Manager and must be reviewed and approved by him as complying with the provisions herein established.
- E) **Filing of Plans** – After the construction plans for such pretreatment plants have been approved and a permit issued, the plans shall be placed on file in permanent, reproducible form with the District Manager without cost to the District, before a building permit will be issued.

## SECTION 3.12

### SEPTIC TANK AND SCAVENGER WASTE HAULERS

A) **Permit to Discharge** – All persons or companies wishing to discharge scavenger wastes into the sewerage system must first obtain a Scavenger Waste Discharge Permit from the District Manager. Fees for such permits are set forth in Article 8. Permit applications shall include information on company ownership, identification and license number of all trucks to be used for delivery of waste to District sewerage facilities. It shall also include truck capacity and other information pertinent to discharge to the sewerage system. Permit applications shall be signed by a responsible owner or manager of the company applying for permission to discharge. All waste hauling equipment operated by companies with permits shall be registered with the District and shall be identifiable by display of an assigned registration number and the truck capacity in gallons. Prior to approval of a septic waste disposal permit, each vehicle intended to be used to deliver septic waste will be filled with metered reuse water. The volume used to fill the truck will be the basis of the District's charge each time that particular vehicle delivers to the treatment plant, regardless of the gallons in the truck at the time of delivery.

1. The permit provided for in this section of the Code shall be issued by the District to all applicants who comply with the terms and conditions set forth in this section upon the payment of a permit fee as follows:
  - a) For each vehicle utilized for the transportation of wastes for disposal into the sewerage system, a fee as set forth in Article 8.
  - b) The permit issued as provided for in this section shall expire one (1) year after the date of issue.
  - c) Revocation of permit - Noncompliance with any part of this section or subsequent regulations shall subject the permit holder to revocation of permit to utilize the services of the District Sewerage System for disposal of scavenger or septic wastes.
  - d) Reissuance of permit to discharge after revocation shall be at the discretion of the District Manager and may be made subject to such conditions as he deems appropriate.

B) **Regulations** – The District Manager may establish such regulations as are deemed necessary to control the discharge of scavenger or septic wastes into the District Sewerage System.

C) **Provision of Service**

Normal wastes from septic tanks or individual (one residential unit) sewage treatment plants may be discharged routinely. Permission to discharge other wastes that are not readily biodegradable or are not known to be compatible to the operation of wastewater treatment plants shall be refused. Special request must be made to the District prior to discharge of any materials of questionable acceptability. Some specific reasons for refusal of service shall include:

1. Material deleterious to treatment plant operation or operators such as oils, greases, gasoline, toxins, volatile solvents, sand, metallic particles or paints;
2. Materials which would cause unusual expense in handling and treatment;
3. Materials that would inhibit the performance of the treatment plant such as acid, plating wastes or toxic materials. The discharge of scavenger wastes shall be permitted only at locations and during such hours as shall be established by the District Manager. The discharge of scavenger wastes to the sewerage system at any other location is forbidden; or
4. Waste solids from treatment plants or processes, deep pit toilets, or other like wastes will not be accepted.

## ARTICLE 4

### SEWER CHARGES, FEES AND RATES

#### SECTION 4.01 ESTABLISHMENT

- A) **Necessity for Charges** – It is hereby determined necessary for the protection of the public health, safety and welfare to conform with Federal, state and local laws and regulations, that a system of charges for sewerage service be established which allocates the cost of providing sewerage service to each user in such a manner that the allocated costs are proportionate to the cost of providing sewerage service to that user insofar as those costs can reasonably be determined.
- B) **Charges Established** – There are hereby established the following sewer charges and fees:
1. Sewer use charges
  2. Industrial cost recovery
  3. Sewer system plant capacity
  4. Collection system capacity
  5. Annexation
  6. Permit/ hookup
  7. Tap
  8. Septic waste or scavenger
  9. Miscellaneous and Administration
  10. Special connection
  11. Technology fee
  12. Fuel Surcharge

All fees to be in an amount set forth in Article 8 attached hereto and shall commence upon connection to the system.

- C) **Rate Establishment Procedures** – Rates for each type of sewer charge and fee shall be reviewed annually by the District Board of Directors, and at least annually the Board of Directors shall, in accordance with appropriate statutory procedure, establish the rates to maintain a proportionate distribution of operative and maintenance costs to respective users. Rates shall be designed to recover the cost of rendering sewerage services for the year during which the rates shall be in effect.

Rates shall be established so as to maintain adequate fund reserves to provide for reasonably expected variations in the cost of providing services, as well as variations in the demand for service.

The District Manager shall submit annually to the District Board of Directors not later than sixty (60) days prior to the end of the fiscal year an Annual operations Report, including a recommended rate schedule for the following fiscal year. The report shall contain data utilized in determining said rate schedule. The rate schedule adopted by the District Board of Directors shall be based upon the following factors:

1. The total applicable cost of salaries and benefits of employees engaged in providing sewerage service;
2. Applicable operating expenses, including parts, materials, and services incurred in providing sewerage service;
3. Applicable equipment replacement costs necessitated by the provision of sewerage services;
4. Appropriate indirect costs of the District in rendering sewerage-related services such as purchasing, accounting, billing and administration;
5. Annual debt service charge for the retirement of sanitary sewer bonds; and
6. Other pertinent factors as determined by the District Board of Directors.

## **SECTION 4.02**

### **SEWER USE CHARGE - USER CLASSIFICATION**

- A) **Classifications** – For the purposes of determining the sewer use charge, each user shall be assigned by the District Manager to one of the following classifications: residential, commercial, industrial, church and nonprofit, or public property and schools.

1. Residential: a parcel of property used for single family or multiple family residential dwelling purposes.
2. Commercial: a parcel of property used for any business purposes or retail sales purposes in accordance with the comprehensive plan and the zoning ordinance of the Town of Payson, Arizona.

3. Industrial: a parcel of property used for manufacturing or other purposes as allowed in accordance with the comprehensive plan and the zoning ordinance of the Town of Payson, Arizona.
4. Church property: a parcel of church property which is exempt from taxation under the laws of the State of Arizona because of its religious purpose, but EXCLUDING vacant property or parsonage which shall pay another applicable rate;
5. Nonprofit property: parcel of property owned or occupied solely by a nonprofit organization which is exempt from taxation by the Federal Government or the State of Arizona.
6. Public Property and Schools: any property owned by a unit of government or which is used for public school purposes.

