

# CHAPTER 9 - WATER SEWER STREETS

## Article 9-1 WATER AND SEWER ADMINISTRATION

- Section 9-1-1 Management of Water System
- Section 9-1-2 Receipts and Deposits
- Section 9-1-3 Violations - Penalty

### Section 9-1-1 Management of Water System

The City of Globe Public Works Department, hereinafter "Department", shall have the immediate control and management of all things pertaining to the City water and sewer system and shall perform, or cause to be performed, all acts that may be necessary for the prudent, efficient, and economical management and protection of said system. The Public Works Director shall be appointed by the City Manager.

### Section 9-1-2 Receipts and Deposits

The City Manager, or designee, shall cause the Department to keep a correct account of all receipts, make out all bills for services supplied and materials furnished to consumers, collect the same, and deposit the proceeds so collected to the credit of the City.

### Section 9-1-3 Violations - Penalty

It shall be a civil violation, punishable as provided in Section 1-5-1(A), to willfully or intentionally violate, or fail to comply with any provision of this Chapter 9. Each day a violation continues shall be a separate offense.

## **Article 9-2 APPLICATION FOR SERVICE**

- Section 9-2-1 Application for Water or Sewer Service
- Section 9-2-2 Grounds for Rejection of Application
- Section 9-2-3 Violation of Application Provisions

### **Section 9-2-1 Application for Water or Sewer Service**

- A. Application for the use of water or sewer service shall be made in person, at the City Hall, to the Department by the owner, or agent, of the property to be benefited, designating the location of the property and stating the purpose for which the service is required. The connection fee and deposit as set by resolution shall be due at this time. The applicant shall provide an official address of the responsible party where bills and notices, as provided in this Chapter, shall be delivered and shall maintain said address up to date, together with such other information as the Department may reasonably require.
- B. Water or sewer service outside of the corporate limits of the City of Globe, and developments of any kind wherever located requiring pretreatment of sewage pursuant to Arizona Department of Environmental Quality Regulations or which may use a maximum flow of 15,000 (Fifteen Thousand) or more gallons of water or sewer per day or 15 lots, whichever is less, shall first require an application and written agreement with the City that states, at a minimum, that the users thereof and their assignees agree to comply with the terms and conditions of this Chapter, pay all applicable fees, construct any proposed public facilities in accordance with City standards and requirements, grant any necessary and appropriate easements, together with such other terms as the City may then require, prior to the earliest of either construction and/or connection, as may be applicable. Consent to enforcement in the City Magistrate Court shall also be required. Use or continued use of water and sewer services shall be deemed to be implied consent to the terms hereof.<sup>1</sup>

### **Section 9-2-2 Grounds for Rejection of Application**

The Department may reject any application for service for any good and sufficient reason, including but not limited to, the following: service not available under a standard rate; service which involves excessive service expense; service which may affect the service to other consumers; or when the applicant is delinquent in payment of bills incurred for service previously supplied at any location within the City or serviced by the City.

### **Section 9-2-3 Violation of Application Provisions**

For violation of any of the provisions relating to application for, or continuation of, service, the City may, at the expiration of thirty (30) days after mailing written notice to the last known address of the consumer, at its option, remove the meter and

---

<sup>1</sup> **Editor's Notes:** Amended by and through Ordinance No. 795.

discontinue service. Before the service is reinstalled, the consumer shall first pay to the City a reinstallation charge and deposit as set by resolution.

**Article 9-3 DISCONTINUANCE OF SERVICE**

Section 9-3-1 Notice Required

Section 9-3-2 Water or Sewer Service May Be Discontinued Under Certain Conditions

**Section 9-3-1 Notice Required**

Any person who desires to discontinue the use of water or sewer service shall file written notice with the Department. Responsibility for cost of water service extends to the time of actual termination of service by the Department or to the time specified for departure, whichever occurs last.

**Section 9-3-2 Water or Sewer Service May Be Discontinued**

The City may inspect any premises within the City and discontinue service when there are reasonable grounds to believe it necessary for the following reasons:

- A. To prevent fraud or abuse.
- B. Failure of the consumer to comply with any regulation of the Department including failure to pay billings on a timely basis.
- C. Emergency repairs.
- D. Insufficient supply of water caused by factors outside the control of the City.
- E. Legal process.
- F. Direction of public authorities.
- G. Local emergency requiring emergency measures.
- H. Tampering with meter or other equipment by the consumer.
- I. Failure to obtain and utilize a backflow device when same is required by this Code.
- J. To prevent a continuing violation of this Chapter

## **Article 9-4 RATES AND BILLS**

- Section 9-4-1 Water and Sewer Rates
- Section 9-4-2 Billing
- Section 9-4-3 Incorrect Bill Protest
- Section 9-4-4 Delinquent Notices and Reconnection
- Section 9-4-5 When Deposit Required
- Section 9-4-6 Additional Units Fee

### **Section 9-4-1 Water and Sewer Rates**

- A. The Council shall establish rates to be charged users of the City water and sewer system by resolution from time to time. The minimum monthly rate shall be charged for any month or part thereof for which service is provided. All rates shall be established in compliance with any applicable state statute.<sup>2</sup>
- B. Billing for water may be combined with billing for all other utility services of the City, including but not limited to, sewer and garbage.

### **Section 9-4-2 Billing-Delinquent Accounts**

Water meters shall be read each month by the Department, and a separate bill shall be rendered for each meter for that month. Bills shall be due on or before the fifteenth day of the month and shall become delinquent on the sixteenth of the month, and service may be discontinued after thirty (30) days written notice if the delinquent bill remains unpaid. Should any account become delinquent, service may be discontinued to the property which is the subject of said account after notice is served in accordance with this Article. Cause for termination of service pursuant to this provision shall be in addition to cause for termination set forth pursuant to any other provision of this Code. There will be a re-connection fee. The Council shall establish fees for delinquent accounts and re-connection by resolution from time to time.

### **Section 9-4-3 Incorrect Bill Protest**

Any consumer may present a protest to the City if he/she believes that he/she may have received an incorrect bill. Such protest shall be presented in person at the City Hall before such bill becomes delinquent, provided that the consumer may make a protest following payment of his/her bill and his/her payment shall not prejudice his/her protest. A pending protest shall not exempt the consumer from delinquency fees if he/she fails to pay his/her bill on time.

### **Section 9-4-4 Delinquent Notices and Reconnection**

- A. Service may be terminated without further notice following thirty (30) days written notice. Service shall not be reinstated to the location until all accrued fees and

---

<sup>2</sup> **Editor's Notes:** Statutory reference – water and sewer rate procedures, see A.R.S. 9-511.01

charges, including penalties, interest and a deposit as determined pursuant to Section 9-4-5, have been paid.

- B. Notice of delinquency shall be in the written form as determined by the Department. All notices required by this Article shall be deemed delivered on the date of personal service or five (5) days after mailing notice by first class mail to the person shown on the records of the Department as the responsible party at the address on the application for service. If different from the responsible party, a courtesy copy of the notice shall be mailed to the owner of the property at the address shown on the records of the Gila County Assessor. Failure of any person to receive notice deemed served shall not invalidate any action taken pursuant to said notice.

