

Chapter 33

WATER

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ARTICLE I. IN GENERAL

Secs. 33-1—33-15. Reserved.

ARTICLE II. DOMESTIC WATER SERVICE¹

DIVISION 1. GENERALLY

Sec. 33-16. Definitions.

For the purposes of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section; unless the context clearly indicates a different meaning:

Domestic water means water supplied through the pipes of the city's water system.

Unit of service means each separate occupancy, house, store or building so situated upon any lot within the city that the same might be or is now served by the city's water system, or in the opinion of the Internal Services Director could be served separately from any other occupancy, residence, house, store or building upon the same lot, irrespective of the number of residences, houses, stores or buildings upon such lot, even though two (2) or more of such occupancies, residences, houses, stores or buildings are held or owned by the same person.

(Code 1967, § 35-1; Ord. No. 2001.17, 7-26-01; Ord. No. 2010, 02, 2-4-10; Ord. No. O2016.22, 4-14-16)

¹**State law references**—Authority of city relative to water service, A.R.S. §§ 9-276(A)(2) and 9-276(B); municipal ownership of water utility, A.R.S. §§ 9-511 and 9-511.01.

Sec. 33-17. Applicability; conditions for service.

(a) Domestic water may be supplied by the city to consumers upon the terms and conditions prescribed in this article, and not otherwise.

(b) The determination of the Internal Services Director as to whether any house, occupancy, residence, store or building comes within the meaning of this article so as to require a separate service connection, meter box and turn-off valve shall be final; provided, that the owner or occupant of such premises shall have the right to appeal from such decision to the city council at its next regular meeting. In the event of any such appeal, the determination of the city council shall be final.

(Code 1967, § 35-2; Ord. No. 2001.17, 7-26-01; Ord. No. 2010.02, 2-4-10; Ord. No. O2016.22, 4-14-16)

Sec. 33-18. Applications for service; deposits.

(a) Before the city turns on water to any premises or property, the owner, occupant, renter or lessee shall make application for water service with the office of the Internal Services Director. The city may require an occupant, renter, or lessee to provide a lease or other evidence of the right to occupy the premises or property as a part of the application and may require that every adult occupant, renter, or lessee of the premises or property be listed on the water service account as a person who has contracted for the city's water service. Every person contracting for city water shall comply with all provisions of this article. Charges for city water service applications shall be established by city council resolution (see Appendix A).

(b) All consumers, other than property owners as specified in subsection (c), before domestic water shall be furnished to them, shall place a deposit with the Internal Services Director sufficient to ensure the payment of water billed to them and to protect the city against loss occasioned by nonpayment of water bills. The minimum deposit shall be established by city council resolution (see Appendix A). The total amount of the deposit shall be determined by the Internal Services Director, taking into consideration the nature of the premises to be served, the expected consumption of water, the past payment record, if any, of the consumer and such other information as is necessary to provide an adequate deposit. Such deposit in no event shall exceed an amount equal to the estimate of the average charges against the premises for a period of three (3) consecutive months.

(c) Property owners, upon submitting satisfactory proof of ownership and upon completing and signing an approved application for water service, will not be required to place a deposit at time of application for water service. However, upon failure by the property owner to pay timely for water consumed or other city services received, the Internal Services Director may require the placement of a deposit, the amount of such deposit above for consumers other than property owners, before continuation or resumption of city services to the premises.

(d) If the consumer has timely and regularly made payment to the city for water consumed, refuse, garbage and sewer services, the deposit shall be returned to the consumer who paid the deposit at the expiration of thirteen (13) calendar months of such timely and regular performance. Deposits unclaimed after twenty-four (24) months from the date the deposit became refundable are presumed abandoned.

(Code 1967, § 35-3; Ord. No. 624.10A, 2-23-84; Ord. No. 624.11, § I, 1-10-85; Ord. No.

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2001.17, 7-26-01; Ord. No. 2010.02, 2-4-10; Ord. No. O2014.12, 3-20-14; Ord. No. O2016.22, 4-14-16)

Sec. 33-19. Turn-off valves.

All water supply pipes to buildings shall be properly supplied by the consumer with a suitable turn-off valve, inside the property line, to ensure against the danger of frost or bursts which may result in property damage. Such turn-off valve shall be kept in good order and shall be under the control of the consumer, whereas the turn-off valve and box on the curb shall be under the control of the city. If domestic water service is turned off by the city for any reason and the service so turned off does not have a turn-off valve installed as required above on the property owner's premises for the turning off of such domestic water, such person shall, prior to the city again turning on such service, install in accordance with the provisions above a proper turn-off valve on such premises.

(Code 1967, § 35-4; Ord. No. O2014.12, 3-20-14)

Sec. 33-20. Branches, extensions, etc.

Whenever a water service enters upon any private property by a route other than within an easement held by the city, and the branches and extensions pass through the bounds of such property for the purpose of furnishing a supply of water to any adjoining private property, the property upon which service first enters shall be charged for the water furnished by any branches, extensions, etc., of the service. If a meter is installed upon such service, the rate for water shall be assessed to the property first named unless such adjoining property owners make written application to the city to install a meter within their property line on the branches, extensions, etc., and give the city written rights of ingress and egress over their property for the purpose of maintaining, repairing and reading such meter, and unless such adjoining property owners have in all respects complied with the provisions of this article. (Code 1967, § 35-5)

Sec. 33-21. Discontinuance of service.

(a) Any person wishing to discontinue the use of domestic water shall give notice thereof at the office of the Internal Services Director. When the water is ordered turned off from any premises, all service charges and commodity charges for water supplied to such premises shall be immediately due and payable to the city and the water will not be turned on again until all such charges are paid, except as provided by A.R.S. § 9-511.01(G).

(b) Until the notice of discontinuance and all required payments have been made, the premises shall be deemed occupied by the persons listed on the water service account and those persons' liability continued.

(c) If the persons listed on the water service account have made a deposit with the city, the balance, if any, of such deposit shall be returned to those persons who paid the deposit, after deducting the amount of any money owed on the water service account to the city. Deposits unclaimed after twenty-four (24) months from the date the deposit became refundable are presumed abandoned.

(d) A consumer's water service may be discontinued for nonpayment of a bill for services rendered by the city at a previous location, provided such bill is not paid within twenty (20) days after the unpaid bill has been presented to the consumer at his new location.

(e) The Internal Services Director may use the services of a collection agency to collect any past-due amounts owed to the city pursuant to this article.

(f) Every person who shall request of the city that their domestic water be turned off and on for making repairs, etc., to their system shall pay to the Internal Services Director a fee for such service in an amount established by city council resolution (see Appendix A).
(Code 1967, § 35-6; Ord. No. 624.11, § I, 1-10-85; Ord. No. 2001.17, 7-26-01; Ord. No. 2010.02, 2-4-10; Ord. No. O2014.12, 3-20-14; Ord. No. O2016.22, 4-14-16)

Sec. 33-22. City not liable for damages.

The city shall not be held liable for any damage that may result from the shutting off or turning on of any water supply pipe or main for any purpose whatever, even should no notice have been given, nor for damages caused by any break or leak in any water pipe inside the curb.
(Code 1967, § 35-7)

Secs. 33-23—33-35. Reserved.