B) **Sewer Use Charge** – The sewer use charges in this section shall commence when connection of the sewer 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 District sewer line. The service charge shall be charged and collected from the property owner whether or not said unit is occupied during the billing period.

C) **Residential Rates** – See Article 8

D) **Commercial Rates** – The Commercial Use Fee shall be determined as follows: January & July actual water use, divided by 2, multiplied by 12 months, divided by 365 days will be the average daily commercial use. This average use will be divided by the average daily residential use (175 gallons per day) and multiplied by User Rate for one Residential Unit. Use of this calculation equates commercial unit rates with residential rates.

1. The District shall utilize water usage records from the District or other utilities to determine sewage generation rates for commercial users.
2. When a District commercial user is not connected to the District's water supply, or if inadequate documentation of water use is available, then the District shall use the sewerage generation rates presented in Exhibit B upon which to base the user fee.
3. The District Manager shall assign higher use rates to those entities, which discharge wastes of a concentration greater than that expected for typical domestic sewage. Said rates shall be subject to concurrence by the Board of Directors.

E) **Billing and Payment** – The sewer service charges in this section shall be billed and paid monthly or quarterly at the District's option. Any person may prepay any quarterly or monthly installment(s) of the applicable utility rate. Should the billing rate increase during the prepaid period the customer is responsible for the increased rate amount.

F) **Public Property and Schools** – The rate shall be as set forth in Article 8 for each public property, excluding each public school property used wholly for instruction purposes.

The rate for each public school property used wholly for instructional purposes shall be set forth in Article 8.

G) **Sewer Use Charge - Rate Schedule**

1. A rate schedule for the sewer use charge shall be established at least annually by the District Board of Directors as required in paragraph C of this section. The rate schedule shall establish separate rates for the following:
  - a) Users in the residential classification.
  - b) Users in the commercial classification.
  - c) Users in the industrial classification.
  - d) Users in the church and nonprofit classification
  - e) Users in the public property and schools classification

Rates for those in “c” above may be established either individually or by standard industrial classification.

2. Industrial Rate schedules shall be based upon volume of wastewater discharge and BOD and SS of the wastewater discharged.
3. The District shall utilize water usage records from the applicable water company to determine sewage flows for commercial users and residential users to equate ERU's (Equivalent Residential Unit) for all classes except industrial classes or uses. For purposes of this Code on (1) ERU shall be equivalent to 175 gallons per day flow. This rate of flow may be amended from time to time by the District in accordance with the actual water usage within the community.

#### H) **User Charge System Determination of Payments and Charges**

1. The user charge shall be set to collect sufficient funds for the operation, maintenance and replacement of the treatment works and collection system.
2. A proportional charge shall be made to all users that discharge wastewater, either directly or indirectly, into the District Sewerage System. Such charges shall be based on the quantity of water used as measured by a water meter or through the use of a sewage flow meter and the user's wastewater characteristics.
3. All water and sewage flow meters and their installation shall meet the acceptability of the District Manager.
4. All revenue from the sale of treatment-related by-products shall be used to offset the cost of operation and maintenance. User charges shall be reduced proportionally for all users. Total annual revenues received from the sale of a by-product shall be credited to the treatment works O & M cost no later than the fiscal year immediately following their receipt.
5. **Inconsistent Agreements** – The User Charge System shall take precedence over any terms or conditions of agreements or contracts which are inconsistent with the requirements of the Arizona Department of Environmental Quality State User Charge Policy, and Section 204(b)(1)(A) of the Clean Water Act. Any preexisting agreements which levy charges less or more than that which would be collected by this User Charge System will be deemed unacceptable.

#### **SECTION 4.03**

#### **SEWER SYSTEM CAPACITY CHARGE**

- A) For the purpose of providing revenue to help finance and to more equitably distribute the cost of the construction of necessary additions to both the sewer system and the sewage treatment facilities, it is hereby determined and declared necessary to provide for the establishment, exaction and regulation of a sewer 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 sewer system.



- B) The District Manager shall be and is hereby authorized and directed to charge and collect a sanitary sewer system-capacity charge whenever;
1. A Sewer Service Agreement has been executed by the parties,
  2. Application is made for the issuance of a sewer permit to provide sanitary sewer 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 sanitary sewer service or a new sanitary sewer service is constructed, where such property is or will be tributary, directly or indirectly, to any trunk sanitary sewer built by the District, either inside or outside the corporate limits of the District.
- C) The charge so exacted shall be as set forth in Article 8, using the following schedule of average flows per day:

**TABLE 2 - Residential/Dwelling Units**

<b>Units</b>	<b>Gallon Per Day Per Unit</b>
Single Family residence	250.0
Mobile home/pre-manufactured house	250.0
Apartment, condominium, townhouse/guest quarters	250.0

**TABLE 3 - Overnight Accommodations**

<b>Units</b>	<b>Gallon Per Day Per Unit</b>
Hotel, motel per room	125.0
Trailer park / recreational	
With sewer per space	175.0
No sewer per space	125.0

**TABLE 4 – Medical Care Facility**

<b>Units</b>	<b>Gallon Per Day Per Unit</b>
Hospital per bed	325.0
Convalescent, care home per bed	100.0

**TABLE 5 - Schools**

<b>Units</b>	<b>Gallon Per Day Per Unit</b>
--------------	--------------------------------

Elementary per student	15.0
High school, Junior High per student	25.0

**TABLE 6 – Miscellaneous Commercial**

<b>Units</b>	<b>Gallon Per Day Per Unit</b>
Shop per square foot	1.0
Office per square foot	0.1
Service station per pump	200.0
Laundry per machine	400.0
Factory per person	25.0
Theater per seat	3.0
Bowling alley per lane	75.0
Assembly hall, banquet room per seat	2.0

**TABLE 7 - Restaurant**

<b>Units</b>	<b>Gallon Per Day Per Unit</b>
Average full service, per seat	25.0
24-Hour, per seat	35.0
Bar, cocktail lounge per seat	20.0
Short order, take out per meal	2.0

- D) Structures wholly intended for parking space use or that part of a multiple-function structure used for parking space area shall be subject to a charge of one commercial unit regardless of the total structure square footage of parking area over or under the fifteen thousand (15,000) square foot unit figure.
- E) 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 herein imposed in the amount of the original structure charge up to, but not more than, the current charge.