**Section 9-4-5 When Deposit Required**

- A. A deposit equal to three (3) times the minimum monthly water, sewer or garbage bill shall be required for all accounts where a person other than the owner, as shown on the Gila County Assessors Records, resides. Unless otherwise required by this Article, no deposit shall be required if the person applying for service provides proof of ownership of the property to be serviced. Deposits shall be retained by the City as security for payment of bills. The City may require a deposit adjustment when rates are increased or decreased.
- B. Where services have been discontinued to any property on account of default in payment two (2) or more times during any consecutive twelve (12) month period, the City may require a deposit not to exceed three (3) times the average monthly billing for water, sewer and garbage service for the highest six (6) month period in the two (2) years preceding the request to continue or reinstate service. The deposit shall remain with the City and may be returned upon request following one (1) full year of no delinquencies. The deposit may be applied to the consumer account in the next succeeding month.
- C. All persons applying for water, sewer and/or garbage service shall make a deposit for each property for which service is requested if same is required by the provisions of this Article. Service may be refused at a new location for nonpayment of services rendered at a previous location served by the City.
- D. The City may assign delinquent accounts to a collection agency or proceed with any collection process authorized by law. The consumer shall be liable to the City for any and all costs, collections charges and attorney's fees incurred in any collection action.

**Section 9-4-6 Additional Units Fee**

A fee shall be assessed for each additional unit, house, trailer, or mobile home utilizing the water/sewer service to a particular location, whether occupied or unoccupied. Said fee shall be set by resolution of the Council from time to time.

## **Article 9-5 WATER METERS**

- Section 9-5-1 Water Meters to be Used
- Section 9-5-2 Suitable Placement
- Section 9-5-3 Single Meter
- Section 9-5-4 Grouping of Meters
- Section 9-5-5 Water Meter Installation Fee
- Section 9-5-6 Water Meter Failure
- Section 9-5-7 Interference by Dogs
- Section 9-5-8 Obstruction of Water Meter

### **Section 9-5-1 Water Meters to be Used**

All water sold by the City shall be metered by meters which shall be owned and kept in repair by the City. It shall be unlawful to damage or tamper with said meter.

### **Section 9-5-2 Suitable Placement**

The City may install a water meter on the property line or on the consumer's property in such location as deemed necessary and which is conveniently accessible by a meter reader. Application for service shall grant the City an easement for such purpose and shall authorize entry on the applicant's property for such other purposes as may be necessary to enforce the provisions of this Chapter.

### **Section 9-5-3 Single Meter**

Pipes and equipment for water service belonging to the consumer shall be so arranged to permit the placing of a single water meter for that property convenient to the City. If the pipes and equipment belonging to the consumer are not arranged to permit such placement of a meter, and additional meters or connections are required, each such additional meter or connection shall be considered as an additional account and shall be so billed.

### **Section 9-5-4 Grouping of Meters**

When two or more meters are installed on the same premises for different consumers, they shall be closely grouped and each meter shall be clearly marked as to the consumer to whom it belongs.

### **Section 9-5-5 Water Meter Installation Fee**

Fees for water meter installations shall be established by Council resolution from time to time.

### **Section 9-5-6 Water Meter Failure**

If a water meter fails to operate and a reading cannot be taken, charges shall be made

by the City in an amount based on the average monthly billing of the previous three (3) months for that location. If said records are not available, charges may be made on such other reasonable basis as the Department may determine.

**Section 9-5-7 Interference by Dogs**

In the event any dog kept on the premises interferes with meter reading by an employee of the City and the meter is not read, charges shall be made by the City in an amount based on the average monthly billing of the previous three (3) months or such other similar, rational basis as the Department may determine. Service may be discontinued if such interference re-occurs after written notice to the occupant.

**Section 9-5-8 Obstruction of Water Meter**

Obstruction of a water meter is prohibited. If a water meter is obstructed and the City cannot contact the owner of said meter and/or the customer refuses to remove the obstruction within seven (7) days, the City may remove the obstruction and bill the account holder for costs.

## **Article 9-6 CONSUMER RESPONSIBILITIES**

- Section 9-6-1 Consumer Water and Sewer Facilities
- Section 9-6-2 Consumer Negligence
- Section 9-6-3 Right of Way
- Section 9-6-4 Installation of Lines
- Section 9-6-5 Protection of City Property
- Section 9-6-6 Supplying Water to Others Prohibited
- Section 9-6-7 Sprinkling Restrictions
- Section 9-6-8 Waste of Water Prohibited
- Section 9-6-9 Inspections
- Section 9-6-10 Shut-Off Valve Installation
- Section 9-6-11 Unlawful Acts - Interference and Excavations
- Section 9-6-12 Unsanitary Disposal of Excrement Prohibited
- Section 9-6-13 Private Sewage System
- Section 9-6-14 Tampering with Equipment Prohibited
- Section 9-6-15 Permit Required
- Section 9-6-16 Application
- Section 9-6-17 Inspection and Approval Department
- Section 9-6-18 Records to be Kept by Department

### **Section 9-6-1 Consumer Water and Sewer Facilities**

Unless otherwise specifically provided in this Chapter, the consumer shall have complete responsibility for the installation and maintenance of adequate water and sewer facilities on the premises and the City shall not be responsible for the installation, maintenance, inspection, or damage of such facilities or damage caused by any defect in such facilities on the consumer's premises. Such facilities shall be maintained by the consumer in full compliance with any and all regulations of the City and applicable state statutes.

### **Section 9-6-2 Consumer Negligence**

The consumer/occupant shall be responsible for any damages to the City water system or injury to City employees caused by the intentional or negligent act of said consumer/occupant, the cost of such shall be added to that consumer's bill, and if such charges are not paid, water service may be discontinued. Nothing contained herein shall restrict the City from pursuing any lawful remedy for collection of damages caused by a consumer/occupant.

### **Section 9-6-3 Right of Way**

Each consumer shall provide the City with such easement and right of way as is necessary to provide service to that consumer and to enforce the provisions of this Chapter. The application for and use of service shall be deemed to grant such rights to the City as may be necessary to carry out the provisions of this Chapter.

#### **Section 9-6-4 Installation of Lines**

The City may refuse to provide service unless the lines and/or piping are installed on the premises so as to prevent cross-connections or back-flow, any other violation of this Chapter, or any other applicable Building or Health Code.

#### **Section 9-6-5 Protection of City Property**

The consumer shall provide proper protection for City property placed on his/her premises and shall permit only authorized representatives of the City to have access to same.

#### **Section 9-6-6 Supplying Water to Others Prohibited**

No occupant or owner of any building to which water or sewer services are supplied by the City will be allowed to supply said services to other persons or families or for use on any other property. The City reserves the right to shut off the service for violations of this Section.

#### **Section 9-6-7 Sprinkling Restrictions**

For purposes of conservation, the Council may, place into effect any restrictions which they may deem necessary upon the use of water for irrigation, sprinkling, or other purposes. It shall be unlawful to violate any such conservation measure.

