



Town of Chino Valley

MEETING NOTICE TOWN COUNCIL

**REGULAR MEETING
TUESDAY, FEBRUARY 22, 2022
6:00 P.M.**

**Council Chambers
202 N. State Route 89
Chino Valley, Arizona**

A majority of the Councilmembers may attend a private invocation in the Council Conference Room immediately prior to the Council meeting. No Town business will be discussed.

***AMENDED* AGENDA - Item 6(c)**

- 1. CALL TO ORDER, PLEDGE OF ALLEGIANCE, ROLL CALL**
- 2. INTRODUCTIONS, PRESENTATIONS, AND PROCLAMATIONS**
 - a.** Presentation by Chino Valley School District Superintendent, John Scholl, regarding the impact the Aggregate Expenditure Limit (AEL) can have on students, staff, and the community at large.
 - b.** Presentation of life saving awards to Sergeant Amy Chamberlain, Sergeant, Clint Shafer, Field Training Officer Fernando Silva, and Detective Brent Giuliani. (Chuck Wynn, Police Chief)
 - c.** Administer Oath of Office to Deputy Town Clerk, Sara Burchill. (Erin N. Deskins, Town Clerk)

3. CALL TO THE PUBLIC

Call to the Public is an opportunity for the public to address the Council on any issue within the jurisdiction of the Council that is not on the agenda. Public comment is encouraged. Individuals are limited to speak for three (3) minutes. The total time for Call to the Public may be up to 30 minutes per meeting. Council action taken as a result of public comment will be limited to directing staff to study the matter, scheduling the matter for further consideration and decision at a later date, or responding to criticism.

4. **CURRENT EVENT SUMMARIES AND REPORTS**

This item is for information only. The Mayor, any Councilmember, or Town Manager may present a brief summary or report of current events. If listed below, there may also be a presentation on information requested by the Mayor and Council and questions may be answered. No action will be taken.

- a. Status reports by Mayor and Council regarding current events.
- b. Status report by Town Manager Cindy Blackmore regarding Town accomplishments, and current or upcoming projects.

5. **CONSENT AGENDA**

All those items listed below are considered to be routine and may be enacted by one motion. Any Councilmember may request to remove an item from the Consent Agenda to be considered and discussed separately.

- a. **Pg.5** Consideration and possible action to approve the Financial Report for the three-month period ending December 31, 2021. (Joe Duffy, Administrative Services Director)
- b. **Pg.17** Consideration and possible action to approve the renewal term on the real property lease with Yavapai County Community Health Services for the trailer located at the North Campus, 1951 Voss Drive, beginning February 1, 2022, for \$1.00 / year and appropriate utilities. (Terry Denemy, Assistant to the Town Manager)
- c. **Pg.23** Consideration and possible action to approve Ordinance No. 2022-913, amending Title V: Public Works, Chapters 50 and 51 of the Chino Valley Town Code. (Frank Marbury, Public Works Director)
- d. **Pg.123** Consideration and possible action to accept the Town of Chino Valley as the Official Destination Marketing Organization for the Arizona Office of Tourism. (Maggie Tidaback, Economic Development Project Manager)
- e. **Pg.127** Consideration and possible action to approve Resolution No. 2022-1199 regarding the Intergovernmental Agreement for Election Services between Yavapai County and the Town of Chino Valley for utilizing County election services, effective April 6, 2022, and remaining in effect until terminated. (Erin Deskins, Town Clerk)
- f. **Pg.143** Consideration and possible action to approve the January 25, 2022, regular meeting minutes. (Erin N. Deskins, Town Clerk)

6. **ACTION ITEMS**

The Council may vote to recess the public meeting and hold an Executive Session on any item on this agenda pursuant to A.R.S. § 38-431.03(A)(3) for the purpose of discussion or consultation for legal advice with the Town Attorney. Executive sessions are not open to the public and no action may be taken in executive session.

- a. **Pg.151** Consideration and possible action to approve Ordinance No. 2022-912 to rezone approximately 6.86 acres of real property from Commercial Heavy (with a Planned Area Development Overlay) (CH/PAD) to Commercial Light (CL), for the property located north of 2625 S State Route 89, Chino Valley, Arizona, APN 102-01-219M. (Bethan Heng, Planner)

Recommended Action: Approve Ordinance 2022-912 as presented, subject to the staff report, information provided during this hearing, and the conditions in Attachment A.

- b. **Pg.159** Consideration and possible action to direct staff to post and publish the notice of intent to increase admission fees for the Town of Chino Valley Aquatic Facility and the written report and data in support, pursuant to A.R.S. Section 9-499.15. (Cyndi Thomas, Community Services Manager)

Recommended Action: Direct staff to post and publish the Notice of Intent to Increase Admission Fees for the Town of Chino Valley Aquatic Facility and the written report and data in support, pursuant to A.R.S. Section 9-499.15.

- c. **Pg.173** Public Hearing and consideration and possible action to regarding Ordinance No. 2022-911 to amend the Town of Chino Valley Unified Development Ordinance Chapter 154, by amending Chapter 2 Definitions, Chapter 3 Zoning Districts, and Chapter 4 General Regulations, as they relate to Recreational and Medical Marijuana. (Will Dingee, Senior Planner)

Recommended Action: (i) Hold Public Hearing
 *(ii) The Planning Commission had no recommendation and preferred to keep the separation distance at 500'. The Ordinance is presented for Council review and Action. Ordinance No. 2022-911 is attached.

7. ADJOURNMENT

Dated this 17th day of February, 2022.

By: *Erin N. Deskins, Town Clerk*

The Town of Chino Valley endeavors to make all public meetings accessible to persons with disabilities. Please call 636-2646 (voice) or 711 (Telecommunications Arizona Relay Service) 48 hours prior to the meeting to request reasonable accommodation to participate in this meeting.

Supporting documentation and staff reports furnished to the Council with this agenda are available for review on the Town website at <http://www.chinoaz.net/agendacenter>, and in the Public Library and Town Clerk's Office.

Council meetings are live-streamed on Town of Chino Valley Facebook page, and Zoom.

Please click below to join the Webinar:

<https://us02web.zoom.us/j/83455013925>

One tap mobile : US: +12532158782,,83455013925# or +13462487799,,83455013925#

Telephone: 888 788 0099 (Toll Free) or 877 853 5247 (Toll Free)

Webinar ID: 834 5501 3925

CERTIFICATION OF POSTING

The undersigned hereby certifies that a copy of this notice was duly posted at Chino Valley South Campus, Chino Valley Post Office, and Chino Valley North Campus in accordance with the statement filed by the Town Council with the Town Clerk.

Date: _____ Time: _____ By: _____
Erin N. Deskins, Town Clerk



TOWN OF CHINO VALLEY COUNCIL AGENDA ITEM STAFF REPORT

Town Council Regular Meeting

5. a.

Meeting Date: 02/22/2022
Contact Person: Joe Duffy, Finance Director
 Phone: 928-636-2646 x-1211
Department: Finance
Estimated length of staff presentation: None
Physical location of item: N/A

AGENDA ITEM TITLE:

Consideration and possible action to approve the Financial Report for the three-month period ending December 31, 2021. (Joe Duffy, Administrative Services Director)

RECOMMENDED ACTION:

Approve Financial Report for the three-month period ending December 31, 2021.

SITUATION AND ANALYSIS:

The Finance Department prepares Financial Reports for the Mayor, Council, Staff and Community. Upon Council approval, the reports will be posted on the Town's website. The report includes the following sections:

Revenue and Expense Summary - This section details the Revenues and Expenditures of each fund. Comparing the year-to-date figures to the current year's annual budget and the prior year's month-to-date figures.

Major Revenue Summary - This section details the year-to-date figures for the Town's eight major revenue sources that account for 75% of the Town's Revenue.

Other Information - This section details other pertinent financial and statistical information including the amount of Contingencies Fund that have been allocated this fiscal year and a debt summary.

The Administrative Services Director will supplement these reports with periodic presentations and other information throughout the fiscal year.

Fiscal Impact

Fiscal Impact?: No

If Yes, Budget Code:

Available:

Funding Source:

Attachments

December 31, 2021 Report

Town of Chino Valley

Arizona

Financial Report



To The Town Council

For the Six Months Ending December 31, 2021, 50% of the Fiscal Year*

*** Tentative and Preliminary prior to annual audit**

Town of Chino Valley						
Revenue and Expense Summary						
For the Six Months Ending December 31, 2021, 50% of the Fiscal Year*						
				Actual vs Prior Year		
	Actual Year to Date FY 2020-21	Actual Year to Date FY 2021-22	Amount	% FY 2021-22/ FY 2020-21	Annual Budget FY 2021/22	% of Budget YTD
GENERAL FUND						
General Fund Revenues by Category						
Franchise Taxes	\$ 52,581	\$ 32,665	\$ (19,916)	-38%	\$ 132,000	25%
Tax Revenues	\$ 3,342,099	\$ 3,721,404	\$ 379,305	11%	\$ 7,169,000	52%
Licenses & Permits	\$ 300,591	\$ 252,559	\$ (48,032)	-16%	\$ 544,500	46%
Intergovernmental	\$ 2,713,485	\$ 2,249,782	\$ (463,703)	-17%	\$ 4,205,500	53%
Charges for Services	\$ 11,274	\$ 33,907	\$ 22,633	201%	\$ 127,000	27%
Fines and Forfeitures	\$ 64,856	\$ 57,175	\$ (7,681)	-12%	\$ 166,500	34%
Other Revenues	\$ 7,380	\$ 40,547	\$ 33,167	449%	\$ 6,000	676%
Contributions and Donations	\$ -	\$ -	\$ -	0%	\$ 1,500	0%
Investment Earnings	\$ 2,750	\$ 565	\$ (2,185)	-79%	\$ 5,000	11%
Transfers In	\$ 200,000	\$ 200,000	\$ -	0%	\$ 400,000	50%
Total Revenues	\$ 6,695,016	\$ 6,588,604	\$ (106,412)	-2%	\$ 12,757,000	52%
Total revenues for the General Fund are down \$106,412 or 2% over the previous fiscal year primarily due to receiving AZ Cares Act Funding last fiscal year. Total Tax Revenues are up 11% primary due to increased sales tax collections. Intergovernmental Revenues are down 17% due to the Arizona Cares Act receipt of \$503,460 received last fiscal year. Licenses and Permits are down 16% reflecting a decrease in Building Permits and Plan Check Fees.						

Town of Chino Valley						
Revenue and Expense Summary						
For the Six Months Ending December 31, 2021, 50% of the Fiscal Year*						
			Actual vs Prior Year			
	Actual Year to Date FY 2020-21	Actual Year to Date FY 2021-22	Amount	% FY 2021-22/ FY 2020-21	Annual Budget FY 2021/22	% of Budget YTD
General Fund Expenditures by Department						
Prosecutor	\$ 58,548	\$ 60,056	\$ 1,508	3%	\$ 133,700	45%
Town Clerk	\$ 185,799	\$ 113,101	\$ (72,698)	-39%	\$ 300,800	38%
Town Manager	\$ 210,308	\$ 268,289	\$ 57,981	28%	\$ 501,000	54%
Human Recourses	\$ 132,200	\$ 145,971	\$ 13,771	10%	\$ 283,300	52%
Municipal Court	\$ 150,166	\$ 147,526	\$ (2,640)	-2%	\$ 336,700	44%
Finance	\$ 224,078	\$ 260,241	\$ 36,163	16%	\$ 491,700	53%
Management Information Systems	\$ 114,234	\$ 123,680	\$ 9,446	8%	\$ 391,300	32%
Mayor and Council	\$ 25,550	\$ 19,953	\$ (5,597)	-22%	\$ 51,200	39%
Planning	\$ 83,882	\$ 120,067	\$ 36,185	43%	\$ 337,700	36%
Building Inspection	\$ 132,732	\$ 168,602	\$ 35,870	27%	\$ 400,500	42%
Police	\$ 1,766,269	\$ 1,805,508	\$ 39,239	2%	\$ 3,705,700	49%
Animal Control	\$ 73,373	\$ 88,846	\$ 15,473	21%	\$ 209,400	42%
Recreation	\$ 73,111	\$ 90,910	\$ 17,799	24%	\$ 157,650	58%
Library	\$ 173,931	\$ 181,094	\$ 7,163	4%	\$ 400,500	45%
Senior Center	\$ 154,027	\$ 189,471	\$ 35,444	23%	\$ 346,400	55%
Parks Maintenance	\$ 288,694	\$ 410,635	\$ 121,941	42%	\$ 903,200	45%
Aquatic Center	\$ 36,168	\$ 93,309	\$ 57,141	158%	\$ 343,800	27%
Facilities Maintenance	\$ 426,010	\$ 207,148	\$ (218,862)	-51%	\$ 613,800	34%
Fleet Maintenance	\$ 81,556	\$ 127,847	\$ 46,291	57%	\$ 290,150	44%
Engineering	\$ 211,504	\$ 161,707	\$ (49,797)	-24%	\$ 533,700	30%
Customer Service	\$ 55,826	\$ 16,087	\$ (39,739)		\$ 38,300	42%
Non Departmental	\$ 722,032	\$ 1,418,977	\$ 696,945	97%	\$ 3,194,100	44%
Total Expenditures	\$ 5,379,998	\$ 6,219,025	\$ 839,027	16%	\$ 13,964,600	45%
Total Revenue Over (Under) Total Expenditures	\$ 1,315,018	\$ 369,579	\$ (945,439)		\$ (1,207,600)	
GENERAL FUND (Continued)						
Total General Fund Expenditures are up \$839,027 or 16% compared to last fiscal year due to increased transfers from the General Fund to the Roads Capital Improvement Fund. Each department should be under 50% of budget. In total General Fund Departments are at 45% of their budget.						

Town of Chino Valley						
Revenue and Expense Summary						
For the Six Months Ending December 31, 2021, 50% of the Fiscal Year*						
			Actual vs Prior Year			
	Actual Year to Date FY 2020-21	Actual Year to Date FY 2021-22	Amount	% FY 2021-22/ FY 2020-21	Annual Budget FY 2021/22	% of Budget YTD
HIGHWAY USER REVENUE FUND						
Total Revenues	\$ 577,784	\$ 615,373	\$ 37,589	7%	\$ 1,073,000	57%
Transfers From General Fund					\$ -	
Expenditures						
Road Maintenance	\$ 543,239	\$ 829,415	\$ 286,176	53%	\$ 1,995,500	42%
Total Revenue Over (Under) Total Expenditures	\$ 34,545	\$ (214,042)	\$ (248,587)		\$ (922,500)	
Total Hurf Fund Revenues are up 7% over the prior fiscal year. Expenditures are up 53% due to budgeted transfers from HURF to the CIP - Roads Fund.						
WATER ENTERPRISE FUND						
Total Revenues	\$ 562,425	\$ 453,417	\$ (109,008)	-19%	\$ 939,000	48%
Expenditures						
Water Utility Operations	\$ 475,586	\$ 367,001	\$ (108,585)		\$ 749,800	
Debt Service/Reserve	\$ 7,738	\$ 10,065	\$ 2,327		\$ 73,000	
Total Expenditures	\$ 483,324	\$ 377,066	\$ (106,258)	-22%	\$ 822,800	46%
Total Revenue Over (Under) Total Expenditures	\$ 79,101	\$ 76,351	\$ (2,750)		\$ 116,200	
Total Water Enterprise Fund Revenues are down 19% due to decreased building permit activity. There was a 60% decrease in Water Buy In Fees compared to last fiscal year. Total expenditures are down 22%.						
SEWER ENTERPRISE FUND						
Total Revenue	\$ 1,103,129	\$ 969,560	\$ (133,569)	-12%	\$ 2,142,000	45%
Expenditures						
Sewer	\$ 791,827	\$ 622,977	\$ (168,850)		\$ 1,364,300	
Debt Service/Reserve/Capital			\$ -		\$ 878,100	
Total Expenditures	\$ 791,827	\$ 622,977	\$ (168,850)	-21%	\$ 2,242,400	28%
Total Revenue Over (Under) Total Expenditures	\$ 311,302	\$ 346,583	\$ 35,281		\$ (100,400)	
Total Sewer Enterprise Fund Revenues are down 12% due to a 69% decrease in Sewer Buy In Fees in line with the decrease in building permit activity. Total expenditures are down 21%,						

Town of Chino Valley						
Revenue and Expense Summary						
For the Six Months Ending December 31, 2021, 50% of the Fiscal Year*						
			Actual vs Prior Year			
	Actual Year to Date FY 2020-21	Actual Year to Date FY 2021-22	Amount	% FY 2021-22/ FY 2020-21	Annual Budget FY 2021/22	% of Budget YTD
CAPITAL IMPROVEMENT FUND - G						
Sales Tax Revenue	\$ 1,113,914	\$ 1,240,831	\$ 126,917	11%	\$ 2,506,000	
Police Building Loan Funds		\$ 7,180,739	\$ 7,180,739		\$ 7,000,000	
Misc. Capital Projects					\$ 2,000,000	
Yavapai Drainage District					\$ 140,000	
Total Revenues	\$ 1,113,914	\$ 8,421,570	\$ 7,307,656	656%	\$ 11,646,000	72%
Yavapai Drainage District	\$ 118,936		\$ (118,936)		\$ 140,000	
Police Building	\$ -	\$ 707,571			\$ 7,000,000	
Capital Improvements	\$ 320,995	\$ 120,668	\$ (200,327)		\$ 2,952,500	
Transfers	\$ 686,496	\$ 1,557,739	\$ 871,243		\$ 2,754,000	
Total Expenditures	\$ 1,007,491	\$ 1,678,407	\$ 670,916	67%	\$ 12,846,500	13%
Total Revenue Over (Under) Total Expenditures	\$ 106,423	\$ 6,743,163	\$ 6,636,740		\$ (1,200,500)	
Capital Improvement Fund Tax Revenues are up 11% over last fiscal year. Expenditures are up 67% due to the increased budgeted transfers to the Roads and Water Capital Improvement Funds.						
CAPITAL IMPROVEMENT FUND - Roads						
OHM Land Sales	\$ -	\$ -	\$ -		\$ 500,000	
Transfer From Capital Improvement Fund		\$ 553,750	\$ 553,750		\$ 1,107,500	
Transfer From General Fund		\$ 923,750	\$ 923,750		\$ 1,847,500	
Transfer From HURF		\$ 450,000	\$ 450,000		\$ 900,000	
Total Revenues	\$ -	\$ 1,927,500	\$ 1,927,500		\$ 4,355,000	44%
Rodeo Drive @ OHM		\$ 1,211,247	\$ 1,211,247		\$ 1,600,000	
Road 2 North		\$ 677,803	\$ 677,803		\$ 700,000	
W Rd 4 1/2 N From Reed Rd			\$ -		\$ 1,205,000	
E Perkinsville Rd From SR 89			\$ -		\$ 500,000	
Reconstruct Local Steets			\$ -		\$ 250,000	
E Rd 1 S From St Rt 89			\$ -		\$ 20,000	
Roads Yard			\$ -		\$ 80,000	
Total Expenditures	\$ -	\$ 1,889,050	\$ 1,889,050		\$ 4,355,000	43%
Total Revenue Over (Under) Total Expenditures	\$ -	\$ 38,450	\$ 38,450		\$ -	
The Capital Improvement Fund for Roads was added this fiscal year to keep track of major road projects to be completed each year. Funding is transferred into the fund monthly.						

Town of Chino Valley						
Revenue and Expense Summary						
For the Six Months Ending December 31, 2021, 50% of the Fiscal Year*						
			Actual vs Prior Year			
	Actual Year to Date FY 2020-21	Actual Year to Date FY 2021-22	Amount	% FY 2021-22/ FY 2020-21	Annual Budget FY 2021/22	% of Budget YTD
CAPITAL IMPROVEMENT FUND - Water						
OHM Land Sales	\$ -	\$ -	\$ -		\$ 2,000,000	
Transfer From Capital Improvement Fund		\$ 127,500	\$ 127,500		\$ 255,000	
Transfer From Water Enterprise		\$ 50,000	\$ 50,000		\$ 100,000	
Total Revenues	\$ -	\$ 177,500	\$ 177,500		\$ 2,355,000	8%
New Fill Station			\$ -		\$ 50,000	
OHM Capital Projects			\$ -		\$ 2,000,000	
16" Water Main on Perkins/89			\$ -		\$ 250,000	
Head Start Water Main Extension			\$ -		\$ 55,000	
Total Expenditures	\$ -	\$ -	\$ -		\$ 2,355,000	0%
Total Revenue Over (Under) Total Expenditures	\$ -	\$ 177,500	\$ 177,500		\$ -	
The Capital Improvement Fund for Water was added this fiscal year to keep track of major water projects to be completed each year. Funding is transferred into the fund monthly.						
CAPITAL IMPROVEMENT FUND - Sewer						
WIFA Reserve and Replacement			\$ -		\$ 442,500	
OHM Land Sales			\$ -		\$ 250,000	
Transfer From Sewer Enterprise		\$ 172,500	\$ 172,500		\$ 345,000	
Total Revenues	\$ -	\$ 172,500	\$ 172,500		\$ 1,037,500	17%
New Building Aprons and Fence		\$ 1,098	\$ -		\$ 60,000	
Building Equipment		\$ 2,084	\$ 2,084		\$ 40,000	
WTP Equilization Bason			\$ -		\$ 100,000	
WTP Air Lines*		\$ -	\$ -		\$ 200,000	
Rotomat Repair*		\$ 12,200	\$ 12,200		\$ 70,000	
Screw Press*		\$ 206,398	\$ 206,398		\$ 242,500	
Liftstation Crain			\$ -		\$ 75,000	
12" Sewer Main on Perkins/89			\$ -		\$ 250,000	
Total Expenditures	\$ -	\$ 221,780	\$ 220,682		\$ 1,037,500	21%
Total Revenue Over (Under) Total Expenditures	\$ -	\$ (49,280)	\$ (48,182)		\$ -	
The Capital Improvement Fund for Sewer was added this fiscal year to keep track of major sewer projects to be completed each year. Funding is transferred into the fund monthly. Items marked with an * will be funded by the WIFA repair and replacement account.						

Town of Chino Valley						
Revenue and Expense Summary						
For the Six Months Ending December 31, 2021, 50% of the Fiscal Year*						
			Actual vs Prior Year			
	Actual Year to Date FY 2020-21	Actual Year to Date FY 2021-22	Amount	% FY 2021-22/ FY 2020-21	Annual Budget FY 2021/22	% of Budget YTD
OTHER MINOR FUNDS						
Other Minor Funds -Revenues						
CDBG Grant			\$ -			
Grants Fund	\$ 199,032	\$ 141,740	\$ (57,292)		\$ 3,500,000	
Special Revenue Fund Court	\$ 10,196	\$ 12,055	\$ 1,859		\$ 26,200	
Capital Asset Replacement	\$ 141	\$ 5,046	\$ 4,905		\$ 114,000	
Special Revenue Fund PD	\$ 985	\$ 6,845	\$ 5,860		\$ 12,000	
AZ Cares Fund Program		\$ -			\$ 1,476,500	
CVSLID Districts	\$ 2,242	\$ 1,918	\$ (324)		\$ 4,100	
Total Revenues	\$ 212,596	\$ 167,604	\$ (44,992)	-21%	\$ 5,132,800	3%
CDBG Grant			\$ -			
Grants Funds	\$ 344,868	\$ 94,877	\$ (249,991)		\$ 3,500,000	
Special Revenue Fund - Court	\$ 5,968	\$ 10,629	\$ 4,661		\$ 43,500	
Capital Replacement Fund	\$ 14,664	\$ 60,353	\$ 45,689		\$ 241,000	
Special Revenue Fund PD	\$ 1,305	\$ 1,890	\$ 585		\$ 12,000	
Az Cares Fund Expenditures	\$ -		\$ -		\$ 2,952,900	
CVSLID Districts	\$ 1,913	\$ 1,932	\$ 19		\$ 4,000	
Total Expenditures	\$ 368,718	\$ 169,681	\$ (199,037)	-54%	\$ 6,753,400	3%
Total Revenue Over (Under) Total Expenditures	\$ (156,122)	\$ (2,077)	\$ 154,045		\$ (1,620,600)	
TOTAL ALL FUNDS						
Total Revenue All Funds	\$ 10,264,864	\$ 19,493,628	\$ 9,228,764	90%	\$ 41,437,300	47%
Total Expenditures All Funds	\$ 8,574,597	\$ 12,007,401	\$ 3,431,706	40%	\$ 46,372,700	26%
Total Revenue Over (Under) Total Expenditures All Funds	\$ 1,690,267	\$ 7,486,227	\$ 5,797,058		\$ (4,935,400)	
(1) Budget does not include Carryover Amounts from Prior Fiscal Years						
(2) Year to date amounts include actual expenditures paid to date.						