## F) Payment of Fee by Developers

1. Capacity fee charges may be collected through an agreement with the developer.
2. Developers are responsible for payment of the plant capacity fee for subdivisions in full upon execution of the Sewer Service Agreement. Arrangements may be made in certain circumstances to collect capacity fees:

- a) Residential: If the Developer makes a partial payment (minimum one-half) of the established Plant Capacity Fees as shown on Exhibit "B" of the developer agreement, neither the Developer, the subdivision nor any purchaser of a lot or any other property in the subdivision shall be entitled to utilize any plant capacity in excess of the number of ERU's which such partial payment represents at the time such payment is made.

The remaining balance of Plant Capacity Fees shall be paid incrementally as provided in the agreement with the developer as each lot in the subdivision seeks to physically connect to the sewer system and shall be paid prior to any such connection. Plant capacity fees may be changed from time to time and no lot in the subdivision shall be entitled to plant capacity at the rate charged for the partial payment, or any particular rate. The amount of the deferred Plant Capacity Fees shall be the amount established per ERU at the time payment is made, less any credit relating to a partial payment previously made.

- b) Commercial/Industrial: One half (1/2) the Capacity Fee set forth in Article 8 per lot at the time of signing the sewer service agreement. The remaining capacity fee will be paid at the time of development of the property or issuance of a sewer connection permit.
3. Any agreement entered into between the Owner and the District regarding the payment of such fees or charges shall provide that any unpaid charges, rental or expenses for the sewer connection services provided to the property under said agreements shall be and become a lien upon said property and shall be and remain a lien thereon until the same has been fully paid and discharged. Said lien may be foreclosed in the same manner as the foreclosure of a realty mortgage.

4. Acceptance by the District of any proposed agreement for sewer service is conditioned upon the economic feasibility of providing sewer service as may be determined by the District Board.
5. If subdivision lift stations are required, they shall be installed in accordance with the District specifications at the expense of the owner. Such lift stations shall be maintained and operated by the District at no cost to the owner, only when said lift stations are installed in utility easements of dedicated rights-of-way and ownership is transferred to the District.
6. Where pipe sizes greater than those necessary to serve the entire development are required by the District, the District shall pay for the cost over and above the normal cost of installation if contributing flows from other upstream developments are substantial as determined by the District Engineer.
7. Where sewer lines are constructed by a property owner, the District will inspect the project, and the Owner will be charged an inspection fee as set forth herein. Upon written notification before the start of construction, the Owner's engineer may inspect the project in lieu of an inspection fee. The District shall not be required to accept sewage from the project, whether or not sewage has actually flowed through the connection, until the District has accepted the project in writing. Where the owner's engineer does the inspection, acceptance shall not be made without such engineer's completion certificate addressed to the District. No project shall be accepted unless it conforms to the District's standard specifications or special provisions applicable thereto. The District retains the right to make periodic "spot" inspections of the project site. A full size paper "as built" drawing and two (2) Auto CAD drawing files must be submitted to the District prior to acceptance. Such permits as required by the State, County, or District must be obtained before the construction is started.

#### **SECTION 4.04**

#### **ANNEXATION FEE**

If property for which application for sewer service is made is not presently within the boundaries of the District, a petition in proper form for annexation of said property to the District shall be filed with said service application along with all annexation fees as established by the Board and as set forth in Article 8 attached hereto.

**SECTION 4.05      TAP FEE**

If a sewer tap is required to connect any building sewer or house sewer to the District sewer, the fees for such tap shall be as set forth in Article 8.

**SECTION 4.06      COLLECTION SYSTEM CAPACITY FEE**

Collection system capacity fees are charged to provide for present or future costs associated with providing sewer flow to the treatment facility. Costs related to the collection system capacity fee include engineering, construction, and master plan work, changes proposed to increase pipeline size, pumping equipment and other appurtenances to insure compliance with State and Federal Standards. The fees for such capacity shall be as set forth in Exhibit "A".

**SECTION 4.07      SEPTIC AND SCAVENGER WASTE FEE**

Fees and charges for treatment of normal scavenger wastes shall be based on the costs of providing such services and on the expected overall average characteristics of such discharges. The District Manager may designate characteristics on which to base charges in special situations, such as discharges from sewage holding tanks, on submission of proof that waste discharges have other than expected overall average concentrations and with provision of positive identification procedures. The annual permit fee is identified on Exhibit "A". Requirements for a Septic Waste Disposal Permit are outlined in Section 3.11A.

The Septic-receiving fee is identified on Exhibit "A". Charges may be billed at monthly intervals or at the discretion of the District Manager. The invoice is due upon receipt. The account shall be considered past due if not paid within thirty (30) days of billing date. The account shall be considered delinquent if not paid, in full, by the 15<sup>th</sup> day of the month following the original billing date. Delinquency in payment shall be the basis for revocation of permit. The fee shall be as set forth in Article 8.

## SECTION 4.08

### ADMINISTRATIVE FEES

- A) **Fees** – Administrative fees shall be those as set forth in Article 8 attached hereto including, but not limited to:
1. Reimbursable expenses of the District
  2. Insufficient funds
  3. Lien recording
  4. Charges for District Management
  5. Account transfer
  6. Plan review / Computer Model
  7. Inspection
- B) **Lot Split Fees** – At the time any residential lot or parcel of land previously singly assessed as part of an Improvement District formed pursuant to Article 2, Chapter 14, Title 48, Arizona Revised Statutes is split on the County tax rolls and construction is commenced on any improvement which may use the District's sewers, a fee is immediately due and payable to the District.

This fee will be charged in addition to the original assessment paid by other property owners so long as the debt service has not been retired for a particular Improvement District.

1. At any time a property owner desires connection to the District's sewer collection system and availability exists due to an Improvement District, a fee will be established based on the ERU's charged said property, so long as debt service for said Improvement District has not been retired.
2. A payment plan for such fee may be implemented provided that the District finds such a plan acceptable. This fee is in addition to all other fees in effect within the District at the time of commencement of construction of the improvement.
3. District Expenses - Any expense caused to the District for the repair or replacement of damaged, stolen, tampered with or misused sewer facilities shall be charged against and collected from the person or persons who caused the expense.

## SECTION 4.09

### SPECIAL CONNECTION FEES

For properties not within nor assessed by an Improvement District formed pursuant to Article 2, Chapter 14, Title 48, Arizona Revised Statutes, the applicable fees shall include a connection fee payable on a per lot or per parcel basis which shall be annually established by the Board and set forth in Article 8 similar in amount to the costs of construction of an equivalent collector sewer system adjacent to the landowners property, including the cost of construction, engineering, legal and administrative services and in accordance with the benefit received, plus a fee for each lateral constructed in the public right-of-way to service the property.