#### **Section 9-6-8 Waste of Water Prohibited**

Consumers shall prevent unnecessary waste of water and keep all water outlets closed when not in actual use. All water outlets, including those used in conjunction with hydrants, urinals, water closets, bathtubs and other fixtures, must not be left running for any purpose other than the use for which they were intended. Water shall not be allowed to continuously run down the street when not in use. In addition to the penalty provided herein for Code violations, the water supply may be turned off where any such waste occurs.

#### **Section 9-6-9 Inspections**

Whenever in the judgment of the Department it is deemed necessary for proper management of the system, the Department may inspect the premises or buildings of any consumer for the purpose of examining the condition of all pipes, motors, meters, connections and fixtures, or the manner in which such facilities are used. Consent to such inspections shall be deemed granted by the application for water or sewer service under this Chapter.

#### **Section 9-6-10 Shut-Off Valve Installation**

A. New Construction: The consumer shall be responsible for installing a separate

shut-off valve on the consumer side of the meter prior to water turn-on by the Department. Installation shall be in compliance with City standards and not less than 7 inches from the meter.

- B. Existing Services: If it is determined that the consumer/occupant has not installed a separate shut-off valve on the consumer side of the meter, a thirty (30) day notice of non compliance shall be issued.

### **Section 9-6-11 Unlawful Acts - Interference and Excavations**

It shall be unlawful for any person:

- A. To interfere in any way with the officers of the Department or building inspector in the discharge of any of their duties, either in the tapping of any sewer pipe main or lateral belonging to the City or in the laying or connecting of such pipe, main or lateral.
- B. To dig up or cause to be dug up any street or alley in the City for the purpose of connection with the sewer system of the City without first obtaining a permit from the Department.
- C. To fail or neglect to place a street or alley in its original condition, as required by the Department, after said person has dug up or disturbed any portion of said street or alley.
- D. Violate any provision of this Chapter.

### **Section 9-6-12 Unsanitary Disposal of Excrement Prohibited**

It shall be unlawful for any person to deposit, or permit to be deposited in an unsanitary manner upon public or private property within the City or in any area under the jurisdiction of the City any human or animal excrement or other objectionable waste.

### **Section 9-6-13 Private Sewage Systems**

- A. Compliance with Chapter: Except as provided in this Chapter it shall be unlawful to construct or maintain within the City any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of sewage.
- B. When Permitted; Sanitation: Where a public sanitary or combined sewer is not available within the City or in any area under the jurisdiction of the City the building sewer shall be connected to a private sewage disposal system, which complies with the regulations of the State Department of Public Health or other agency having jurisdiction. Such private sewage disposal system shall be constructed, maintained and operated at all times in a sanitary manner.

- C. Discontinuance: Within one (1) year after a public sewer becomes available within two hundred (200) feet of any property served by a private sewage disposal system, a direct connection shall be made to the public sewer in accordance with the provisions of this Chapter and any septic tanks, cesspools, and similar private sewage disposal facilities shall be abandoned and filled with suitable material in accordance with applicable law.

**Section 9-6-14 Tampering with Equipment Prohibited**

No person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the municipal sewage or water works.

**Section 9-6-15 Permit Required**

No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the sewer Department.

**Section 9-6-16 Application**

An owner/occupant who desires connection to City water and/or sewer shall make application for connection with the Department and a receipt for all applicable fees will be issued prior to connection.

**Section 9-6-17 Inspection and Approval by Department**

No building sewer will be connected to the City sewer until it has been inspected and approved by the Department.

**Section 9-6-18 Records to be Kept by Department**

The Department shall keep a record of all building connections made, the purpose for which they are to be used, together with the name of the owner and occupant of the property, his/her agent or representative.

## **Article 9-7 USE OF PUBLIC SEWERS**

Section 9-7-1	Prohibited Substances
Section 9-7-2	Interceptors Required
Section 9-7-3	Authority of Department
Section 9-7-4	Preliminary Treatment
Section 9-7-5	Manholes
Section 9-7-6	Tests and Analyses
Section 9-7-7	Special Agreements with Industrial or Private Concerns
Section 9-7-8	Violations - Penalty

### **Section 9-7-1 Prohibited Substances**

- A. No person shall discharge or cause to be discharged any storm water, surface water, ground water, roof runoff, subsurface drainage, cooling water or industrial process waters to any sanitary sewer, unless specifically authorized by the Department.
- B. Except as provided in this Section no person shall discharge or cause to be discharged any of the following described waters or wastes into any public sewer:
1. Any liquid or vapor having a temperature higher than one hundred fifty (150°) degrees Fahrenheit.
  2. Any water or waste which may contain more than fifty (50) 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.
  4. Any garbage that has not been properly shredded.
  5. Any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, 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 sewer works.
  6. Any waters or wastes having a pH lower than five and one half (5 1/2) or higher than nine (9) or having any other corrosive property capable of causing damage or hazard to structures, equipment or personnel of the sewage works.
  7. Any waters or wastes containing a toxic or poisonous substance in sufficient quantity to injure or interfere with any sewage treatment process, constitute a hazard to humans, or animals, or create any hazard in the receiving waters of the sewage treatment plant.

8. Any waters or wastes containing suspended solids of such character and quantity that unusual attention or expense is required to handle such materials at the sewage treatment plant.
9. Any noxious or malodorous gas or substance capable of creating a public nuisance.

### **Section 9-7-2 Interceptors Required**

- A. Grease, oil, and sand interceptors shall be provided when, in the opinion of the Department, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts or any flammable wastes, sand, and other harmful ingredients except that such interceptors shall not be required for private living quarters or dwelling units.
- B. Grease and oil interceptors shall be constructed of impervious material capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, watertight and equipped with easily removable covers which, when bolted in place, shall be gas tight and watertight and shall be located as to be readily accessible for cleaning and inspection.
- C. When required, all grease, oil, and sand interceptors shall be installed and maintained by the owner, at his/her expense, and must be in continuously efficient operation at all times. The owner shall keep written records of all cleaning, repair, calibration and maintenance required under this Subsection. Such records shall be maintained for a period of three (3) years.
- D. The Department shall require replacement of any grease, sand or oil interceptor which fails to operate efficiently at the owners expense.

### **Section 9-7-3 Authority of Department**

The admission into the public sewers of any waters or wastes having any of the following characteristics shall be subject to the review and approval of the Department:

- A. A five (5) day biochemical oxygen demand greater than three hundred (300) parts per million by weight.
- B. Containing more than three hundred fifty (350) parts per million by weight of suspended solids.
- C. Containing any quantity of substance having the characteristics described in Section 9-7-1.
- D. Having an average daily flow greater than two (2%) percent of the average daily sewage flow of the City.