Town of Chino Valley
Major Revenue Summary
For the Six Months Ending December 31, 2021, 50% of the Fiscal Year*

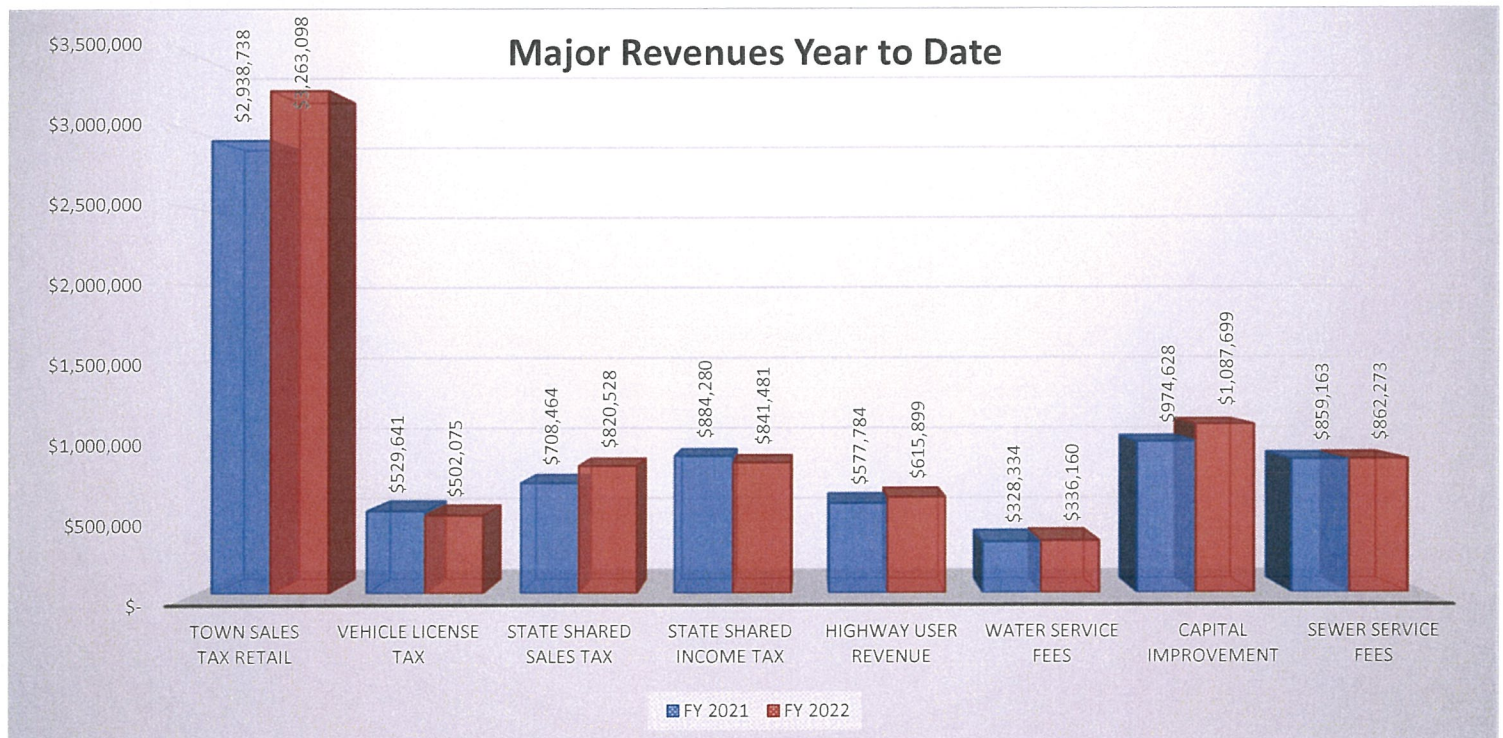
					Actual vs Prior Year	
	Actual Year to Date FY 2020-21	Annual Budget FY 2021-22	Actual Year to Date FY 2021-22	% of Budget YTD	Amount	%
Town Sales Tax Retail	\$ 2,938,738	\$ 6,300,000	\$ 3,263,098	52%	\$ 324,360	11%
Vehicle License Tax	\$ 529,641	\$ 947,000	\$ 502,075	53%	\$ (27,566)	-5%
State Shared Sales Tax	\$ 708,464	\$ 1,453,000	\$ 820,528	56%	\$ 112,064	16%
State Shared Income Tax	\$ 884,280	\$ 1,615,000	\$ 841,481	52%	\$ (42,799)	-5%
Highway User Revenue	\$ 577,784	\$ 1,070,000	\$ 615,899	58%	\$ 38,115	7%
Water Service Fees	\$ 328,334	\$ 572,000	\$ 336,160	59%	\$ 7,826	2%
Capital Improvement	\$ 974,628	\$ 2,201,000	\$ 1,087,699	49%	\$ 113,071	12%
Sewer Service Fees	\$ 859,163	\$ 1,749,000	\$ 862,273	49%	\$ 3,110	0%
Major Revenues Y.T.D.	\$ 7,801,032	\$ 15,907,000	\$ 8,329,213	52%	\$ 528,181	7%
Total Revenue All Funds	\$ 10,264,864	\$ 41,437,300	\$ 19,493,628	47%	\$ 9,228,764	90%

76%

38%

43%

The Major Revenues are up \$528,181 or 7% over the prior fiscal year. Town Sales Tax Retail is up 11% . State Shared Income Tax is down 5% in line with budget projections. Total combined revenue for all funds are up 90% over last fiscal year due to Police Department Loan funds and transfers into the new Capital Improvement Funds.



Contingency Funds Budget

For the Six Months Ending December 31, 2021, 50% of the Fiscal Year*

	Actual Year to Date FY 2021-22	Annual Budget FY 2021-22			
General Fund Budget	\$ -	\$ 600,000			
Dev. Services Contract	\$ 66,250				
PSPRS Contribution	\$ 300,000				
General Fund Balance	\$ 366,250	\$ 600,000			
HURF Fund Budget	\$ -	\$ 60,000			
Water Fund Budget	\$ -	\$ 40,000			
Sewer Fund Budget	\$ -	\$ 75,000			
Total Contingency Fund	\$ -	\$ 775,000			

Town of Chino Valley

Annual Debt Service Summary By Fund

Fiscal Year Ended June 30, 2022*

Debt Issue	Date Issued	Original Amount	Outstanding Amount as of June 30, 2021	FY 2022 Principal	FY 2022 Interest
General Government					
National Bank GADA Refi	7/1/2016	\$ 3,346,000	\$ 2,071,000	\$ 331,000	\$ 36,461
US Bank Series 2010	12/15/2010	\$ 7,280,000	\$ 6,645,000	\$ 310,000	\$ 293,837
		\$ 10,626,000	\$ 8,716,000	\$ 641,000	\$ 330,298
Water Enterprise Fund					
US Bank Series 2010	12/15/2010	\$ 745,000	\$ 315,000	\$ 60,000	\$ 13,000
Sewer Enterprise Fund					
WIFA 2007	1/10/2007	\$ 1,580,000	\$ 589,541	\$ 91,697	\$ 13,731
WIFA 2008	1/11/2008	\$ 4,853,000	\$ 2,179,214	\$ 286,007	\$ 53,275
WIFA 2014	12/30/2014	\$ 2,963,671	\$ 2,194,811	\$ 137,308	\$ 41,356
WIFA 2015	11/23/2015	\$ 4,259,646	\$ 3,585,982	\$ 151,323	\$ 80,508
WIFA 2017	2/27/2017	\$ 292,659	\$ 246,132	\$ 11,904	\$ 5,659
		\$ 13,948,976	\$ 8,795,680	\$ 678,239	\$ 194,529
Total Town of Chino Valley Debt		\$ 25,319,976	\$ 17,826,680	\$ 1,379,239	\$ 537,827

THIS PAGE INTENTIONALLY LEFT BLANK



TOWN OF CHINO VALLEY COUNCIL AGENDA ITEM STAFF REPORT

Town Council Regular Meeting

5. b.

Meeting Date: 02/22/2022

Contact Person: Terri Denemy, Assistant to the Town Manager
Phone: 928-636-2646 x-1301

Department: Town Manager

Estimated length None

of staff presentation:

Physical location of item: 1951 Voss Drive, Chino Valley, AZ 86323

AGENDA ITEM TITLE:

Consideration and possible action to approve the renewal term on the real property lease with Yavapai County Community Health Services for the trailer located at the North Campus, 1951 Voss Drive, beginning February 1, 2022, for \$1.00 per year, plus appropriate utilities. (Terry Denemy, Assistant to the Town Manager)

RECOMMENDED ACTION:

Approve a five-year real property lease with Yavapai County Community Health Services for the trailer located at the North Campus, 1951 Voss Drive, beginning February 1, 2022, for \$1.00 per year, plus appropriate utilities.

SITUATION AND ANALYSIS:

Through an ongoing lease agreement for a 12-foot wide trailer located on the Town's North Campus, Yavapai County Community Health Services has partnered with the Town of Chino Valley in providing local health care services for the greater Chino Valley community for over 17 years. The primary services provided at this facility are the Women, Infant, Children (WIC) program. The Chino Valley WIC office is staffed at a minimum twice per week and more often as needed. Through the location, the program provides nutrition education and breastfeeding support services, supplemental nutritious foods, and referrals to health and social services. The program's positive impact in meeting service delivery goals are evident:

- There has been a steady increase in WIC participation in Chino Valley over the past four years.
- In FY2021, the Chino Valley office issued benefits to an average of 375 participants each month.
- Chino Valley carries 13% of Yavapai County's WIC caseload. (Compared to 11% in Prescott, 35% in Cottonwood, and 41% in Prescott Valley.)
- The Chino Valley WIC office not only serves the residents of Chino Valley but also Paulden, Ash Fork, and Seligman.

The current lease was approved by Council on April 22, 2014, for a 5-Year Term through 2019. On June 28, 2016, Council extended that lease for an additional two years through 2021, to allow the County to comply with the terms of a \$35,000 USDA grant for site improvements including a new roof and interior furnishings. Staff is recommending the Council approve a new 5-Year lease through February 2027 and continue the current annual fee of \$1.00 per year, plus appropriate utilities.

Fiscal Impact

Fiscal Impact?: 5.00

If Yes, Budget Code:

Available:

Funding Source:

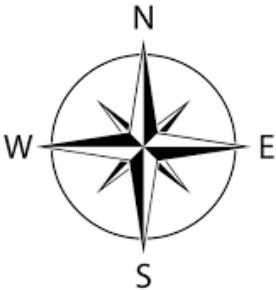
Revenue. \$1.00 per year.

Attachments

WIC Office Site Map

WIC Lease Renewal

WIC BUILDING SITE MAP



**RENEWAL OF REAL PROPERTY LEASE BETWEEN
THE TOWN OF CHINO VALLEY, ARIZONA,
AND
YAVAPAI COUNTY
THROUGH YAVAPAI COUNTY COMMUNITY HEALTH SERVICES**

This Renewal of Real Property Lease (this “Renewal”) is entered into by and between the Town of Chino Valley, Arizona, a municipal corporation and political subdivision of the State of Arizona (“Landlord”), and Yavapai County through Yavapai County Community Health Services (“Tenant”), a political subdivision of the State of Arizona. Landlord and Tenant may each be referred to individually as a “Party” and collectively as the “Parties.”

RECITALS

WHEREAS, the Parties previously entered into a Real Property Lease with an effective date of May 1, 2014, through April 30, 2019, (the “Lease”); and,

WHEREAS, the Parties previously entered into Amendment No. 1 (the “Amendment”) that modified the initial term of the Lease to July 1, 2016, through June 30, 2021; and,

WHEREAS, the Parties wish to renew the Lease as modified by the Amendment for one additional five-year term from April 1, 2022, through March 31, 2027.

AGREEMENT

NOW, THEREFORE, in consideration of the foregoing recitals and the mutual promises and conditions set forth below and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties, intending to become legally bound, agree as follows:

The Lease as modified by the Amendment is hereby renewed and extended for one additional five-year term from April 1, 2022, through March 31, 2027, pursuant to Section 2 Subsection B of the Lease.

Except as specifically provided in this Renewal, all other conditions and terms and provisions of the Lease and the Amendment shall remain unchanged and shall remain in full force and effect. In the event of a conflict between any provision of this Renewal and any provision of the Lease or the Amendment, the provisions of this Renewal shall control. If any term or condition of this Renewal is unenforceable or unlawful, then such provision shall be deemed null and void without invalidating the remaining provisions of the Lease or the Amendment.

The Parties understand and agree that they have the right to execute this Renewal through paper or through electronic signature technology, and to the extent they sign electronically, their electronic signature is the legally binding equivalent to their handwritten signature. Signatures sent by electronic means (facsimile, scanned and sent via e-mail, or signed by electronic signature service where legally permitted) shall be deemed original signatures. Each Party may sign any number of copies of this Renewal, and each signed copy shall be deemed to be an original, but all of them together shall represent one and the same agreement.

////SIGNATURES NEXT PAGE////

APPROVALS

Page 1 of 2

Renewal of Real Property Lease between the Town of Chino Valley, Arizona, and Yavapai County

IN WITNESS WHEREOF, the Parties have caused this Renewal to be executed by their duly authorized officials and have affixed their signatures to this Renewal on the date written below.

LANDLORD: Town of Chino Valley, Arizona

By: _____
Jack Miller, Mayor

Date: _____

APPROVED AS TO FORM:

Andrew McGuire
Town Attorney

TENANT: Yavapai County

By: _____
Leslie Horton, Director
Yavapai County Community Health Services

Date: _____

APPROVED AS TO FORM:

Joy L. Biedermann
Deputy Yavapai County Attorney

THIS PAGE INTENTIONALLY LEFT BLANK



TOWN OF CHINO VALLEY COUNCIL AGENDA ITEM STAFF REPORT

Town Council Regular Meeting

5. c.

Meeting Date: 02/22/2022
Contact Person: Terri Denemy, Assistant to the Town Manager
 Phone: 928-636-2646 x-1301
Department: Town Manager
Estimated length of staff presentation: None
Physical location of item: N/A

AGENDA ITEM TITLE:

Consideration and possible action to approve Ordinance No. 2022-913, amending Title V: Public Works, Chapters 50 and 51 of the Chino Valley Town Code. (Frank Marbury, Public Works Director)

RECOMMENDED ACTION:

Approve Ordinance No. 2022-913, amending Title V: Public Works, Chapters 50 and 51 of the Chino Valley Town Code.

SITUATION AND ANALYSIS:

The proposed changes were developed after extensive research, in a collaborative effort among the Town Manager's Office, Finance, Public Works/Engineering, Development Services and the Town Attorneys. The goal of the proposed amendments is to align Town Code with Council philosophy for managing development, particularly regarding requirements for connection to water and sewer, until a new General Plan and Utility Master Plan are in place. A portion of the changes recommended are primarily administrative in nature, other items are policy considerations impactful for managing development. A summary of the amendments are provided in the attached Table of Major Changes.

The changes that are primarily administrative in nature standardize language; align defined staff responsibilities more appropriately among the Public Works Director, Finance Director and Town Manager; update or remove technical standards - instead adopting them by reference; add new definitions for clarification; establish Town authority to disconnect inactive sewer services; and clarify town and developer responsibilities for tap installations. The goal of the development impactful changes are to promote managed, thoughtful growth; discourage small lot subdivisions that are remote and off Town utilities; and, again, to act as a transitional policy mechanism until new General Plan & Utility Master Plan are in place.

The proposed changes were reviewed by the Water and Utilities Subcommittee and presented to Town Council at the Study Session on Tuesday, February 15th.

If the Town Council acts to approve the proposed Title V text amendments, Staff will place an item on a future agenda asking Council to adopt corresponding changes to the Unified Development Ordinance regarding minor subdivision and lot splits, to assure the two codes are in alignment.

Fiscal Impact

Fiscal Impact?: 0

If Yes, Budget Code:

Available:

Funding Source:

Attachments

Title V: 50-51 Table of Major Changes

Town of Chino Valley February 2022 Amendments to Title V: Public Works

ORD - 2022-913 - Adopting Chapters 50 and 51 Amendments

SUBJECT		BRIEF DESCRIPTION	PRIMARY LOCATION
Administrative	Authority of Director	Powers related to finances (ex: collecting fees and charges, approving payment plans or exemptions) delegated to Finance Director from Public Works	Section 51.15
	Billing Practices	Removed detail, change to “as set by the Finance Director and approved by the Town Manager.”	Section 51.261
	Application for service	Contents of applications removed from statute and left to discretion of Finance Director	Section 50.50
	Water Quality Standards	Reference to EPA, DEQ, and DWR	Section 50.57
	Update or eliminate outdated technical standards	Old standards (ex: 1988 USC Cross Connection manual) removed or updated	Section 51.117 Section 51.118
	Pretreatment	Required for all raw sewage that exceeds local limits	Section 51.177
	Appeals Process	Revert to general code/IPC process	Sections 51.199, 51.118
	Buy-in & connection fees	Defer to Council Resolution	Sections 51.251-253
	Water rates	Remove unused “low income rate;” defer rates to Council Resolution	Sections 51.257-51.259
	Sewer Disconnection	Gives Town option to plug inactive sewer	Section 51.250
	Definitions Added	Line Charge, Repayable Costs, Repayment Agreement, Repayment Amount	50.01
	Sanitary Sewer System	Single term replacing CTR, Sewage works and other variations	Throughout
	Connection/Tap installation process	Town makes the connection for single family residential $\leq 2''$ water, $\leq 6''$ Sewer; Developer installs and Town inspects all others	Section 50.16
Policy / Development Impactful	Upsizing	Preserve Town right to upsize; remove potential subsidy for large developments; limit Town contribution to cost of materials	Section 51.059
	Repayment Agreements	Clarify procedure; extend term from 10 to 20 years; add notice/recording requirement	Section 51.059
	Procurement standards; main extensions	Remove Town Procurement Code requirement for private infrastructure; apply Title 34 when Town money contributed	Section 51.059
	Connection Requirements (Water)	New single lot residential: at property line; New subdivision. ≥ 1 acre lots: connect w/in 300* ft. New subdivision. < 1 acre lots: connect	Section 51.075
	Connection Requirements (Sewer)	Existing Nonresidential or Multi-family: 300 feet New 1-lot Residential ≥ 1 acre: property line New subdivision < 1 acre lots: sewer / private plant New subdivision ≥ 1 acre lots: connect w/in 300* ft. Lot split creating lot. < 1 acre: connect	Section 51.155
	Connection Requirements (Lot Splits)	Connect to Sewer when creating lots < 1 acre	Section 51.155
	*Connection Requirements	Change relevant distance from 400 to 300 feet, generally	Throughout

TOWN OF CHINO VALLEY FEBRUARY 2022 AMENDMENTS TO TITLE V: PUBLIC WORKS

CHAPTER 50: GENERAL PROVISIONS

General Provisions

- 50.01 Definitions
- 50.02 On-site restroom facilities

Utility Department

- 50.15 Public Works Director AND FINANCE DIRECTOR
- 50.16 Duties OF THE DEPARTMENT
- 50.17 Right of entry for inspection; credentials
- 50.18 Records to be kept

Prohibitions

- 50.30 Ownership of main extensions, service pipes and appurtenant equipment
- 50.31 Interference, digging and tampering prohibited
- 50.32 Water system shut-off valves
- 50.33 Obstruction of water and sewer system
- 50.34 Only authorized persons to ~~turn-on-water~~ CONNECT AND DISCONNECT SERVICE
- 50.35 Fire hydrants

General Regulations

- 50.50 Application for service, activation or reactivation of service; information required
- 50.51 Interruption of service
- 50.52 Street works; utility relocation; notice to Utility Department
- 50.53 Protection of water supply and sewerage systems
- 50.54 Services and materials to be property of Utility Department; consumers to pay for damages
- 50.55 Permit required for consumer to supply water or sewer service to others
- 50.56 Effluent collection, treatment and recharge policy
- 50.57 WATER QUALITY; POTABLE, NON POTABLE AND WASTEWATER

GENERAL PROVISIONS

§ 50.01 DEFINITIONS.

For the purpose of this ~~chapter~~ TITLE, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ADEQ. The Arizona Department of Environmental Quality.

ADWR. The Arizona Department of Water Resources.

APPROACH MAIN. THE EXTENSION OF A WATER OR SEWER MAIN FROM A DISTANT POINT TO SERVE A DEVELOPMENT, PARCEL, OR PROJECT.

APPROVAL AUTHORITY. The Director ~~in an NPDES state with an approved state pretreatment program and the appropriate U.S. EPA regional administrator in a non-NPDES state or NPDES state without an approved state pretreatment program.~~ OF THE ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY.

APPROVED BACKFLOW PREVENTION ASSEMBLY (ASSEMBLY). Any testable assembly, with the exception of an approved air gap, which has been issued a certificate of approval by the USC- FCCCHR or such other third party certifying entity, unrelated to the product's manufacturer or vendor, which may be acceptable to ADEQ. A list of assemblies shall be maintained by the Utility Department.

APPROVED LABORATORY PROCEDURES. The measurements, tests and analyses of the characteristics of water and wastes in accordance with analytical procedures as established in Title 40 C.F.R. part 136, as revised, that are performed by an environmental laboratory licensed by the state pursuant to A.R.S. §§ 36-495 *et seq.* Alternative procedures may be approved by the PUBLIC WORKS Director in accordance with applicable federal regulations.

AVERAGE QUALITY. The arithmetic average (weighted by flow value) of all the "daily determinations of concentrations", as that term is defined herein, made during a calendar month.

AVERAGE DAILY EFFLUENT LIMITATION. The maximum allowable concentration in the discharge as measured in a representative sample during a sampling day. In determining compliance with the daily average effluent limitation, town samples shall not be combined with non-town samples.

AWWA. American Water Works Association.

BACKFLOW. The undesirable reversal of flow of water or mixtures of water and other liquids, gasses or other substances into the distribution system of the public potable water supply.

BACKPRESSURE. A form of backflow due to any elevation of pressure in the downstream piping system (by pump, elevation of piping or steam and/or air pressure) above the supply pressure at the point of service delivery which would cause, or tend to cause, a reversal of the normal direction of flow through the backflow prevention assembly.

BACKSIPHONAGE. A form of backflow due to a reduction in system pressure which causes a negative or sub-atmospheric pressure to exist at a site in the water system.

BMP (BEST MANAGEMENT PRACTICES). Measures or practices used to reduce the amount of pollution entering the sanitary sewer system, surface water, land or groundwaters.

BOD (BIOLOGICAL OXYGEN DEMAND). The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory conditions for ~~5~~FIVE days at a temperature of 20 CENTIGRADE, expressed in milligrams per liter.

BODY OF WATER. A manmade lake, pond, lagoon or swimming pool that has a surface area greater than 12,320 square feet, and that is used wholly or partly for landscape, scenic or recreational purposes, BUT IS NOT ~~BODY OF WATER~~ does not include a manmade lake or basin used for groundwater recharge pursuant to A.R.S. § 45-565(A)(6). For purposes of this ~~chapter~~-TITLE, 2TWO or more bodies of water that are connected, or that are designed to function as a unit shall be considered ~~1~~ONE lake-BODY OF WATER.

BRANCH SEWER. ~~An arbitrary term for a sewer which~~ THAT receives sewage from more than ONE ~~1~~public sewer from a relatively small area.

BUILDING CONNECTION. The extension from a sewer tap to the property line, or to the easement line, of the property to be served.

BUILDING OFFICIAL. The officer or other designated authority charged with the administration and enforcement of the building codes adopted by the town.

BUILDING SEWER. The extension from the building drain to the building connection or other place of disposal.

BYPASS. The intentional diversion of wastes from any portion of a treatment facility.

CATEGORICAL STANDARDS (NATIONAL/FEDERAL CATEGORICAL PRETREATMENT STANDARDS). Those standards promulgated by the EPA under the authority of § 307(b) and (c) of the Clean Water Act (33 U.S.C § 1317) which apply to a specific category of industrial user and which are published in Title 40 C.F.R. chapter I, subchapter N (parts 405-471) and are incorporated in this chapter by reference.

CERTIFIED TESTER. An individual certified to test backflow prevention assemblies by the California-Nevada Section of the AWWA or the Arizona State Environmental Technology Training (ASETT) Center or other agencies or organizations involved with the training and certification of testers if they are acceptable to ADEQ.

C.F.R. Code of Federal Regulations.

C.I.P. CAPITAL IMPROVEMENT PLAN.

COD (CHEMICAL OXYGEN DEMAND). The quantity of oxygen consumed from a chemical oxidation of inorganic and organic matter present in the water or wastewater, expressed in milligrams per liter.

COMMERCIAL USER. Any nonresidential user which provides a service or one connected with

commerce and which is not classified as an industrial user. ~~The Director maintains a list of the types of businesses that are commercial users and has the authority to classify specific users.~~

COMMON AREA. A recreational or open space or areas THAT IS maintained for the benefit of the residents of a housing development, ~~which~~ AND is owned and operated as a single integrated facility.

COMPOSITE SAMPLE. A combination of individual samples obtained at regular intervals over a specified time period. The volume of each individual sample shall be either proportional to the flow rate during the sample period (flow composite) or constant and collected at equal time intervals during the composite period (time composite) as defined in the AQUIFER PROTECTION Permit.

COMPOSITE SAMPLE QUALITY. The concentration of some parameter tested in a “composite sample”, ~~as that term is defined herein.~~

CONTIGUOUS. In contact at any point along a boundary or part of the same master planned community. Two parcels of land are contiguous even if they are separated by ~~ONE~~ or more of the following: a road, easement, or right-of-way.

COOLING WATER. The clean wastewater discharged from any heat transfer system such as condensation, air conditioning, cooling or refrigeration.

CROSS CONNECTION. Any unprotected or potential connection or structural arrangement between a public or a customer’s potable water system and any other source or system through which it is possible to introduce into any part of the potable water system any used water, industrial fluid, gas or substance other than the intended potable water with which the system is supplied. Bypass arrangements, jumper connections, removable sections, swivel or changeover devices and other temporary or permanent devices through which, or because of which, “backflow” can or may occur are considered to be cross connections. Compliance with the town’s Plumbing Code creates a rebuttable presumption that a cross connection does not exist.