Said money to be paid directly to the District in cash prior to the time of the connection to the District Sewer System. The rate of interest on the deferred payments to be set by the Board of Directors annually at the time of establishing the connection fee.

Said money so collected is to be used to pay all or part of the cost of installing other main line sewers in the District as and when designated by the Board of Directors of said District, or the costs of construction of additional sewage capacity. When said monies are not being expended for that purpose, they are to be invested or spent at the discretion of the District Board of Directors.

## SECTION 4.10

### ACCOUNT CHARGES & DELINQUENCY

- A) **Payable Upon Receipt** – All user fees are payable upon receipt of the billing statement therefore, and all other fees and charges are due and payable when the services, permits or approvals are issued or rendered.
- B) **Delinquency** – An account shall be deemed delinquent if an amount equal to or greater than all past due and present charges are not received at the KVID Business office by the 26<sup>th</sup> day of the month in which the billing cycle occurred.
- C) **Notice of Disconnection** – Seven (7) days following the declaration of account delinquency if no payment is received from the customer and satisfactory payment arrangements have not been made by the customer regarding payment of the same, the District shall present a Notice of Disconnection at the service address.

- D) **Disconnection** – If no payment is received, and the customer has failed to make any satisfactory arrangements with the District regarding payment prior to the time of Scheduled Disconnection, the District shall proceed with disconnection not sooner than seventy-two (72) hours after Notice of Disconnection. In addition, or in the alternative, the District may record a lien against the property for the amount of the delinquent user fees or other charges against the property, plus interest and costs incurred by the District in pursuit of collection of such fees and foreclose the same in the manner of a Laborer or Materialman's lien.
- E) **Service Restoration** – Before service will be restore to any premises, all charges against the premises then due and payable to the District as required by this Code, and/or including any of the following items, must have been paid:
1. On account of labor supplied or materials furnished by the District in the installation of service pipes connecting the premises with the District Service previously supplied to the premises, whether used by the applicants or by some previous occupant of the premises;
  2. On account of the assessment of or fine or penalty;
  3. For turning services off or on; or for repair or replacement of damaged, stolen or misused piping, appurtenances, works or facilities.
- F) **Special Collection Effort** – Any delinquent account requiring special collection effort may be assessed a delinquent collection charge as established by the Board of Directors.
- G) **Service Disconnection Charges** – The fees shall be charged to the property upon termination of service by the District as set forth in Article 8.
- H) **Security Deposit** – In the event of the filing of a lien or the disconnection of the service the customer shall be required to deposit with the District, as a security deposit, a sum equal to twelve (12) month's user fee, which if used must be replenished for service to continue. The District shall pay no interest on such deposit to the customer.



**SECTION 4.11**

**COLLECTION OF REVENUES AND UTILIZATION OF FUNDS**

**Authority of the District Manager** – Charges levied pursuant to this Code shall be collected by the District Manager. The District Manager shall make recommendations to the District Board of Directors, for approval and inclusion in this code, and enforce such rules and regulations as may be deemed necessary for the safe, economical and efficient management and protection of the District's sewerage system; for the construction and use of the sewers and connections to the sewerage system; and for the regulation, collection, rebating and refunding of such sewer charges.

## ARTICLE 5

### GENERAL CONDITIONS POTABLE WATER & CONSTRUCTION REQUIREMENTS

#### SECTION 5.01 CONNECTION(S) TO THE DISTRICT WATER SYSTEM

- A) **Connections** – All connections to the District Potable Water System shall be made pursuant to this Code and any rules, regulations or resolutions pertaining to the payment of applicable 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.
- B) **Connection Completion** – A Potable Water System connection shall be deemed to have occurred when a lateral from the potable water main located within the potable water right-of-way is continuous from the water main to any point within the vertical plane of any boundary of the property.
- C) **Permit** – A Potable Water permit from the District shall be obtained before any person shall install or make a connection from a building potable water system or house potable water system to the District Potable Water system.
- D) **Inspection & Approval** – Every installation of the connection from a building potable water or house potable water to the District Potable Water shall be inspected and approved by the District before the construction is backfilled or the water is used.

#### SECTION 5.02 CONNECTION PERMITS AND REQUIREMENTS

- A) **Permit Application** – All persons required to or desiring to connect the improvements located upon real property within the District to the potable water system of the District may do so by making application in the name of the owner of the real property to the District upon such form as provided by the District and upon payment of all applicable fees. Said fees will be in such amounts as annually approved by the Board of Directors of the District.
- B) **Required Potable Water Permit** – A permit for connection to the District's potable water system shall be granted only if:
  - 1. Application has been made for a potable water connection permit to the District's potable water system, or
  - 2. The property owner provides evidence of intent to install an on-lot sewage treatment system.

- C) **Permits** – All permits for connections to the potable water system shall be subject to the following general conditions:
1. **Adequacy of Design** – The responsibility and liability for the adequacy of the design of or the materials used in the service lines shall rest solely with the permittee and the issuing of a permit shall not relieve the permittee of such responsibility. The issuance of a permit shall in no way be construed as approval of the concept, design or proposed or completed construction of the proposed facilities and shall not absolve the permittee, or design engineer, if any, of their respective responsibilities nor shall the issuing of a permit be construed to confer any liability upon the District.
  2. **Connection Compatibility** – It shall be the sole responsibility and liability of the permittee and the successors of the permittee and/or the owner whom the permittee represents to construct the permittee's service line and to connect to the District's water meter in such a manner as to make the use of the District's facilities compatible with the permittee's facilities.
  3. **Corrective Action** – In the event that the concept, design, or construction of the proposed facilities for which a permit was obtained fails at any time to conform with the then existing provisions of this Code, other Rules and Regulations of the District or for any reason demonstrates its inadequacy for its purpose or incompatibility with the potable water distribution system of the District, in the sole discretion of the District, the District may:
    - Recommend a correction to the permittee or owner;
    - Demand a correction be made by the permittee or owner;
    - Invoke the remedies set forth in Section 5.02 (K) of this code;
    - Take any other appropriate action; or
    - Do any one or more of the above.
- D) **Advanced Notice** – Prior to commencement of construction under this permit, the permittee shall give the District an advance notice of at least two (2) working days. When advance notice is given, the permittee shall provide the permit number.
- E) **Compliance with Plans and Specifications** – All construction shall be in accordance with the plans and 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 (or 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.