#### **Section 9-7-4 Preliminary Treatment - Definitions**

- A. Required: Where necessary in the opinion of the Department, the owner shall provide, at his/her expense, such preliminary treatment as may be necessary to:
1. Reduce the B.O.D. to three hundred (300) parts per million and the suspended solids to three hundred fifty (350) parts per million by weight.
  2. Reduce objectionable characteristics or constituents to within the maximum limits provided for in Section 9-7-3.
  3. Control the quantities and rates of discharge of such waters or wastes.
- B. Approval: Plans and specifications and any other pertinent information relating to proposed preliminary treatment facilities shall be submitted for approval of the Department and any state or federal agency having jurisdiction. No construction of such facilities shall be commenced until such approvals are obtained in writing.
- C. Maintenance of Facilities: Where preliminary treatment facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his/her expense.
- D. In this Article, unless the context otherwise requires:
1. "B.O.D.", denoting biochemical oxygen demand, means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at twenty (20°) degrees centigrade expressed in parts per million (P.P.M.) in weight.
  2. "pH" means the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

#### **Section 9-7-5 Manholes**

When required by the Department, the owner of any property served by a building sewer carrying industrial wastes shall install a suitable control manhole in the building sewer to facilitate observation and sampling of wastes. Such manhole, when required, shall be accessible and safely located and shall be constructed in accordance with plans approved by the sewer Department. The manhole shall be installed by the owner at his/her expense and shall be maintained by him/her so as to be safe and accessible at all times.

#### **Section 9-7-6 Tests and Analyses**

All tests and analyses of the characteristics of waters and wastes to which reference is made in this Article, shall be determined in accordance with "standard methods for

examination of water and sewage," and shall be determined at the control manhole provided for in the preceding Section or upon suitable samples taken at such control manhole.

**Section 9-7-7 Special Agreements with Industrial or Private Concerns**

- A. No statement contained in this Article shall be construed as preventing any special written agreement or arrangement reduced to writing between the City and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the City for treatment, subject to payment therefor by the industrial concern.
  
- B. The City may accept waste from private individuals or companies delivered for dumping at the wastewater treatment plant. Fees for such dumping shall be established by resolution from time to time. The City may refuse to accept such waste if the individual or company is delinquent in payment of applicable fees.

## **Article 9-8 BACKFLOW AND CROSS-CONNECTION CONTROL**

- Section 9-8-1 Purpose
- Section 9-8-2 Backflow Prevention Required
- Section 9-8-3 Hazard Potential
- Section 9-8-4 Backflow Prevention Methods; List
- Section 9-8-5 Backflow Prevention Methods Required
- Section 9-8-6 Backflow Assembly Installation Requirements
- Section 9-8-7 Installation of Backflow Prevention Assemblies for Fire Systems
- Section 9-8-8 Inspections
- Section 9-8-9 Permit Required
- Section 9-8-10 Test, Maintenance, Records
- Section 9-8-11 Modification of Backflow Prevention Requirements
- Section 9-8-12 Discontinuance of Water Service
- Section 9-8-13 Administrative Appeal
- Section 9-8-14 Violation a Civil Infraction
- Section 9-8-15 Retroactive Application
- Section 9-8-16 Fees
- Section 9-8-17 Backflow and Cross-Connection Manual Incorporated by Reference

### **Section 9-8-1 Purpose**

All Provisions of this Article shall be interpreted to give effect to the following purposes for which it is enacted.

- A. To protect the public potable water supply of Globe from the possibility of contamination or pollution by preventing the backflow of contaminants and pollutants into the public potable water supply system.
- B. To promote the elimination or control of existing cross-connections, actual or potential, with a customer's internal potable water system, plumbing fixtures and industrial piping systems.
- C. To provide for a continuing program of cross-connection control which will prevent the contamination or pollution of the public potable water supply system.

### **Section 9-8-2 Backflow Prevention Required**

- A. An approved backflow prevention assembly shall be utilized or installed at every service connection to a customer's water system or at any usage point in the water system when the Department determines that the potable water supplied by the City may be subject to contamination, pollution or other deterioration in sanitary quality as a result of conditions within the customer's water system.
- B. The backflow assembly to be utilized or installed shall be determined by the Department. The method required by the Department shall be sufficient to protect against the potential degree of hazard, as determined by the Department, to the public potable water supply from the customer's water system.

### **Section 9-8-3 Hazard Potential**

The degree of hazard potential to the public potable water supply and system from a customer's water supply system shall be determined using the following hazard factors:

- A. Contamination: Any condition, device or practice which, in the judgment of the Department, may create a danger to the health and well-being of the potable water customers.
- B. Cross-connection: An actual or potential plumbing-type connection that is not properly protected by an approved backflow prevention assembly.
- C. Hazard: An actual or potential threat which may cause severe damage to the physical facilities of the public potable water supply system or which may have a protracted effect on the quality of the potable water in the system.
- D. Pollution: An actual or potential threat to the physical facilities of the public potable water supply system or to the public potable water supply which, although not dangerous to health, would constitute a nuisance or be aesthetically objectionable, or could cause damage to the system or its appurtenances.

### **Section 9-8-4 Backflow Prevention Methods: List**

- A. A backflow prevention method shall be any approved assembly designed to prevent backflow. The following are the recognized backflow prevention methods which the Department may require under this Article.
  - 1. Air Gap: The unobstructed vertical distance through the free atmosphere between the opening of the pipe or faucet supplying potable water to a tank, plumbing fixture or other device. An approved air gap shall be at least double the diameter of the supply pipe or faucet and in no case less than one (1) inch.
  - 2. Reduced Pressure Principle Assembly (hereinafter "RPA"): An assembly containing two independently acting approved check valves together with a hydraulically operating, mechanically independent pressure differential relief valve located between the check valves, and at the same time below the first check valve. The assembly shall include properly located test cocks and tightly closing shut-off valves located at each end of the assembly and fitted with properly located test cocks.

3. Double Check Valve Assembly (hereinafter "DCVA"): An assembly composed of two independently acting, approved check valves, including tightly closing shut-off valves located at each end of the assembly and fitted with properly located test cocks.
  4. Pressure Vacuum Breaker Assembly (hereinafter "PVB"): An assembly containing an independently operating, loaded check valve and an independently operating, loaded air inlet valve located on the discharge side of the check valve. The assembly shall be equipped with properly located test cocks and tightly closing shut-off valves located at each end of the assembly.
- B. A backflow prevention assembly may be approved by the Department if it has received the approval of the Foundation for Cross-Connection Control and Hydraulic Research of the University of Southern California.
- C. The Department shall maintain a list of approved backflow prevention assemblies, by type and manufacturer. The list shall be available to any customer required to install a backflow prevention assembly.