CTR (OR COLLECTION, TREATMENT AND RECHARGE SYSTEM). ~~The publicly owned sewer collection, treatment works and effluent recharge system which is owned and/or operated, in whole or in part, by the town and which provides the town with wastewater collection, treatment and recharge services~~ The **SANITARY SEWER SYSTEM.**

CTR RESIDUALS. All ~~CTR~~ effluent and/or solids, including sludge, scum, screenings and grit, which are the byproduct of wastewater treatment operations and which must be discharged to the environment for ultimate disposal and/or reuse.

CUSTOMER. Any person, partnership, association, company, private corporation, public corporation, political subdivision, the United States and the State of Arizona who receives potable water and/or sewage service from the town.

DEPARTMENT. The Utility Department of the town.

DEVELOPER. Any person engaged in the organizing and financing of a wastewater collection system within an area contributing to a branch, main or a trunk sewer of the town sewer system, ~~Such may be~~ INCLUDING, BUT NOT LIMITED TO, A PROPERTY OWNER, a subdivider or a legally constituted improvement district.

DIRECTOR, PUBLIC WORKS. The Public Works Director, or his or her authorized deputy, agent or representative.

DIRECTOR, FINANCE. THE FINANCE DIRECTOR, OR HIS OR HER AUTHORIZED DEPUTY, AGENT, OR REPRESENTATIVE.

DISCHARGE. The disposal of any sewage, pollutant(s), water or any liquid from any sewer into the TOWN sewerage system.

DOMESTIC USER. A typical user who discharges only domestic wastewater.

DOMESTIC WASTE. A typical residential-type waste which requires no pretreatment under the provisions of this chapter before discharging into the sanitary sewer system, excluding all commercial, manufacturing and industrial wastes.

DOMESTIC WASTEWATER. Any waterborne wastes, derived from the ordinary living processes in a residential dwelling unit, of such character as to permit satisfactory disposal, without special treatment, by conventional CTR processes.

EPA. The United States Environmental Protection Agency.

ESTABLISHMENT; ~~or~~ PLANT. Any establishment or ~~plant~~ FACILITY producing liquid waste, with or without suspended solids, required to be discharged into the town sewer system.

FREE ACCESS. The ability of town personnel to enter user facilities under safe and non-hazardous conditions with a minimum of delay to inspect any and all parts of the user's facility IN ACCORDANCE WITH ARS 9-832 THROUGH 9-834.

GARBAGE. Solid wastes from the preparation, cooking and dispensing of food and from the handling, storage and sale of produce and other foodstuffs.

GENERATOR. A person who generates septage.

GRAB SAMPLE. An individual sample of effluent collected in less than 15 minutes without regard to flow or time of day.

GRAB SAMPLE QUALITY. The concentration of some parameter tested in a grab sample, ~~as that term is defined herein.~~

INDUSTRIAL DISCHARGE. Any introduction into the ~~CTR system~~ SANITARY SEWER SYSTEM of a non-domestic pollutant which:

(1) Is produced by a source which would be subject to any categorical standards or pretreatment requirements if such source were to be discharged into the ~~CTR system~~ SANITARY SEWER SYSTEM; or

(2) Contains any substance or pollutant for which a discharge limitation or prohibition has been established by any categorical standard or pretreatment requirement.

INDUSTRIAL USER.

(1) A source of industrial discharge; OR

(2) Any non-residential user of the sewer system which discharges more than the equivalent strength of 25,000 gallons per day of domestic wastes; OR

(3) Any significant industrial user; OR

(4) ANY USER WHO Has control over the disposal of a waste as described in ~~divisions~~ SUBSECTIONS (1), (2) or (3) of this definition; or

(5) ANY USER WHO Has the right of possession and control over any property which produces a waste described in ~~divisions~~ SUBSECTIONS (1), (2), (3) or (4) above.

INDUSTRIAL WASTE. Any liquid, free-flowing waste, including cooling water, resulting from any industrial or manufacturing process or from the development, recovery or processing of natural resources, with or without suspended solids, excluding uncontaminated water.

INFLOW. Water other than wastewater that enters a sewerage system (including sewer service connections) from sources such as roof leaders, cellar drains, foundation drains, drains from springs and swampy areas, manhole covers, cross connections between storm sewers and sanitary sewers, catch basins, cooling towers, storm waters, surface runoff, street wash waters or drainage.

INSTANTANEOUS EFFLUENT LIMITATION. The maximum allowable concentration in the discharge at any time as measured in a grab sample. In determining compliance with the instantaneous limitation, town samples shall not be combined with non-town samples.

INTERFERENCE. A discharge which, alone or in conjunction with a discharge or discharges from other sources both:

(1) Inhibits or disrupts the ~~CTR system~~ SANITARY SEWER SYSTEM, its treatment processes or operations, or its sludge processes, use or disposal; and

(2) Therefore is a cause of a violation of any requirement of any environmentally related permit issued by a governmental entity (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued thereunder (or more stringent state and local

regulations): § 405 of the Clean Water Act, being 33 U.S.C. §§ 1251 et seq.); the Solid Waste Disposal Act (SWDA), being 42 U.S.C. §§ 6901 et seq.) (including title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA) and including state regulations contained in any state sludge management plan prepared pursuant to subtitle D of the SWDA; The Clean Air Act, the Toxic Substances Control Act, being 15 U.S.C. §§ 2601 et seq.); and the Marine Protection, Research and Sanctuaries Act, being 33 U.S.C. §§ 1401 et seq.

IPC. THE EDITION OF THE INTERNATIONAL PLUMBING CODE AS ADOPTED BY THE TOWN.

LANDSCAPE WATERING. The application of water from any source, including effluent, by a turf related facility to a water intensive landscaped area, a low water use area or ~~revegetation~~ REVEGETATION acres.

LANDSCAPE PLANT. Any member of the kingdom plantae, including any tree, shrub, vine, herb, flower, succulent, ground cover or grass species that grows or has been planted out-of-doors and is used for landscaping purposes.

LINE CHARGE. A CHARGE LEVIED BY THE TOWN AGAINST A PARCEL OF REAL PROPERTY AND DUE AT THE TIME OF THE PARCEL'S CONNECTION TO PUBLIC INFRASTRUCTURE, AS PAYMENT FOR TOWN-INSTALLED IMPROVEMENTS OR TO COLLECT A REPAYMENT AMOUNT.

LIQUID WASTE HAULER, HAULER or WASTE HAULER. Any person carrying on or engaging in vehicular transport of wastewater or wastes as part of, or incidental to, any business for the purpose of discharging such waste into the town's treatment works.

LOT. A parcel of land or ~~2~~TWO or more contiguous parcels to be used as a unit.

MAIN SEWER. A sewer which receives sewage from ~~2~~TWO or more branch sewers as tributaries.

MAINTENANCE. Keeping the water or ~~sewerage works~~ SANITARY SEWER SYSTEM in a state of repair, including expenditures necessary to maintain the capacity (capability) for which said works were designed and constructed.

NATIONAL PRETREATMENT STANDARD. Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with § 301(b) and (c) of the Clean Water Act (33 U.S.C. §§ 1317 et seq.) which applies to industrial users, ~~This term includes~~ INCLUDING, BUT NOT LIMITED TO, prohibitive discharge limits established pursuant to Title 40 C.F.R. § 403.5.

NATURAL OUTLET. Any outlet into a watercourse, ditch or other body of surface water or ground water, or into a dry channel, wash or tributary of any of the above.

NET LOT AREA. That portion of a lot excluding all dedicated streets or alleys and roadway or alley easements.

NEW SOURCE. Any building, structure, facility or installation from which there is or may be a discharge of pollutants, the construction of which commenced after the publication of proposed standards under § 307(c) of the Clean Water Act which will be applicable to the source if the standards are thereafter promulgated in accordance with that section, and as stated in detail in Title 40 C.F.R. § 403.3(k).

NHLW (NON-HAZARDOUS LIQUID WASTES). The wastes specifically identified herein.

NON-POTABLE WATER. Reclaimed water, storm water runoff that is not subject to appropriation under A.R.S. § 45-141; water withdrawn pursuant to poor quality groundwater withdrawal permit pursuant to A.R.S. § 45-516; groundwater withdrawn pursuant to Type 1 or Type 2 non-irrigation certificates of grandfathered right issued pursuant to ADWR, or other non-potable water source of a quality suitable for landscape irrigation, which meets all local, state and federal water quality requirements for full body contact, except untreated Central Arizona Project water.

NPDES PERMIT. A national pollutant discharge elimination system permit, issued to the town by the EPA, which imposes federal standards governing the quality of the treated effluent discharged from the sewage treatment plant.

OIL AND GREASE. The measure of oil and grease content of a sample as determined by EPA Method 413.1, or other equivalent method approved by the PUBLIC WORKS Director.

OIL AND GREASE (TPH). For purposes of determining compliance with the oil and grease limitation contained herein, oil and grease is defined as the measure of a petroleum and mineral oil (total petroleum hydrocarbons (TPH)) content of a sample as determined by EPA Method 418.1, or other equivalent test method approved by the PUBLIC WORKS Director.

PASS-THROUGH. A discharge which exits the treatment plant into waters of the United States, or groundwaters, in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the treatment plant NPDES permit (including an increase in the magnitude or duration of a violation) or which causes or contributes to a violation of an applicable numeric or narrative water quality standard.

PAYMENT PLAN. AN AGREEMENT FOR PAYMENT MADE BY THE FINANCE DEPARTMENT, ~~CUSTOMER SERVICE OR ITS~~ THEIR DESIGNEE BETWEEN THE TOWN OF CHINO VALLEY AND A CHINO VALLEY UTILITY CUSTOMER.

PERMIT. A written control mechanism that the PUBLIC WORKS Director issues to particular users or class of users under the authority of this chapter, also similar control mechanisms issued by state or federal regulatory agencies.

PERMITTEE, PERMIT HOLDER. Any person, firm, association, corporation, trust or governmental body which owns, operates processes or controls an establishment or plant operated under a valid permit to discharge wastewater into the town ~~CTR system~~ SANITARY SEWER SYSTEM.

PERSON. Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, state, municipality, Indian tribe, political subdivisions of the state or federal governmental agency or any other legal entity, including their legal representatives, agents or assigns.

pH. The logarithm of reciprocal of the weight of hydrogen ions per liter of solution.

POINT OF SERVICE DELIVERY. The terminal end of a service connection from the public water system. If a meter is installed at the end of the service connection, then the point of service delivery shall mean the downstream end (i.e., customer's side) of the meter.

POLLUTANT. Any dredged spoil, solid waste, incinerator residue, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt and industrial, municipal and agricultural wastes.

POLLUTION PREVENTION. Source reduction and other practices that reduce or eliminate the creation of pollutants through:

- (1) Increased efficiency in the use of raw materials, energy, water or other resources; or
- (2) Protection of natural resources by conservation.

POTABLE WATER. Water delivered through the town's domestic water delivery system after treatment designed to meet EPA and ADEQ drinking water standards.

PRETREATMENT. The physical, chemical, biological or other treatment of any industrial discharge, prior to discharge to the ~~CTR system~~ SANITARY SEWER SYSTEM, for the purpose of:

- (1) Reducing the amount of concentration of any pollutant; OR
- (2) Eliminating the discharge of any pollutant; or
- (3) Altering the nature of any pollutant characteristic to a less harmful state.

PRETREATMENT REQUIREMENTS. All of the duties or responsibilities imposed upon ~~CTR system~~ SANITARY SEWER SYSTEM users by this chapter.

PRIVATE SEWAGE DISPOSAL SYSTEM. A SEPTIC TANK SYSTEM WITH LEACH FIELD.

PRIVATE WELL. A DOMESTIC WELL SERVING A SINGLE FAMILY ONLY.

PRODUCER. Any person, firm, association, corporation or trust which owns, operates, possesses or controls an establishment or plant, whether or not a permittee.

PROPERLY SHREDDED GARBAGE. Garbage that has been shredded to such a degree that all

particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than 1/4 of an inch in any dimension.

PUBLIC SEWER. THE SANITARY SEWER SYSTEM OR ANY ~~branch, main, or trunk LINE~~ THEREOF. ~~sewer controlled and maintained by the town.~~

RECYCLING. A material is recycled if it is used, reused or reclaimed. A material is used or reused if it is either:

(1) Employed as an ingredient (including its use as an intermediate) to make a product; however a material will not satisfy this condition if distinct components of the material are recovered as separate end products (as when metals are recovered from metal containing secondary materials); or

(2) Employed in a particular function as an effective substitute for a commercial product. A material is reclaimed if it is processed to recover a useful product or if it is regenerated. Examples include the recovery of lead values from spent batteries and the regeneration of spent solvents.

REPAYABLE COSTS. THE ACTUAL COSTS, PRE-APPROVED BY THE TOWN AND RELATED TO THE CONSTRUCTION, DEVELOPMENT, OR INSTALLATION OF A PUBLIC IMPROVEMENT, WHICH MAY BE FIXED, LEVIED, OR ASSESSED AGAINST REAL PROPERTY BENEFITTED BY THAT PUBLIC IMPROVEMENT.

REPAYMENT AGREEMENT. A DEVELOPMENT AGREEMENT BETWEEN THE TOWN AND A DEVELOPER, GOVERNING THE CALCULATION AND PAYMENT OF REPAYABLE COSTS FOR A PARTICULAR PUBLIC IMPROVEMENT.

REPAYMENT AMOUNT. THE PORTION OF REPAYABLE COSTS, APPORTIONED PER FRONTAGE FOOT, TO BE FIXED, LEVIED, OR ASSESSED AGAINST A PARCEL OF REAL PROPERTY.

REPLACEMENT. Those expenditures made for obtaining and installing equipment, accessories and/or appurtenances during the useful life of the treatment works which are necessary to maintain the capacity and performance of the treatment works for which they were designed and constructed.

REPRESENTATIVE SAMPLE. A composite sample obtained by flow proportional sampling techniques where feasible; OR When the PUBLIC WORKS Director HAS DETERMINED ~~determines~~ that flow ~~proportional~~ PROPORTIONATE sampling is not feasible; ~~the Director may allow or conduct composite sampling~~ by time-proportional techniques or by the compositing or averaging of ~~ONE~~ or more grab samples.

SANITARY SEWER. A sewer which carries sewage and to which storm waters, surface waters and ground waters are not intentionally admitted.

SANITARY SEWER SYSTEM. The publicly owned sewer collection, treatment works and effluent recharge system which is owned and/or operated, in whole or in part, by the town and which provides the town with wastewater collection, treatment and recharge services.

SCHOOL. A place of general instruction including colleges, but not including business colleges, nursery schools, dancing schools, riding academies or specialized trade or vocational schools.

SEPTAGE. Aerobic wastewater originating from a domestic source, be it from a residential, commercial or industrial facility that is not hazardous waste and is compatible with the biological wastewater treatment plant process.

SEWAGE. A combination of water-carried wastes from residences, business buildings, institutions and industrial establishments, together with such ground waters, surface waters and storm waters as may be present.

~~SEWAGE TREATMENT PLANT.~~ ~~Any arrangement of devices and structures used for treating sewage.~~

SEWAGE WORKS. ~~All facilities for collecting, pumping, treating and disposing of sewage. As used in this chapter- TITLE the terms ***SEWER SYSTEM*** or ***SEWERAGE WORKS***, AND ***SEWAGE WORKS*** shall have the same meaning and definition as ***SEWAGE WORKS SANITARY SEWER SYSTEM***.~~

SEWER. A pipe or conduit for carrying sewage.

SEWER TAP. The wye, saddle or other device placed on a public sewer to receive a building connection.

SIU (SIGNIFICANT INDUSTRIAL USER).

(1) All users subject to categorical pretreatment standards under Title 40 C.F.R. § 403.6 and Title 40 C.F.R. chapter I, subchapter N (parts 405-471).

(2) Any other user that:

(a) Discharges an average of 25,000 gallons per day or more of process wastewater to the CTR facility (excluding sanitary, non-contact cooling and boiler blow-down wastewater); or

(b) Contributes a process waste stream which makes up 5% or more of the average dry weather hydraulic or organic capacity of the CTR system; or

(c) Is designated as such by the PUBLIC WORKS Director on the basis that it has a reasonable potential for adversely affecting the ~~CTR system~~ ***SANITARY SEWER SYSTEM***'s operation or for violating any pretreatment standard or requirement.

SNC (SIGNIFICANT NONCOMPLIANCE). ~~An industrial user is in a state of significant noncompliance (SNC) when~~ Violations meeting ONE or more of the following criteria:

(1) ~~Chronic violations of wastewater discharge limits, defined here as those in which 66% or more of all of the measurements taken during a 6-month period exceeded (by any magnitude) the daily maximum limit or the average limit for the same pollutant parameter (“CHRONIC VIOLATION”);~~

(2) ~~Technical review criteria (TRC) violations, defined here as those in which 33% or more of all measurements for each pollutant taken during a 6-month period equal or exceed the product of the daily maximum limit or the average limit multiplied by the applicable TRC (TRC equals 1.4 for BOD, TSS, fats, oil and grease, and 1.2 for all other pollutants except pH)(“TECHNICAL REVIEW CRITERIA VIOLATIONS OR TRC”).~~

(3) Any other violation of a pretreatment effluent limit (daily maximum or longer-term average) that the PUBLIC WORKS Director determines has caused, alone or in combination with other discharges, interference or pass-through (including endangering the health of CTR personnel or the general public);

(4) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the CTR’s exercise of its emergency authority under this chapter to halt or prevent such a discharge;

(5) Failure to meet, within 90 days after the schedule date, a compliance schedule milestone contained in a permit or enforcement order for starting construction, completing construction or attaining final compliance;

(6) Failure to provide, within 30 days after the due date, required reports such as baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports and reports on compliance with compliance schedules;

(7) Failure to accurately report noncompliance; or

(8) Any other violation, or group of violations, which the PUBLIC WORKS Director determines will adversely affect the operation or implementation of the local pretreatment program.

SINGLE FAMILY DWELLING UNIT. A DETACHED RESIDENTIAL DWELLING UNIT DESIGNED FOR AND OCCUPIED BY ONE FAMILY ONLY.

SLUG DISCHARGE. Any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge.

SOURCE REDUCTION. Any practice which:

(1) Reduces the amount of any pollutant or contaminant entering any waste stream or otherwise released into the environment (including fugitive emissions) prior to recycling, treatment

or disposal; and

(2) Reduces the hazards to public health and the environment associated with the release of such substances, pollutants or contaminants.

STANDARD INDUSTRIAL CLASSIFICATION (SIC). A coded classification of industries based upon economic activity developed by the U.S. Department of Commerce as published in the Standard Industrial Classification Manual, 1972, Office of Management and Budget.

STANDARD METHODS. The procedure as described in the most current edition of Standard Methods for the Examination of Water and Wastewater published by the American Health Association, or the most current edition of Manual Methods for Chemical Analysis of Water and Wastes published by the EPA.

STORM SEWER or STORM DRAIN. A sewer which carries storm and surface waters and drainage, but excludes sewage and polluted industrial wastes.

SUBDIVISION. IMPROVED OR UNIMPROVED LAND AS FURTHER DEFINED IN CHAPTER 154.

SUSPENDED SOLIDS (SS). Solids measured in milligrams per liter that either float on the surface of or are in suspension in water, wastewater or other liquids and which are largely removable by a laboratory filtration device, as defined in the Standard Methods, as defined herein.

SWIMMING POOL. An artificially constructed pool for swimming purposes that meets the applicable design standards and specifications for swimming pools provided by the Arizona Department of Health Services pursuant to A.R.S. § 36-136(H)(10).

SYSTEM DESIGN CAPACITY. The design capacity for normal domestic wastewater as established by accepted engineering standards.

TOTAL ORGANIC CARBON (TOC). The total of all organic compounds expressed in milligrams per liter as determined by the combustion-infrared method prescribed by approved laboratory procedures.

TREATMENT PARAMETER. A fundamental characteristic of sewage around which treatment is designed, such as, but not limited to: flow, BOD and suspended solids.

TRUNK SEWER. A sewer which receives sewage from many tributary main sewers and serves as an outlet for a large territory.

UPSET. An exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond the reasonable control of the permittee, excluding such factors as operational error, improperly designed or inadequate treatment facilities or improper operation and maintenance thereof.

USC-FCCCHR or USC MANUAL. University of Southern California Foundation for Cross-Connection Control and Hydraulic Research.

USED WATER. Any water supplied by the town from the public potable water system to a customer's water system, after it has passed through the point of service delivery.

USER. Any person, lot, parcel of land, building, premises, municipal corporation or other political subdivision that discharges, causes or permits the discharge of wastewater into the sewage system.

UTILITY. PUBLIC SERVICE OF WATER AND OR SEWER PROVIDED BY THE TOWN OF CHINO VALLEY.

WASTE MINIMIZATION. An activity which eliminates or reduces the amount of any pollutant from entering the waste stream or the environment. This may include a change in raw materials, operational improvement, process improvement, product reformulation reuse or reclamation.

WASTEWATER. Any liquid or water-carried pollutant, including an industrial discharge, which is introduced into the ~~CTR system~~ SANITARY SEWER SYSTEM from any source.

WASTEWATER TREATMENT PLANT. A WATER POLLUTION CONTROL PLANT OWNED BY THE TOWN OF CHINO VALLEY.

WATER FEATURE. Use of water in a landscaped area other than for irrigation and includes BUT IS NOT LIMITED TO fountains, artificial streams, ponds and waterfalls.

WATER FROM ANY SOURCE. Any water, including reclaimed wastewater from a wastewater treatment facility or cooling tower.

WATERCOURSE. A channel in which the flow of water occurs either continuously or intermittently.

ZERO PROCESS DISCHARGE USER. Those users that only discharge domestic wastes or have no discharge, but have significant quantities of hazardous material or high strength wastes which, if discharged, would be regulated by this chapter. The facilities may be regulated by requiring them to have θ ZERO discharge of process wastes, thus allowing only domestic wastes to be discharged.

§ 50.02 ON-SITE RESTROOM FACILITIES.

All construction sites shall provide on-site restroom facilities for employees while construction is occurring in conformance with all of the following provisions:

(A) There shall be a minimum of 1one toilet provided on-site for every single-family residential construction project. When the same general contractor has 2two single-family residential construction projects on adjoining lots with the same street frontage, 1one toilet located

as close as possible to the common property shall fulfill the requirements of this section for both sites.

(B) When there is a non-single-family residential construction site, there shall be ~~4~~ONE toilet facility for every 5,000 square feet of building area. Any fraction thereof shall be rounded up to require the additional toilet facility.

UTILITY DEPARTMENT

§ 50.15 PUBLIC WORKS DIRECTOR AND FINANCE DIRECTOR.

(A) PUBLIC WORKS DIRECTOR AUTHORITY AND RESPONSIBILITIES

(1) The Public Works Director, ~~herein referred to as "the Director", shall be the general executive officer in charge of~~ SUPERVISE all personnel AND the ~~entire operation, equipment and facilities of the Utility Department (water and wastewater), herein referred to as "the Department."~~

(2) ~~He or she~~ THE PUBLIC WORKS DIRECTOR shall be responsible for the enforcement of the policies regarding water and wastewater contained in this TITLE ~~chapter~~. CIVIL CITATIONS MAY BE USED TO PROVIDE A TIMELY AND EFFICIENT MEANS TO ADDRESS ORDINANCE VIOLATIONS. THE PUBLIC WORKS DIRECTOR SHALL DESIGNATE THOSE DEPARTMENT EMPLOYEES WHO MAY ISSUE CIVIL CITATIONS UNDER THIS TITLE. THE RULES OF PROCEDURE IN CIVIL TRAFFIC CASES SHALL APPLY TO CIVIL CITATIONS WRITTEN UNDER THIS TITLE.

(3) ~~He or she~~ THE PUBLIC WORKS DIRECTOR shall ~~also~~ have general supervision over, subject to the approval of the Town Manager, ~~THE COLLECTION OF all charges for water and sewer services,~~ departmental policies, IMPLEMENTATION OF agreements, new connections, repairs and the like, ~~and for all charges not expressly provided for in this chapter.~~

(4) ~~He or she~~ THE PUBLIC WORKS DIRECTOR shall ~~also~~ BE RESPONSIBLE FOR ~~control~~ the water supply and SHALL at all times insure the sufficiency thereof ~~and~~

(5) THE PUBLIC WORKS DIRECTOR shall notify the public, unless an emergency requires otherwise, of the necessity of ~~shutting~~ TO SHUT off any pipeline for the purpose of making repairs, extensions or connections, ~~should he have~~ IN THE EVENT HE HAS cause to expect OR to know beforehand of the necessity to so shut off water from any line.

~~The Director shall have the authority to waive the collection or imposition of risk deposits, delinquent monthly fees, miscellaneous fees or late charge fees imposed by the provisions of this chapter.~~

(6) THE PUBLIC WORKS DIRECTOR SHALL MAINTAIN A LIST OF THE TYPES OF BUSINESSES THAT ARE COMMERCIAL USERS AND IS AUTHORIZED TO CLASSIFY SPECIFIC USERS AS COMMERCIAL USERS.

(7) The PUBLIC WORKS Director shall have the authority to decide any questions that may arise WITHIN THE SCOPE OF THIS CHAPTER which ~~is~~ ARE not fully covered by the provisions contained in this chapter, and his or her decision in such cases shall be final subject only to the general direction of the Town Manager.

(B) FINANCE DIRECTOR RESPONSIBILITIES

(1) COLLECTION OF ALL CHARGES FOR WATER AND SEWER SERVICES.

(12) THE FINANCE DIRECTOR SHALL HAVE THE AUTHORITY TO DEVELOP PAYMENT PLANS WITH TOWN UTILITY CUSTOMERS.