DIVISION 2. METERS AND SERVICE CONNECTIONS

Sec. 33-36. Generally.

The city water mains may be tapped by either city forces or a contractor licensed with the state to perform such work. All bronze service clamps and tapping couplings will be required for tapped connections to asbestos cement pipe.
(Code 1967, § 35-8)

Sec. 33-37. Fees.

Charges for tapping water mains, installing water connections, water meters and water meter boxes shall be established by council resolution (see Appendix A).
(Code 1967, § 35-9; Ord. No. 624.11, § I, 1-10-85; Ord. No. 86.31, § 1, 6-19-86; Ord. No. 92.09, 6-18-92)

Sec. 33-38. Maintenance of meters and connection; right of entry for inspection.

(a) Except as provided in this chapter, the water consumer shall maintain all water lines and connections within this property.

(b) All meters, except in cases where they are wilfully injured by the consumer, shall be maintained and repaired by the city at its expense.

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(c) In case any authorized city employee is refused admittance to any premises or being admitted, shall be hindered or prevented from inspecting the water system upon such premises, the Internal Services Director may cause the water to be turned off from such premises after giving twenty-four (24) hours' notice to the owner or occupant of such premises of his intention to do so.

(Code 1967, § 35-10; Ord. No. 2001.17, 7-26-01; Ord. No. 2010.02, 2-4-10; Ord. No. O2016.22, 4-14-16)

Sec. 33-39. Accessibility of water meter.

Water meter boxes shall be installed such that the access cover is exposed and not lower than the finished grade. The community development department shall deny final approval and certificate of occupancy of any building until the requirements of this section are complied with.

(Code 1967, § 35-10.1; Ord. No. 97.20, 4-10-97; Ord. No. 2010.02, 2-4-10)

Sec. 33-40. Changes or alterations.

Any person receiving domestic water from the city desiring to make any changes or alterations in the existing water connection shall be required to furnish the Internal Services Director a statement of the changes or alterations to be made, and receive the Internal Services Director's written permission before any such changes or alterations are made.

(Code 1967, § 35-11; Ord. No. 2001.17, 7-26-01; Ord. No. 2010.02, 2-4-10; Ord. No. O2016.22, 4-14-16)

Sec. 33-41. Multiple services through single meter.

(a) The city may furnish a meter for each unit of service that has a separate tap in the city main, and the city may at its option elect to allow more than one unit of service to be served by a single meter. This permission may be given in any one of the following cases:

- (1) Extreme cases which the city has allowed to previously exist;
- (2) Apartment houses;
- (3) Hotels;
- (4) Motels;
- (5) Mobile home and trailer developments;
- (6) Multiple family dwellings;
- (7) Townhouses, condominiums and buildings or dwelling groups containing individual units of individual ownership.

(b) Permission allowing the single-meter service pursuant to subsection (a) shall be contingent upon the following conditions being met:

- (1) The person having actual supervision over the units affected shall guarantee to

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pay for all water used through the meter.

- (2) Cash or a certificate of deposit shall be placed in a federally insured financial institution of the consumer's choice in an amount established by city council resolution (see Appendix A). The cash or certificate of deposit shall be deposited with and be negotiable by the Internal Services Director in the event of default on any payment to the city. If the consumer has timely and regularly made payment to the city for water consumed, refuse, garbage and sewer service, the cash or certificate of deposit shall be returned to the consumer at the expiration of thirteen (13) calendar months of such faithful performance; except, that the city shall have an option to require the cash or certificate of deposit to remain with the Internal Services Director for an additional twelve (12) months. In the event payments for water consumed, refuse, garbage and sewer service shall be thirty (30) days delinquent, the Internal Services Director may deduct from the cash deposit or negotiate such certificate of deposit and use the proceeds for such delinquent accounts, returning the balance to the consumer less reasonable charge for discontinuance or resumption of water service.
- (3) If the units comprising the premises served by the single meter have multiple ownership, the covenants, conditions and restrictions on the respective units of property deeds shall clearly state that the individual lots or units are jointly and severally liable for any and all delinquent water consumed, refuse, garbage and sewer services received from the city.
- (4) Upon default of payment by the consumer for water consumed, or other city services received, the Internal Services Director may require the placement of a cash or a certificate of deposit AS A DEPOSIT, the amount of such cash or certificate of deposit shall be established by city council resolution (see Appendix A), before resumption of city services to the premises against which a default or delinquency of city services to the premises exist or to any other premises or property owned by such property owner. If the consumer thereafter makes timely and regular payment to the city for water consumed, refuse, garbage and sewer service, the cash or certificate of deposit shall be returned to the consumer at the expiration of twelve (12) calendar months of such faithful performance; except, that the city shall have the option to require the cash or certification of deposit to remain with the Internal Services Director for an additional twelve (12) months. In the event payments for water consumed, refuse, garbage and sewer service shall be thirty (30) days delinquent, the Internal Services Director may deduct from the cash deposit or negotiate such certificate of deposit and use the proceeds for such delinquent accounts, returning the balance to the consumer less reasonable charges for discontinuance or resumption of water service.

(Code 1967, § 35-12; Ord. No. 624.11, § I, 1-10-85; Ord. No. 2001.17, 7-26-01; Ord. No. 2010.02, 2-4-10; Ord. No. O2014.12, 3-20-14; Ord. No. O2016.22, 4-14-16)

Sec. 33-42. Testing of meters.

A water customer may request that the city conduct an accuracy test on the customer's water meter. For residential customers, the city shall replace the water meter and test it for accuracy. For nonresidential customers, the city shall conduct a field test and, if further testing is warranted, may replace the water meter and conduct additional testing. If testing demonstrates that the water meter is accurate, based on industry standards, the city shall charge the customer an amount established by city council resolution (see Appendix A).

(Code 1967, § 35-13; Ord. No. 624.11, § I, 1-10-85; Ord. No. O2014.12, 3-20-14)

Sec. 33-43. Defective meters.

When a meter in service less than thirteen (13) months is proven defective, the charge for any month affected shall be equal to an average based upon the charges for the three (3) preceding months or length of service, whichever is lesser. In instances where water service has been supplied for a period in excess of thirteen (13) months, the charge for any month affected shall be equal to an average based upon the charges for that month in the previous year together with one month next preceding and next following the previous year month in question.

(Code 1967, § 35-14)

Sec. 33-44. Tampering with, injuring meters; unlawful possession of equipment or reinstatement of service.

(a) It shall be unlawful for any unauthorized person to knowingly have and keep in his possession or under his control any turn-off valve key or hydrant wrench to the city water supply system and no person shall, without authority from the Internal Services Director or the public works director, make, construct, buy, sell or in any way dispose of to any person any turn-off valve key or hydrant wrench for use on the city water supply system.

(b) It shall be unlawful to remove unmetered water from city mains without express approval of the Internal Services Director or his designee.

(c) Water meters shall be sealed by the proper city officials in such a manner as to prevent all tampering with or injury to the mechanism thereof, without breaking the seal, and no person shall break or remove a seal, or wilfully injure or destroy a meter.