#### **Section 9-8-5 Backflow Prevention Methods Required**

- A. Whenever the following items exist or activities are conducted on premises served by the public potable water system, a potential hazard to the public potable water supply shall be presumed, and a backflow prevention method of the type specified herein for that item or activity must be utilized or installed at each service connection for that premise. The type and size of the assembly shall be determined by the Department. The basis for these requirements are contained in the Manual of Backflow Prevention and Cross-Connection Control Program incorporated herein by Section 9-8-17.
1. Cooling Tower, boiler, condenser, chiller, and other cooling systems utilizing potable water: RPA
  2. Tank, vessel, receptacle, and all other water connections including mobile units without approved air gap (except emergency vehicles and private swimming pools): RPA
  3. Ice Maker (other than a residential service): RPA
  4. Water cooled equipment, boosters, pumps or autoclaves: RPA
  5. Water treatment facilities and all water processing equipment (other than residential water softeners): RPA
  6. Bottle washer, bedpan washer, garbage can washer: RPA

7. Pesticide, herbicide, fertilizer, and chemical applicators (other than typical in-home use): RPA
8. Aspirator: RPA
9. Commercial Dishwashers, food processing and/or preparation equipment, carbonation equipment, or other food service processes utilizing potable water: RPA
10. Decorative fountain, baptismal, or any location water is exposed to atmosphere: RPA
11. X-ray equipment, plating equipment, or any other photographic processing equipment utilizing potable water: RPA
12. Auxiliary water supply and/or connections to unapproved water supply systems: RPA
13. Reclaimed water customers: RPA
14. Recreational vehicle dump stations (sewer), or any other location where potable water may be exposed to bacteria, virus, or gas: RPA
15. Any premises on which chemicals, oils, solvents, pesticides, disinfectants, cleaning agents, acids or other pollutants and/or contaminants are handled in a manner by which they may come in direct contact with potable water, or there is evidence of the potential to contact potable water (other than typical, infrequent in-home applications): RPA
16. Materials and piping systems unapproved by the Plumbing Code or Environmental Protection Agency for potable water usage (for fire systems see the following listings: 20, 21, & 22): Contaminant: RPA - Pollutant: CDVA
17. Separately metered or unprotected irrigation systems, and construction water services: RPA or PVB as allowed
18. Any premises where a cross-connection is maintained or where internal backflow protection is required pursuant to the Plumbing Code: RPA
19. Multi-metered properties with more than one meter connected to another or any building three stories or greater than 34 feet in height from service level: DCVA
20. Fire systems - American Water Works Association Classes I and 2 systems constructed of a piping material not approved for potable water

pursuant to the Plumbing Code as adopted by the City: DCVA or Double Detector CVA

21. Fire systems - American Water Works Association Classes 3, 4, 5, 6: DCVA or RPA as allowed, Backflow Assemblies with detectors may be required by the Department for certain installations.
  22. Fire systems which require backflow protection and where backflow protection is required on the industrial/domestic service connection that is located on the same premises, both service connections will have adequate backflow protection for the highest degree of hazard affecting either system: RPA - (Requirement may be waived by the Department).
- B. When two or more of the activities listed above are conducted on the same premises and served by the same service connection or multiple service connections, the most restrictive backflow prevention method required for any of the activities conducted on the premises shall be required to be utilized or installed at each service connection. The order of most restrictive to least restrictive backflow prevention methods shall be as follows:
1. Air Gap (most restrictive)
  2. Reduced Pressure Principle Assembly (RPA)
  3. Double Check Valve Assembly (DCVA)
  4. Pressure Vacuum Breaker Assembly (PVB) (least restrictive)

#### **Section 9-8-6 Backflow Assembly Installation Requirements**

- A. Backflow prevention assemblies shall be installed by the customer, at the customer's expense and in compliance with the standards and specifications adopted by the City of Globe, at each service connection as close to the service connection as possible and on private property unless otherwise authorized. The assembly shall have a diameter at least equal to the diameter of the supply piping or service connection as required by UPC.
- B. The assembly shall be in an accessible location approved by the Department. The reduced pressure principle assembly, pressure vacuum breaker assembly, and the double check valve assembly shall be installed above ground.
- C. When a customer desires a continuous water supply, two backflow prevention assemblies shall be installed parallel to one another at the service connection to allow a continuous water supply during testing of the backflow prevention assemblies. When backflow prevention assemblies are installed parallel to one another, the sum of the cross Sectional areas of the assemblies shall be at least

equal to the cross Sectional area of the service connection.

- D. No person shall alter, modify, bypass or remove a backflow prevention assembly without the approval of the Department.

### **Section 9-8-7 Installation of Backflow Prevention Assemblies for Fire Systems**

In addition to the requirements of Section 9-8-5 the following shall apply:

- A. Fire Systems - Fire protection systems consist of sprinklers, hose connections, and hydrants. Sprinkler systems may be dry or wet, open or closed. Systems of fixed-spray nozzles may be used indoors or outdoors for protection of flammable-liquid and other hazardous processes. It is standard practice to equip automatic sprinkler system with fire Department pumper connections. A meter (compound, detector check) shall not be permitted as part of a backflow prevention assembly. An exception may be made by the Department if the meter and backflow prevention assembly are specifically designed for that purpose.

For cross-connection control, fire protection systems shall be classified on the basis of water source and arrangement of supplies as follows:

1. Class 1:  
Direct connections from public water mains only; no pumps, tanks, or reservoirs; no physical connection from other water supplies; no antifreeze or other additives of any kind; all sprinkler drains discharging to atmosphere, dry wells, or other safe outlets. For minimum protection, see Section 9-8-5 (20).
2. Class 2:  
Same as Class 1, except that booster pumps may be installed in the connections from the street mains. Booster pumps do not affect the potability of the system; it is necessary, however, to avoid drafting so much water that pressure in the water main is reduced below twenty (20) psi. For minimum protection, see Section 9-8-5 (20).
3. Class 3:  
Direct connection from public water supply main plus one or more of the following: elevated storage tanks; fire pumps taking suction from above-ground covered reservoirs or tanks; and pressure tanks, all storage facilities are filled or connected to public water only, the water in the tanks to be maintained in a potable condition. Except as stated above, Class 3 systems are the same as Class 1. Class 3 systems require minimum protection (approved double-check valves) to prevent stagnant waters from back-flowing into the public potable-water system.

4. Class 4:  
Directly supplied from public mains similar to Classes 1 and 2, and with an auxiliary water supply on or available to the premises; or an auxiliary supply may be located within 1,700' of the pumper connection. Class 4 systems will require backflow protection at the service connection. The type (air gap or reduced pressure) will depend on the quality of the auxiliary supply.
  5. Class 5:  
Directly supplied from public mains, and interconnected with auxiliary supplies, such as: pumps taking suction from reservoirs exposed to contamination, or rivers and ponds; driven wells, mills or other industrial water system; or where anti-freeze or other additives are used. Class 4 and 5 systems require maximum protection (air gap or reduced pressure) to protect the public potable water system.
  6. Class 6:  
Combined industrial and fire protection systems supplied from the public water mains only, with or without gravity storage or pump suction tanks. Class 6 system protection depends on the requirements of both the industry and fire protection, and may only be determined by a survey of the premises.
- B. When a backflow prevention assembly is required for a water service connection supplying water only to a fire system, the assembly shall be installed on the service line in compliance with standard specifications adopted by the City of Globe. (Installation of DCVA's or DDCVA's in a vertical position on the riser may be allowed on fire systems with Department approval.)

#### **Section 9-8-8 Inspections**

A customer's water system shall be available at all times during business operations for premises inspection by the Department. The inspection shall be conducted to determine whether any cross-connection or other hazard potentials exist and to determine compliance with this Article and which modifications may be required pursuant to Section 9-8-11.

#### **Section 9-8-9 Permit Required**

Installation permits for the installation of all backflow prevention assemblies required by the Department shall be obtained from the Department prior to installation. A separate permit shall be obtained for each required backflow prevention assembly to be installed, including any replacement.