(23) THE FINANCE DIRECTOR SHALL HAVE THE AUTHORITY TO WAIVE THE COLLECTION OR IMPOSITION OF RISK DEPOSITS, DELINQUENT MONTHLY FEES, MISCELLANEOUS FEES OR LATE CHARGE FEES IMPOSED BY THE PROVISIONS OF THIS TITLE.

(34) THE FINANCE DIRECTOR SHALL HAVE THE AUTHORITY TO PARTICIPATE IN RATE PLAN DEVELOPMENT AND DECISIONS, AND MAKE RECOMMENDATIONS TO THE TOWN COUNCIL REGARDING THE SOLVENCY OF THE UTILITY SYSTEMS.

§ 50.16 DUTIES OF THE DEPARTMENT.

The Department shall make all water AND SEWER service connections WITH A DIAMETER OF TWO INCHES OR LESS FOR WATER AND SIX INCHES OR LESS FOR SEWER FOR SINGLE FAMILY DWELLING UNITS and inspect all OTHER WATER AND sewer service connections, ~~except those in new subdivisions where the developer is required to install water and sewer service connections~~, set and read all meters for service, make all repairs on mains, meters and services, and check all valves and fire hydrants, and maintain them in good working order, change all meters as necessary to maintain good working order and accuracy, shall operate and maintain all water and sewer system facilities, shall maintain compliance with local, state and federal regulations and shall perform such other duties as required by the PUBLIC WORKS Director, subject to the approval of the Town Manager.

§ 50.17 RIGHT OF ENTRY FOR INSPECTION; CREDENTIALS.

(A) By accepting utility services from the town, customers acknowledge and agree that any authorized employee of the Public Works or Utility Department, upon presentation of his or her credentials, shall have free access ~~as that term is herein defined~~ at all reasonable hours to any residential, commercial or industrial premises connected to the town's water service area and/or connected to the town's sewer system for purposes of assessing applicability and/or compliance with the requirements of this ~~chapter~~ TITLE, SUBJECT TO A.R.S. TITLE 9, CHAPTER 7, ARTICLE 4.

(B) Any user or potential user shall allow all inspection, monitoring, copying of records and the like, reasonably needed by the PUBLIC WORKS Director ~~or his or her agent~~ to perform the duties required or needed under this ~~chapter~~-TITLE.

(C) In case any authorized employee of the Department is refused or delayed admittance to any premises, or, upon being admitted, shall be hindered or prevented from making the inspection, examination or review of records the PUBLIC WORKS Director may cause the water to be turned off from the premises after giving 24 hours' notice to the owner or occupant of the premises of his or her intention to do so.

(D) Service persons and other employees of the Department whose duty it may be to enter upon private premises to make inspections, collect samples, examine pipes, fixtures or attachments or to measure the quantity or quality of wastes delivered to the town sewer, shall be provided with credentials to identify the employees as authorized representatives of the Department.

(E) (1) ~~No person not an~~ ONLY authorized employeeS of the Department shall have or exhibit credentials of the Department.

(2) IT SHALL BE THE DUTY OF EACH EMPLOYEE OF THE DEPARTMENT UPON RESIGNATION OR DISMISSAL TO SURRENDER AND DELIVER, AT THE OFFICE OF THE HUMAN RESOURCES DIRECTOR, ALL CREDENTIALS OF THE DEPARTMENT.

§ 50.18 RECORDS TO BE KEPT.

The Department shall keep a record of all water and sewer taps, the exact locations, the purpose for which they are to be used, together with the name of the owner of the property, his or her agent or representative, date of installation, repair history and other pertinent data for all water and sewer infrastructure as it is constructed, repaired or modified.

PROHIBITIONS

§ 50.30 OWNERSHIP OF MAIN EXTENSIONS, SERVICE PIPES AND APPURTENANT EQUIPMENT.

The ownership of all water mains, sewer mains, fire lines, service pipes and appurtenant equipment maintained by the ~~Utility~~-Department shall be vested in the town ~~department~~ and in no case shall the owner of any premises have the right to claim any part THEREOF except where otherwise provided.

§ 50.31 INTERFERENCE, DIGGING AND TAMPERING PROHIBITED.

~~Every~~ ANY person who ~~shall~~ in any way interfereS with ANY employees of the ~~Public Works and Utility~~ Departments in ~~any~~ THE discharge of ~~their~~ THE EMPLOYEE'S duties, either in the-tapping of ~~any~~-A water or sewer pipe, main or lateral belonging to the town, or the cleaning, laying or connection of ~~any such~~-A pipe or main or lateral, or ~~the~~ inspection of ~~any such~~ construction or discharging facility, or who ~~shall~~ digS up, or causeS to be dug up, any street, alley or easement in the town for the purpose of connecting with the water or sewer system of the town without first

obtaining a permit from the Department, or who, having a permit, ~~shall dig~~ up any portion of any street, alley or easement of the town for the purpose of connecting to the water or sewer system of the town and ~~shall fail~~ or neglect to place the street, alley or easement in its original or better condition, or who shall maliciously or willfully break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the municipal water and ~~sewerage works~~ SANITARY SEWER SYSTEM shall be guilty of a misdemeanor, except ~~for~~ WHERE the damages or/and penalties as may be assessed on the town ~~which~~ total over \$5,000 in which case the persons shall be guilty of a felony.

§ 50.32 WATER SYSTEM SHUT-OFF VALVES.

All shutoff valves on the public water system are installed by the town for the use of the Department. The shutoff valves shall not be used or in any way operated, tampered with or manipulated by consumers of water or any member of the public. All consumers shall provide their own valve for ordinary usage. This valve shall be located on the consumer's side of the meter ahead of the first water outlet.

§ 50.33 OBSTRUCTION OF WATER AND SEWER SYSTEM.

No person shall place upon or about any valve, valve box, curb stop, water meter box, water gate, manhole or cleanout with the water or sewer system of the town any object, materials, debris, fence or structure of any kind that shall prevent free access to the same at all times or in any manner tamper with or injure the appurtenances. No person shall deposit any material in, fill up or cover over any valve or meter box, or any manhole or cleanout.

§ 50.34 ONLY AUTHORIZED PERSONS TO ~~TURN ON WATER~~ CONNECT AND DISCONNECT SERVICE.

(A) No person other than an official or employee of the town's ~~Utility Department~~ shall ~~turn on water~~ CONNECT OR DISCONNECT SERVICE from the town SEWER OR WATER mains without written permission from the PUBLIC WORKS Director.

(B) Should the water SERVICE be ~~turned on~~ MADE TO FUNCTION to the premises by anyone except an employee of the Department, after it has been turned off at the town's ~~curb stop~~ POINT OF CONNECTION, it will be turned off at the main and will not be turned on again until a flat charge covering the cost of excavation and replacing the paving, as established by the ~~Director~~ subject to the approval of the Town Manager, shall have TOWN HAS been paid in full.

§ 50.35 FIRE HYDRANTS.

(A) Fire hydrants are provided for the primary purpose of extinguishing fires and shall be opened and used only by the ~~Utility Department~~, the Fire Department, or such persons as may be authorized by the ~~Director~~ DEPARTMENT. No permit shall be issued and existing permits shall be cancelled to any person who has violated any of the provisions of this ~~chapter~~ TITLE or whose indebtedness to the town for water used or damage to hydrants is delinquent. Every person authorized to open fire hydrants will be required to replace caps on the outlets when such are not in

use and will keep hose connections in good repair. Failure to do so will be sufficient cause to prohibit further use of the hydrants and the refusal to grant subsequent permits for the use of the fire hydrants.

(B) It shall be unlawful for any person to obstruct the access to any fire hydrant by placing around, on or within 20 feet of the hydrant any stone, brick, lumber, dirt, rubbish, fence or other material or to open or operate any fire hydrant or to draw or attempt to draw water or to willfully or carelessly injure the hydrants or in any manner to tamper with or injure the hydrants.

(C)

(1) When water for construction is required by a contractor, it shall be supplied through a meter whenever possible. When an existing service connection is not available, or is of insufficient size, the contractor may apply to the Department for a fire hydrant meter. The application may be approved subject to the applicant's compliance with all rules and regulations established by the Department pertaining to the use of construction water from fire hydrants and the payment of applicable deposits, fees and charges. The contractor shall be responsible for any damage to the hydrant meter, costs of which shall be determined by the PUBLIC WORKS Director.

(2) Whenever the use of un-metered water on a street, pipeline or other public improvement project is approved by the PUBLIC WORKS Director, it shall be the duty of the ~~Utility~~ Department to furnish the Finance Department with an estimate of all un-metered water used. The water shall be billed to the contractor at the same rate as water taken through a fire hydrant meter. In addition, there will be a charge equal to the cost plus overhead for any work performed, and materials used by the town to provide construction water access for the contractor.

GENERAL REGULATIONS

§ 50.50 APPLICATION FOR SERVICE, ACTIVATION OR REACTIVATION OF SERVICE; INFORMATION REQUIRED.

(A) Each person APPLYING ~~making application~~ for a water and/or sewer connection shall present a valid plumbing permit issued by the town's Building Department to the Utility Department as a prerequisite for the approval of the requested service connection.

(B) The applicant shall state the following in his or her application for a new service tap:

- (1) Name;
- (2) Description of the lot, block and addition;
- (3) The desired location where the town main is to be tapped;
- (4) The desired tap size to be made;
- (5) The official house or building address assigned to the premises; and
- (6) The purpose for which the water will be used.

(C) The Department, as a condition to granting the application and furnishing water and/or sewer to the premises, is authorized to and shall require payment for the installation of service connections and meters.

(D) Service applications are required of all customers requesting activation or reactivation of water and/or sewer service. Application information must be submitted for each service address. An application must also be submitted when requesting the transfer of service from one customer to another. Service applications will require the following information THE FINANCE DIRECTOR DEEMS APPROPRIATE, IN COMPLIANCE WITH APPLICABLE STATE LAWS:

~~(1) Residential:~~

- ~~— (a) Name of responsible party (must be an individual);~~
- ~~— (c) Social security number;~~
- ~~— (d) Address;~~
- ~~— (e) Mailing address;~~
- ~~— (f) Service address;~~
- ~~— (g) If property owner, escrow number and title company;~~
- ~~— (h) If tenant, landlord's name and address;~~
- ~~— (i) If agent, proof of agency;~~
- ~~— (j) Employers name, address and phone; and~~
- ~~— (k) Requested turn-on date.~~

~~(2) Commercial:~~

- ~~— (a) Legal name of firm;~~
- ~~— (b) Service address;~~
- ~~— (c) Contact person;~~
- ~~— (d) Nature of business;~~
- ~~— (e) Dining on premises?;~~
- ~~— (f) Employer's ID number;~~
- ~~— (g) Town business license number;~~
- ~~— (h) Mailing address;~~
- ~~— (i) Name and address of owner(s);~~
- ~~— (j) If property owner, escrow number and title company;~~
- ~~— (k) If tenant, landlord's name and address;~~
- ~~— (l) If agent, proof of agency; and~~
- ~~— (m) Requested turn-on date.~~

~~(E) A service fee for activation or reactivation of service will include obtaining a beginning water meter reading and will be charged a fee. The fee shall be reviewed and may be revised by Council resolution. ACTIVATION OR REACTIVATION OF WATER SERVICE SHALL NOT BE PERFORMED UNTIL AN INITIAL WATER METER READING HAS BEEN COMPLETED AND THE TOWN HAS RECEIVED PAYMENT IN FULL OF AN ACTIVATION OR REACTIVATION FEE AS ESTABLISHED BY THE TOWN COUNCIL BY RESOLUTION.~~

§ 50.51 INTERRUPTION OF SERVICE.

By accepting utility service from the town, customers acknowledge, and accept that the water may at any time be shut off from the town's mains without notice due to emergencies or for the purpose of making repairs, extensions or any other necessary work. The town will not be liable for any damage that may occur on account of the water cut off for any purpose or on account of the breaking of any pipe or fixtures by the water from the town's mains. Water consumers who have any machinery, material, process or plant which requires a constant supply of water shall install upon

the premises such water storage facilities as will prevent any damage in case the town water supply may, for any reason, be interrupted or discontinued.

§ 50.52 STREET WORKS; UTILITY RELOCATION; NOTICE TO UTILITY DEPARTMENT.

All persons ~~handling~~ PERFORMING street work, such as grading, re-grading, filling and trenching or paving and the like, shall give the PUBLIC WORKS Director written notice in case it becomes necessary during the work to remove, displace or change any water or sewer mains, taps, pipes, fittings, meters, gates, valves or other appurtenances that may interfere with the ~~prosecution~~ PERFORMANCE of the work. Where the ~~amount~~ VALUE of work to be done does not exceed the amount of \$300, the notice shall be delivered not less than 48 hours before the services of the Department are required. Where the ~~amount~~ VALUE of work TO BE DONE does exceed the amount of \$300, notice shall be delivered not less than ~~5~~FIVE days before the services of the Department are required. Failure to furnish the notice shall make the person liable to the Department in case damages ~~should~~ result from the failure. Costs and responsibility for the protection and relocation of existing utilities shall be borne by the person or firm requiring the relocation.

§ 50.53 PROTECTION OF WATER SUPPLY AND SEWERAGE SYSTEMS.

The PUBLIC WORKS Director and the town's Building Official may, with the approval of the Town Manager, make such additional rules and regulations in furtherance of the purposes of this code, and not inconsistent with specific provisions of this code, as may be deemed necessary to properly protect the town water supply system or the sewage collection, treatment and recharge facilities.

§ 50.54 SERVICES AND MATERIALS TO BE PROPERTY OF UTILITY DEPARTMENT; CONSUMERS TO PAY FOR DAMAGES.

All water and/or sewer service and water meters and all materials supplied by the Department in the installation or repair of any meter and all materials supplied in the installation of any service connection with town water and/or sewer mains shall remain at all times the property of the Department and shall be maintained, repaired and renewed by the Department when rendered unserviceable through normal use. Where replacements, repairs to pipes, meters or other materials are rendered necessary by the acts, negligence or carelessness of the ~~consumer~~ CUSTOMER or any member of his or her family, guest or person in his or her employ, any expenses caused to the Department for the repair shall be charged against and collected from the ~~consumer~~ CUSTOMER. The Department may refuse to furnish water through the service until the account is paid in full.

§ 50.55 PERMIT REQUIRED FOR CONSUMER TO SUPPLY WATER OR SEWER SERVICE TO OTHERS.

No owner or lessee of property supplied with water and/or sewer service from town mains shall furnish water or sewer service to other persons or property without first obtaining written permission to do so from the PUBLIC WORKS Director. The permit may be issued only for emergencies or other unusual circumstances on a temporary basis. No permit will be issued until the

person desiring to use the water or sewer has obtained and filed with the PUBLIC WORKS Director the written consent of the owner or lessee of the property from which the service is to be taken, stating the location of the property by street and address number and the location by street and address number of the property to be supplied and stating the purpose for which it will be used. Upon receipt of a proper permit from the owner or lessee of the property from which the water or sewer service is to be taken, the PUBLIC WORKS Director may issue a temporary permit for a specific time frame allowing the service to be supplied to other persons or property.

§ 50.56 EFFLUENT COLLECTION, TREATMENT AND RECHARGE POLICY.

~~A) All new developments, subdivided and unsubdivided, containing 1 or more lots of less than 1 acre shall be required to construct an effluent collection system as approved by the town and connect to the town's Effluent CTR system~~

(BA) The town will design, build and operate an effluent ~~CTR system~~ SANITARY SEWER SYSTEM on its own schedule. If a development requires additional effluent collection, treatment and recharge capacity prior to the time such services or capacity is available from the town, the development shall provide financial resources sufficient to construct the additional capacity as requested, at ~~their ITS~~ own expense, at the town's facilities only. The develop~~ER~~ments ~~shall~~ MAY receive reimbursement of THE COST FOR ADDITIONAL CAPACITY ~~financial resources~~ PURSUANT TO AN AGREEMENT BETWEEN THE TOWN AND DEVELOPER. ~~provided according to the schedule as per the development agreement.~~

~~—— (C) New development, subdivided and unsubdivided, shall be required to install septic tanks as the first stage of wastewater treatment and install lines and other required components to connect with the town's effluent CTR system as system collection lines are extended to within 400 feet of the septic tank. They shall be required to maintain their septic tanks in proper working order as directed by the town as part of the town wastewater treatment process.~~

~~—— (D) Current septic tank owners, at the effective date of this section, shall be required to connect to the effluent CTR system as system collection lines are extended to within 400 feet of the septic tank. They shall be required to maintain their septic tanks in proper working order as directed by the town as part of the town wastewater treatment process.~~

(EB) At the time of building permit application for a new residence or a new commercial building, the permittee shall pay an effluent ~~CTR system~~ SANITARY SEWER SYSTEM hookup fee as adopted in the fee schedule(s), which may be amended from time to time.

(EC) All new developments, subdivided and unsubdivided, shall be required to demonstrate adequate financial capability and assurance, as approved by the Town of ~~Chino Valley~~, to design and construct the effluent ~~CTR system~~ SANITARY SEWER SYSTEM components sufficient to serve the new development and other areas as approved by the town.

(FD) Package wastewater treatment plants shall not be allowed, UNLESS APPROVED AT THE DISCRETION OF THE PUBLIC WORKS DIRECTOR AND TOWN ENGINEER.

(GE) The town reaffirms its ownership and control of all effluent produced within the town's Regional 208 Planning Area.

§ 50.57 WATER QUALITY; POTABLE, NON POTABLE, WASTEWATER.

WATER QUALITY SHALL BE IN ACCORDANCE WITH THE RULES AND REGULATIONS OF EPA, ADEQ, AND ADWR.

CHAPTER 51: WATER AND SEWERS

Private Water and Sewer Systems

51.001 ~~Definitions~~-RESERVED

51.002 ~~Approval required~~ PRIVATE SEWER SYSTEMS; GENERAL PROHIBITION

51.003 PRIVATE SEWER SYSTEMS; Permit required

51.004 Violation

Water Wells

51.020 Land boundaries

Water Use Policy

51.035 Commercial water credits

51.036 Residential assured water supply

51.037 Development; allocation of water credits

51.038 Development non-performance; forfeiture of water rights

51.039 Assured water supply; application of existing rights and transfer to town

51.040 Limitation of usage

51.041 Development of water system master plan

Water and Sewer Main Extensions

51.055 Approval by Town Engineer and Public Works Director required

51.056 Main extensions; connection with distribution system and collection systems

51.057 Extensions; construction, ownership and maintenance

51.058 Extensions; policy of town generally

51.059 APPROACH MAINS; CONSTRUCTION BY DEVELOPERS; Repayment AGREEMENTs; ~~mains by developers (approach mains)~~

51.060 APPROACH MAINS; LENGTH OF Extensions ~~in subdivisions, single lots and subplot developments and all other developments~~

51.061 ~~Approach mains; bids for construction and methods of repayment~~-RESERVED

51.062 Extensions; inapplicability of provisions to existing agreements; no interest to be paid

Water Service Connections

- 51.075 Connection to water mains required, existing residential optional
- 51.076 Buildings to have separate service connections; exceptions
- 51.077 Unauthorized connections with water mains
- 51.078 Service connections on existing mains
- 51.079 Developer to install service connections on new mains in new subdivisions
- 51.080 Connection of existing service to new main
- 51.081 Changes to existing service connection

Meters

- 51.095 Services to be metered
- 51.096 Location of meters
- 51.097 Cost of changing size of meter of service
- 51.098 Removal of meters
- 51.099 Replacement of meters
- 51.100 Maintenance and repair; consumer to pay for damages
- 51.101 Testing meter accuracy

Backflow Prevention

- 51.115 Declaration of policy; authorization
- 51.116 Cross connections from or to source of water supply other than that of town
- 51.117 Responsibility for backflow prevention control
- 51.118 Backflow prevention methods
- 51.119 Appeals
- 51.120 Remedies

Wastewater Collection, Treatment, And Recharge Policy

- 51.135 ~~Wastewater collection required; generally~~ [RESERVED]
- 51.136 Wastewater collection; treatment and recharge; schedule of construction
- 51.137 ~~Wastewater collection~~ RESERVED
- 51.138 ~~CTR system~~ SANITARY SEWER SYSTEM buy-in fee
- 51.139 Construction financial capabilities
- 51.140 ~~Private sewerage systems; construction and maintenance within town prohibited generally~~ RESERVED
- 51.141 ~~Private sewerage systems; when permitted, to be constructed and maintained in sanitary manner~~ RESERVED
- 51.142 Effluent; control and ownership

Connections to Public Sewers, Pumping

- 51.155 ~~[RESERVED]~~ SEWER REQUIRED FOR NEW DEVELOPMENT; OPTIONAL FOR EXISTING RESIDENTIAL
- 51.156 Permit required

- 51.157 Application for sewer tap, sewer dye test
- 51.158 Public Works Director to approve design, quantity, location, size and construction of sewer services
- 51.159 Special provisions for installing sewer taps in new subdivisions and developments
- 51.160 Installation of sewer taps
- 51.161 Property owner responsible for cleaning, repair and replacement of building sewers and connections
- ~~51.162 Sewer service line repair and replacement in the public right of way~~ RESERVED
- 51.163 Pumping charges; ~~basin boundaries~~

Use of Public Sewers and Limitations

- ~~51.175 Unsanitary disposal of excrement prohibited~~ RESERVED
- 51.176 Treatment of polluted wastes required
- 51.177 SEWER DISCHARGE, General user requirements AND PRE TREATMENT
- 51.178 Authority of PUBLIC WORKS Director to establish prohibitions and effluent limitations
- 51.179 Preliminary treatment; required approval; maintenance of facilities
- 51.180 Interceptors; requirements; type, capacity, location; construction of grease and oil interceptors; maintenance
- 51.181 Control manholes
- 51.182 Discharges to be reported
- 51.183 Tests and analyses

Industrial and Pretreatment Requirements

- 51.195 General industrial user requirements
- 51.196 Significant industrial user requirements
- 51.197 Special discharges
- ~~51.198 Authority of the Director~~ [RESERVED]
- ~~51.199 Permit appeals process~~ [RESERVED]
- ~~51.200 Confidential information~~ [RESERVED]

Accidental Discharge

- 51.215 Permittee provides protection
- 51.216 Permittee shall notify town of accidental discharge
- 51.217 Permittee will notify employees
- 51.218 Permittee shall label accidental discharge points

HAULAGE OF NON-HAZARDOUS LIQUID WASTES

- ~~51.230 Prohibition on wastes from industrial sites discharged to CTR system~~ SANITARY SEWER SYSTEM
- 51.231 Permit required
- 51.232 Exemption
- 51.233 Authority of the PUBLIC WORKS Director; permittee limitations and requirements

- 51.234 Mixing of non-hazardous liquid waste
- 51.235 Hazardous liquid waste
- 51.236 Non-hazardous liquid waste fees
- 51.237 Cessation of acceptance of non-hazardous liquid wastes
- 51.238 Violation

Utility Fees

- 51.250 Utility service deposits
- 51.251 Water system ~~new~~ service buy-in fee
- 51.252 Water service connection and meter installation charges
- 51.253 Sewer system new service buy-in fees
- 51.254 Determination of wastewater quality
- 51.255 Other user charge provisions
- 51.256 Other sewer service charges
- 51.257 Low income citizen's rate
- 51.258 Residential water rates
- 51.259 Commercial and industrial water rates
- 51.260 Rates for private fire connections
- 51.261 Fees and assessments due

Enforcement

- 51.275 Interference with or obstructing facilities
- 51.276 Authority of Utility Department to turn off water and/or sewer service
- 51.277 Rules and regulations to be enforced, exception
- 51.278 Criminal penalty
- 51.279 Civil penalty
- 51.280 Remedies
- 51.281 Effective date

Lien Enforcement

- 51.290 Lien Enforcement for Unpaid Utility User Fees

Private Water and Sewer Systems

§ 51.001 DEFINITIONSRESERVED. ~~For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.~~

~~**ACRE.** 43,560 square feet including utility and easements for ingress and egress.~~
~~**LOT.** A parcel of land occupied by 1 building and the accessory buildings or uses customarily incident to it, including such open spaces as are arranged and designed to be used in connection with the buildings.~~

~~**PRIVATE SEWAGE DISPOSAL SYSTEM.** A septic tank system with leach field.~~

~~PRIVATE WELL.~~ A domestic well serving a single family only.

~~SINGLE FAMILY DWELLING UNIT.~~ A detached residential dwelling unit designed for and occupied by 1 family only.

§ 51.002 ~~APPROVAL REQUIRED~~ PRIVATE SEWER SYSTEMS; GENERAL PROHIBITION.

(A) Except as provided in this ~~Section~~ CHAPTER, it is unlawful to construct or maintain within the town any privy, vault, SEPTIC TANK, cesspool, ~~package wastewater treatment plant~~, or other facility intended or used for the disposal of sewage, except a private sewage disposal system constructed and maintained according to standards prescribed by the town or appropriate county agency ~~may continue operating as long as it is viable and compliant with town and county standards.~~

~~(B) Where a public sanitary sewer is not available within the town, the building sewer shall be connected to a private sewage disposal system, in full compliance and as approved by the Yavapai County Health Department and ADEQ.~~

~~(C) Before commencement of construction of a private sewage disposal system located within the town, the owner shall first obtain a written permit from the town and appropriate county agent. A permit for operation of a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the town or county inspector, as appropriate.~~

~~(D) The appropriate town or county agency shall be allowed to inspect the work at any stage of construction, and, in any event, the applicant for the permit shall notify the proper agency when the work is ready for final inspection, and before any underground portions are covered.~~

~~(E) A permit and inspection fee shall be paid to the town or appropriate county agency at the time the application is filed.~~

~~(F) On-site wastewater treatment systems may be allowed, at the town's discretion, in areas north of granite creek lane. The design, construction and operation of any such system shall be at the sole expense of the developer. At such time as the town's collection lines are extended to within 400 feet of the subject development, the developer shall connect to the town's line, pay the appropriate buy-in fee and close the private system in accordance with ADEQ procedures, all at the developer's sole expense.~~

~~(G) *Violation; enforcement.* Any person allegedly violating this section shall be notified by the town or county in writing stating the nature of the violation and providing a reasonable time for the satisfactory correction thereof. The offender shall, within the period of time stated in the notice, permanently cease all violations. If the violation continues past the date or period of time shown on the notice, a civil citation may be issued as set forth in § 10.99 of this code. Thereafter, each day the violation continues constitutes a separate violation.~~

§ 51.003 PRIVATE SEWER SYSTEMS; PERMIT REQUIRED.