(d) No person shall destroy, obstruct or injure any meter box; or remove such box except for the purpose of inspecting meter readings; or destroy the lid or cover belonging thereto; or place refuse or debris therein.

(e) No person whose water service has been discontinued shall tamper with city facilities or equipment in an effort to reinstate water service. Any person who tampers with city facilities or equipment, in addition to other penalties provided by laws, shall pay an administrative charge in an amount established by city council resolution (see Appendix A) prior to the city reinstating such water service.

(Code 1967, § 35-15; Ord. No. 624.11, § I, 1-10-85; Ord. No. 2001.17, 7-26-01; Ord. No. 2010.02, 2-4-10; Ord. No. O2014.12, 3-20-14; Ord. No. O2016.22, 4-14-16)

Secs. 33-45—33-55. Reserved.

DIVISION 3. RATES AND CHARGES

Sec. 33-56. Schedules.

The charges, rates, deposits, and fees for providing domestic water service shall be established by city council resolution (see Appendix A).
(Code 1967, § 35-16; Ord. No. 624.10A, 2-23-84; Ord. No. 624.13, 9-26-85; Ord. No. O2014.12, 3-20-14)

Sec. 33-57. When payable; disconnection for delinquent charges; resumption of service.

(a) All flat rates, service charges and charges for metered water used during the previous month shall be due and payable at the office of the Internal Services Director when rendered. Payment shall be submitted by the due date printed on the monthly statement or shall be delinquent thereafter. Each person listed on the water service account is jointly and severally responsible for payment of all charges. The Internal Services Director may designate certain private establishments as authorized city water payment stations, in the capacity of limited agents, for the purpose of collecting any such charges. These payment stations so designated shall be required to perform pay station functions in accordance with rules and instructions issued by the internal services department and shall be paid a collection fee for the faithful performance of these functions in accordance with a schedule of fees previously authorized by the city council.

(b) If the total bill for any such charges is not paid by the date of delinquency, the water may be shut off from the premises of the delinquent consumer whereupon service shall not be resumed until all charges due plus applicable penalties have been paid. If the consumer necessitates, because of the delinquent status of the consumer's account, a personal call by a water service representative, whether or not service is turned off as a result of the personal call, a customer service charge, established by city council resolution (see Appendix A), shall be assessed to the consumer's account. In addition, the delinquent consumer shall be required to place a deposit in the amount set forth in § 33-18 with the internal services department.

(c) No person other than an official or employee of the city shall turn on water from the city mains without written permission from the Internal Services Director or the public works director. A person who tampers with the city mains without written permission shall be assessed a fee as established by city council resolution (see Appendix A).

(d) Should the water be turned on to the premises by anyone except an employee of the department, after it has been turned off at the city's turn-off valve, it may be turned off at the main and shall not be turned on again until a fee established by city council resolution (see Appendix A) has been paid.

(e) Anyone violating this section shall be guilty of a misdemeanor.
(Code 1967, § 35-17; Ord. No. 624.11, § I, 1-10-85; Ord. No. 2001.17, 7-26-01; Ord. No. 2010.02, 2-4-10; Ord. No. O2014.12, 3-20-14; Ord. No. O2014.27, 6-26-14; Ord. No. O2016.22, 4-14-16)

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Sec. 33-58. Creation of lien for unpaid charges.

(a) Unless otherwise prohibited by state law, delinquent water charges shall constitute a lien against the property where the services were provided. In order to impress and secure such lien, which shall be at the discretion of the Internal Services Director, the following procedure shall be utilized:

- (1) The Internal Services Director shall give written notice to the owner—of the property within thirty (30) days after the statement is rendered by either personally serving or mailing to such owner, at the owner's last-known address by certified or registered mail, or the address to which the water charges billing was sent. This written notice shall indicate that the city may impress and secure a lien on the subject property unless the owner brings the delinquent bill current within thirty (30) days from service or receipt of the letter, and in addition, pays any penalties that may be due pursuant to § 33-57. The notice shall also contain a statement that the owner may appeal the delinquency to the city council by filing such appeal within the thirty-day time period after receipt of such notice.
- (2) If the owner of the property does not bring the delinquency current or successfully prosecute an appeal to the city council within the thirty (30) days from service or receipt of the registered or certified letter, the Internal Services Director may prepare duplicate copies of a notice and claim of lien and file one copy with the county recorder and within a reasonable time thereafter service or mail by registered or certified mail the remaining copy with the owner of the property. The notice and claim of lien shall be made under oath by the Internal Services Director or his duly authorized representative and shall contain the following:
 - a. A description of the property sufficient for its identification;
 - b. The name of the owner of the property; and
 - c. The amount of the delinquent bill.

(b) From and after the date of its recording in the office of the county recorder, the lien shall attach to the property until paid. A sale of the property to satisfy the lien shall be made upon judgment of foreclosure and order of sale. The city shall have the right to bring an action to enforce the lien in the county superior court at any time after its recording, but failure to enforce the lien by such action shall not affect its validity. The recorded notice and claim of lien shall be prima facie evidence of the truth of all matter recited therein and of the regularity of all proceedings prior to the recording therein.

(c) A prior recording for the purposes provided in this section shall not be a bar to a subsequent recording of a lien for such purposes, and any number of liens on the same lot or tract of land may be enforced in the same action.

(Code 1967, § 35-19; Ord. No. 2001.17, 7-26-01; Ord. No. 2010.02, 2-4-10; Ord. No. O2014.12, 3-20-14; Ord. No. O2016.22, 4-14-16)

Secs. 33-59—33-70. Reserved.

ARTICLE III. WATER FOR IRRIGATION

Sec. 33-71. Definitions.

For the purposes of this article, the following words and phrases shall have the meaning respectively ascribed to them by this section, unless the context clearly indicates a different meaning:

Association means the Salt River Valley Water Users' Association, a corporation.

Kent Decree means the decision and decree dated March 1, 1910, entered by the District Court of the Third Judicial District of the Territory of Arizona, in and for the County of Maricopa, in the case of Patrick T. Hurley, plaintiff, vs. Charles F. Abbott, et al., defendant, being Civil Cause No. 4564, and all supplemental decrees subsequent thereto.

Lot or tract means a single parcel of land in one compact body in one owner or under one possession or control.

Turnout means the place at and the gate or structure by which water may be diverted from a ditch or conduit and delivered into the control of the owner or occupant of a lot or tract. The turnout may be either upon or immediately contiguous to the lot or tract or at the intake of the private ditch or conduit under the control or subject to the use of the owner or occupant of the lot or tract.

Water means only that water which may be delivered from time to time by the association to the city for distribution to land to which water has been decreed by the Kent Decree, and which may from time to time be agreed upon between the association and the city council.
(Code 1967, § 35-20)

Sec. 33-72. Applicability.

The only lands to which the provisions of the article shall be applicable are those within the city; and if any lot or tract shall at any time be served directly by the association, then during the time such service shall continue the provisions of this article shall not be applicable to such lot or tract.

(Code 1967, § 35-21)

Sec. 33-73. Application for water service.