- F) **Construction Inspection** – All potable water construction shall be inspected and approved by the District. No potable water trenches shall be backfilled except as authorized by the District after having been inspected and approved and the potable water piping and appurtenances installed.
- G) **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 potable water or other facilities shall be put in service until all the conditions of the permit have been satisfactorily met.
- H) **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.

- I) **Right of Authority** – This permit does not grant the right or authority to the permittee:
1. To construct or encroach upon any lands of the District or of any other parties,
  2. To construct outside of the territorial boundaries of the District, or
  3. To construct or encroach upon the territorial boundaries of any units of local government within the District.
- J) **Non-Transference** – This permit may not be assigned or transferred without the written consent of the District.
- K) **Expiration** – This permit shall expire if construction has not started within one hundred eighty (180) days 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 hundred eighty (180) days after the start of construction. If conditions so warrant, an extension may be granted.
- L) **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.

- M) **Maintenance** – The property owner is responsible for the condition, maintenance, design, construction, repair and function of the Customer’s Service Line. See “Customer’s Service Line” in the definitions section of this document.

A Customer’s Service Line shall be maintained and operated in strict accordance with Coconino County building codes, the District Codes, rule and specifications as the same may exist from time to time, and shall be modified from time to time to conform to such Codes, rules and regulations as they are modified from time to time.

Repair work to a Customer’s Service Line shall be in strict accordance with District Codes, rules and specifications as they exist at the time of repair.

- N) **District Responsibility** – The District is responsible for the condition, maintenance and repair of Main Lines, service laterals to the District’s water meter, manholes and other public facilities.

District personnel are the only authorized persons to install potable water taps onto the Main Line and to remove water meter covers within the distribution system, except for tap installation permitted by the District during development construction.

- O) **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, expansion or enlargement of the use of the building to a use other than, or larger than, that indicated in this permit without first having obtained written permission from the District.

- P) **Other Construction** – The District reserves the right, privilege and authority to permit others to reconstruct, change, alter and replace all service laterals and appurtenances thereto at the point of connection of any potable water meter to a District potable water mainline or in public rights-of-way or District easements, and to introduce additional potable water flow through this connection.

- Q) **Costs** – It is expressly stipulated and clearly understood that the potable water system or facilities for which the permit is issued shall be constructed, operated and maintained at no cost to the District.

- R) **Timely Payment** – The permittee, in consideration of the District providing potable water service, agrees to timely pay all applicable fees.

- S) **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.

T) **Collections of Fees** – 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 mechanic's or materialman's lien. For purposes of this permit, and any actions taken thereunder, the permittee hereby waives any claim of homestead or other exemption now or hereafter granted by law. Further the permittee agrees to pay all recording fees incurred by the District.

U) **Termination of Permit** – It is understood and agreed that except for nonpayment, in the event the permittee, owner or any of their successors shall default in or fail to perform and carry out any of the covenants, conditions, and provisions of the permit issued pursuant to this Code, or of this Code as it is amended from time to time, and such default or violation shall continue for sixty (60) days, that the District may declare the permit terminated.

The permittee and the owner represented by the permittee and their respective successors agree, acknowledge and are put on notice that immediately upon receipt of written notice of such termination they will stop all operations, discontinue any consumption and disconnect from the potable water facilities constructed under the permit. If the permittee, owner or their successor(s) fails to do so, the District shall have the right to disconnect said system. The permittee, owner and their successors agree to and shall be liable to pay for any costs incurred by the District for said disconnections.

The various rights and remedies of the District contained in the permit shall be construed as cumulative, and no one of them shall be construed as exclusive if any one 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 any one 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 the permit, this Code, or applicable rules, regulations, resolutions, ordinances or laws.

## SECTION 5.03

### CONSTRUCTION REQUIREMENTS

- A) **Separate Connections** – A separate potable water connection to the District main potable water line in the street, alley or right-of-way shall be installed for each residential or business property, except as hereinafter provided.
- B) **Residential or Business Connections** – A residential or business property is defined as a single parcel or piece of property under separate ownership using potable water for business or residential purpose and multiple business or residential units designed and constructed as to indicate a probability that such multiple business or residential units will not be divided into several ownerships.
- C) **Common Potable Water Connections** – A common connection for several business or residential units within one structure shall be permitted under the following circumstances:
1. The units are to be owned in condominium interests; and
  2. Plans for the potable water connections are reviewed and approved by the District before construction; and
  3. Before the plans for the potable water connections are approved, the owner makes a written agreement with the District that if a blockage occurs in the common potable water line at any time the owner will immediately correct and repair the blockage at his own cost and the owner forever saves and holds harmless the District from any and all claims, demands and liabilities proximately occurring from the construction of the common potable water connection.
- D) **Check Valves** – All property owners connected to the potable water system shall install a check valve / backflow preventer in the Customer's Service Line connecting customer's structure to the District's water meter. The check valve shall not be installed in the meter box provided by the District.
- E) **Stop and Waste Valves** - All property owners connected to the potable water system shall install a stop and waste valve in the Customer's Service Line connecting customer's structure to the District's water meter. The stop and waste valve shall not be installed in the meter box provided by the District.

## ARTICLE 6

### POTABLE WATER CHARGES, FEES AND RATES

#### SECTION 6.01 ESTABLISHMENT

A) **Necessity for Charges** – It is hereby determined necessary for the protection of the public health, safety and welfare to conform with Federal, state and local laws and regulations, that a system of charges for potable water service be established which allocates the cost of providing potable water service to each user in such a manner that the allocated costs are proportionate to the cost of providing potable water service to that user insofar as those costs can reasonably be determined.

B) **Charges Established** – There are hereby established the following potable water charges and fees:

1. Potable water use charges
2. Industrial cost recovery
3. Potable water system sourcing and plant capacity
4. Distribution system capacity
5. Annexation
6. Permit/ hookup
7. Tap
8. Miscellaneous and Administration
9. Special connection
10. Turn on/off
11. Meter Testing fee
12. Technology fee
13. Fuel Surcharge

All fees to be in an amount set forth in Article 8 attached hereto and shall commence upon connection to the system.