(A) WHERE A PUBLIC SANITARY SEWER IS NOT AVAILABLE WITHIN THE TOWN, THE BUILDING SEWER SHALL BE CONNECTED TO A PRIVATE SEWAGE DISPOSAL SYSTEM, IN FULL COMPLIANCE AND AS APPROVED BY THE YAVAPAI COUNTY HEALTH DEPARTMENT AND ADEQ.

(B) BEFORE CONSTRUCTION OF A PRIVATE SEWAGE DISPOSAL SYSTEM WITHIN THE TOWN MAY BEGIN, THE OWNER SHALL FIRST OBTAIN A WRITTEN PERMIT FURNISHED AND SIGNED BY THE TOWN OR APPROPRIATE COUNTY AGENT. A PERMIT FOR OPERATION OF A PRIVATE SEWAGE DISPOSAL SYSTEM SHALL NOT BECOME EFFECTIVE UNTIL THE INSTALLATION IS COMPLETED TO THE SATISFACTION OF THE TOWN OR COUNTY INSPECTOR, AS APPROPRIATE.

(C) THE APPROPRIATE TOWN OR COUNTY AGENCY SHALL BE ALLOWED TO INSPECT THE WORK AT ANY STAGE OF CONSTRUCTION, AND, IN ANY EVENT, THE APPLICANT FOR THE PERMIT SHALL NOTIFY THE PROPERTY AGENCY WHEN THE WORK IS READY FOR FINAL INSPECTION, AND BEFORE ANY UNDERGROUND PORTIONS ARE COVERED.

(D) A PERMIT AND INSPECTION FEE SHALL BE PAID TO THE TOWN OR APPROPRIATE COUNTY AGENCY AT THE TIME THE APPLICATION IS FILED.

(E) ON-SITE WASTEWATER TREATMENT SYSTEMS MAY BE ALLOWED, AT THE TOWN'S DISCRETION, IN AREAS BEYOND THE 10-YEAR LIMITS OF THE TOWN'S MAIN EXTENSION PLAN AS DETAILED IN THE CAPITAL IMPROVEMENT PLAN. THE DESIGN, CONSTRUCTION AND OPERATION OF ANY SUCH SYSTEM SHALL BE AT THE SOLE EXPENSE OF THE DEVELOPER. AT SUCH TIME AS THE TOWN'S COLLECTION LINES ARE EXTENDED TO THE SUBJECT DEVELOPMENT, THE DEVELOPER SHALL CONNECT TO THE TOWN'S LINE, PAY THE APPROPRIATE BUY-IN FEE AND CLOSE THE SYSTEM IN ACCORDANCE WITH ADEQ PROCEDURES, ALL AT THE DEVELOPER'S SOLE EXPENSE.

§ 51.004 VIOLATION.

(A) ANY PERSON FOUND TO BE VIOLATING ANY PROVISION OF THIS SUBCHAPTER SHALL BE SERVED BY THE TOWN OR COUNTY WITH WRITTEN NOTICE STATING THE NATURE OF THE VIOLATION AND PROVIDING A REASONABLE TIME LIMIT FOR THE SATISFACTORY CORRECTION THEREOF.

(B) THE OFFENDER SHALL, WITHIN THE PERIOD OF TIME STATED IN THE NOTICE, PERMANENTLY CEASE ALL VIOLATIONS.

(C) IF THE VIOLATION CONTINUES PAST THE DATE OR PERIOD OF TIME SHOWN ON THE NOTICE, A CIVIL CITATION MAY BE ISSUED. THEREAFTER, EACH DAY CONSTITUTES A SEPARATE VIOLATION.

WATER WELLS

§ 51.020 LAND BOUNDARIES.

From and after December 15, 1972, no further land within the boundaries of the town shall be purchased or leased for the purpose of drilling a water well, or for pumping from an existing well, to secure water for transmission or carriage to another city, town or using agency outside the Granite Creek Critical Water Basin, Yavapai County, Arizona.

WATER USE POLICY

§ 51.035 COMMERCIAL WATER CREDITS.

Non-residential commercial water users may lease water credits from the town's water portfolio provided that such developments allocate at least 75% of the square footage to retail sales tenants, and provided that sewer collection services are available within ~~400~~ 300 feet of the property line or are scheduled to be constructed within ~~5~~ FIVE years. The entire commercial development shall be required to connect to the ~~CTR-system~~ SANITARY SEWER SYSTEM and pay all fees and satisfy additional conditions as approved by the town.

§ 51.036 RESIDENTIAL ASSURED WATER SUPPLY.

All new residential subdivisions shall demonstrate to the satisfaction of the town THAT an application has been submitted to the Arizona Department of Water Resources for a 100-year Assured Water Supply for any new development in the Prescott Active Management Area with the filing for preliminary plat approval with the town. The 100-year assured water supply certificate, issued by ADWR, shall be submitted with the final plat application.

§ 51.037 DEVELOPMENT; ALLOCATION OF WATER CREDITS.

Allocation of water credits to development from the town's water portfolio will only be considered using the following minimum criteria (additional conditions may be required):

(A) The development must provide a water budget that meets or exceeds the water use and water conservation goals of the Arizona Department of Water Resources.' ~~Third Management Plan for Prescott Active Management Area, 2000-2010.~~

(B) The development shall participate in the town's ~~CTR-program~~ SANITARY SEWER SYSTEM, or be able to participate within ~~5~~ FIVE years per the towns then current and adopted Capital Improvement Plan, at the town's discretion, and construct dry service laterals and wastewater collection main lines.

(C) The development shall pay the effluent ~~CTR-system~~ SANITARY SEWER SYSTEM buy-in fees, according to the then adopted fee schedule(s).

(D) The development shall pay a water portfolio access fee according to the then adopted fee schedule(s).

(E) The initial water portfolio access fee shall be paid at the rate set by Council resolution

per acre-foot for a 100 year assured water supply. The Town Council may adjust this rate from time to time by resolution.

(F) The development shall construct, as approved by the town Engineer and Public Works Director, a central water delivery system, IN ACCORDANCE WITH THE CURRENT MASTER PLAN, including production and storage as required, at their own expense, which ownership shall transfer to the Town of ~~Chino Valley~~ at no cost to the town at the final acceptance of the development infrastructure or at a date negotiated by the developer and the town at the time of request for development.

(G) The development shall provide, to the town's satisfaction, the financial capability and assurances to complete the development in a timely manner, as approved by the Town of ~~Chino Valley~~.

§ 51.038 DEVELOPMENT NON-PERFORMANCE; FORFEITURE OF WATER RIGHTS.

Once a development has received a water allocation from the town's water portfolio, the developer shall perform as per the development agreement. If the developer does not perform as per the development agreement, and begin construction within ~~2~~TWO years, the developer's town water allocation shall be forfeited and no fees shall be refunded.

§ 51.039 ASSURED WATER SUPPLY; APPLICATION OF EXISTING RIGHTS AND TRANSFER TO TOWN.

(A) All water rights applicable to a specific parcel of land must be utilized to demonstrate a 100-year assured water supply for that parcel, before the developer is allowed to acquire any water rights or credits from the town for that parcel.

(B) Parties seeking access to the town's water portfolio are required to transfer to the town, at no cost to the town, prior to the recording of final plat, all water rights and credits used by the developer to demonstrate a 100-year assured water supply for that subdivision.

§ 51.040 LIMITATION OF USAGE.

The town at its discretion may make its water, effluent rights and credits available for purchase by developers submitting a preliminary subdivision plat. The purchased water rights shall be utilized only for the platted subdivision, and may not be sold or transferred without the town's express written permission.

§ 51.041 DEVELOPMENT OF WATER SYSTEM MASTER PLAN.

(A) The town will develop a water system master plan to identify the general location and sizing of all central water system infrastructure required throughout certain designated areas of the community.

(B) The developer will be responsible for all costs for the design, and construction of all water system infrastructure in general conformance with the master plan, or any revisions thereto.

WATER AND SEWER MAIN EXTENSIONS

§ 51.055 APPROVAL BY TOWN ENGINEER AND PUBLIC WORKS DIRECTOR REQUIRED.

No public water or sewer extensions shall be made until the plans and specifications are approved by the town Engineer and the Public Works Director. Water and sewer main extensions shall be designed and constructed in accordance with ADEQ Bulletin 10, ADEQ Bulletin 11, AWWA Standards, TOWN OF CHINO VALLEY STANDARDS, YAG Standards and MAG standards, as appropriate. With the concurrence of the Town Engineer, the PUBLIC WORKS Director may authorize variances from the standards and specifications.

§ 51.056 MAIN EXTENSIONS; CONNECTION WITH DISTRIBUTION AND COLLECTION SYSTEMS.

(A) Persons desiring to connect water and sewer main extensions to the existing distribution and collection systems shall ~~APPLY make application~~ to the ~~Utility~~ Department in writing and shall pay all established fees and charges.

(B) In new subdivisions, shopping centers, industrial tracts or other similar developments, the developer shall furnish and install, to town specifications, all water mains, valves, service lines, sewer lines, manholes and all required appurtenances for each type of main extension within the boundary of the designated area of development.

§ 51.057 EXTENSIONS; CONSTRUCTION, OWNERSHIP AND MAINTENANCE.

(A) In new subdivisions and developments where public sewers and/or water mains are authorized by the PUBLIC WORKS Director, the mains, service lines and appurtenances, including storage tanks and pump stations, shall be designed and constructed at the developer's expense in accordance with plans and specifications approved by the PUBLIC WORKS Director. Review and inspection fees shall be paid in accordance with provisions of the town code. The costs for the preparation of the plans and specifications, the staking of the location of the lines, the cost of inspection and testing, the cost of acquiring rights-of-way and easements, and preparation of as-built plans shall be the responsibility of the developer. The town will perform inspection during construction.

(B) Subsequent to final approval and acceptance of construction, the person responsible for the construction of the extension shall relinquish all right to, or interest in, FREE OF ALL LIENS, the ownership of the extension and the Department shall exercise complete control over such extension.

(C) Upon acceptance of construction, water main extensions and service connections shall be maintained by the ~~Utility~~ Department, up to and including the consumer's meter and shall be

operated by the Department, as part of the distribution system. The Department shall maintain all public sewer lines, pumping stations, treatment facilities and other appurtenances, except for the package pumping stations as may be required for individual residences or businesses to access to the gravity system. The Department shall exercise complete operational control over all such extensions and appurtenances.

§ 51.058 EXTENSIONS; POLICY OF TOWN GENERALLY.

The water and sewer main extension policy of the town for areas beyond present town trunk mains and the policy to be followed in connection therewith shall be, and the same is hereby declared to be, as follows: The town desires to encourage the development of undeveloped areas through repayment for extra costs incurred in construction of “off-site” mains that are necessary to serve new developments, and bring service to existing developments, in order to distribute the costs of extending the mains between ~~2~~TWO or more developers. This policy would apply where a main extension was constructed by ~~1~~ONE developer and connected to or utilized at a later date by ~~1~~ONE or more developers or property owners. For this purpose, a water or sewer main is defined as a main constructed from the town’s existing point of connection to, and along, the frontage or boundary of the development with the capacity to serve additional developments. However, the developer must pay all costs for engineering design and construction of mains of such size as to afford adequate capacity and service for specific “service areas” to be served by such mains.

§ 51.059 APPROACH MAINS; CONSTRUCTION BY DEVELOPERS; REPAYMENT AGREEMENTS; ~~MAINS BY DEVELOPERS (APPROACH MAINS).~~

(A) ~~In the event that a proposed new development or project finds it necessary to extend water or sewer mains from a distant point in order to serve the project or development, the cost of the main extension, designated as an “approach main” will be included in a separate agreement. Should others in the service area desire to join with the A developer in constructing the AN proposed “aApproach mMain”, the agreement will be considered as including such others. The town will limit the maximum size of the approach main entirely at the developer’s costs to 12 inches in diameter for water mains and 18 inches in diameter for sewer mains. AN APPROACH MAIN MAY BE CONSTRUCTED BY THE TOWN, OR BY A DEVELOPER, IN ACCORDANCE WITH THE PROVISIONS OF THIS SECTION.~~

(B) THE FINAL DETAILED PLANS AND SPECIFICATIONS FOR AN “APPROACH MAIN” SHALL BE APPROVED BY THE TOWN ENGINEER AND PUBLIC WORKS DIRECTOR PRIOR TO CONSTRUCTION. THE ENGINEERING COST FOR THE PREPARATION OF PLANS, SPECIFICATIONS, ADEQ AND/OR YAVAPAI COUNTY REVIEW FEES, AND PERMIT FEES, AND CONSTRUCTION STAKING OF THE “APPROACH MAIN” INCURRED BY A DEVELOPER MAY BE INCLUDED IN THE CALCULATION OF REPAYABLE COSTS AS PROVIDED FOR IN THIS SECTION. THE PLANS AND BID LINE ITEMS FOR THE APPROACH MAINS SHALL BE CLEARLY AND DISTINCTLY SEPARATED FROM ALL OTHER ON-SITE PLAN SHEETS AND BID ITEMS.

(C) THE COST OF DISTRIBUTION MAINS WITHIN THE BOUNDARIES OF A DEVELOPMENT SHALL NOT BE ELIGIBLE FOR REPAYMENT. WHERE BOOSTER

PUMPS AND STORAGE TANKS ARE NECESSARY TO MAINTAIN RESERVE, PEAK AND FIRE FLOW CAPACITY AND/OR TO MAINTAIN ADEQUATE PRESSURES IN THE WATER MAINS DUE TO THE DEVELOPMENT BEING NEAR OR ABOVE THE HYDRAULIC GRADIENT IN THE TOWN SERVICE AREA, THE DEVELOPER SHALL PROVIDE ADEQUATE LAND, AND CONSTRUCT, AT HIS OR HER OWN EXPENSE, THE NECESSARY STORAGE FACILITY AND BOOSTER PUMPING STATION TO TOWN SPECIFICATIONS. THE TOWN WILL ASSUME OWNERSHIP, MAINTENANCE AND OPERATION OF THE PROPERTY AND FACILITIES UPON COMPLETION AND ACCEPTANCE BY THE TOWN.

~~(B) The town reserves the right, to increase the diameter of the approach main, if it deems advisable, but under this condition, the town will participate in the cost of the difference between the larger size and the maximum size stated in division 51.059(A) above so that the laid cost of the aApproach mMain of larger pipe diameter to the developer will not exceed the laid cost of the same extension if it were 12 or 18 inches in diameter, as appropriate.~~

~~(C) The final detailed plans and specifications for the “approach main” extension must be approved by the Town Engineer and Public Works Director prior to construction. The engineering cost for the preparation of plans, specifications, ADEQ and/or Yavapai County Review fees, and permit fees, and construction staking of the “approach main” incurred by the developer may be included in the agreed-upon construction costs as provided for in this section. The plans and bid line items for the approach mains shall be clearly and distinctly separated from all other on-site plan sheets and bid items.~~

~~————(D) The cost of distribution mains within the boundary of the development shall not be eligible for repayment. Where booster pumps and storage tanks are necessary to maintain reserve, peak and fire flow capacity and/or to maintain adequate pressures in the water mains due to the development being near or above the hydraulic gradient in the town service area, the developer shall provide adequate land, and construct, at his or her own expense, the necessary storage facility and booster pumping station to town specifications. The town will assume ownership, maintenance and operation of the property and facilities upon completion and acceptance by the town.~~

(D) THE TOWN MAY UTILIZE LINE CHARGES TO FACILITATE THE REPAYMENT OF REPAYABLE COSTS ASSOCIATED WITH AN APPROACH MAIN, PROVIDED THAT SUCH LINE CHARGES SHALL EXPIRE AFTER 20 YEARS, AND THAT THE TOWN SHALL RECORD NOTICE OF SUCH LINE CHARGES IN THE OFFICE OF THE YAVAPAI COUNTY RECORDER. FOR AN APPROACH MAIN THAT WAS CONSTRUCTED BY A PRIVATE DEVELOPER, LINE CHARGES MAY ONLY BE UTILIZED IF REPAYABLE COSTS HAVE BEEN ESTABLISHED PURSUANT TO A REPAYMENT AGREEMENT AND APPROVED BY THE TOWN COUNCIL. REPAYABLE COSTS TO BE INCLUDED IN A REPAYMENT AGREEMENT SHALL BE DETERMINED BY THE TOWN ENGINEER, BASED ON AN ESTIMATE BY THE DEVELOPER’S DESIGN ENGINEER AND AFTER CONSIDERATION OF COMPARABLE PROJECTS.

(E) THE TOWN RESERVES THE RIGHT, IN ITS SOLE DISCRETION, TO REQUIRE AN INCREASE IN THE DIAMETER OF AN APPROACH MAIN, IN WHICH CASE, IF THE

INCREASED DIAMETER EXCEEDS 12 INCHES FOR A WATER MAIN OR 18 INCHES FOR A SEWER MAIN, THE TOWN SHALL PAY THE COST OF THE MATERIALS REQUIRED TO INCREASE THE DIAMETER OF THE MAIN FROM 12 INCHES FOR A WATER MAIN, 18 INCHES FOR A SEWER MAIN, OR THE DIAMETER REQUIRED BY THE DEVELOPER, WHICHEVER IS LARGER, AND THE INCREASED DIAMETER REQUIRED BY THE TOWN.

(F) IF THE TOWN WILL PAY ANY PORTION OF THE COST OF AN APPROACH MAIN WITH PUBLIC FUNDS, THAT APPROACH MAIN SHALL BE DESIGNED AND CONSTRUCTED IN COMPLIANCE WITH ARIZONA REVISED STATUTES TITLE 34 AND FUNDS TO BE USED FOR REIMBURSEMENT SHALL BE APPROVED BY TOWN COUNCIL.

(G) *IMPROVEMENT OR COMMUNITY FACILITY DISTRICTS*. WHEN JUSTIFIED BY THE ANTICIPATED SCOPE OR COST OF CONSTRUCTION, A COMMUNITY FACILITIES DISTRICT OR AN IMPROVEMENT DISTRICT MAY BE FORMED BY THE TOWN COUNCIL AT ITS SOLE DISCRETION AND IN ACCORDANCE WITH PROVISIONS OF STATE AND LOCAL LAW.

~~§ 51.060 APPROACH MAINS; LENGTH OF EXTENSION IN SUBDIVISIONS, SINGLE LOTS AND SUBLOT DEVELOPMENTS AND ALL OTHER DEVELOPMENTS.~~

~~Where main line trunk sewers and/or water mains exist adjacent to the nearest property line of a single, existing residential lot, created with a dry lot subdivision or by the lot split process or any other method, but no water or sewer main exists along the frontage of the A lot, and the developer or owner of the lot requests water and/or sewer service, sufficient length of main shall be constructed by the developer or owner to extend the main from the point of connection at the existing main to the far property line of the lot. If the Director determines after a review of the size, length and location of the line that an approach main repayment agreement is practical and warranted, and the applicant desires to enter into such an agreement, the new main(s) shall be constructed to and across the entire lot frontage. THE FULL FRONTAGE, REARAGE, OR SIDEAGE OF THE PROPERTY.~~

~~§ 51.061 APPROACH MAINS; BIDS FOR CONSTRUCTION AND METHODS OF REPAYMENT[RESERVED].~~

~~(A) Approach mains shall be procured by the developer, in accordance with the provisions of the Town of Chino Valley procurement code. The approach main reimbursement cost shall be estimated by the developer's design engineer and approved by the Town Engineer to determine the applicable method of procurement to be utilized. These are as follows:~~

~~(1) Total cost less than \$5,000. Purchases of goods and services totaling less than \$5,000 shall require the solicitation of 3 oral bids. In some cases 3 bids may not be secured, in which case all attempts shall be documented and any non-bidders listed as "no bid submitted". The low bidder shall provide a detailed, written breakdown of the total bid cost, which will be used to determine the total reimbursement _____ allowed.~~

~~(2) Total cost greater than \$5,000 but less than or equal to \$10,000. Purchases of \$5,000 up to \$10,000 for goods and services shall require 3 written bids providing a detailed, written breakdown~~

of the total bid cost, which will be used to determine the total reimbursement allowed. The Director shall review the bids for accuracy and completeness and, if satisfied, recommend award to the low bidder. The Town Council will have final authority to award the bid and the reimbursement agreement.

~~(3) Total cost greater than \$10,000. Purchases of goods and services with a value greater than \$10,000 shall be procured through competitive sealed bids.~~

~~(a) A notice of solicitation of construction for and payment by the developer shall be posted at town hall and advertised, as a minimum, in local newspapers at least 10 days prior to the date set for receipt of bids. The solicitation may also be mailed directly to all responsible prospective bidders who may have expressed interest in similar type projects.~~

~~(b) The notice shall state the date, time and place of opening submitted bids, along with a general description of the services required.~~

~~(c) The notice shall include a contact name, telephone number and location where project plans and specifications, along with the bid submittal package, may be obtained.~~

~~(d) Bids shall be submitted at the location specified in the solicitation, prior to the time specified for opening, in a sealed envelope clearly marked as a bid for the specific project name and the name of the person or firm submitting the bid. Any bid not received within the time period allowed shall be rejected and returned unopened.~~

~~(e) All bids shall be publicly opened at the time and place specified, and read aloud. The bids shall be reviewed by the Town Engineer for completeness and any mathematical errors. A tabulation of all bids received shall be posted in town hall for public inspection.~~

~~(f) The town and the developer each reserve the right to reject any or all bids. The construction cost of the approach mains shall be determined prior to the commencement of construction and shall be approved by the Public Works Director for inclusion in the repayment agreement. The Town Council shall have final authority to approve the repayment agreement and cost.~~

~~(g) All construction of approach mains and appurtenances shall be in accordance with standards and procedures of the Town of Chino Valley.~~

~~(B) — (1) Buy in fee. Based upon the cost of construction determined under § 51.059, the developer may be credited for reimbursement the cost of utility buy in fees at the then current rate as established by Council resolution. Agreements for extensions may be executed with 1 or more developers as circumstances dictate. The total amount reimbursed shall not exceed the buy in cost unless specifically approved and budgeted by Council. In the event the buy in exceeds the cost of construction, no cash reimbursement shall be paid to the developer and the balance of the buy in fees shall be due and paid to the town.~~

~~—— (2) *Line charge.* Where a utility line extends past several properties, and a multi-party extension agreement is not executed, the Town Council may provide by resolution a charge be placed on the line to recover additional expenses that exceed the buy in fees or to recover town contributions. Such charge shall apply to all subsequent developers and property owners that connect to the utility line. Line charges so applied shall be for a period not to exceed 10 years. Line charges collected for amounts in excess of the original developers construction cost, and paid by the original developer for the extension, shall be reimbursed to the original developer.~~

~~(3) *Improvement or community facility districts.* Where either of the above methods are not applicable due to the scope or cost of anticipated construction costs, a community facilities district or an improvement district may be formed in accordance with provisions of state and local ordinances.~~

§ 51.062 EXTENSIONS; INAPPLICABILITY OF PROVISIONS TO EXISTING AGREEMENTS, NO INTEREST TO BE PAID.

~~This policy is not retroactive~~ THE PROVISIONS OF SECTIONS 51.058 THROUGH 51.060 SHALL NOT APPLY to existing agreements signed under previous policies OR CODE PROVISIONS. No interest will be applicable on ACCRUE, ~~nor applied~~ OR BE APPLIED to, the agreed “aApproach mMain” construction cost UNLESS SPECIFICALLY SET FORTH IN THE EXISTING AGREEMENT.

WATER SERVICE CONNECTIONS

§ 51.075 CONNECTION TO WATER MAINS REQUIRED; EXISTING RESIDENTIAL OPTIONAL.

(A) UNLESS SERVICED BY ANOTHER PUBLIC WATER PROVIDER, ~~W~~where commercial, industrial and other non-residential property is located ~~upon~~ a street in which a water main is laid, the property shall be connected with the TOWN’S water system. These services CONNECTIONS shall extend at right angles from the main to the curbside, or property line, and shall be installed in accordance with town standard details.

(B) A new home on residential property located upon a street where a town water main is located shall be connected with the town water system AT THE TIME OF CONSTRUCTION. The connection shall not prohibit the construction and operation of a non-exempt well in accordance with state ADWR regulations.

(C) Where a new TOWN water main is laid on a street with existing residential homes that have an on-site domestic well, the properties may elect to continue use of their on-site well in lieu of connecting to the town system. In the event that the properties do connect to the town system, either at the time of original line construction or at some later date, the on-site well shall be properly sealed and abandoned. In accordance with ADWR and ADEQ standards, the abandonment shall be inspected, confirmed and documented by the Utility Department.

(D) The number, location, manner of construction and sizes of all service connections shall be subject to the approval of the PUBLIC WORKS Director.