Before water will be distributed by the city to any lot or tract under this article, the owner or occupant thereof shall pay an application fee in an amount established by city council resolution (see Appendix A) and execute and file in the office of the Internal Services Director an application for water service on a form to be furnished by the Internal Services Director.

(Code 1967, § 35-22; Ord. No. 624.11, § I, 1-10-85; Ord. No. 2001.17, 7-26-01; Ord. No. 2010.02, 2-4-10; Ord. No. O2014.12, 3-20-14; Ord. No. O2016.22, 4-14-16)

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Sec. 33-74. Charges.

Charges for providing the irrigation service shall be established by council resolution. (See Appendix A).

(Code 1967, § 35-23)

Sec. 33-75. Delinquent charges; discontinuance of service.

Whenever any person has failed to pay the cost of irrigation water in accordance with the provisions of this article, and the same has become delinquent, a notice shall be mailed stating that no irrigation water shall be delivered until the lot owner or person desiring the irrigation service reinstated has paid, in addition to all other charges, an amount established by city council resolution (see Appendix A) for the reinstating of services. Such amount shall be paid to the Internal Services Director prior to such time irrigation water service is reinstated.

(Code 1967, § 35-24; Ord. No. 624.11, § I, 1-10-85; Ord. No. 2001.17, 7-26-01; Ord. No. 2010.02, 2-4-10; Ord. No. O2014.12, 3-20-14; Ord. No. O2016.22, 4-14-16)

Sec. 33-76. Conditions for distribution.

(a) Water for any lot or tract under this article will be delivered at the turnout selected by the city, and the city shall be in no way responsible for, and will exercise no control over, such water beyond the turnout. The acceptance of an application by the city shall in no way obligate it to provide the means of the conveyance of the water or the distribution thereof beyond the turnout.

(b) The failure of the owner or user of any ditch or conduit beyond a turnout to keep such ditch or conduit in a suitable condition for the carriage and distribution of water shall be sufficient cause for the city to refuse to distribute or deliver water at such turnout until such ditch or conduit shall be put in a condition acceptable to the city.

(Code 1967, § 35-25)

Sec. 33-77. Manner of use.

Water distributed to any lot or tract under this article shall be used on such lot or tract and not elsewhere; and if any such water is used or permitted to escape outside such property, or if such water is wasted wilfully or by gross carelessness, the application under which such water is being distributed will be cancelled by the city and all rights of the applicant under such application shall thereupon cease and terminate.

(Code 1967, § 35-26)

Sec. 33-78. Breaking valve seal.

No person shall disturb or break the irrigation valve seal after the same has been placed thereon by the city.

(Code 1967, § 35-27)

Secs. 33-79—33-90. Reserved.

ARTICLE IV. WATER DEVELOPMENT FEES

Sec. 33-91. Purpose.

Due to the increasing costs associated with the expansion of the city's water system, it is now necessary to implement a method of direct cost recovery from persons, firms or corporations responsible for new physical development within the city to provide a source of funding for the city's continued capital investment in the system.

(Code 1967, § 35-28)

Sec. 33-92. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Commercial/industrial user means any user or establishment not defined as a dwelling unit.

Detached dwelling unit means any dwelling unit located on its own lot and not sharing a common wall with or not having adjoining walls with another dwelling unit.

Developer means the individual, firm, corporation, partnership, association, syndication, trust or other legal entity that is responsible for new physical development within the city and creating a demand for city water service.

Development means any improvement which creates a demand for city water service.

Dwelling unit means a room or group of rooms within a building containing cooking accommodations. An apartment and a mobile home shall be considered a dwelling unit.

Townhouse means any dwelling unit located on its own lot and sharing a common wall with or having adjoining walls with another dwelling unit.

(Code 1967, § 35-29; Ord. No. 91.14, 4-25-91)

Sec. 33-93. Schedule; exemptions; disposition.

(a) The water development fee to be charged by the city is established by council (see Appendix A).

(b) The fee imposed by this article shall be collected by the community development director, who shall be charged with the administration of this article. The fee for each dwelling unit or, in the case of commercial and industrial construction, the fee for each connection shall be collected by the community development director prior to the issuance of a building permit, and the fee with respect to any mobile home or recreation vehicle space shall be collected prior to the issuance of a construction permit for the development of a mobile home or recreation vehicle park. The community development director shall not issue a building permit or construction permit until the fees required by this article have been paid.

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(c) No water development fee will be collected for the installation of fire lines, providing such line is not served by an individual water meter. A tap to the water main for a residential fire sprinkler system may be installed without payment of a water development fee as follows:

- (1) An unmetered fire tap of a minimum three-quarter (3/4) inch diameter may be installed to connect a residential fire sprinkler system to the city's water main when fire protection is being added to an existing single-family residence that is already connected to the city's water distribution system;
- (2) The city will provide a fire tap to the residential sprinkler system for the fee specified in Appendix A, and will install a copper service line to the resident's property boundary nearest the city's water main;
- (3) The resident shall pay all tap fees and inspection fees associated with installing the fire tap to the city's water main;
- (4) The resident shall cause an approved backflow prevention device to be installed in conformance with Tempe Standard Detail T-210 on the residential fire service line at the resident's expense;
- (5) The resident shall schedule and pay for an annual inspection of the backflow prevention device by a certified backflow tester or inspector, and shall submit the annual inspection report to the public works department backflow prevention staff. The first annual report is due no later than twelve (12) months after installation of the device;
- (6) The resident shall own and maintain the entire fire service line from the point of use in their residential fire sprinkler system to the tap on the city's water main;
- (7) The resident shall pay a monthly fire service line fee, in the amount specified in Appendix A, to be added to the base charge on the resident's monthly water bill;
- (8) No person shall use a fire tap to access water for any purpose that is not a fire emergency. Using a fire tap to access water for any purpose that is not a fire emergency is a violation of this article; and
- (9) If a person violates any provision of this article, the public works director may issue a written notice of violation and an order to cease and desist. All violations under this article are subject to a civil penalty in an amount not to exceed one thousand dollars (\$1,000) per day of violation.

(d) All revenue received from the water development fee shall be deposited in a utility revenue account to be used for capital expansion and enlargement of the city water system or for the retirement of debt service, both principal and interest, related to water system development.

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(e) Multiple water meters used to serve a single service, or a single occupancy building, are not permitted unless approved by the community development director. If multiple meters are approved, the water development fees charged will be equivalent to the fee charged for a single meter installation based on demand requirements.

(f) The fee imposed by this article shall be collected for the remodel, expansion, or reconstruction of an existing detached dwelling unit only if any of the following apply:

(1) The new meter is larger than 1 inch.

(2) The remodel, expansion, or reconstruction creates one or more additional dwelling units.

(Code 1967, § 28-36; Ord. No. 936.6A, 3-15-84; Ord. No. 936.7, 6-6-85; Ord. No. 86.64, 10-9-86; Ord. No. 88.80, 1-26-89; Ord. No. 91.14, 4-25-91; Ord. No. 97.20, 4-10-97; Ord. No. 97.02, 7-10-97; Ord. No. 2000.23, 5-31-00; Ord. No. 2001.17, 7-26-01; Ord. No. 2009.35, 9-10-09; Ord. No. 2010.02, 2-4-10; Ord. No. O2014.25, 6-26-14)

Sec. 33-94. Effective date.