- A. Notification: It shall be the duty of the person doing the work authorized by the permit to notify the Department, orally or in writing, that the system is ready for

inspection. Such notification shall be given not less than twenty four (24) hours before the work is to be inspected and shall be given only if there is reason to believe that the work done will meet current standards, as are referenced in the backflow prevention manual. See, Section 9-8-17.

- B. Stop Orders: Whenever any work is being done contrary to the provisions of this Code, the Department or an authorized representative may order the work stopped by notice in writing served on any persons engaged in doing or causing such work to be done, and any such person shall forthwith stop such work until authorized by the Department to proceed with the work.
- C. Suspension or Revocation: The Department may, in writing, suspend or revoke a permit issued under provisions of this Code, whenever the permit is issued in error or on the basis of incorrect information supplied, or in violation of any provision of this Code.

#### **Section 9-8-10 Test, Maintenance, Records**

- A. The customer shall be responsible for testing and servicing backflow prevention assemblies at least once a year. If the testing reveals the assembly to be defective or in unsatisfactory operating condition, the customer shall be responsible for any necessary repairs, including replacement or overhaul of the assembly, if necessary, which will return the assembly to satisfactory operating condition.
- B. If the Department or a customer learns or discovers, during the interim period between tests, that an assembly is defective or in unsatisfactory operating condition, the customer shall be responsible for any necessary repairs, including replacement or overhaul of the assembly, if necessary, which will return the assembly to satisfactory operating condition.
- C. The annual testing shall be performed by a person or entity certified to conduct such testing by an American Water Works Association agency, approved by the Department, and licensed by the American Water Works Association, hereinafter "tester." The Department reserves the right to require further examination and/or qualifications for recognition as an approved tester. A list of certified, approved and recognized persons or entities will be maintained by the Department and will be available upon request to all persons required to install or maintain a backflow prevention assembly. A certification issued to a backflow prevention assembly tester may be revoked or suspended for improper testing, maintenance, reporting or other improper practices.
- D. The tester shall be responsible for providing the results of all tests and all servicing, repairs, overhauls or replacements of the backflow prevention assembly to the Department.

- E. Fire systems shall not be out of service for more than eight (8) consecutive hours due to testing, maintenance, or repairs. The Globe Fire Department shall be provided not less than twenty four (24) hours notice prior to shut-off and immediate notice of re-connection. Fire system flow tests shall be performed in conjunction with the Backflow Assembly Testing on all fire systems.

#### **Section 9-8-11 Modification of Backflow Prevention Requirements**

If the Department determines, after inspection of the customer's system, that a backflow assembly less restrictive than that required in Section 9-8-5 will provide adequate protection of the public potable water supply from the degree of hazard potential of the customer's water system, the Department may, in its sole discretion, modify the requirements of Section 9-8-5. A written record of such modification approval shall be maintained by the Department.

#### **Section 9-8-12 Discontinuance of Water Service**

- A. If the Department discovers that a customer has not installed a required backflow assembly or that a backflow assembly has been improperly tested or maintained, bypassed or removed, or that an unprotected cross-connection exists in the customer's water system, the water service to that service connection shall be disconnected if the situation is not remedied within the time specified in the notice sent to the customer as required by this Section. The service shall not be restored until the condition is remedied.
- B. Water service to a fire sprinkler system shall not be subject to disconnection under this Section. If a situation, which would otherwise result in discontinuance of water service in Subsection A above is not remedied within the time provided in the notice sent to the customer, violations will accrue for each day the violation continues.
- C. Prior to disconnecting any water service because a condition set forth in Subsection A exists, the Department shall issue a written notice to the customer describing the condition and notifying the customer that the condition must be remedied within forty-five (45) days from the initial inspection date. If there is no immediate action on the part of the customer, a second notice will be sent thirty (30) days after the initial inspection date stating that water service will be disconnected within fifteen (15) days of the second notice. If there is still no action, a turn off notice shall be sent to the customer stating that service will be disconnected on a date certain (approximately seven (7) days from the date of the turn off notice). (For retrofit notification procedures, see Section 9-8-15.)

#### **Section 9-8-13 Administrative Appeal**

An Administrative Appeal may be requested whenever a violation or dispute of any of the requirements of this Article is determined, whether during construction or at the plan

review stage, and the applicant wishes to appeal the decision of the Department because of Code interpretation, unreasonable hardship, or other good and sufficient reasons. The appeal may be made to the Backflow Cross-Connection hearing Committee as follows:

- A. The applicant shall file a written appeal on the forms provided by the Department.
- B. The appeal will be heard within seven (7) days, at a regular specified time.
- C. The Hearing Committee shall consist of the Public Works Director, the Department Business Services Administrator, and the Building Inspector. Additional Inspectors or other technical persons may be added for a particular appeal, at the discretion of the Department.
- D. Adequate information shall be provided by the applicant in order to fully describe the conditions in question.
- E. The applicant may, but is not required to, personally attend the meeting.
- F. There shall be no further appeal following the Committee's decision which shall be binding on the City and the applicant.

#### **Section 9-8-14 Violation a Civil Infraction**

It shall be unlawful to violate any provision of this Chapter and upon conviction thereof such person shall be punished as provided in Section 1-5-1(A). Each day a violation continues shall constitute a separate offense.

#### **Section 9-8-15 Retroactive Application**

- A. The provisions of this ordinance shall apply to all new water customers or users and all water customers or users existing prior to the enactment date of this Article. Noncompliance may result in discontinuance of water service.
- B. Backflow prevention assemblies installed prior to enactment of this Article, and which do not comply with the requirements set forth herein, shall be replaced with assemblies which comply with the standards set forth herein.
- C. The initial backflow assembly installation permit fee required by Section 9-8-16 shall be waived by the Department for retrofit premises only.
- D. Meters documented as running backwards or contamination conditions exist as defined in Section 9-8-3 shall be immediately addressed under Section 9-8-12, and the provisions of Subsection A do not apply.

**Section 9-8-16 Fees**

The fee for any permit required pursuant to the terms of this Article shall be established and modified by Council resolution from time to time. The City may perform the initial test after installation for a fee which shall be established by Council resolution. Fees shall be payable at the time of obtaining a permit.

**Section 9-8-17 Backflow and Cross-Connection Manual Incorporated**

All information and technical requirements not specifically set forth in this Article (Standard Details) shall be public record and are contained in the following document:

UNIVERSITY OF SOUTHERN CALIFORNIA  
MANUAL OF CROSS-CONNECTION CONTROL  
PUBLISHED BY:  
FOUNDATION FOR CROSS-CONNECTION CONTROL  
AND HYDRAULIC RESEARCH  
UNIVERSITY OF SOUTHERN CALIFORNIA  
NINTH (9th) EDITION, OR THE LATEST REVISION THERETO

Such manual is adopted by this reference as part of this Code and shall be available to the public for inspection during the Department's regular business hours.

## **Article 9-9 LIABILITY**

Section 9-9-1 Interruption of Service

Section 9-9-2 Liability Limited

Section 9-9-3 Compliance with Regulations a Condition for Service

### **Section 9-9-1 Interruption of Service**

The City shall notify the consumer in advance of any anticipated interruption of service when such advance notice is possible. The City shall not be responsible for any interruption of water service caused by forces beyond its control.