(E) NEW SUBDIVISIONS CONTAINING LOTS OF LESS THAN ONE ACRE SHALL CONNECT EACH LOT TO THE TOWN'S WATER SYSTEM. NEW SUBDIVISIONS CONTAINING LOTS OF ONE ACRE OR GREATER WHICH ARE WITHIN 300 FEET OF THE TOWN'S WATER SYSTEM SHALL CONNECT EACH LOT TO THE TOWN'S WATER SYSTEM.

(F) PRIVATE SYSTEMS AND WELLS SHALL NOT BE CONSTRUCTED WHERE THE TOWN'S PUBLIC WATER SYSTEM IS AVAILABLE AT THE PROPERTY LINE OF A LOT, OR WITHIN THREE HUNDRED (300) FEET OF THE PROPERTY LINE OF A SUBDIVISION.

(G). SERVICE CONNECTION TO THE TOWN WATER SYSTEM SHALL ONLY BE PROVIDED PURSUANT TO AN APPLICATION OR AGREEMENT BETWEEN THE PROPERTY OWNER OR APPLICANT AND THE TOWN. AN APPLICATION OR AGREEMENT FOR SERVICE CONNECTION TO A NEW PROJECT OR DEVELOPMENT SHALL BE APPROVED AND ACCEPTED BY THE TOWN ONLY IF THE TOWN FINDS THAT THE PROJECT OR DEVELOPMENT IS CONSISTENT WITH, CONFORMS TO, AND FURTHERS THE IMPLEMENTATION OF:

(1) THE TOWN'S WATER USE POLICY.

(2) THE TOWN'S GENERAL PLAN.

(3) ANY APPLICABLE ADOPTED PLAN, INCLUDING, BUT NOT LIMITED TO, SPECIFIC AREA PLAN, CIRCULATION PLAN, CAPITAL IMPROVEMENT PLAN, GROWTH PLANNING, OR GROWTH MANAGEMENT PLAN.

(4) THE TOWN'S WATER BUDGET.

§ 51.076 BUILDINGS TO HAVE SEPARATE SERVICE CONNECTIONS; EXCEPTIONS.

(A) Every separate building supplied with town water and/or sewer service must have its own separate connection with the town mains, except TWO (2) or more buildings located on the same lot or on contiguous lots under single ownership, or property known as aN ~~court~~, apartment house, trailer court or other similar developments covering more than ONE (1) lot may be, upon written permission granted by the PUBLIC WORKS Director, supplied through a single metered connection with the town main as long as single ownership continues. Upon change from such single ownership, a new separate connection shall be immediately made for the building or premises having the indirect connection.

~~(B) (1) In case there is no water main on any street on which the premises abut, and the consumer first in order of service from the main guarantees in writing the payment of water charges for all parcels of property so served, the Director may permit the connection to be installed, upon payment of applicable buy in fees, or remain until a water and/or sewer main is laid in the abutting street.~~

~~(2) The Utility Department shall give 30 days notice in writing to all consumers served through the~~

~~service before enforcing this section by cutting off water.~~ (C) The Utility Department shall have the right, at its sole discretion, to install a single service pipe of sufficient size from the main to the back of curb to supply not more than TWO (2) separate properties connecting to separate meters. The size of the service pipe shall be determined by the ~~Public Works~~ Director and the Building Official.

§ 51.077 UNAUTHORIZED CONNECTIONS WITH WATER MAINS.

No person shall connect any pipe, tube or other instrument with any main, service pipe, conduit or flume for the purpose of taking and conducting water belonging to the town, without a permit or authorized service connection from the Utility Department. Violators shall be guilty of a misdemeanor.

§ 51.078 SERVICE CONNECTIONS ON EXISTING MAINS.

~~Where all or part of a new subdivision is served by existing town water mains,~~ Only authorized personnel of the ~~Utility~~ Department shall make taps for service connections ON TOWN WATER MAINS, unless specifically authorized in writing by the PUBLIC WORKS Director.

§ 51.079 DEVELOPER TO INSTALL SERVICE CONNECTIONS ON NEW MAINS IN NEW SUBDIVISIONS.

(A) In all new subdivisions or other developments where there are no existing town water mains, THE developers ~~are required to have their contractors~~ SHALL install all 3/4- and/or 1-inch service connections simultaneously with the installation of the ~~subdivider's~~ water mains TO THE SUBDIVISION OR DEVELOPMENT. Services of 1-1/2 inches and/or 2-inches may also be installed by the ~~developer's contractor~~ if so approved by the PUBLIC WORKS Director.

(B) Services larger than 2 TWO inches shall have a resilient seat shutoff valve with a valve box.

(C) In all new subdivisions or other developments where the ~~developer's contractor~~ installs the service connections and meter sets, application must be made to the ~~town~~ Utility Department, as otherwise provided in this code, for installation of water meters.

(D) ALL SERVICE CONNECTIONS SHALL BE INSTALLED IN FULL COMPLIANCE WITH TOWN STANDARDS AND SPECIFICATIONS. ONLY METER BOXES AND METER SETS SPECIFIED BY THE TOWN MAY BE INSTALLED. ANY REQUIRED PRESSURE REGULATING VALVE SHALL BE INSTALLED AND TESTED BY THE CONTRACTOR. THE PRESSURE REGULATING VALVE SHALL BE MAINTAINED BY THE TOWN UTILITY CUSTOMER.

(E) IN THE EVENT A SERVICE CONNECTION MUST CROSS AN ARIZONA DEPARTMENT OF TRANSPORTATION ("ADOT") HIGHWAY RIGHT-OF-WAY, THE CUSTOMER SHALL OBTAIN THE NECESSARY PERMITS DIRECTLY FROM ADOT AND MAKE THE SERVICE CONNECTION THROUGH A LICENSED CONTRACTOR. THE SERVICE CONNECTION SHALL INCLUDE THE METER SET AND BOX AND THE

SERVICE LINE FROM THE METER BOX TO THE WATER MAIN. THE CONTRACTOR SHALL INSTALL THE WATER MAIN TAP AND EXPOSE THE WATER MAIN. THE TOWN SHALL INSTALL THE METER IN THE BOX.

§ 51.080 CONNECTION OF EXISTING SERVICE TO NEW MAIN.

Where a new main has been laid in any street, the owners of premises on the street who are being supplied through ~~temporary~~ EXISTING services, and have paid the regular buy-in and service installation charges, shall be connected to the new main by the ~~Utility~~ Department without further charge.

§ 51.081 CHANGES TO EXISTING SERVICE CONNECTION.

When new buildings are to be erected on the site of old ones and it is desired to increase the size of, to change the location of the old service connection, or where a service connection to any premise is abandoned or no longer used, the Department may immediately reclaim and disconnect the connection at the main, after which, should a service connection be required to the premises, a new service shall be placed ~~only upon the owner making application and paying for a new service in the regular manner as described elsewhere in this chapter.~~ . ANY ADDITIONAL BUY IN FEES MAY APPLY. ANY FEES PAID FOR THE EXISTING SERVICE SHALL BE CREDITED AGAINST THE DETERMINATION OF THE NEW BUY IN FEES.

METERS

§ 51.095 SERVICES TO BE METERED.

(A) Whenever a service shall be installed, connecting any property or ~~WATER-USING-water~~ using equipment with the water supply of the town, the water will be supplied to the property or equipment through meter only, except as provided in § 51.260 for sprinkler type fire prevention systems.

(B) A separate water meter is required for new services established after ~~the date of this chapter~~ AUGUST 23, 2004 for the following:

(1) Landscaped watering (irrigation) ~~as defined in § 50.01~~ of all landscaped areas greater than 10,000 square feet; or

(2) All water features, ~~as defined in § 50.02~~, having a maximum daily water consumptive use of 500 gallons per day.

§ 51.096 LOCATION OF METERS.

All meters ~~of the Utility Department~~ shall be located on the back of the sidewalk side of the curb line, if such exists, or at the property line if the curbs do not exist in accordance with standard construction details as approved by the Public Works Director.

§ 51.097 COST OF CHANGING SIZE OF METER OF SERVICE.

In case a larger or smaller meter or service is applied for, other than the ~~ONE~~ already in service, the applicant shall pay for the installation of the new service in accordance with the schedule of charges as established by the PUBLIC WORKS Director, subject to the approval of the Town Manager. The original tap shall be ~~killed~~ REMOVED and the applicant given a refund for the old meter removed by the Department, in accordance with a refund schedule approved by the PUBLIC WORKS Director.

§ 51.098 REMOVAL OF METERS.

Meters, when installed to service any property, shall be removed only by an authorized employee of the ~~Utility~~ Department or upon order of the PUBLIC WORKS Director. ~~For the~~ Violation of this provision ~~the water shall~~ RESULT IN THE WATER TO THE PROPERTY BEING turned off. BEFORE WATER SERVICE IS RESTORED, THE PROPERTY OWNER OR PERSON IN CONTROL SHALL REIMBURSE THE TOWN'S ~~and a charge equal to the costs incurred by the town for restoring~~ TO RESTORE the meter to its authorized and designated location. ~~must be paid before the water is again turned on.~~ IF ~~n~~ case the meter ~~has been~~ WAS removed by a plumber or other contractor, his or her ~~plumber's~~ business license may be revoked and not again issued until the charge has been paid.

§ 51.099 REPLACEMENT OF METERS.

The ~~Utility~~ Department may replace any meter at such time as it may see fit and shall be the judge of the size and type of any water meter installed. In the event there is an excessive rate of flow through an installed meter the town may require the owner, at his or her expense, to install a meter of adequate size.

§ 51.100 MAINTENANCE AND REPAIR; CONSUMER TO PAY FOR DAMAGES.

The ~~Utility~~ Department shall maintain and repair all meters when rendered unserviceable through normal use and shall renew them if necessary. Where replacements, repairs or adjustments of any meter are determined necessary by the act, neglect or carelessness of the owner or occupant of any premises, and this shall include any damage to meters due to hot water, breaking meter seals, tampering with working parts of the meter and the like, any expense caused to the ~~Utility~~ Department thereby shall be charged against and collected from the owner of the premises or person supplied. The Department may refuse to furnish water through the service until all charges are paid in full.

§ 51.101 TESTING METER ACCURACY.

Any TOWN WATER CUSTOMER ~~consumer~~ may have the accuracy of his or her meter examined and tested by the ~~Utility~~ Department upon WRITTEN REQUEST AND receipt by the town of the established fee for such work. The ~~Utility~~ Department will examine and test the meter, and, if found to be inaccurate in excess of 2% of water passing through it, ~~such~~ THE TOWN WILL REMOVE AND REPLACE THE meter ~~shall be removed and replaced~~ at the town's expense. ~~The consumer may be present when the test is performed.~~ If the meter is found to be inaccurate in excess of 2% of water passing through it, the billing for the current period will be adjusted in the manner deemed

appropriate by the FINANCE Director, and the testing fee ~~will~~ SHALL be refunded to the ~~consumer~~ CUSTOMER. If the meter is found to be accurate, the town ~~will~~ SHALL retain the testing fee.

BACKFLOW PREVENTION

§ 51.115 DECLARATION OF POLICY; AUTHORIZATION.

It is determined that danger to the public health, safety and welfare resulting from contamination or pollution of the public potable water supply system requires that measures be adopted to protect that system by authorizing town officials to:

- (A) Protect the public potable water supply from the possibility of contamination or pollution by preventing the backflow of contaminants or pollutants into the public water supply system;
- (B) Promote the awareness and elimination of cross connections, actual or potential, of a customer's internal potable water system with the public potable water supply system;
- (C) Provide for a continuing program of backflow prevention control which will prevent the contamination or pollution of the public potable water supply system;
- (D) Provide for the monitoring and enforcement of a continuing program of backflow prevention which will prevent the contamination or pollution of the public potable water supply; and
- (E) Comply with the FEDERAL, State AND LOCAL requirements, ~~contained in A.A.C. Title 18, Chapter 4, Article 232 (R18-4-232) entitled "Operation: Backflow Prevention" that was promulgated by ADEQ with an effective date of August 8, 1991, and is incorporated herein by reference (hereinafter referred to as State Rule R-18-4-232). One copy shall be on file with the Town Clerk, the Building Department and the Public Works Department.~~

§ 51.116 CROSS CONNECTIONS FROM OR TO SOURCE OF WATER SUPPLY OTHER THAN THAT OF TOWN.

It shall be unlawful for any customer to cause a connection to be made or to allow one to exist for any purpose whatsoever between the town water supply and any other source of supply without the approval of the PUBLIC WORKS Director.

§ 51.117 RESPONSIBILITY FOR BACKFLOW PREVENTION CONTROL.

(A) *Public Works Director.* It shall be the responsibility of the Public Works Director to protect the public water supply by applying the remedies and enforcement provisions set forth in § 51.120 AND AS OTHERWISE PROVIDED IN STATE, LOCAL AND FEDERAL LAW.

(B) *Building Department.* ~~It shall be the responsibility of~~ The town Building Official, as head of the Building Department, SHALL HAVE THE FOLLOWING RESPONSIBILITIES FOR ~~to~~

BACKFLOW PREVENTION ENFORCEMENT ~~enforce certain provisions of this chapter as follows:~~

(1) The Building Official shall administer and enforce all applicable cross connection control provisions of the town of Chino Valley Plumbing Code, and amendments, including issuance of permits for all required backflow prevention assemblies.

(2) The Building Official shall determine, in conjunction with the ~~Utility~~ Department, whether a facility is a listed facility or activity in § 51.118 and therefore requires backflow protection. This responsibility includes inspection as necessary of all existing facilities to be connected to the town water services.

(3) The Building Official shall, as a condition of issuance of any building permit, require installation of appropriate backflow prevention as required by § 51.118 and the town's Plumbing Code.

(4) The Building Official and Public Works Director shall determine the type and location of all backflow prevention assemblies in accordance with this chapter and all other codes and ordinances of the town.

(5) The ~~Utility~~ Department shall keep accurate and adequate records of each location of an approved backflow prevention assembly, required tests and any subsequent maintenance or repair thereof.

(C) *Customer RESPONSIBILITIES.* It shall be the responsibility of the customer to prevent contaminants or pollutants from entering the customer's building potable water system and the public potable water system. The customer's responsibility starts at the point of service delivery from the public potable water system and includes all water piping systems. The customer ~~is required to~~ SHALL properly locate, install, test and maintain each backflow assembly in good working condition and ~~shall~~ provide the necessary inspections and tests to assure that the assembly is operating properly. These responsibilities include, but are not limited to, the following:

(1) The customer shall obtain a permit from the Building Department for ~~the~~ installation of any backflow prevention assembly, AND for ~~the~~ modification or relocation of the assembly, or ~~for the modification of~~ any plumbing system.

(2) The customer shall test all backflow prevention assemblies at least once a year, except that the Building Official or the Public Works Director may require more frequent testing if warranted. As to fire lines or fire sprinkler systems with backflow prevention assemblies, the initial and annual tests shall be performed by a certified tester who is also permitted by the Fire Marshal to test fire lines or fire sprinkler systems. The initial and annual test shall include a full flow test. It is the responsibility of the customer to test and submit all testing results to the ~~Utility~~ Department. If the test reveals the assembly to be defective or in an unsatisfactory operating condition, the customer shall perform all repairs or replacement, to the satisfaction of the Public Works Director, so that the assembly is in satisfactory operating condition.

(3) If the Public Works-Director, the Building Official or the customer becomes aware during the interim period between annual tests that an assembly is defective or in unsatisfactory operating condition, the customer shall perform all repairs, replacement and testing, to the satisfaction of the PUBLIC WORKS Director, so that the customer has an assembly in satisfactory operating condition.

(4) Assembly testing shall be performed only by a certified tester. ~~Testing requirements shall be in accordance with the procedures outlined in the Eighth Edition of the University of Southern California Manual of Cross Connection Control and Hydraulic Research (USC FCCCHR or the Foundation) Los Angeles, CA, June 1988 (hereinafter "USC manual", § 9. The USC manual is incorporated herein by reference. One copy of the USC manual shall be on file with the Town Clerk and the Building Department.~~

(5) The customer shall be responsible for submitting copies of testing records pertaining to assemblies, on forms approved by the ~~Utility~~ Department, by the date specified by the ~~Utility~~ Department. The customer shall ~~be required to~~ retain all records for a minimum of 3 THREE years from the date that a copy of the record was provided to the ~~Utility~~ Department.

(6) THE CUSTOMER SHALL INSTALL THE ~~B~~backflow prevention assemblies ~~shall be installed by the customer,~~ at the customer's expense, in compliance with the standards and specifications adopted by the town.

(7) In the event the customer's or the public water system is contaminated or polluted due to a cross connection or other cause, and the same comes to the knowledge of the customer, the Public Works-Director and the Yavapai County Health Department shall be promptly notified by the customer so that appropriate measures may be taken to overcome the contamination.

§ 51.118 BACKFLOW PREVENTION METHODS.

Unless otherwise specifically designated by the Public Works-Director:

(A) An approved backflow prevention shall be ~~4~~ONE of the following types:

(1) *Air gap*. An unobstructed vertical distance through the free atmosphere between the opening of any pipe or faucet supplying potable water to a tank, plumbing fixture or other device and the flood level rim of the 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 ~~4~~ONE inch.

(2) *Reduced pressure principle assembly (hereinafter "RP")*. An assembly containing 2 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 equipped with brass plugs and tightly closing resilient seat shut-off valves at each end of the assembly.

(3) *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 equipped with brass plugs and tightly closing resilient seat shut-off valves at each end of the assembly.

(4) *Double check valve assembly (hereinafter "DC")*. An assembly containing 2—TWO independently acting approved check valves including properly located test cocks equipped with brass plugs and tightly closing resilient seat shut-off valves at each end of the assembly.

(B) An approved backflow prevention method is required IN ACCORDANCE WITH THE EDITION OF THE INTERNATIONAL PLUMBING CODE AS ADOPTED AND AMENDED BY THE TOWN.

~~for the activities or facilities listed in this paragraph that are connected to the public water system. The backflow prevention method shall be in accordance with that specified in § 7 of the USC Manual. The location shall be as close as practical to the point of service delivery except that the customer may request that the approved backflow prevention method be located internally within the activity or facility. The customer must demonstrate that the proposed location will adequately protect the public water supply as well as satisfy the applicable requirements of this subchapter. For purposes of this division, the listed facilities, equipment or conditions shall be as defined in § 7 of the USC Manual, or if not listed, shall be defined in the town's zoning ordinance or Construction Code:~~

~~(1) *Industrial facilities.*~~

- ~~(a) Automotive plants (air gap or RP);~~
- ~~(b) Beverage bottling plants (air gap, RP or DC);~~
- ~~(c) Breweries (air gap or RP);~~
- ~~(d) Canneries, packing houses, reduction plants and food processing plants (air gap or RP);~~
- ~~(e) Chemical plants—manufacturing, processing, compounding or treatment (air gap or RP);~~
- ~~(f) Dairies and cold storage plants (air gap, RP or DC);~~
- ~~(g) Film laboratories (air gap or RP);~~
- ~~(h) Laundry and dye works (air gap or RP);~~
- ~~(i) Metal manufacturing, cleaning, processing and fabricating plants (air gap, RP or DC);~~
- ~~(j) Oil and gas production, storage or transmission properties (air gap or RP);~~
- ~~(k) Paper and paper products plants (air gap or RP);~~
- ~~(l) Plating plants (air gap or RP);~~
- ~~(m) Power plants (air gap or RP);~~
- ~~(n) Radioactive materials or substances—plants or facilities handling (air gap or RP);~~
- ~~(o) Rubber plants—natural or synthetic (air gap or RP);~~
- ~~(p) Sand and gravel plants (air gap or RP);~~
- ~~(q) Semiconductor manufacturing facilities (air gap or RP); and~~
- ~~(r) Sewage and storm drain facilities, reclaimed water (air gap or RP).~~

~~(2) *Medical facilities.*~~

- ~~(a) Research laboratories (air gap or RP);~~
- ~~(b) Hospitals, medical buildings, sanitariums, morgues, mortuaries, autopsy facilities, nursing and onvalescent homes and clinics (air gap or RP); and~~
- ~~(c) Veterinary hospital, animal research, animal grooming, animal boarding or animal impound (air gap or RP).~~

~~(3) Commercial and educational facilities:~~

- ~~(a) Buildings: any structure having a cross connection in violation of the town Plumbing Code or water operated sewage pumping facilities, auxiliary water supplies or other like sources of contamination which would create a potential hazard to the public water system (air gap, RP or DC);~~
- ~~(b) Carwash facilities (air gap or RP);~~
- ~~(c) Motion picture studios (air gap or RP);~~
- ~~(d) Multi-storied buildings having booster pumps or above ground storage tanks (air gap, RP or DC);~~
- ~~(e) Multiple services interconnected (air gap, RP or DC);~~
- ~~(f) Mobile home parks (RP or DC); (Exception: Existing mobile home parks unless a specific hazard is identified.)~~
- ~~(g) Recreational vehicle parks (RP or DC);~~
- ~~(h) Schools and colleges with laboratories (air gap or RP); and~~
- ~~(i) Retail shopping centers and strip malls; retail and industrial shell buildings (when one service supplies more than 1 tenant) (RP).~~

~~(4) Portable or temporary services or equipment:~~

- ~~(a) Construction sites or construction water services (air gap or RP);~~
- ~~(b) Mobile equipment utilizing public potable water (i.e., water trucks, street sweepers, hydro-vacs and the like) (air gap or RP); and~~
- ~~(c) Portable insecticide and herbicide spray tanks (air gap or RP).~~

~~(5) Miscellaneous activities and equipment:~~

- ~~(a) Auxiliary water systems (air gap or RP);~~
- ~~(b) Chemically contaminated water systems (air gap or RP);~~
- ~~(c) Fire systems:~~

~~1. Class 1 or 2: No backflow prevention assembly required. Check valve assemblies required by the town's Fire Code shall be inspected, tested and maintained at least annually to verify the valves are properly installed and functioning. Annual flow and valve confidence tests shall be performed by a tester who is permitted by the Fire Marshall to test or maintain fire lines or fire sprinkler systems. Test results, on forms approved by the town, shall be provided to the Director and the Fire Marshal within 30 days following the inspection. Any fire sprinkler system which fails shall be repaired as required by the Fire Code.~~

~~2. Class 3, 4, 5 or 6 (RP)~~

~~(d) Industrial fluid systems; (Any industrial fluid system interconnected with the public water supply and containing any fluid or solution which may be chemically, biologically or otherwise contaminated or polluted in a form or concentration such as would constitute a health, system, pollution or plumbing hazard if introduced into an approved water supply (RP or DC).)~~

~~(e) Irrigation systems:~~

~~1. Systems using a chemical injection system (RP);~~

~~2. Systems having elevated areas which are higher than 6 inches below the PVB or multiple services (RP); and~~

~~3. Systems not subject to backpressure (PVB).~~

~~(f) Restricted, classified or other closed facilities including civil works (air gap or RP); and~~

~~(g) Solar Heating systems—direct and auxiliary (RP). Exception: Once through solar heating systems.~~

(C) WHERE THERE IS A QUESTION OR A FACILITY OR ACTIVITY IS NOT SPECIFICALLY LISTED IN THE INTERNATIONAL PLUMBING CODE AS ADOPTED AND AMENDED BY THE TOWN, The Building Official, in conjunction with the Public Works Director, shall determine on a case-by-case basis backflow prevention requirements for any facility or activity ~~not listed in this section in order to prevent contamination or pollution of the public potable water system.~~

(D) All assemblies shall be accessible for testing, inspection and maintenance. A reduced pressure principle assembly or double check valve assembly shall not be installed in a basement, meter box, pit or vault unless adequate clearance and drainage is provided. A pressure vacuum breaker assembly shall be installed above ground.

(E) Unless a cross connection problem is specifically identified, or as otherwise provided in this ~~ordinance~~ CHAPTER, the requirements of this SECTION do not apply to single family residences used solely for residential purposes. Home occupation or home businesses shall be reviewed on a case-by-case basis.

~~(F) Close as practical is the point nearest the service delivery where the assembly can be installed. Where the assembly location may interfere with obstacles such as driveways and sidewalks, then close as practical is the nearest point after the obstacle but in no event beyond the first tap.~~

~~(G)~~An air gap separation shall be located as close as practical to the customer's point of service delivery. All piping between the customer's connection and receiving tank shall be entirely visible unless otherwise approved by the Building Official and the Public Works-Director. "CLOSE AS PRACTICAL" MEANS THE POINT NEAREST THE SERVICE DELIVERY WHERE THE ASSEMBLY CAN BE INSTALLED. WHERE THE ASSEMBLY LOCATION MAY INTERFERE WITH OBSTACLES SUCH AS DRIVEWAYS AND SIDEWALKS, THEN "CLOSE AS PRACTICAL" IS THE NEAREST POINT AFTER THE OBSTACLE BUT IN NO EVENT BEYOND THE FIRST TAP.

§ 51.119 APPEALS.

An action or decision concerning the determination of the Building Official or the Public Works Director may be appealed to the town's Board of Adjustment in accordance with the procedures set forth in THE TOWN PLUMBING CODE ~~other chapters of the town code.~~

§ 51.120 REMEDIES.

(A) If a customer has committed ~~4~~ONE or more of the following acts in ~~division~~ PARAGRAPH(DC) below and, NOTICE FROM THE TOWN, has not taken the corrective action WITHIN THE TIME SPECIFIED BY THE ~~required by~~ the Building Official, the Public Works Director may:

- (1) TERMINATE WATER SERVICE TO THE FACILITY; AND

(2) AFTER THREE (3) DAYS' WRITTEN NOTICE ~~elect to~~ impose a civil penalty not to exceed 1,000%/billing period on the charges for all water used beginning from the date the corrective action was required and until the corrective action has been completed by the customer TO THE SATISFACTION OF THE TOWN.