This article shall become effective and have application to all work for which building permits are applied for on or after July 1, 2000.

(Code 1967, § 28-36; Ord. No. 936.6A, 3-15-84; Ord. No. 936.7, 6-6-85; Ord. No. 86.64, 10-9-85; Ord. No. 88.80, 1-26-89; Ord. No. 97.02, 7-10-97; Ord. No. 2000.23, 5-31-00)

Secs. 33-95—33-99. Reserved.

ARTICLE V. CROSS-CONNECTION CONTROL

Sec. 33-100. Purpose.

The purpose of this article is to protect the public water supply of the city from the possibility of contamination or pollution by isolating within the user's system such contaminants or pollutants which could backflow into the public water supply; and to provide for the monitoring and enforcement of a continuing program of backflow prevention which will prevent the contamination or pollution of Tempe's potable water supply.

(Ord. No. 87.57, § 33-100, 1-28-88)

Sec. 33-101. Responsibility.

(a) The public works department (hereinafter called the "department") of the city is invested with the authority and responsibility for the implementation of an effective cross-connection control program and for the enforcement of the provisions of this article and to prevent water from unapproved sources to enter the potable water system. No water service connection to premises of a type specified in this article shall be installed or maintained unless the public water supply is protected as required by this article.

(b) The user shall not allow any pollutants and contaminants to enter the public potable water system from the point of delivery from the public potable water system. The user shall at his own expense install, operate, test and maintain approved backflow prevention assemblies as directed by the department.

(c) The community development department is authorized to enforce the provisions of this article on all new buildings, additions with new services and changes of use of existing buildings where required by § 33-103(c) in accordance with Chapter 8, Article 7, Division 2.

(Ord. No. 87.57, § 33-101, 1-28-88; Ord. No. 95.19, 7-20-95; Ord. No. 97.20, 4-10-97; Ord. No. 2001.17, 7-26-01; Ord. No. 2004.15, 4-29-04; Ord. No. 2010.02, 2-4-10)

Sec. 33-102. Definitions.

The following words and terms, when used in this article, shall have the following definitions, unless the context clearly indicates otherwise:

Approved means accepted by the department as meeting an applicable specification stated or cited in this article, and as suitable for the proposed use.

Auxiliary water supply means any water supply on or available to the premises other than the public potable water supply, including, but not limited to, water from another purveyor's public potable water supply, treated effluent, wastewaters or industrial fluids.

Backflow means the reversal of the normal flow of water caused by either backpressure or backsiphonage.

Backflow prevention assembly means an assembly or means designed to prevent the reversal of the normal flow of water caused by either backpressure or backsiphonage.

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- (a) *Air gap* means the unobstructed vertical distance through the free atmosphere between the lowest opening from any pipe or faucet supplying water to a tank, plumbing fixture, or other device and the flood level rim of said vessel. An approved air-gap shall be at least double the diameter of the supply pipe, measured vertically, above the overflow rim of the vessel, and in no case less than one inch.
- (b) *Reduced pressure principle assembly* means an assembly of two (2) independently acting approved check valves together with a hydraulically operating, mechanically independent differential pressure relief valve located between the check valves and, at the same time, below the first check valve. The unit shall include properly located test cocks and tightly closing shutoff valves at each end of the assembly. The entire assembly shall meet the design and performance specifications as determined by a recognized laboratory and approved by the department for backflow prevention assemblies. To be approved, these assemblies must be readily accessible for in-line testing and maintenance.
- (c) *Double check valve assembly* means an assembly of two (2) independently operating approved check valves with tightly closing shutoff valves on each end of the check valves, plus properly located test cocks for the testing of each check valve. The entire assembly shall meet the design and performance specifications as determined by a recognized laboratory and approved by the department for backflow prevention assemblies. To be approved these assemblies must be readily accessible for in-line testing and maintenance.
- (d) *Pressure vacuum breaker assembly* means 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 will be equipped with properly located test cocks and tightly closing shutoff valves located at each end of the assembly.

Backpressure means the flow of water or other liquids, mixtures or substances under pressure into the distribution pipes of a potable water supply system from any source or sources other than the intended source.

Backsiphonage means the flow of water or other liquids, mixtures or substances into the distribution pipes of a potable water supply from any source other than its intended source caused by the reduction of pressure in the potable water supply system.

Contamination (high hazard) means an impairment of the quality of the potable water by sewage, industrial fluids or waste liquids, compounds or other materials to a degree which creates an actual or potential hazard to the public health through poisoning or through the spread of disease.

Cross-connection means any physical connection or arrangement of piping or fixtures between two (2) otherwise separate piping systems, one of which contains potable water and the other nonpotable water or industrial fluids through which, or because of which, backflow may occur into the potable water system. This would include any temporary connections, such as swing connections, removable sections, four-way plug valves, spools, dummy section of pipe, swivel or change-over devices or sliding multiport tube.

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Pollution (low hazard) means the presence of any foreign substance (organic, inorganic or biological) in the water which tends to degrade its quality so as to constitute a hazard or impair the usefulness or quality of the water to a degree which does not create an actual hazard to the public health but which does adversely and unreasonably affect such waters for domestic use.

Tester certified means a person who has completed a minimum of forty (40) hours of training and has passed a written and practical exam as part of a certification or re-certification process. Each person certified to make competent tests or to repair, overhaul and make reports on backflow prevention assemblies shall be conversant with the applicable laws, rules and regulations and have had experience in plumbing or pipe fitting or have other qualifications which are equivalent in the opinion of the department.

Water, nonpotable means water which is not safe for human consumption.

Water, potable means any water which, according to standards recognized by the city, is safe for human consumption.

Water, service connection means the terminal end of the service connection from the public potable water system at its point of delivery to the user's water system. If a meter is installed at the end of the service connection, then the service connection shall mean the downstream end of the meter. Unprotected takeoffs from the service line will not be permitted upstream of any meter or any backflow prevention assembly located at the point of delivery to the user's water system. Service connection shall also include water service connection from a fire hydrant and all other temporary or emergency water service connections from the public potable water system. (Ord. No. 87.57, § 33-200, 1-28-88; Ord. No. 95.19, 7-20-95; Ord. No. 2004.15, 4-29-04)

Sec. 33-103. Approval.

(a) Backflow prevention assemblies required hereunder shall be approved by the department and shall be installed by and at the expense of the user.

(b) The department may approve backflow assemblies when such assemblies have met the criteria set forth in § 33-106(b) and provided the manufacturer has a local parts and service center.

(c) Assemblies shall be specified and located on the construction plans for all new buildings, additions with new services, and changes of use or occupancy of existing buildings where required by § 33-105. Approval shall be obtained prior to issuance of the building permit. This section does not apply to building permits applied for prior to the effective date of this article except as provided in § 33-110.

(Ord. No. 87.57, § 33-300, 1-28-88; Ord. No. 95.19, 7-20-95; Ord. No. 2004.15, 4-29-04)

Sec. 33-104. Installation of backflow prevention assemblies.