### **Section 9-9-2 Liability Limited**

No liability shall attach to the City for any injury or damages that may result from turning on or shutting off the water in any main service connection, or pipe; or the resumption of use or discontinuance of any water service, or any failure of the water supply, regardless of any notice or lack of notice thereof. The City shall not be held liable for the condition, defects, failure or use, of any pipe, connection, fixture or appurtenance, not belonging to the City, or any premises, or for loss or damages resulting therefrom. The consumer accepts this limitation by applying for and utilizing sewer or water service.

### **Section 9-9-3 Compliance with Regulations a Condition for Service**

Compliance with all provisions contained in this Chapter 9 shall be considered a condition of every consumer/occupant receiving water or sewer service from the City and such consumer/occupant receiving water or sewer service shall be considered as having expressly consented to be bound thereby. Consumers outside the City limits shall also be so bound upon application for water or sewer service, and may also be required to sign a statement agreeing to the provisions of this Chapter.

## **Article 9-10 STREET EXCAVATIONS**

- 9-10-1 Permit Required
- 9-10-2 Application For Permit
- 9-10-3 Permit Provisions
- 9-10-4 Excavation Standards

### **Section 9-10-1 Permit Required**

It is unlawful for any person to cut, open, excavate, or remove any concrete pavement or any other portion of any street, sidewalk, alley or public place in the City without first obtaining a permit from the City for that purpose.

### **Section 9-10-2 Application For Permit**

Any person desiring to cut, open, excavate or remove any portion of any street, sidewalk, alley or public place in the City shall make application to the City for a permit to do such work, stating the location, purpose and approximate extent thereof. A separate application shall be made for each location where it is proposed to cut or open such street, sidewalk, alley or other public place.

### **Section 9-10-3 Permit Provisions**

Each permit issued by the City for cutting or removing any portion of any street, sidewalk, alley or public place, shall provide that the person to who such permit is issued shall save and hold the City harmless from any claim or injury or damages resulting from the performance or maintenance of such work and shall, during the progress of such work keep and maintain proper barriers and lights for the protection of the public in the use of such streets, sidewalks, alleys and public places.

### **Section 9-10-4 Excavation Standards**

Any person issued a permit pursuant to this Article shall at all times protect the public using same against any injury or damage caused by or arising out of the cutting, removing and maintaining any opening in such public place, and shall erect and maintain at such places at all times proper barriers and lights. All work shall be completed and performed in a workmanlike manner so as to avoid creating inconvenience to the public in the use of such streets, sidewalks, alleys and public places. Upon completion of the work such public streets, alleys, sidewalks or other public places shall be restored to the condition that they were prior to the permitted entry and all in compliance with standards established by the Public Works Director.

**Article 9-11      SIDEWALK CONSTRUCTION AND IMPROVEMENT**

- Section 9-11-1      Grades Generally; Duty of Public Works Director
- Section 9-11-2`      Official Specifications
- Section 9-11-3      Public Works Director To Furnish Official Specifications
- Section 9-11-4      Duties of Abutting Owners
- Section 9-11-5      Liability of Abutting Owners For Defective Sidewalk
- Section 9-11-6      Procedure For Repairing Sidewalks Generally
- Section 9-11-7      Repair of Sidewalks by City Upon Failure of Abutting Owner
- Section 9-11-8      Service Of Notice on Abutting Owners
- Section 9-11-9      Resolution of Council to Construct
- Section 9-11-10      Notice to Abutting Owners
- Section 9-11-11      Duty of Abutting Owners; Construction by City
- Section 9-11-12      Construction Contracts Awarded by the City

**Section 9-11-1      Grades Generally; Duty of Public Works Director**

It is unlawful for any person to construct any sidewalk, gutter or curb of cement or concrete within the City unless the grade of such sidewalk, gutter or curb has been established or approved by the Public Works Director. It is the duty of the Public Works Director, upon demand being made in writing by all the owners of the property fronting on any one block to furnish the grades for any such sidewalks, gutters or curb within sixty (60) days after such demand in writing.

**Section 9-11-2      Official Specifications**

It is unlawful for any person, whether owner, contractor or otherwise, to lay or cause to be laid any sidewalk on any public street or alley unless such sidewalk shall be laid according to the lines and official grades for such work as furnished by the Director of Public Works in accordance with the specifications for such work approved and adopted by the Director.

**Section 9-11-3      Public Works Director To Furnish Official Specifications**

It is the duty of the Public Works Director to furnish upon request to any owner whose property abuts upon or is contiguous to any street that is to be improved by the laying of a sidewalk or to the contractor who is to lay the sidewalk, the lines and grades established for such sidewalks by the City.

**Section 9-11-4      Duties of Abutting Owners**

It is the duty of the owner, or the lessee of any lot or parcel abutting upon any sidewalk now in existence, or hereafter constructed, to keep and maintain such sidewalk in repair.

**Section 9-11-5      Liability of Abutting Owners For Defective Sidewalk**

Any owner of any lot or parcel of land abutting on any sidewalk of the City who fails to keep the same in repair, shall be liable for any damage on account of any injury that may be occasioned by reason of the defective condition or want or repair of any sidewalk in the City.

**Section 9-11-6      Procedure For Repairing Sidewalks Generally**

Whenever any sidewalk in the City shall become defective, the director shall notify the owner of the abutting property of such defective condition and shall notify the owner to immediately repair such sidewalk and unless immediate steps are taken by the owner to repair the sidewalk, the City shall proceed to repair the sidewalk and tax the cost of such repair to the abutting property owner and make such cost a lien upon the property abutting on the sidewalk so repaired. Any such owner shall be liable for and pay the cost and expenses incurred by the City for repairing such sidewalk and the property abutting on such sidewalk so repaired shall be subject to a lien for the cost and expenses incurred by the City in repairing such sidewalk.

**Section 9-11-7      Repair of Sidewalks by City Upon Failure of Abutting Owner**

- A. Whenever any owner shall have been notified to repair any sidewalk, as provided in the preceding Section and shall fail to repair such sidewalk as required by the notice, the Director may at any time after such notice, proceed to repair such sidewalk and when so repaired by the City, the cost of such repair shall be paid by the owner and collected as provided in this Article.
  
- B. The City shall notify the owner of such abutting property of the amount due for repairing such sidewalk and the owner shall thereafter pay to the City the amount of the cost of such repair. Upon failure on the part of the owner to pay such cost within forty five (45) days after notice, the director shall certify to the Gila County Tax Assessor the amount due from such owner for the repair of such sidewalk, together with the property on which the costs for repair is a lien, which shall be extended by the County Assessor on the tax rolls of the County as a lien against such abutting property so repaired and when so extended, it shall be collected and paid in the manner that other taxes of the City are paid and collected.

**Section 9-11-8      Service Of Notice on Abutting Owners**

The Director shall by certified mail to the owner at the address of such owner in the City, or at the last known address as listed with the county assessor, any notice provided for in this Article. If the address of the owner is unknown or the same may not be reached by mail, the public works director may publish notice in the official newspaper of the City for one publication and such service of notice shall be complete and shall have the same force and effect as if personally served upon any such owner.