(B) If a situation exists, which would otherwise result in discontinuance of water service, and is not remedied within the time provided in the notice of termination sent to the customer, the Public Works Director, at his or her discretion, may install a backflow prevention assembly at the customer's point of service delivery, IN WHICH CASE THE ~~and bill the~~ customer SHALL BE RESPONSIBLE for all costs, including testing, together with applicable penalties.

~~(C) The Public Works Director, at his or her discretion, may publish in the local newspaper, notice of customers who, at least once during the preceding 12-month period, were in violation with any requirement of this subchapter. The publication shall also summarize any enforcement and corrective action taken.~~

~~(D)~~ (1) In addition to any other ENFORCEMENT remedy available to the Public Works-Director hereunder to enforce this subchapter, the Building Official may request the Public Works Director to terminate the water service if the customer:

- (a) Fails to locate, install, test or maintain a required backflow prevention assembly;
- (b) Removes or bypasses a required backflow prevention assembly without the prior approval of the Building Official;
- (c) Allows a cross connection to occur;
- (d) Fails to timely submit records of tests and repairs of a backflow prevention assembly;
- (e) Fails to comply with the written policy on backflow prevention and cross connection on file with the Town Clerk, the Building Department and the Utility Department; or
- (f) Fails to comply with any requirements imposed upon the customer by ARIZONA ADMINISTRATION CODE R-18-4-215 ~~State Rule R-18-4-232~~.

(2) NOTWITHSTANDING THE ABOVE, Termination of water service shall be immediate and without prior notice if the Public Works Director determines that the customer's water system may cause a health hazard to the public potable water supply. Otherwise, the Public Works Director shall give TEN (10) days written notice to the customer prior to termination of water service, WHICH NOTICE SHALL INCLUDE THE TIME AND PLACE WHERE CUSTOMER MAY PRESENT GROUNDS WHY HIS WATER SERVICE SHOULD NOT BE TERMINATED. Water service may be restored when the condition forming the basis for the termination has been remedied, to the satisfaction of the Public Works-Director. All costs, fees and expenses incurred, and all surcharges and penalties relating to the termination and restoration of water service, shall be paid prior to the water service being restored.

WASTEWATER COLLECTION, TREATMENT, AND RECHARGE POLICY

§ 51.135 ~~WASTEWATER COLLECTION REQUIRED; GENERALLY. [RESERVED]~~

~~(A) *New Development.* All new developments, subdivided and un-subdivided, containing 1 or more lots of less than 1 acre shall:~~

~~(1) At their own expense, construct a wastewater collection system to deliver wastewater to the town's collection, treatment and recharge (CTR) system and main wastewater treatment plant, as directed and approved by the town. Sizing and alignment of the mains shall be in general conformance with the approved town sewer system master plan or amendments thereto.~~

~~(2) Install collection lines and other required components and connect each lot to the town's sewer collection system when system collection lines are located within 400 feet of the property or where the property is adjacent to public right of way or public easements containing an existing serviceable town sewer main. Developments of certain size and impact may be required to extend mains to the development, in which case the town, at the discretion of the Town Council, may enter into a development reimbursement agreement with the developer and require future developments located within 400 feet of the line extension to pay a sewer buy in fee to connect to the line extension.~~

~~(3) If the new subdivision is not within 400 feet of the town's nearest sewer main, installation of septic tanks or a package treatment plant, as approved by the town pursuant to § 51.002 Private Sewer Systems; Approval Required; Violation; Enforcement shall be required.~~

~~(4) Demonstrate adequate financial capability and assurance to design and construct the CTR system components, septic systems, or private sewer systems sufficient to serve the new development and other areas, as approved by the town.~~

~~(B) *Existing development.*~~

~~(1) When a town sewer main is extended to within 400 feet of a property served by an existing septic system or package treatment plant, the property owner shall have the option to connect to the town's sewer system. The town, upon approval by the Town Council, may provide financial incentives or assistance as permitted by law for property owners who connect within 120 days of written notice by the town that the service is available, or within such other reasonable time period as determined by the Town Council.~~

~~(2) If the town or Yavapai County Health Department determines that a septic system or package treatment plant has failed and is unrepairable or unreplaceable or presents a condition that is a menace to health arising from improper sewage disposal on any property having access to a town sewer main, the property owner shall connect the property to the town main within 60 days after receiving written notification from the town or county health department to do so.~~

~~(3) Existing septic tanks on the property or package treatment plants shall only be abandoned in accordance with procedures established by ADEQ, and as directed by the town.~~

~~(C) If the town determines that a property owner has received notice that connection to the town's sewer system is required and the property owner refuses to connect or does not have the financial ability necessary to do so, the town may install the connection and necessary related facilities to provide services to the property and to charge the property owner the actual reasonable costs for labor and materials to complete the connection. The town shall work with the property owner to establish a reasonable repayment schedule based upon the property owner's financial situation. If the property owner becomes delinquent, having not complied with the repayment schedule, the town, upon providing written notice and an opportunity for a hearing before the Town Manager, may file a lien against the affected property for the amount of the unpaid charges. In addition to or in the alternative to filing a lien against the property, the town may pursue any and all legal remedies to collect the debt.~~

§ 51.136 WASTEWATER COLLECTION; TREATMENT AND RECHARGE; SCHEDULE OF CONSTRUCTION.

~~(A) The town will~~ SHALL develop a centralized Wastewater Treatment Plant ~~at Old Home Manor~~ to serve the greater Chino Valley area.

~~(B) The town will~~ SHALL design, build and operate the ~~CTR system~~ SANITARY SEWER SYSTEM on its own schedule. If a development requires additional effluent collection, treatment and recharge capacity prior to the time such services or capacity is available from the town, the development shall provide financial resources sufficient to construct the additional capacity as requested, at their own expense, at the town's facilities only. The developments shall receive reimbursement of financial resources provided according to the schedule as per a development agreement approved by Council, and in accordance with provisions of this chapter. Any proposed exceptions or deviations from this policy shall be reviewed by the Public Works Director and specifically approved by the Town Council. The approval, if granted, shall not negate mandatory connection to the town system and payment of appropriate fees at a future date, as required in other portions of this chapter.

~~(C) The town will~~ SHALL develop a Wastewater Collection System Master Plan to identify the general location and sizing of all central sewer system mains and infrastructure required throughout certain designated areas of the community and also a treatment and recharge system phasing plan.

§ 51.137 RESERVED. WASTEWATER COLLECTION.

~~(A) New development, subdivided and un-subdivided, shall be required to install collection lines and other required components to connect with the town's CTR system as system collection lines are extended to within 400 feet of the property SEPTIC TANK. They shall be required to abandon any existing septic tanks in accordance with procedures established by ADEQ, and as directed by the town, as part of the town wastewater treatment process.~~

~~(B) All developments within the town will be required to construct at their own expense a sewer collection system to deliver wastewater to the town's main Wastewater Treatment Plant, as directed by the town. Sizing, and alignment of mains shall be in general conformance with the approved town sewer system Master Plan, or amendments thereto.~~

~~(C) Current septic tank owners, at the effective date of this ordinance, shall be required to connect to the CTR system as system collection lines are extended to within 400 feet of the property.~~

§ 51.138 ~~CTR~~ SANITARY SEWER SYSTEM BUY-IN FEE.

At the time of building permit application for a new residence or a new commercial building, the permittee shall pay a ~~CTR system~~ SANITARY SEWER SYSTEM buy-in fee as adopted by Council Resolution in the fee schedule(s), which may be amended from time to time. AT THE TIME IT IS REQUIRED TO CONNECT TO THE SANITARY SEWER SYSTEM, THE PROPERTY OWNER OF AN EXISTING RESIDENCE OR COMMERCIAL BUILDING SHALL PAY THE SANITARY SEWER SYSTEM BUY-IN FEE IN ACCORDANCE WITH THESE REGULATIONS. The fee shall include the cost of administration, operation, maintenance and regulatory compliance of the town's wastewater collection, treatment and recharge facilities, including sludge disposal costs and an amount for replacement costs of equipment and real property.

§ 51.139 CONSTRUCTION FINANCIAL CAPABILITIES.

ALL NEW DEVELOPMENTS, SUBDIVIDED AND UNSUBDIVIDED, SHALL BE REQUIRED TO DEMONSTRATE ADEQUATE FINANCIAL CAPABILITY AND ASSURANCE, AS APPROVED BY THE TOWN, TO DESIGN AND CONSTRUCT THE SANITARY SEWER SYSTEM COMPONENTS SUFFICIENT TO SERVE THE NEW DEVELOPMENT AND OTHER AREAS AS APPROVED BY THE TOWN.

§ 51.140 RESERVED.-§ 51.141 RESERVED.

§ 51.142 EFFLUENT; CONTROL AND OWNERSHIP.

The town reaffirms its ownership and control of all effluent produced within the town's Regional 208 Planning Area.

~~SEWER SERVICE CONNECTIONS TO PUBLIC SEWERS, PUMPING~~

§ 51.155 ~~RESERVED~~ SEWER REQUIRED FOR NEW DEVELOPMENT; OPTIONAL FOR EXISTING RESIDENTIAL.

(A) A DEVELOPED PROPERTY SERVED BY AN EXISTING SEPTIC TANK SYSTEM IS NOT REQUIRED TO CONNECT TO THE SANITARY SEWER SYSTEM, EXCEPT THAT:

(1) WHEN A TOWN SEWER MAIN IS EXTENDED TO WITHIN 300 FEET OF A MULTI-FAMILY OR NON-RESIDENTIAL PROPERTY, THE PROPERTY OWNER SHALL CONNECT TO THE SANITARY SEWER SYSTEM WITHIN 120 DAYS OF WRITTEN NOTICE BY THE TOWN THAT THE SERVICE IS AVAILABLE.

(2) IN THE EVENT THAT THE TOWN OR THE YAVAPAI COUNTY HEALTH DEPARTMENT DETERMINE THAT THERE EXISTS A CONDITION WHICH IS A MENACE

TO HEALTH ARISING FROM IMPROPER SEWAGE DISPOSAL ON ANY PROPERTY HAVING ACCESS TO A TOWN SEWER MAIN, THE PROPERTY OWNER SHALL CONNECT THE PROPERTY TO THE SANITARY SEWER SYSTEM WITHIN 60 DAYS OF RECEIVING WRITTEN NOTIFICATION FROM THE TOWN OR COUNTY HEALTH DEPARTMENT TO DO SO.

(3) IF, AFTER RECEIVING NOTICE PURSUANT TO SUBSECTIONS (1) OR (2) ABOVE, A PROPERTY OWNER REFUSES TO CONNECT OR DOES NOT HAVE THE FINANCIAL ABILITY NECESSARY TO CONNECT TO THE SANITARY SEWER SYSTEM AS HEREIN REQUIRED, THE TOWN MAY INSTALL THE SEWER CONNECTION AND RELATED FACILITIES NECESSARY TO PROVIDE SERVICE TO THE PROPERTY AND CHARGE THE PROPERTY OWNER THE ACTUAL PRICE FOR THE LABOR AND MATERIALS FOR THE INSTALLATION. THE TOWN SHALL WORK WITH THE PROPERTY OWNER TO ESTABLISH A REASONABLE REPAYMENT SCHEDULE BASED UPON THE PROPERTY OWNER'S FINANCIAL CONDITIONS. IF THE PROPERTY OWNER BECOMES DELINQUENT, HAVING NOT COMPLIED WITH THE REPAYMENT SCHEDULE, THE TOWN, UPON PROVIDING WRITTEN NOTICE AND AN OPPORTUNITY FOR A HEARING BEFORE THE TOWN MANAGER, SHALL FILE A LIEN AGAINST THE AFFECTED PROPERTY FOR THE AMOUNT UNPAID. IN ADDITION TO OR AS AN ALTERNATIVE TO FILING SUCH LIEN, THE TOWN MAY REFER ANY UNPAID CONNECTION FEES OR COSTS TO A COLLECTION AGENCY.

(4) UPON CONNECTING A PROPERTY TO THE SANITARY SEWER SYSTEM, EXISTING SEPTIC TANKS ON THAT PROPERTY SHALL BE ABANDONED IN ACCORDANCE WITH PROCEDURES ESTABLISHED BY ADEQ, AND AS DIRECTED BY THE TOWN.

(B) A NEW DEVELOPMENT CONTAINING ONE OR MORE LOTS SHALL CONNECT TO THE SANITARY SEWER SYSTEM, EXCEPT THAT:

(1) A SINGLE LOT GREATER THAN OR EQUAL TO ONE ACRE MAY BE PERMITTED TO INSTALL A SEPTIC TANK SYSTEM IF THE SANITARY SEWER SYSTEM IS NOT AVAILABLE AT THE PROPERTY LINE.

(2) A SUBDIVISION CONTAINING LOTS GREATER THAN OR EQUAL TO ONE ACRE MAY BE PERMITTED TO INSTALL SEPTIC TANK SYSTEMS IF THE SANITARY SEWER SYSTEM IS NOT AVAILABLE WITHIN 300 FEET OF THE SUBDIVISION.

(3) A SUBDIVISION CONTAINING LOTS OF ANY SIZE MAY BE PERMITTED TO CONSTRUCT A PACKAGE WASTEWATER TREATMENT PLANT WITH THE APPROVAL OF THE PUBLIC WORKS DIRECTOR AND TOWN ENGINEER.

(C) IF A LAND SPLIT OR OTHER DIVISION OF LAND CREATES ONE OR MORE LOTS OF LESS THAN ONE ACRE, SUCH LOTS SHALL CONNECT TO THE SANITARY SEWER SYSTEM AT THE TIME OF THE LAND SPLIT OR OTHER DIVISION OF LAND.

§51.156 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 Utility Department.

§ 51.157 APPLICATION FOR SEWER TAP, SEWER DYE TEST.

(A) Applications for sewer taps shall be made in accordance with the provisions hereof.

(B) A SEWER customer who ~~has been connected to the public sewer system and~~ questions whether ~~a~~THE sewer tap TO HIS PROPERTY is in service may apply to the Utility Department for a sewer dye test to be performed. The sewer dye test shall be performed by the Utility Department when the customer has paid a fee to cover the costs of the test. If the test shows that the sewer tap is not in service, the fee shall be refunded to the customer. The fee shall be set by Council resolution and may be amended from time to time.

§ 51.158 PUBLIC WORKS DIRECTOR TO APPROVE DESIGN, QUANTITY, LOCATION, SIZE AND CONSTRUCTION OF SEWER SERVICES.

(A) The design, quantity, location, method of connection and size of all sewer taps ~~shall be~~ IS subject to ~~the approval of the Public Works~~ BY THE PUBLIC WORKS Director. The Utility Department ~~will~~ SHALL install all sewer taps FOR SINGLE FAMILY DWELLING UNITS THAT ARE less than 6 inches in diameter, except as provided elsewhere in this chapter. All sewer taps FOR SUBDIVISIONS OR NONRESIDENTIAL PROPERTY, AND ALL SEWER TAPS THAT ARE 6 inches in diameter or larger, shall be installed by a private contractor in accordance with plans and standard details approved by the PUBLIC WORKS Director. Review, buy-in and inspection fees shall be paid as set forth in this chapter and other pertinent chapters of the town Code. Sewer taps shall be connected to public sewer MAINS only, unless specifically authorized and approved by the PUBLIC WORKS Director.

(B) ~~Where property borders public rights of way or public easements containing an existing serviceable town wastewater main, the property, when developed, shall be connected to the town CTR system.~~ Sewer taps shall extend at right angles from the main to the property, unless otherwise specifically authorized for unusual conditions, and shall be installed in accordance with the most current edition of the MAG standard specifications and details for public works construction, unless otherwise modified and approved by the Town Engineer.

(C) Permits for sewer taps ~~will~~ SHALL not be granted, ~~or~~ AND may be revoked, when the lateral sewer passes through property which at the time is, or may become, the property of persons other than the owner of the property to be served from the connection, UNLESS A PRIVATE SEWER SERVICE CONNECTION EASEMENT IS OBTAINED AND RECORDED IN THE OFFICE OF THE YAVAPAI COUNTY RECORDER. THIS EASEMENT SHALL INCLUDE LEGAL DESCRIPTIONS OF THE PROPERTY THAT IT BURDENS AND THE PROPERTY THAT IT BENEFITS.

§ 51.159 SPECIAL PROVISIONS FOR INSTALLING SEWER TAPS IN NEW SUBDIVISIONS AND DEVELOPMENTS.

In new subdivisions or developments where ~~public-sewer~~ SANITARY SEWER SYSTEM extensions are authorized by the town and constructed at the developer's expense, the town may authorize the developer, or his or her agent, if he or she so desires, to install sewer taps with wyes or tees and extend the lateral sewer to the right-of-way line, or connect the lateral sewer to the building sewer, under the following conditions:

(A) The design and construction of the ~~public-sewer~~ SANITARY SEWER SYSTEM LINES, sewer taps and connections of the lateral sewer to the sewer tap shall be under the supervision of a registered civil engineer holding registration in the State of Arizona, who shall submit "as-built" plans to the Public Works Department bearing the engineer's signed and dated registration seal. It shall be the duty of the developer to require that all sewer taps serving lots in the development, upon which no buildings are initially constructed, to be effectively sealed until such time as buildings will be constructed on the lots. The ~~sealed~~-SERVICE connections shall be inspected and approved by the Public Works Department before being backfilled and shall be designated and accurately located on the as-built plans with stations from manholes. The effective seal shall consist of a watertight cap placed on the cleanout located at the right-of-way line.

(B) Before any building sewer construction is commenced, plumbing permits must be obtained by the developer or his or her agent from the Building Department.

(C) When the "as-built" plans are submitted, the PUBLIC WORKS Director will make a record of the sewer taps.

(D) The town will collect the appropriate fee for initial plan review, inspection and "as built" plan review as required by the Town Code.

§ 51.160 INSTALLATION OF SEWER TAPS.

UNLESS OTHERWISE REQUIRED BY SECTION 50.159 OR DETERMINED BY THE PUBLIC WORKS DIRECTOR, ~~the responsibility for installation of sewer taps may~~ SHALL be assumed and paid for by the contractor/developer, whose work will be inspected by the Utility Department. The contractor/developer ~~will be~~ IS responsible for the excavation to and the uncovering of the town's ~~sanitary-sewer main~~. All excavation and trenching shall be in accordance with the latest regulation of OSHA. The contractor shall notify the Utility and Roads Departments at least 48 hours in advance of the time required for the sewer tap installation. Department employees ~~will be~~ ARE prohibited from entering any excavation or trench not meeting the safety requirement of any applicable town, state, or federal regulations. Upon completion of the installation of the sewer tap and approval by the Utility Department, the contractor/developer ~~will be responsible for~~ SHALL backfilling the trench and restoring the road or ground surface to its original condition, or as shown on the approved engineering plans. All ~~sealed~~-SERVICE connections shall be inspected and approved by the Utility Department prior to being backfilled. The contractor/developer shall ~~take special precautions to~~ ensure that the service lateral is not damaged, broken or crushed during the backfilling operation.

§ 51.161 PROPERTY OWNER RESPONSIBLE FOR CLEANING, REPAIR AND REPLACEMENT OF BUILDING SEWERS AND CONNECTIONS.

(A) The property owner shall ~~be responsible for the cleaning, unstopping, maintenance, and repair of the building connection piping serving the owner's property from the home or building to the public sewer line except for~~ INCLUDING repairS or replacement of damaged or broken piping in the public right-of-way serving a single-family or duplex property.

(B) ~~Where the correction of a stoppage requires the repair or replacement of a damaged or broken section of the building connection piping serving a single family or duplex property and the damaged or broken section is located within the public right of way, the town will be responsible for the repair or replacement of the damaged or broken section in the public right of way.~~ (C) Where the correction of a stoppage requires the repair or replacement of a damaged or broken section of the building connection piping serving other than a single family or a duplex property and the damaged or broken section is located off property in a street, alley or easement, the owner or his or her contractor shall obtain a permit from the town to ~~do~~ work in the street, alley or easement prior to ~~doing~~ COMMENCING the work.

~~§ 51.162 SEWER SERVICE LINE REPAIR AND REPLACEMENT IN THE PUBLIC RIGHT OF WAY [RESERVED].~~

(A) ~~The single family or duplex property owner shall be responsible for first ascertaining the approximate location of damaged or broken section of piping serving the property. If the damaged or broken section is in the public right of way, the property owner shall contact the Utility Department. The Department will verify the location of the damaged or broken section. If the damaged or broken section is verified to be in the public right of way and is of sufficient nature to require repair, the Department shall initiate appropriate repair or replacement measures. When the broken section is on private property, it shall be the property owner's responsibility to repair the broken section.~~

(B) ~~Disputes as to location, extent of damage or the method of repair or replacement of the damaged or broken section shall be resolved at the sole discretion of the Public Works Director.~~

(C) ~~A special account shall be created to fund the repairs and replacements with an annual allocation as approved by the Town Council with the annual budget for each fiscal year. Requests for repairs or replacements shall be handled on a first in basis. When the total funding in the account has been exhausted, all subsequent requests will be deferred until the Town Council approves additional funding into the account.~~

~~§ 51.163 PUMPING CHARGES; BASIN BOUNDARIES.~~

(A) ~~GENERALLY, THE TOWN HAS ADEQUATE TOPOGRAPHY TO RENDER THE NECESSITY OF SEWER LIFT STATION UNNECESSARY. Where it is DEEMED necessary for sewage to be pumped from a specific geographic area to the treatment plant main lift station or main~~

collector lines due to topography, as opposed to gravity flow, additional service charges may be assessed BY THE TOWN to cover the cost of pumping and maintenance of pump stations.

~~(B) In the absence of an agreement or contract, this charge shall be determined by the Public Works Director and shall be within the rate span established by Council resolution, depending on the quantity and expenses involved.~~

~~(C) These charges shall apply to all customers within the pump station gravity boundary, as established by the Town Engineer. These charges shall not apply to private ejector pumps.~~

§ 51.175 RESERVED. 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 town, or in any area under the jurisdiction of the town, any human or animal excrement or other objectionable wastes.~~

§ 51.176 TREATMENT OF POLLUTED WASTES REQUIRED.

It shall be unlawful to discharge to any natural outlet or drainage channel within the town, or in any area under the jurisdiction of the town, any sewage, industrial wastes or other polluted waters, except where suitable treatment has been provided in accordance with provisions of this chapter.

§ 51.177 SEWER DISCHARGE, GENERAL USER REQUIREMENTS AND PRE TREATMENT.

It shall be unlawful for any user to discharge or cause to be discharged to any point of entry into the ~~publicly owned sanitary sewer system~~ SANITARY SEWER SYSTEM:

~~(A) Unless otherwise approved by the Director,~~ Any storm water, surface water, groundwater, roof runoff, surface drainage, cooling water or unpolluted process waters that may constitute inflow, as defined in § 50.01. No rain spout, roof drain or other form of surface drainage and no foundation drainage or sump pump shall be connected to, or discharge into, any sanitary sewer;

(B) Pollutants which create a fire or explosion hazard to the system or treatment plant. In no case shall pollutants be discharged with a closed cup flash point less than 140°F (60°C), or pollutants which cause an exceedence of 10% of the lower explosion limit (LEL) at any point within the wastewater treatment plant for any single reading or more than 5% for any ~~2~~TWO consecutive readings;

(C) Solid or viscous pollutants, petroleum oil, non-biodegradable cutting oil or products of mineral oil origin in amounts that will cause interference with, pass through or that will cause obstruction in the flow in sewers or other interference or damage with the ~~CTR system~~ SANITARY SEWER SYSTEM or treatment plant efficiency;

(D) Any waters or wastes containing a toxic, radioactive, poisonous or other substance in sufficient quantity to cause, or have the potential to cause, injury or interference with any sewage treatment

process, cause effluent of the treatment plant to come out of ADEQ compliance, cause corrosive structural damage or equipment degradation, constitute a hazard to humans or create any hazard to the ~~CTR system~~ SANITARY SEWER SYSTEM or in the receiving waters of the sewage treatment plant or pollutants which result in the presence of toxic gasses, vapors or fumes within the ~~CTR system~~ SANITARY SEWER SYSTEM in a quantity that may cause acute worker health and/or safety problems;

~~(E) Any waters with a pH less than 5.0 standard units (S.U.) or greater than 10.0 S.U., except as provided herein;~~ PRETREATMENT OF ANY RAW SEWAGE SHALL BE REQUIRED FOR EXCESSIVE PH, LOW PH, EXCESSIVE WATER TEMPERATURES, SYNTHETIC / ORGANIC CHEMICALS, INORGANIC CHEMICALS, VOLATILE ORGANIC CHEMICALS, METALS, RADIO NUCLEUS AND ANY OTHER COMPOUNDS OR CHEMICALS IN ACCORDANCE WITH THE TOWN'S AQUIFER PROTECTION PERMIT.

~~(F) Any waters with a temperature greater than 110°F (43.3°C) or heat in amounts which will inhibit biological activity in the treatment plant resulting in interference, but in no event heat in such quantities that the temperature at the headworks of the treatment plant exceeds 130°F (54.4°C);~~

~~(GF) Any water or waste greater than the following parameters (mg/l):~~ (F)(H) Any water or waste that has in any way been diluted, as a substitute for pretreatment, for the purpose of obtaining compliance with any categorical standard or pretreatment requirement imposed by this chapter, except where dilution is expressly authorized by any ACCEPTABLE categorical standard.

~~(IG) Any water or waste that could~~ HAS THE POTENTIAL TO cause a violation of any ACCEPTED categorical standard, pretreatment or recharge requirement.