(a) Assemblies shall be installed at the service connection or near the property line but in all cases before the first branch line leading off of the service line, and in an accessible location approved by the department.

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(b) Backflow prevention assemblies shall have at least the same cross-sectional area as the water service and or meter. In those instances where a continuous water supply is necessary, two (2) sets of backflow prevention assemblies shall be installed in parallel, if the water supply cannot be temporarily interrupted for the testing of assemblies.

(c) No bypass shall be installed around backflow prevention assemblies.

(d) Double check valve assemblies shall be installed as prescribed in the standard details approved by the department. Copies of the standard details are available from the department. Double check valve assemblies may be installed below ground in a vault, if approved in writing, on a case-by-case basis by the department.

(e) Reduced pressure principle assemblies shall be installed as prescribed in the standard details approved by the department. Copies of the standard details are available from the department. Reduced pressure principle assemblies shall be installed above ground.

(f) All pressure-type backflow prevention assemblies, which are designed for periodic field testing, shall be equipped with resilient seated shut-off valves on both the upstream and the downstream side of the assembly. In addition, resilient seated test cocks shall be provided and located so that test equipment may be connected to the assembly at such points that the pressure in each pressure zone may be detected and, in addition, a test cock shall be located upstream of the upstream shut-off valve as close as possible to the upstream shut-off valve.
(Ord. No. 87.57, § 33-400, 1-28-88; Ord. No. 95.19, 7-20-95; Ord. No. 2004.15, 4-29-04)

Sec. 33-105. Premises or systems requiring approved backflow prevention assemblies.

(a) An approved backflow prevention assembly of the type specified in this section shall be the minimum installation of each service connection (whether from a fire hydrant, temporary regular or other water service connection) to the following type of premises or systems:

<i>Premises Requiring Approved Backflow Prevention Assemblies</i>	<u><i>Type of Assembly Required</i></u>			
	<i>Double Check</i>	<i>Reduced Pressure</i>	<i>Air Gap</i>	<i>Pressure Vacuum Breaker</i>
Air craft and missile plants		X		
Animal clinics, animal grooming shops		X		
Automotive repair with steam and/or acid cleaning equipment or solvent facilities		X		
Auxiliary water systems (interconnected)		X		
Auxiliary water systems (noninterconnected)	X			

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<i>Premises Requiring Approved Backflow Prevention Assemblies</i>	<u>Type of Assembly Required</u>			
	<i>Double Check</i>	<i>Reduced Pressure</i>	<i>Air Gap</i>	<i>Pressure Vacuum Breaker</i>
Beverage bottling plant		X		
Breweries		X		
Buildings greater than 3 stories or 34 feet in height (low hazard)	X			
Buildings greater than 3 stories or 34 feet in height (high hazard)		X		
Buildings with booster pumps or potable water storage (low hazard)	X			
Buildings with booster pumps or potable water storage (high hazard)		X		
Canneries, packinghouses and reduction plants		X		
Car wash facilities		X		
Central heating and air conditioning plants		X		
Chemical plants		X		
Chemically treated potable or nonpotable water systems		X		
Civil works (government-owned or operated facilities not open for inspection by the department)		X		
Commercial laundries		X		
Dairies and cold storage plants	X			
Dye works		X		
Film processing labs		X		
Food processing		X		

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<i>Premises Requiring Approved Backflow Prevention Assemblies</i>	<u><i>Type of Assembly Required</i></u>			
	<i>Double Check</i>	<i>Reduced Pressure</i>	<i>Air Gap</i>	<i>Pressure Vacuum Breaker</i>
High schools and colleges		X		
Holding tank disposal stations		X		
Hospitals and mortuaries		X		
Medical and dental buildings		X		
Sanitariums, rest and convalescent homes		X		
Irrigation systems with chemical injection		X		
Irrigation systems (premises having separate systems)		X		
Labs using contaminating materials		X		
Manufacturing, processing and fabricating plants using contaminating materials		X		
Mobile home parks		X		
Motion picture studios		X		
Oil and gas production facilities		X		
Plating plants		X		
Power plants		X		
Radioactive materials processing		X		
Restricted, classified or other closed facilities		X		
Rubber plants		X		
Sand and gravel plants		X		
Sewage and storm drainage facilities		X		
Shopping centers		X		

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	<u>Type of Assembly Required</u>			
<i>Premises Requiring Approved Backflow Prevention Assemblies</i>	<i>Double Check</i>	<i>Reduced Pressure</i>	<i>Air Gap</i>	<i>Pressure Vacuum Breaker</i>
Water trucks, hydraulic sewer cleaning equipment		X	X	
Any premises where a cross-connection is maintained		X		

(b) Fire protection systems will be required to have the following type of protection:

	<u>Type of Assembly Required</u>			
<i>Premises Requiring Approved Backflow Prevention Assemblies</i>	<i>Double Check</i>	<i>Reduced Pressure</i>	<i>Air Gap</i>	<i>Pressure Vacuum Breaker</i>
Direct connection from public water system (noncontaminating)	X			
Direct connection from public water system (contaminating)		X		
With pump and/or storage tank		X		
With auxiliary supply		X		

(c) Any premises where water supplied by the city is subject to deterioration in sanitary quality and there is the potential for its entry into the public water system shall be protected as required by the department.

(Ord. No. 87.57, § 33-500, 1-28-88; Ord. No. 95.19, 7-20-95, Ord. No. 2004.15, 4-29-04)

Sec. 33-106. Approved backflow prevention assemblies.

(a) As designated in § 33-103(b) the standard installation at each service connection to premises or each system requiring an approved backflow prevention assembly shall be a model and size approved by the department.

(b) The term "approved backflow prevention assembly" means an assembly approved by the department and shall mean an assembly that has been manufactured in full conformance with the standards established by the American Water Works Association—AWWA C506-78 most recent revised publication "Standards for Reduced Pressure Principle and Double Check Valve Backflow Prevention Assemblies", and have met completely the laboratory and field performance specifications of the Foundation for Cross-Connection Control and Hydraulic

Research (FCCCHR) of the University of Southern California established by specifications of backflow prevention assemblies in the most current issue of the "Manual of Cross-Connection Control" or another third party certifying entity approved by the department.

(c) Backflow prevention assemblies which may be subject to backpressure or backsiphonage that have been fully tested and have been granted a certificate of approval by FCCCHR may be listed on the current list of "Approved Backflow Prevention Assemblies", which will be made available upon written request to the department.
(Ord. No. 87.57, § 33-600, 1-28-88; Ord. No. 95.19, 7-20-95; Ord. No. 2004.15, 4-29-04)

Sec. 33-107. Maintenance, testing and records.

(a) The user shall maintain accurate records of tests and repairs made to backflow prevention assemblies and provide the department with copies of such records. The records shall be on forms approved by the department and shall include the list of materials or replacement parts used.

(b) Testing, maintenance and repairs to such assemblies shall be made at the customer's expense by a certified backflow prevention assembly tester that is approved by the department or any other agency designated by the department to prescribe test methods or to certify or approve persons to conduct such tests. It shall be the duty of the user to see that these tests are made at the time of the initial installation and at least once a year, on the anniversary date of the initial inspection.