C) **Water/Wastewater Services Contract** – All service provision contracts shall be with the property owner. In the event of a rental property the service contract shall continue to be between KVID and the property owner. Arrangements for the delivery of water/wastewater bills to the property address may be arranged. Regardless of the billing address the property owner shall be responsible for payment of the billed amount, all back due payments, fees and penalties.

D) **Rate Establishment Procedures** – Rates for each type of potable water charge and fee shall be reviewed annually by the District Board of



Directors, and at least annually the Board of Directors shall, in accordance with appropriate statutory procedure, establish the rates to maintain a proportionate distribution of operative and maintenance costs to respective users. Rates shall be designed to recover the cost of rendering potable water services for the year during which the rates shall be in effect.

Rates shall be established so as to maintain adequate fund reserves to provide for reasonably expected variations in the cost of providing services, as well as variations in the demand for service.

The District Manager shall submit annually to the District Board of Directors not later than sixty (60) days prior to the end of the fiscal year an Annual Operations Report, including a recommended rate schedule for the following fiscal year. The report shall contain data utilized in determining said rate schedule. The rate schedule adopted by the District Board of Directors shall be based upon the following factors:

1. The total applicable cost of salaries and benefits of employees engaged in providing potable water service;
2. Applicable operating expenses, including parts, materials, and services incurred in providing potable water service;
3. Applicable equipment replacement costs necessitated by the provision of potable water services;
4. Appropriate indirect costs of the District in rendering potable water-related services such as purchasing, accounting, billing and administration;
5. Annual debt service charge for the retirement of potable water bonds; and
6. Other pertinent factors as determined by the District Board of Directors.

**SECTION 6.02      POTABLE WATER USE CHARGE - USER CLASSIFICATION**

- A) **Classifications** – The classifications specified in SECTION 4.02 shall apply to Potable Water User Classification.
- B) **Potable Water Use Charge** – The Potable Water use charges in this section shall commence when connection of the potable water main line to the District’s potable water meter to the facility being served is completed and inspected and shall terminate only when the facility served is no longer physically connected to the District potable water system. The service charge shall be charged and collected from the property owner whether or not said unit is occupied during the billing period.

**SECTION 6.03      RESIDENTIAL & COMMERCIAL USE RATES**

Potable water rates shall be charged per the schedule described in Article 8.

**SECTION 6.04**      **BILLING AND PAYMENT**

**Payment Schedule** – The potable water service charges in this section shall be billed and paid monthly or quarterly at the District's option. Any person may prepay any quarterly or monthly installment(s) of the applicable utility rate. Should the billing rate increase during the prepaid period the customer is responsible for the increased rate amount.

**SECTION 6.05**      **PAYMENT OF FEE BY DEVELOPER**

Payment of fees by developers shall be in accordance with SECTION 4.03 (E) of this document.

**SECTION 6.06**      **TAP FEE**

If a potable water tap and meter set is required to connect any building to the District Potable Water System, the fees for such tap and meter set shall be as set forth in Article 8.

**SECTION 6.07**      **TURN ON/OFF FEE**

During a calendar year the District shall provide a single courtesy turn on and turn off service. Any additional turn on / off services shall be billed as established as set forth in Article 8.

**SECTION 6.08**      **METER TESTING FEE**

Meters will be tested at the customer's request after the Company has received a testing fee set forth in Article 8 before the bill becomes delinquent. If the meter is found to indicate a flow greater than three percent (3%) at 100% capacity the testing fee will be refunded by a credit on the customer's next bill and the bill adjusted based upon the meter error rate.

**SECTION 6.09**      **ADMINISTRATIVE & LOT SPLIT FEES**

Administrative and lot split fees shall be applicable as specified in SECTION 4.03

**SECTION 6.10**      **DELINQUENT CHARGES**

Delinquent charges are applicable as describe in SECTION 4.10 of this document.

## ARTICLE 7

### MISCELLANEOUS PROVISIONS

#### SECTION 7.01 UNLAWFUL ACTS

- A) **Unlawful Acts** – A person who, without obtaining a permit for connections as required under Arizona Revised Statutes, Section 48-2011, paragraphs 10 and 11 or those Rules and Regulations, makes such a connection or who violates a rule adopted by the District is guilty of a class 2 misdemeanor,
- B) **Liability for Damages** – Any person who shall cause the destruction or damage to or loss of any property of the District shall reimburse the District the amount of such destruction, damage or loss.
- C) **Supremacy** – This Resolution and this Code shall take precedence over all previous actions, resolutions, motions or orders of the District relating to the same subject matter and further this Code shall be deemed to supersede all prior inconsistent actions of the Board or District.

#### SECTION 7.02 AUTHORIZED AGREEMENTS

No provision in this Code shall prohibit or prevent an agreement, contract or other arrangement between the District and any person relating to sewage of unusual strength or character, subject to such terms as the District shall require.

**SECTION 7.03**

**WAIVER OR MODIFICATION**

- A) If any person shall desire a waiver or modification of any provision of this Code, or any rule or regulation adopted by the District pursuant to this Code, by reason of circumstances which would make the provision, rule or regulation illegal, unjust as applied to his property, he shall apply to the District in writing, stating the provision, rule or regulation sought to be waived or modified, the action desired, and the circumstances which support the request.
- B) The application provided for in this section shall be considered by the District, and the applicant shall be notified in writing of the action taken by the District. The District may, with Board approval, waive, suspend or modify the provision of the Code, rule(s) or regulation(s) if it determines that its application is illegal or unjust.
- C) Within thirty (30) days after the aforesaid notice of District action has been delivered or mailed to the applicant, the applicant may have the application and District action reviewed by the Board, with the exception of lien disputes, by submitting to the District a written request for review by the Board.
- D) Within thirty (30) days after a aforesaid notice of District lien action has been delivered or mailed to the applicant, the applicant may have the application and District action reviewed by the County Lien Dispute Resolution Officer, by submitting to the District a written request for review by the Lien Dispute Resolution Officer.

**SECTION 7.04**

**AMENDMENT OF THIS CODE**

This Code may be modified, amended or enlarged from time to time by resolution of the Board.

**SECTION 7.05**

**STATUTORY POWERS**

Neither this Code nor any provision thereof shall be construed to alter or limit in any manner the statutory rights and powers of the District and the Board under the Arizona Revised Statutes and all applicable laws. This Code is adopted pursuant to the aforesaid rights and powers of the District and the District shall be entitled to continue to exercise the said rights and powers.