**Section 9-11-9      Resolution of Council to Construct**

- A.        The Council, whenever it is in the best interests of the public, may pass a resolution providing for the construction of sidewalks. The sidewalks shall be briefly described in said resolution. The resolution shall set forth the width of the sidewalk to be constructed and the location of such sidewalk. The resolution may order and direct that the construction of such sidewalk shall be made by the owners of the abutting property and also that in the event of the failure of the abutting property owners to construct such sidewalks, the City shall do the work and the expense shall be charged to the abutting property owners.
  
- B.        Such resolution shall be published as provide in A.R.S. 39-204 for two publications in the official newspaper. The director shall also cause same to be posted along the line of the proposed improvement and upon the lots in front of which the sidewalks are to be constructed.

**Section 9-11-10      Notice to Abutting Owners**

The Director shall also notify the owner of each lot or parcel abutting upon any sidewalks to be constructed of the passage of such resolution and notify them that they shall commence such work within thirty (30) days from the date of the notice and that, upon failing to commence such work and prosecute the same to completion with sixty (60) days that the City will proceed to construct such sidewalk and make the same a lien upon the abutting lot or parcel and have such lien extended as a tax against the property to be collected as other taxes of the City are collected when same become due and payable.

**Section 9-11-11      Duty of Abutting Owners; Construction by City**

It shall be the duty of the owner of any lot or parcel abutting upon such proposed sidewalk to proceed to construct such sidewalk as provided by the terms of the resolution of the Council. Upon failure of such owner to comply with such resolution and the notice provided, the City shall have the right to construct such sidewalks and assess the costs thereof to the abutting property owner. From and after the entering of the assessment upon the records of the City, such costs shall be a lien against the property and shall be entered upon the tax trolls of the City and be collected as other taxes.

**Section 9-11-12      Construction Contracts Awarded by the City**

The City may contract for the construction of any sidewalk and the Director is hereby authorized too make written specifications and receive all bids in accordance with the procedures set forth in Title 34, Arizona Revised Statutes.

**Article 9-12            OBSTRUCTION OF STREETS**

Section 9-12-10	Obstruction of Streets Prohibited
Section 9-12-2	Exceptions
Section 9-12-3	Encroachments Prohibited

**Section 9-12-1        Obstruction of Streets Prohibited**

It shall be unlawful for any person to cause any street, alley or right of way within the City to become obstructed or encumbered by placing or leaving thereon any personal property of any kind or character or any trash or rubbish.

**Section 9-12-2        Exceptions**

Section 9-12-1 shall not prohibit the incidental use of streets for the moving or conveying of personal property, trash or rubbish or pursuant to a permit issued by the Public Works Director as provided in Section 9-10-1 above.

**Section 9-12-3        Encroachments Prohibited**

It shall be unlawful for any person to cause or maintain any encumbrance or obstruction of public property or right of way by encroachment therein with any foundation, wall, fence, post or any other structure or cohesive ground surfacing material without having first obtained a written encroachment license agreement from the City. Such license agreement shall not be issued except upon a finding that the use licensed will not impair necessary public use, access, reservation, is not otherwise prohibited, and is in the best interests of the City. Encroachments into public property or rights of way shall not exceed the term, terms, conditions or extent provided in the license agreement. Any license agreement issued under this Section shall contain provisions holding the City harmless from any and all liability arising from the use of the right of way or property, releases the City from any obligation to maintain the use and from damages to same, provides that the licensed person agrees to remove same upon expiration or revocation of the license at no cost to the City, such other terms as the City may require and sufficient sureties therefore. The following are exempt from the provisions hereof:

1. Authorized traffic control structures, signals and signs;
2. Vehicle driveway surfacing properly aligned with the curb opening provided for such purpose;
3. Authorized sidewalks.

**Article 9-13 ABANDONMENT AND VACATION OF STREETS**

Section 9-13-1            Abandonment of Streets and Rights of Way  
Section 9-13-2            Application for Abandonment

**Section 9-13-1        Abandonment of Streets and Rights of Way**

Abandonment, vacation or sale of public rights of way shall be in accordance with state law procedures and upon such terms as the Council may prescribe.<sup>3</sup>

**Section 9-13-2        Application For Abandonment**

Applications for abandonment and vacation of public streets and rights of way shall be in accordance with state law and upon such terms as the Council may prescribe from time to time on forms provided by the City. All information requested by the City shall be provided by the applicant prior to consideration by the Council. The Council may establish fees and costs to be paid by resolution from time to time.

---

<sup>3</sup> **Editor's Note:** State law reference: A.R.S. 28-7201 et. seq.

## **Article 9-14 WATER COMMITTEE**

Section 9-14-1	Established
Section 9-14-2	Powers and Duties
Section 9-14-3	Membership
Section 9-14-4	Organization; Meetings
Section 9-14-5	Compensation
Section 9-14-6	Removal From Office; Vacancies

### **Section 9-14-1 Established**

There is hereby established a water committee which shall consist of seven (7) members.

### **Section 9-14-2 Powers and Duties**

The water committee shall have the following powers and duties:

- A. Act in an advisory capacity to the council in all matters pertaining to water supply and conservation.
- B. Review provisions in the proposed annual budget for water related matters during the budget preparation process and make recommendations with respect thereto to the council.
- C. Act in an advisory capacity regarding water system construction and bonding projects.
- D. Perform such other duties not inconsistent with this chapter as may be requested by the council.

### **Section 9-14-3 Membership**

Appointments to the water committee shall be made by the mayor with the approval of the council. Appointments shall be for a term of two (2) years. Members first appointed shall so classify themselves by agreement or lot so that each succeeding August 1, the term of at least three (3) members shall expire. The city manager shall appoint appropriate city staff members to assist the committee in an ex officio manner.

### **Section 9-14-4 Organization; Meetings**

- A. As soon as practicable following the first day of September of each year, the committee shall organize by electing one of its members to serve as the presiding officer at the pleasure of the committee. The committee shall hold such regular and special meetings as may be required and all meetings shall comply with the open meeting laws.

- B. The affirmative vote of a majority of the committee shall be necessary for it to take any action except to adjourn.
- C. A member of the committee shall serve as secretary for the recording of minutes for the committee and shall keep a record of its proceedings and transactions. The secretary shall serve as liaison between the committee and the city clerk for the purpose of posting the agenda of the committee and compliance with the open meeting laws.
- D. The members of the committee shall comply with the conflict of interest statutes of the state.

**Section 9-14-5 Compensation**

The members of the committee shall serve without compensation for their services but may receive reimbursement for necessary travel and other expenses incurred on official duty when such expenditures have received prior authorization from the City.

**Section 9-14-6 Removal From Office; Vacancies**

- A. The council may remove any member of the water committee from office for good cause shown which shall be in the sole discretion of the council. The decision of the council shall be final.
- B. Any vacancies in the water committee from whatever cause arising shall be filled by appointment by the mayor and council within sixty (60) days. Upon a vacancy occurring, leaving an unexpired portion of a term, any appointment to fill such vacancy shall be for the unexpired portion of said term.