(c) The user shall notify the department fifteen (15) days in advance when the annual tests are to be done, so that an official representative of the department may witness the tests if so desired.

(d) Following the installation of any assembly required by this article, it shall be tested by a certified tester. The test results shall be submitted to the community development department with a request for inspection approval before the certificate of occupancy can be issued.

(e) Following the repair, repiping, overhaul or relocation of an assembly, the user shall have it inspected by the department and tested by a certified tester.
(Ord. No. 87.57, § 33-700, 1-28-88; Ord. No. 95.19, 7-20-95; Ord. No. 97.20, 4-10-97; Ord. No. 2004.15, 4-29-04; Ord. No. 2010.02, 2-4-10)

Sec. 33-108. Inspections.

The user's system must be open for inspection at all reasonable times, and in all emergencies to authorized representatives of the department to determine whether cross-connections or other structural or sanitary hazards, including violations of these regulations, exist. When such a condition becomes known the department may deny or immediately discontinue service to the premises by providing a physical break in the service line until the user has corrected the condition in conformance with this article.
(Ord. No. 87.57, § 33-800, 1-28-88)

Sec. 33-109. Discontinuance of service.

Service of water to any premises may be discontinued by the department if a backflow prevention assembly required by this article is not installed, tested and maintained, if it has been found that a backflow prevention assembly has been removed or bypassed, or if a cross-connection exists on the premises. Service will not be restored until such conditions or defects are corrected. Tempe may also terminate a user's service upon twenty (20) days' notice in writing in non-emergency.

(Ord. No. 87.57, § 33-900, 1-28-88; Ord. No. 2004.15, 4-29-04)

Sec. 33-110. Existing assemblies and users.

(a) If the department determines that a user's backflow prevention assembly does not meet current standards, the user shall retrofit the assembly so that it will meet current standards.

(b) Whenever it is determined by the public works director or his authorized representative that a water service poses an actual or potential threat to the physical properties of the water system or potability of the public water system an assembly complying with this article shall be installed.

(Ord. No. 87.57, § 33-1000, 1-28-88; Ord. No. 2001.17, 7-26-01; Ord. No. 2004.15, 4-29-04; Ord. No. 2010.02, 2-4-10)

Sec. 33-111. Enforcement and enforcement policies; penalty; penalties non-exclusive.

(a) The provisions of this article may be enforced in the same manner as specified by Chapter 12, Article VI, Division 4.

(b) The public works director is authorized to develop and submit to the city council for its approval by resolution:

- (1) An enforcement response plan; and
- (2) Penalty policy.

(c) The enforcement response plan and penalty policy developed by the public works director pursuant to this section may be combined with the plans and policies developed pursuant to §§ 12-153 and 27-95, as determined appropriate by the public works director, to ensure consistent enforcement response plans and penalty policies.

(d) Any violation of this article shall constitute a misdemeanor, and shall be punishable as set forth in § 1-7 of this code.

(e) The remedies provided for in this article are not exclusive. Each day's noncompliance constitutes a new violation. The city may take any, all or any combination of these actions against a noncompliant person.

(Ord. No. 87.57, § 33-1100, 1-28-88; Ord. No. 2012.39, 9-6-12)

Secs. 33-112—33-119. Reserved.

ARTICLE VI. WATER WASTING

DIVISION 1. IN GENERAL

Sec. 33-120. Purpose.

This article is not intended to regulate or prevent the beneficial use of water on property within the city service area. It is intended to prevent and discourage the waste of water within the city service area.

(Ord. No. 91.46, 1-23-92)

Sec. 33-121. Wasting water defined, prohibited.

No person shall waste any water supplied within the city service area. In general, the water is put to waste if it is not beneficially used and it is hereby determined that the waste of water specifically includes but is not limited to the following:

- (1) Water running off a landscaped area to another area where it is not beneficially used such as to a street, sidewalk, gutter, alley, public utility easement or parking area paved or unpaved;
- (2) Washing vehicles in a driveway in a manner that uses excess water beyond that reasonably necessary for washing and rinsing;
- (3) The hosing down of driveways, sidewalks and other landscape should be limited and accomplished in a way that the water will run off into other landscaped areas, but, in no event, in a manner that uses excess water beyond that reasonably necessary for washing and rinsing; or
- (4) Any use of water in excess of that reasonably necessary to accomplish the intended task.

(Ord. No. 91.46, 1-23-92)

Sec. 33-122. Causes of wasting water.

It is determined by the city council that a major cause for the waste of water within the city service area is the failure to properly maintain outdoor watering systems. Specific examples of such failure to maintain include but are not limited to the following:

- (1) Damaged or missing spray heads;
- (2) Damaged or missing bubbler heads;
- (3) Damaged or missing drip irrigation lines;
- (4) Failure to properly maintain berms, laterals and pipes for urban irrigation; or
- (5) Failure to properly maintain automatic timing systems on landscape watering.

(Ord. No. 91.46, 1-23-92)

WATER

Sec. 33-123. Leakage, escape of water prohibited.

It is hereby prohibited for anyone to permit the excess use, loss or escape of water through breaks, leaks or malfunction in the water user's plumbing or distribution facilities for any period of time after such escape of water should have reasonably been discovered and corrected.
(Ord. No. 91.46, 1-23-92)

DIVISION 2. APPEALS AND EXCEPTIONS

Sec. 33-124. Application for exemption.

The public works director or his designee may grant an exemption for the uses of water otherwise prohibited hereby if he finds and determines that compliance with this article will be detrimental to the health, safety and welfare of the public. The public works director or his designee may grant such exception only upon an application in writing which sets forth the specific facts and circumstances which applicant claims to justify the granting of a variance. Upon granting any such exception, the public works director or his designee may impose any conditions he determines to be reasonable and proper. The conditions shall include, at a minimum, a water conservation audit of the applicant's facility.
(Ord. No. 91.46, 1-23-92; Ord. No. 2001.17, 7-26-01; Ord. No. 2010.02, 2-4-10)

DIVISION 3. ENFORCEMENT

Sec. 33-125. First violation.

For a first violation, the city shall issue a verbal notice of first violation and provide educational materials on water conservation, including a copy of this article, to the water user violating the provisions of this article. A reasonable time to correct the violation will be permitted but in no case will a second violation (for the same matter) be declared sooner than fourteen (14) days after the first notice, however, additional contacts and verbal notifications may occur prior to a second violation being determined.
(Ord. No. 91.46, 1-23-92)

Sec. 33-126. Second violation (for the same matter).

The city shall issue a written notice of violation to the water user for a second violation of this article within a twelve (12) month period and require a water audit of the facility. The water conservation audit shall result in a written compliance schedule within which the water user is to comply with the provisions of this article.
(Ord. No. 91.46, 1-23-92)

Sec. 33-127. Third violation (for the same matter).