**SECTION 7.06**

**SEVERABILITY**

If any section, subsection, sentence, clause or phrase of this Code, or the application thereof to any person or circumstances are for any reason determined or held to be unconstitutional, invalid and/or unenforceable, such determination or holding shall not affect the validity or application of the remaining portions of this Code or the application of such provision to other persons or circumstances.

The Directors hereby declare that it intends and would have enacted this Code or any section, subsection, sentence, clause or phrase hereof irrespective of the determination or holding that any one or more sections, subsections, sentences, clauses or phrases be declared to be unconstitutional, invalid or unenforceable.

**SECTION 7.07**

**EASEMENTS**

- A) All property owners desiring the connection of the improvements on their property to the sewer and/or potable water system of the District shall grant to the District, at no charge to the District, those easements necessary to properly effectuate the sewer and/or potable water connection desired.
- 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 the 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 the District construct a building thereon, in violation of this Resolution, the 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 the 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 deeper than three (3) feet upon the property subject to the easement in favor of the District without having first obtained a permit therefore as herein required. Such permit shall be issued by the District and shall be signed by the District Manager. Applications for a permit to excavate upon property subject to easement in favor of the District shall be made in writing to the District and shall state thereon specify the size of the space intended to be excavated, and the purposed for the excavation.
4. No person shall plant any trees or shrubbery upon the property subject to the easement in favor of the District without having secured a permit therefore. 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 the District, unless approved by the District.
5. In the event any improvements are constructed within the boundaries of the easement and these create any additional costs to the District because it must incur additional expenses to repair, install or replace its sewers and/or potable water piping/appurtenances, the property owner shall be charged all additional costs incurred.

## SECTION 7.08

### A) LIEN DISPUTE RESOLUTION PROCESS

Any person who has received a Notification of Delinquent User Fees or a Notice of Scheduled Time for Disconnection of Sewer and/or Water Service shall have an opportunity to appeal the issuance of such notices to the Lien Dispute Resolution Officer. Such appeal shall be filed within ten days of the issuance of such Notice, and unless stayed by resolution of the Board the Disconnect will occur as scheduled.

The Board of Directors shall appoint a Hearing Officer to hear appeals of permit revocation or placement of liens on property.

1. Commencement. Every appeal brought before the Hearing Officer shall be commenced by the filing of a notice of appeal. The notice of appeal shall state grounds based upon Kachina Village Improvement District Rules and Regulations.
2. Representation by Council. The appellant may be represented by counsel at his/her expense. The appellant shall notify the Hearing Officer in writing at least ten (10) days prior to the hearing date set by the Hearing Officer. The Hearing Officer may continue a hearing if the appellant does not make notification of his/her decision to secure counsel within the aforementioned time frame.

Should the County elect to secure counsel, the County must, in writing, notify the Hearing Officer and the appellant at least ten (10) days prior to the hearing.

3. Failure to Appear. If the appellant fails to appear by the date and time specified in the notice of hearing, the Hearing Officer shall dismiss the appeal for failure to pursue the appeal.
4. Production of Witnesses and Exhibits. Within five (5) days prior to the hearing, both parties shall produce for inspection by the opposing party prepared exhibits to be on file at the hearing office. Failure to comply with this provision may result, at the Hearing Officer's discretion, in the granting of a continuance to permit such inspection or denial of the admission of the evidence.
5. Order of Hearing.
  - a) The order of the hearing shall be as follows:
    1. The Hearing Officer shall call the case and briefly describe the procedures to be followed.
    2. Kachina Village Improvement District's statement
    3. Testimony of the Kachina Village Improvement District witnesses
    4. Appellant's statement
    5. Testimony of the appellant's witnesses
    6. Testimony of other attendees at the discretion of the Hearing Officer

7. Appellant's rebuttal
  8. Kachina Village Improvement District's rebuttal
  9. Cross-examination of witnesses shall be strictly limited to subjects or evidence elicited during direct testimony
  10. Closing statement of the parties or their counsel
  11. Ruling by the Hearing Officer. At the conclusion of the hearing, the Hearing Officer shall affirm or reverse the decision of the Kachina Village Improvement District.
- b) At the discretion of the Hearing Officer, a hearing may be continued for a period not exceeding sixty (60) days if it appears that the interests of justice so require. The Hearing Officer shall not continue a hearing without first giving notice to both parties. The Hearing Officer shall notify both parties in writing of the new hearing date.
  - c) The Hearing Officer may question witnesses or representatives of either party.
  - d) The Arizona Rules of Evidence shall not apply before a Hearing Officer. Any evidence offered may be admitted subject to a determination by the Hearing Officer that the offered evidence is relevant.
  - e) Audio tape recordings of the hearing shall be made and kept on record at the Kachina Village Improvement District Office for a period of one (1) year. In addition, a record of the proceedings may be made by a court reporter, if requested, at the appellant's expense.
  - f) If no witness for the Kachina Village Improvement District or the utilities designee, excluding the Appellant, appears at the set time for the hearing, the Hearing Officer shall reverse the decision of the District Manager or his agent.
  - g) At any time, the Hearing Officer may set aside a finding entered upon a failure to appear if it is deemed by the Hearing Officer that the alleged Appellant did not receive a notice of the hearing, or for any other reason where necessary to prevent an injustice. In the event a finding is set aside for failure to appear the Hearing Officer shall reset the matter for hearing.

## B) LIEN DISPUTE RESOLUTION PROCESS

Either party may make an appeal of the decision of the Hearing Officer by filing a complaint in the Coconino County Superior Court within thirty (30) days of the Hearing Officer's decision, pursuant to ARS Title 12, ch. 7, art. 6 (ARS § 12-901 et seq.).