(a) The city shall issue a written notice to the water user for a third violation of this article within a twelve (12) month period after issuance of a notice of first violation, and impose a surcharge on the next monthly billing in an amount equal to twenty-five percent (25%) of the average monthly bill for the previous six (6) months for the meter through which the wasted water was supplied. The surcharge shall be added to the water billing for that meter and must be paid; nonpayment of any portion of water user's water bill may result in termination of water service.

(b) An additional written compliance schedule within which the water user is to comply with the provisions of this article shall be developed.
(Ord. No. 91.46, 1-23-92)

Sec. 33-128. Fourth violation.

(a) The city shall issue a written notice to the water user for a fourth violation of this article within a twelve (12) month period after the date of issuance of notice of first violation and impose a surcharge on the next monthly billing in an amount equal to fifty percent (50%) of the average water bill for the previous six (6) months for the meter through which the wasted water was supplied. The surcharge shall be added to the water billing for that meter through which the water was wasted and must be paid; nonpayment of any portion of the water bill may result in termination of water service.

(b) An additional written compliance schedule within which the water user shall comply with the provisions of this article shall be developed.
(Ord. No. 91.46, 1-23-92)

Sec. 33-129. Subsequent violations (for the same matter) after the fourth violation; discontinuance of service.

For any violation subsequent to the fourth violation of this article within twenty-four (24) months after the date of issuance of notice of first violation, a penalty surcharge of one month average billing for the previous six (6) months for the meter through which the wasted water was supplied shall be imposed. The city shall discontinue water service to that customer at the premises or to the meter where the violations occurred. The charge for restoration of normal service shall be two and one-half (2½) times the existing city rate for activating water service. Such restoration of service shall not be made until the public works director or his designee has determined that the water user has provided reasonable assurances that future violations of this article by such user will not occur. In addition, he may require a security deposit.
(Ord. No. 91.46, 1-23-92; Ord. No. 2001.17, 7-26-01; Ord. No. 2010.02, 2-4-10)

DIVISION 4. NOTICE

Sec. 33-130. Verbal notice.

For a first violation, verbal notice of violation shall be given to the water user in person or by telephone. Educational materials on water conservation, including a copy of this article, shall be delivered in person or sent by regular mail. The verbal notice will:

- (1) Inform the water user of the nature of the violation as listed in paragraphs 1 through 4 of § 33-121, paragraphs 1 through 5 of § 33-122 and § 33-123;
- (2) Inform the water user that the public works director or his designee will continue to monitor for compliance; and
- (3) Inform the water user that failure to correct the problem within fourteen (14) days will result in a second notice of violation (written) being issued.

(Ord. No. 91.46, 1-23-92; Ord. No. 2001.17, 7-26-01; Ord. No. 2010.02, 2-4-10)

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Sec. 33-131. Written notice.

A written notice shall be issued for each violation subsequent to the first. The second notice shall be delivered in person or by regular mail to the water user. All subsequent notices will be delivered in person or by certified mail to the person identified on the account for the meter through which the wasted water was supplied. The notice will:

- (1) Inform the water user that second, third, fourth or subsequent violation of paragraphs 1 through 4 of § 33-121, paragraphs 1 through 5 of § 33-122, or § 33-123, above, has occurred;
- (2) Specify when the previous violation(s) (of the same matter) occurred;
- (3) Inform the water user of the requirement for water audit and the development of a compliance schedule indicating when required measures will be completed;
- (4) Inform the water user that failure to correct the problem within the time limit provided for in the compliance schedule will result in another notice of violation; and
- (5) The notice shall contain, in addition to the facts of the violation, a statement of the possible penalties for each violation and a statement informing the customer of his right to a hearing on the violation. The effective date of violation shall be the date of issuance of the notice of violation.

(Ord. No. 91.46, 1-23-92)

DIVISION 5. HEARING

Sec. 33-132. Right to hearing.

Any person against whom a penalty is levied pursuant to this section shall have a right to a hearing to the public works director or his designee.

(Ord. No. 91.46, 1-23-92; Ord. No. 2001.17, 7-26-01; Ord. No. 2010.02, 2-4-10)

Sec. 33-133. Reservation of rights.

The rights of the city pursuant to this article are cumulative to any other fight or ordinance of the city in relation to the water user. All monies collected by the city pursuant to any of the penalty provisions of this article shall be deposited in the water enterprise fund.

(Ord. No. 91.46, 1-23-92)

Secs. 33-134—33-139. Reserved.

ARTICLE VII. WATER CONSERVATION

Sec. 33-140. New non-residential buildings or structures, "Water Conservation Report".

A building permit shall not be issued for new non-residential buildings or structures unless a "Water Conservation Report", signed by an Arizona registered architect or engineer is filed with the department of public works. A "Water Conservation Report" shall contain the following:

- (1) A detailed section on proposed uses of water in the industrial process which must demonstrate conservation-oriented techniques, and that the water use is employing the latest commercially available technology consistent with reasonable economic return;
- (2) A section which reports on the exterior landscaping compliance with the Zoning and Development Code, Section 4-702(B); and
- (3) A section which notes all other areas of planned conservation in interior/exterior water use which demonstrates a bona fide commitment to reasonable conservation efforts.

(Ord. No. 92.27, 9-10-92; Ord. No. 2001.17, 7-26-01; Ord. No. 2004.42, 1-20-05; Ord. No. 2010.02, 2-4-10)

Sec. 33-141. Additions, alterations or repairs to existing non-residential buildings or structures, "Water Conservation Report."

Additions, alterations or repairs may be made to any existing nonresidential building or structure without requiring compliance with § 33-140 above provided the addition, alteration or repair conforms to that required for a new building or structure and provided that the additions, alterations or repairs within a twelve (12) month period do not exceed fifty percent (50%) of the value of the existing building or structure. When additions, alterations or repairs within any twelve (12) month period exceed fifty percent (50%) of the value of an existing building or structure, a "Water Conservation Report" shall be filed in accordance with § 33-140.

(Ord. No. 92.27, 9-10-92)

Editor's note—Ord. 92.27 provided that the ordinance became effective 31 days after its adoption, and that the ordinance applied to all building permits applied for after its effective date but does not apply to building permits applied for but not issued as of the effective date.

Sec. 33-142. Water plan required for new non-residential users greater than 9,000 gallons per day.

New non-residential users who have an estimated annual use which averages nine thousand (9,000) gallons per day or more (excluding turf-related facilities) are required to submit a "water use plan" sealed by an Arizona registered architect or engineer that it complies with this section as a condition to issuance of a building permit. The "water use plan" shall contain at least the following:

- (1) A description of any available water conservation training programs offered to employees. Employee training information will be offered by the city to the facility after the construction is completed;

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- (2) Whether alternative water sources will be used (i.e., effluent, poor quality groundwater or other non-groundwater sources);
 - (3) Operating levels of total dissolved solids (TDS) or conductivity for cooling towers and total cooling capacity;
 - (4) Whether the user will use the best available conservation technologies in accordance with existing process uses (i.e., recirculating systems for process water, alternative dust control methods, automatic shut-down devices to eliminate continual running water);
 - (5) Any plans for the reuse of wastewater or process water at the facility; and
 - (6) Type of landscaping and irrigation system.
- (Ord. No. 98.11, 2-26-98)