## ARTICLE 8

### SCHEDULE OF FEES

**TABLE 8 - KVID Physical Service Establishment Fee Schedule**

TYPE	DESCRIPTION	FEE
INFRASTRUCTURE IMPACT FEE	Residential Wastewater Service Water Service	\$6,608.00 \$900.00
	Commercial Unit Calculation: Assume 25 Seat full service Restaurant x 25 GPD/Seat 625 GPD 625 GPD x \$25.10 = \$15,687.50	\$15,687.50
RESIDENTIAL WASTEWATER CONNECTION FEE	A four (4) inch (gravity) or two (2) inch (pressure) tap is provided to the mainline within the Service easement. Installation of Infrastructure from the tap to the residence is the responsibility of the customer.	\$1,850.00 or actual cost whichever is greater
RESIDENTIAL WATER CONNECTION FEE	A single tap and 3/4 inch meter set is provided to the mainline within the Service Easement. Installation of Infrastructure from the tap to the residence is the responsibility of the customer.	\$574.00 or actual cost whichever is greater
COMMERCIAL & MULTIFAMILY RESIDENTIAL WASTEWATER CONNECTION FEE	A single tap and lateral is provided to the mainline within the Service easement. Installation of Infrastructure from the tap to the school or commercial building is the responsibility of the customer.  Wastewater connection fee (4 inch Gravity)  (6 inch Gravity)	\$1,850.00 or actual cost whichever is greater \$4,160.00 or actual cost whichever is greater
COMMERCIAL & MULTI-FAMILY RESIDENTIAL WATER CONNECTION FEE	A single tap is provided to the mainline within the Service easement. Installation of Infrastructure from the tap to the commercial or multi-family residential building is the responsibility of the customer. FEE = Equivalent Meter Size <sup>1</sup> * Residential Connection Fee. e.g., 1" meter (tap fee) = \$1020.41 1 ½ "meter (tap fee) = \$2295.93 2" meter (tap fee) = \$4,081.65	See fee calculation at left <sup>2</sup>
INSPECTION, SERVICE LINE	Televising, per lineal foot Construction inspection, per lineal foot	\$1.75 \$.90
PERMIT	Residential & Commercial (Cost of permit / inspection of	\$120.00

<sup>1</sup>See Definitions Chapter for an explanation of Equivalent Meter Size (EMS)

<sup>2</sup> The fee charged shall be the greater of the actual cost or the cost listed at the left.

<b>TYPE</b>	<b>DESCRIPTION</b>	<b>FEE</b>
	service line)	
PLAN REVIEW	First sheet	\$80.00
PLAN REVIEW	Each additional sheet	\$35.00

TABLE 9 - Use Rate Fees

TYPE	DESCRIPTION	BASE FEE
BASE RATE, WATER	Monthly base rate for water service connection	\$36.55
BASE RATE, WASTEWATER	Monthly base rate for wastewater service connection	\$33.66
RESIDENTIAL WATER SERVICE (per 1000 gallons)		
Use per month	1 to 3,000 gallons	\$2.898
	3,001 to 6,000 gallons	\$4.979
	6,001 to 9,000 gallons	\$8.695
	9,001 to 12,000 gallons	\$13.898
	12,001 to 50,000 gallons	\$23.169
	Greater than 50,000 gallons	\$37.049
RESIDENTIAL WASTEWATER SERVICE (cost per 1000 gallons)		
Based on water usage per month	1 to 3,000 gallons	\$4.339
	3,001 to 6,000 gallons	\$8.093
	Above 6,000 gallon usage (single residential only)	N/C
COMMERCIAL WASTEWATER SERVICE (cost per 1000 gallons)		
Based on water usage per month	1 to 3000*EMS <sup>3</sup> gallons	\$7.66
		1" Water Meter 2" Water Meter
	(3000*EMS)+1 to 6000*EMS	\$14.32
		1" Water Meter 2" Water Meter
TECHNOLOGY FEE (per month fee)	The replacement of water meters and registers is in ongoing process. This fee pays for the purchase and installation of this technology.	\$4.00
FUEL SURCHARGE	A fuel surcharge percentage shall be determined each fiscal year by KVID management and added to the use rate fees. As of 2009 there is no fuel surcharge.	

<sup>3</sup>See Definitions Chapter for an explanation of Equivalent Meter Size (EMS)

**TABLE 10 – Administrative Service Establishment & Other Fees**

TYPE	DESCRIPTION	FEE
ACCOUNT ESTABLISHMENT FEE	Payable upon transfer of billing information to a renter, a lessee, or new property owner. Note - the property owner is perpetually liable for any unpaid service charges or fees generated by the lessee or renter of the property.	\$60.00
SECURITY DEPOSIT	Payable upon transfer of billing information to renter, lessee, or new property owner. Refundable after one (1) year on time payments.	\$120.00
INFRASTRUCTURE IMPACT FEE DOCUMENT RECORDING FEE	Recording of the payment of an Infrastructure Impact Fee (rights to connect to the water and wastewater system) shall be entered into the public record and is the responsibility of the property owner. If directed by the property owner the district will provide this service and shall charge the owner as indicated to the right.	\$140.00
RETURNED CHECK CHARGE	Insufficient funds charge (per check)	\$35.00
FIELD VISIT CHARGE	Cost per hour (minimum one hour)	\$75.00
SERVICE RECONNECT CHARGE	<p>When past due charges are paid in full the customer may be reconnected to the system on the following business day at an appointed time as established by the District. Cost of reconnection following a non-payment disconnect is as indicated at the right payable in cash at prior to reconnection.</p> <p>IN addition to said reconnection charge, the District may require a deposit to cover future sewer services in an amount not to exceed on year’s estimated sewer and water charges before the property is reconnected to the sewer and water systems.</p>	\$50.00  Amount dependent upon usage history
DELINQUENT ACCOUNT FEES	A monthly fee shall be charged when an account is deemed to be delinquent. This fee is applicable for each month or fraction thereof that the account is delinquent until such time as the bill is paid in full, including all applicable fees and penalties, an owner revert is executed, or the service is terminated. If disconnection or service termination occurs disconnect and reconnection fees apply and do not rescind this charge.	10% per month of the unpaid balance.
DELINQUENT COLLECTION FEE	Cost of all efforts expended by or services and fees paid for by the District for the collection of delinquent fees.	Actual Cost
SERVICE DISCONTINUATION NOTIFICATION FEE	Accounts that are due for Service Disconnection shall be notified by the placement of a door hanger at the customer’s location of service. The cost of placing this hanger shall be applied to the delinquent bill and is payable immediately. The cost for this activity is as indicated at the right.	\$15.00 per incident
TECHNOLOGY FEE	This fee is as indicated at the right and is a monthly charge per residential customer connection.	\$4.00
TURN ON / TURN OFF FEE Reference SECTION 6.07	<p>Turn on/off service during District Working hours.</p> <p>Turn on/off service after hours or during weekend and/or District holiday.</p>	\$25.00  \$50.00

<b>TYPE</b>	<b>DESCRIPTION</b>	<b>FEE</b>
METER TESTING FEE Reference SECTION 6.08	Testing fee including removal of the meter, installation of a temporary meter, for use during the testing period, and reinstallation of the tested meter.	\$135.00