~~(HJ) Any water or waste that is transported from the point of generation to the treatment plant by any septic tank pumper, (or) chemical waste hauler, or similarly transported unless the transporter has first:~~

(1) Disclosed to the PUBLIC WORKS Director the origin, nature, concentration and volume of all pollutants to be discharged; and

(2) Obtained written consent of the PUBLIC WORKS Director to discharge.

~~(IK) Any water or waste which could cause interference or pass-through with CTR system~~ THE SANITARY SEWER SYSTEM or component operations.

~~(JL) Any discharge that exhibits a characteristic of a hazardous waste, or contains a substance that is listed as a hazardous waste pursuant to either A.A.C. R 18-8-261 or Title 40 C.F.R. part 261, whichever is applicable, whether or not the discharge is otherwise subject to hazardous waste regulations. This provision does not apply to domestic wastewater unless part of a home occupation, or to discharges of hazardous wastes that are authorized by the PUBLIC WORKS Director.~~

~~(M) Any water or waste exceeding the limits for the following substances that are expressed in the total form except if otherwise stated:~~

Instantaneous Effluent Limitations	
Benzene	130 ug/l
Chloroform	420 ug/l
Cyanide (amenable to chlorination)	200 ug/l
Methylene chloride	4,200 ug/l
Sulfides (dissolved)	0.5 mg/l
Tetrachloroethylene	530 ug/l
Trichloroethylene	700 ug/l

(N) ~~Any of the following prohibited substances: BHC alpha, BHC beta, BHC gamma (Lindane), Chrysene, Heptachlor, Heptachlor epoxide, Phenanthrene, polychlorinated biphenyl compounds.~~

§ 51.178 AUTHORITY OF PUBLIC WORKS DIRECTOR TO ESTABLISH PROHIBITIONS AND EFFLUENT LIMITATIONS.

(A) ~~In addition to the prohibitions and effluent limitations contained in this chapter,~~ The Public Works-Director shall have the authority to establish limitations for individual users or class of users for various specific substances, materials, waters or wastes that can be accepted into the sewer system, as well as specify those substances, materials, waters or wastes that are prohibited from entering the sewer system. All prohibitions and effluent limitations so established shall be placed on file with the Town Clerk and will become effective and enforceable on the thirty-first day after the date of filing.

(B) All affected individualS or classES of users shall comply with the prohibitions and effluent limitations established pursuant to this section.

§ 51.179 PRELIMINARY TREATMENT; REQUIRED APPROVAL; MAINTENANCE OF FACILITIES.

(A) Where necessary, ~~in the opinion of the Director,~~ any user of the ~~sewage works~~ SANITARY SEWER SYSTEM shall provide, at his expense, the preliminary treatment as may be necessary to reduce objectionable characteristics or constituents to within the maximum limits ~~provided for in this chapter~~ IN ACCORDANCE WITH FEDERAL, STATE AND LOCAL STANDARDS. Plans, specifications and any other pertinent information relating to proposed preliminary treatment facilities shall be submitted for review and approval by the PUBLIC WORKS Director. ~~No~~ eConstruction of the facilities shall NOT be commenced until the PUBLIC WORKS Director's approval is obtained in writing. The completed facilities shall not be placed in service until they have been inspected for conformance to the approved plans and the final construction approved by the PUBLIC WORKS Director. ~~The a~~Approval of the plans and inspection of construction shall not

relieve the owner from complying with, and achieving, discharge limitations set forth in this chapter. ~~The town will enforce~~ Federal pretreatment requirements as set forth in Title 40 C.F.R. part 403
APPLY AND SHALL BE ENFORCED BY THE TOWN.

(B) 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 or her expense. The owner shall keep written records and documentation of all cleaning, repair, calibration and maintenance required to demonstrate compliance with this section. Records shall be kept at the facility for a minimum of ~~3~~-THREE years IN ACCORDANCE WITH FEDERAL, STATE AND LOCAL REGULATIONS, and be made available for inspection and review upon request.

§ 51.180 INTERCEPTORS; REQUIREMENTS; TYPE, CAPACITY, LOCATION; CONSTRUCTION OF GREASE AND OIL INTERCEPTORS; MAINTENANCE.

(A) Fats, oil, grease, lint or sand interceptors shall be provided for laundries, restaurants, service stations, auto repair shops, carwashes and other facilities when, in the opinion of the PUBLIC WORKS Director, they are necessary for the proper handling of liquid wastes containing fats, oils or 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) All interceptors shall be of a type and capacity approved by the Public Works Director and shall be located so as to be readily and easily accessible for inspection, cleaning and maintenance.

(C) All interceptors shall be constructed of impervious materials. They shall be of substantial construction, designed to withstand anticipated internal and external pressures, watertight and equipped with easily removable covers. When bolted covers are required, they shall be gastight and watertight. Grease and oil interceptors shall be capable of withstanding abrupt and extreme changes in temperature.

(D) ~~Where installed,~~ All grease, oil, and sand interceptors shall be maintained by the owner at his or her expense. The owner shall keep written records and documentation of all cleaning, repair, calibration and maintenance required to demonstrate compliance with this section. Records shall be kept at the facility for a minimum of THREE (~~3~~) years and be made available for inspection and review upon request.

§ 51.181 CONTROL MANHOLES.

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

§ 51.182 DISCHARGES TO BE REPORTED.

Every user of the town sewer system shall report to the PUBLIC WORKS Director immediately any accident, negligent act or other occurrence that occasions a discharge to the ~~public sewer~~ SANITARY SEWER SYSTEM of any wastes or process waters that exceed the permissible limits for the wastes established by this chapter or by the PUBLIC WORKS Director.

§ 51.183 TESTS AND ANALYSES.

All tests and analyses of the characteristics of waters and waste shall be determined in accordance with approved laboratory procedures.

INDUSTRIAL AND PRETREATMENT REQUIREMENTS

§ 51.195 GENERAL AND SPECIFIC INDUSTRIAL USER REQUIREMENTS.

All industrial users, as defined in this chapter, shall:

(A) Comply with the categorical standards, pretreatment requirements, and all other requirements imposed by this chapter upon ~~CTR-system~~ SANITARY SEWER SYSTEM users. Upon the effective date of any federal categorical pretreatment standards for a particular industrial subcategory, ~~the federal standard~~, if more stringent than the effluent limitations imposed under this chapter, THE FEDERAL STANDARD shall immediately supersede ~~these~~ limitations SET FORTH IN THIS CHAPTER.

(B) Comply with ~~the~~ orders of the PUBLIC WORKS Director designed to implement the categorical standards, pretreatment requirements and all other requirements imposed by this chapter.

(C) Prior to the discharge of wastewater to the ~~CTR-system~~ SANITARY SEWER SYSTEM by any user required to have a permit under this chapter, the user shall file a written notice with the PUBLIC WORKS Director which identifies the:

(1) Name and address of the existing or prospective users;

(2) Business location(s) served, or to be served, by the ~~CTR-facility~~ SANITARY SEWER SYSTEM;

(3) Nature, concentration and amounts of any substance present at, or intended to be present at, such business location(s) which, if discharged to the ~~CTR-system~~ SANITARY SEWER SYSTEM, could constitute an industrial discharge; and

(4) Nature and concentration of all pollutants currently discharged to the ~~CTR-system~~ SANITARY SEWER SYSTEM from the business location(s).

(D) Carry out, and maintain an adequate record of, all self-inspection and self-monitoring activities necessary for the user to know at all times whether or not such user is introducing any industrial discharge to the ~~CTR-system~~ SANITARY SEWER SYSTEM.

(E) Assist the PUBLIC WORKS Director to determine the exact nature, concentration and volume of any pollutant intended for discharge to the ~~CTR-system~~ SANITARY SEWER SYSTEM. Upon request by the PUBLIC WORKS Director, any user or industrial user shall promptly:

(1) Allow the examination and copying of all relevant records or documents stored, filed or available from other locations to the user;

(2) Allow the inspection of all business locations served by the ~~CTR-system~~ SANITARY SEWER SYSTEM, including all pretreatment equipment, methods and activities utilized by the user at the locations;

(3) Install and maintain, at the user's expense, convenient and adequate monitoring and/or sampling point(s) with appropriate, calibrated equipment approved by the PUBLIC WORKS Director for monitoring and/or sampling purposes;

(4) Allow the taking and removal of samples from any wastewater discharged, or intended for discharge, to the ~~CTR-system~~ SANITARY SEWER SYSTEM; and

(5) Provide the PUBLIC WORKS Director with any other information including, but not limited to, chemical analyses of wastewater, architectural or engineering design data, drawings and the like, which are reasonably needed by the PUBLIC WORKS Director for the purpose of determining the user's compliance with the requirements of this chapter.

(F) Not cause an industrial discharge without having first obtained a permit required by this chapter. The industrial user shall comply with all requirements and conditions of said permit. Once a permit is issued, no industrial user shall:

(1) Make any new or increased industrial discharge, or otherwise make any change in the nature of its industrial discharge(s), if the change will cause any new or increased industrial discharge, without first obtaining an amended permit.

(2) Fail to give written notice to the ~~Utility~~ Department of not less than 90 days prior to any facility expansion, production increase or process modifications which results, or may result, in new or increased discharges or a change in the nature of the discharge.

(3) Fail to give advance written notice to the ~~Utility~~ Department of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.

(G) Comply with the demand of the PUBLIC WORKS Director to immediately halt any actual or threatened discharge to the ~~CTR-system~~ SANITARY SEWER SYSTEM when the PUBLIC WORKS Director has given notice that the actual or threatened discharge:

(1) Presents or may present an imminent or substantial endangerment to the health or welfare of any person or to the environment; or

(2) Will cause interference or pass-through with the ~~CTR-system~~ SANITARY SEWER SYSTEM operations, efficiency or effluent discharge quality.

(H) Immediately give notice to the PUBLIC WORKS Director of any discharge, including an accidental discharge, which is in violation of any categorical standard, pretreatment requirement or permit condition imposed by this chapter. The notice shall also describe the:

- (1) Location of the discharge;
- (2) Known or estimated nature, concentration and volume of the discharged pollutant(s);
- (3) Type of assistance desired from the town;

(4) Corrective action(s) undertaken, being undertaken and/or to be undertaken by the user. Any user causing the discharge shall also initiate all appropriate corrective action(s) required by the PUBLIC WORKS Director which are needed to:

(a) Prevent any further injury to human health or safety, or to the environment, the ~~CTR-system~~ SANITARY SEWER SYSTEM and/or any other property;

(b) Promptly repair all or part of any injury or damage caused by the discharge; and

(c) Ensure that such a discharge does not occur again.

(I) Pay all fees charged by the town for the wastewater collection, treatment and recharge services provided by the ~~CTR-system~~ SANITARY SEWER SYSTEM pursuant to the requirements of this chapter. The service fees will apply equally to all ~~CTR-system~~ SANITARY SEWER SYSTEM users and will be determined by each user's proportionate share of the ~~CTR~~-SANITARY SEWER SYSTEM operating and maintenance costs. In turn, the proportionate share will be based on such factors as the strength, volume and rate of flow of wastewater discharged to the ~~CTR-system~~ SANITARY SEWER SYSTEM by each user.

(J) Reimburse the town for all extraordinary expenses reasonably incurred by the town in insuring such ~~CTR-system~~ SANITARY SEWER SYSTEM user's compliance with the applicable requirements of this chapter. An extraordinary expense is any cost not otherwise reimbursed from the normal collection of sewer fees. ~~Therefore, e~~Extraordinary expenses include, but are not limited to, the costs associated with:

- (1) Issuing permits;
- (2) Conducting inspection, surveillance and monitoring activities;
- (3) Obtaining laboratory analyses of waste samples;

(4) Taking enforcement actions against users not in compliance with the requirements of any permit issued and/or of this chapter;

(5) Carrying out any measure needed for the protection of human health or safety, the environment, the ~~CTR system~~ SANITARY SEWER SYSTEM or any other property in order to correct or mitigate any harm or degradation of existing quality caused by the violation of any categorical standard or pretreatment requirement.

(K) Be financially responsible for all injury, damage and/or loss suffered by any person as a result of any industrial discharge by the user which violates any categorical standard, pretreatment requirement or permit condition enforced pursuant to this chapter. In particular, the user shall be liable for the:

(1) Personal injury suffered by any person as a result of the discharge;

(2) Costs reasonably incurred by any person in correcting, or otherwise mitigating, any adverse environmental impact which resulted from the discharge; and

(3) Economic loss and property damage suffered by any person as a result of the discharge.

(L) Fully comply with this subpart. If the results of the user's self-monitoring wastewater analysis indicates a violation has occurred, THE USER SHALL:

(1) Inform the PUBLIC WORKS Director of the violation within 24 hours of becoming aware of the violation; and

(2) Repeat the wastewater sampling and pollutant analysis and submit in writing the results of the repeat analysis within 30 days after becoming aware of the violation, unless the PUBLIC WORKS Director requires it sooner.

(M) In addition to the above requirements, the user shall ~~also~~:

(1) Notify the PUBLIC WORKS Director, the EPA Regional Wastewater Management Division Director and state hazardous waste authorities in writing of any discharge into the ~~CTR system~~ SANITARY SEWER SYSTEM of a substance which, if otherwise disposed of, would be a hazardous waste under Title 40 C.F.R. part 261. Such notification ~~must~~ SHALL include the name of the hazardous waste as set forth in Title 40 C.F.R. part 261, EPA hazardous waste number and type of discharge (continuous, batch or other). If the industrial user discharges more than 100 kilograms of such waste per calendar month to the ~~CTR system~~ SANITARY SEWER SYSTEM, the notification shall also contain the following information to the extent the information is known and readily available to the industrial user: an estimation of the mass and concentration of the constituents in the waste stream discharged during that calendar month and an estimation of the mass of constituents in the waste stream expected to be discharged during the following 12 months. ~~All notifications must take place BE MADE within 180 days of the effective date of this chapter. Industrial users who commence discharging after the effective date of this chapter shall provide the notification no later than 180 days after the discharge of the listed or characteristic hazardous waste.~~

Any notification under this ~~division~~ SECTION need be submitted only once for each hazardous waste discharged. ~~However, a~~ Notifications of changed discharges must be submitted under Title 40 C.F.R. § 403.12(j). The notification requirement in this section does not apply to pollutants already reported under the self-monitoring requirements of Title 40 C.F.R. § 403.12(b), (d) and (e).

(2) Dischargers are exempt from the requirements of division (M)(1) above during a calendar month in which they discharge no more than 15 kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in Title 40 C.F.R. § 261.30(d) and 261.33(e). Discharge of more than 15 kilograms of non-acute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in Title 40 C.F.R. §§ 261.30(d) and 261.33(c) requires a 1-time notification. Subsequent months during which the industrial user discharges more than such quantities of any hazardous waste ~~do~~ require additional notification.

(3) In the case of new regulations under § 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the industrial user ~~must~~ SHALL notify the PUBLIC WORKS Director of the discharge of the substance within 90 days of the effective date of the regulations.

(4) In the case of any notification made under this paragraph, the industrial user shall certify that it has a program in place to reduce the volume and toxicity of wastes generated to the degree it has determined to be economically practicable and that it has selected the method of treatment, storage and/or disposal currently available which minimizes the present and future threat to human health and the environment.

(N) Sign all permit applications using the appropriate signatory:

(1) For a corporation; by a corporate officer of (or) other persons performing a similar policy or decision-making function for the corporation;

(2) For a partnership or sole proprietorship: By a general partner or the proprietor, respectively; or

(3) For a government entity: By the administrator, chairperson, director or principal executive responsible for operations at the facility.

(O) Ensure that all applications, correspondence, reports and self-monitoring reports are signed by a duly authorized representative of the person described in division (N) above. Any change in signatures or positions shall be submitted to the PUBLIC WORKS Director in writing within 30 days after the change. A person is a duly authorized representative only if:

(1) The authorization is made by a person described in division (N) above; and

(2) The authorization specified either an individual or a position having the responsibility for the overall operation of the regulated facility or activity, such as the position of plant manager, superintendent, or position of equivalent responsibility. (A duly authorized representative may thus be either a named individual or an individual occupying a named position.)

(P) Any person signing a document under this subchapter shall make the following certification:

“I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of a fine and imprisonment for knowing violations.”

§ 51.196 SIGNIFICANT INDUSTRIAL USER REQUIREMENTS.

In addition to all other requirements, each industrial user who discharges an industrial discharge into the ~~CTR system~~ SANITARY SEWER SYSTEM and is designated as a significant industrial user (SIU) by the Director shall also:

(A) Obtain a Class A wastewater discharge permit from the Director. Any application for a Class A permit or an amended Class A permit shall contain the information specified in the application form or such other information as may be requested by the Director. Any person intending to commence any new industrial discharge(s), or any additional discharge(s) not already allowed pursuant to an existing permit, shall apply for a new or amended permit at least 90 days prior to initiating the discharge(s).

(B) Provide all of the pretreatment necessary to comply with the categorical standards and pretreatment requirements imposed by this chapter. In addition, there shall be no discharge of any water or waste exceeding limits for the following substances that are expressed in the total form except if otherwise indicated:

Daily Average Effluent Limitations	
Arsenic	100 ug/l
Boron	5,600 ug/l
Cadminum	47 ug/l
Chromium VI	No limit
Chromium	1,400 ug/l
Copper	1700 ug/l
Cyanide	2,000 ug/l
Lead	500 ug/
Mercury	4.6 ug/l
Nickle	5,000 ug/l
Oil & grease (TPH)	100 mg/l
Selenium	100 ug/l

Silver	500 ug/l
Sulfides	10.0 mg/l
Zinc	5,400 ug/l
NOTES TO TABLE: mg/l= Milligrams per liter ug/l= Micrograms per liter 1 mg/l = 1,000 ug/l	

(C) Maintain a continuous discharge record which clearly indicates the:

- (1) Dates and times of all industrial discharges; and
- (2) Nature, concentration(s) and volumes of all such discharges.

(D) Provide the Director with all reports and notices which the SIU is required to submit in accordance with the provisions of Title 40 C.F.R. part 403.12. In particular, each SIU shall meet the requirements of:

- (1) Notices which must be filed within 180 days of the adoption of any categorical standard, including a compliance schedule;
- (2) Notices which must be filed within 90 days of any final compliance date, or in the case of a new source, following the commencement of the introduction of wastewater into the ~~CTR facility~~ SANITARY SEWER SYSTEM;
- (3) Reports which must be filed by the SIU in June and December of each year unless required more frequently by the Director;
- (4) Notices which must be immediately given after a slug load release of any industrial discharge;
- (5) Sampling and analyses of pollutants discharged to the ~~CTR facility~~ SANITARY SEWER SYSTEM, including any more frequent sampling and analyses performed beyond what is required by the Director;
- (6) The maintenance of records by the SIU.

(E) Comply with all reporting requirements and maintain records of all information resulting from any monitoring activities as required hereby.

(F) Records required by divisions (D) and (E) above shall be required to be retained for a minimum of 3 years from the date of monitoring activity and shall be made available for inspection and copying. This period of retention shall be extended during the course of any unresolved litigation between the SIU and the town. The records shall include for all samples:

- (1) The date, exact place, method, and time of sampling and the name(s) of the person(s) taking the samples;
- (2) The dates analyses were performed;
- (3) Who performed the analyses;
- (4) The analytical techniques/methods used; and
- (5) The results of the analyses.

§ 51.197 SPECIAL DISCHARGES.

(A) In addition to all other requirements imposed by this chapter upon industrial users, the following types of industrial users who are not significant industrial users may be required to obtain a Class B wastewater discharge permit if the Director determines the industrial discharge causes, or has the reasonable potential to cause, harm or damage to the ~~CTR system~~ SANITARY SEWER SYSTEM, worker safety, public safety or the environment.

- (1) Zero process discharge user;
- (2) Users which discharge the equivalent strength of 25,000 gallons per day of domestic waste as measured by BOD and SS;
- (3) Discharges of polluted groundwater; and
- (4) Users discharging any of the substances identified in §§ 51.177 and 51.196(B).

(B) The industrial user shall comply with all requirements and conditions of a Class B wastewater discharge permit issued by the Director under § 51.198.

§ 51.198 ~~AUTHORITY OF THE DIRECTOR.~~ [RESERVED]

~~(A) The Director is authorized to enforce CTR user compliance with the requirements of this chapter.~~

~~(B) In carrying out this responsibility, the Director has authority to:~~

~~(1) Issue or amend (as applicable) Class A and Class B wastewater discharge permits within 60 days of receiving the application for the permit or amended permit. Once issued, a permit:~~

~~(a) Will be for a period of time not to exceed 5 years. A permit may be terminated by revocation by the Director or upon voluntary surrender of the permit by the permittee at an earlier date;~~

~~(b) Is non-transferable by the permittee;~~

~~(c) Will specifically identify all applicable discharge prohibitions and limitations which the Director will enforce;~~

- ~~(d) May be amended as deemed appropriate by the Director;~~
 - ~~(e) May contain monitoring requirements;~~
 - ~~(f) May contain reporting requirements;~~
 - ~~(g) May contain requirements for installation and maintenance of inspection and sampling facilities;~~
 - ~~(h) May contain required notifications;~~
 - ~~(i) May contain requirements for a plan to control slug discharges and spills. The plan shall contain at a minimum:~~
 - ~~1. A description of discharge practices, including non-routine batch discharges; and~~
 - ~~2. A description of stored chemicals; and~~
 - ~~3. Procedures to prevent adverse impact from accidental spills, including inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents), and/or measures and equipment for emergency response.~~
 - ~~(j) May require implementation of pollution and/or waste minimization to reduce or eliminate the amount of pollutants discharged to the CTR;~~
 - ~~(k) May contain requirements to control or reduce the concentrations of any of the substances identified in §§ 51.177 and 51.196(B) through the use of best management practices;~~
 - ~~(l) May contain standard permit conditions; and~~
 - ~~(m) May contain other conditions and requirements as deemed reasonably necessary by the Director to prevent pass-through or interference, protect the quality of the water body receiving the treatment plant's effluent, protect worker health and safety, facilitate sludge management and disposal, to protect against damage to the CTR facility and to ensure user compliance with this chapter, state and federal laws, rules, and regulations.~~
- ~~(2) A permit may be revoked by the Director for good cause, including, but not limited to:~~
- ~~(a) Failure to notify the Director of significant changes to the wastewater prior to the changed discharge;~~
 - ~~(b) Failure to provide prior notification to the Director of changed conditions pursuant to § 51.196(F);~~

- ~~(c) Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application;~~
 - ~~(d) Falsifying self-monitoring reports;~~
 - ~~(e) Tampering with monitoring equipment;~~
 - ~~(f) Refusing to allow the Director timely access to the facility premises and records;~~
 - ~~(g) Failure to meet effluent limitations;~~
 - ~~(h) Failure to pay fines and penalties;~~
 - ~~(i) Failure to pay sewer charges;~~
 - ~~(j) Failure to meet compliance schedules;~~
 - ~~(k) Failure to complete a wastewater survey or the permit application;~~
 - ~~(l) Failure to provide advance notice of the transfer of business ownership of a permitted facility; or~~
 - ~~(m) Violation of any pretreatment standard or requirement, or any terms of the permit or the requirement of this chapter.~~
- ~~(3) Incorporate the pertinent requirements of this chapter into every town contract with any CTR user located within or without the municipal jurisdiction of the town. The contracts may also provide for liquidated damages and, if applicable, specific performance remedies for breach of contract.~~
- ~~(4) Receive and analyze all self-monitoring reports and notices submitted by industrial users.~~
- ~~(5) Randomly sample and analyze effluent from CTR users and conduct those surveillance and inspection activities needed to identify, independently of any information supplied by such users, occasional or continuing non-compliance with any categorical standard or pretreatment requirement.~~
- ~~(6) Investigate instances of non-compliance with any categorical standard or pretreatment requirement when notice of any actual or probable non-compliance has been received by the Director.~~
- ~~(7) Notify CTR facility users of non-compliance with categorical standards or pretreatment requirements discovered by the Director. The notices shall also contain a demand for any appropriate corrective action, which is necessary to meet the applicable requirements of this chapter. Any CTR user will be allowed opportunity to respond to an order of the Director before any enforcement action against the user is initiated, unless the discharge is an immediate threat to the public health, safety, and welfare, in which case the Director may initiate enforcement action without giving notice.~~
- ~~(8) Comply with the public participation requirements of Title 40 C.F.R. part 25 and A.R.S. § 49-~~

~~391 in connection with the town's enforcement of any pretreatment standards and requirements.~~

~~(9) Impose appropriate penalties for non-compliance with any or all of the following:~~

~~(a) Suspension or revocation of any industrial user permit for the failure of an industrial user to comply with the pertinent requirements of the permit;~~

~~(b) Termination of CTR services;~~

~~(c) Restricting or otherwise limiting allowable discharges;~~

~~(d) Requesting that the town Attorney commence criminal and/or civil action against any user violating any requirement of this chapter.~~

~~(10) The Director shall:~~

~~(a) Determine which actual or threatened discharge to the CTR will cause interference with the CTR facility or will present (or may present) an imminent or substantial endangerment to the health, safety or welfare of any person and/or to the environment;~~

~~(b) Abate any actual or threatened discharge which would violate any categorical standard or pretreatment requirement imposed by this chapter. This may include plugging or disconnecting any sewer service connection to the CTR facility;~~

~~(c) Correct or mitigate any injury to the environment, the CTR facility or to any other property as a result of any discharge in violation of a categorical standard or pretreatment requirement imposed by this chapter.~~

~~(11) Annually publish public notice of all industrial users who, at least once during the prior calendar year, were in significant non-compliance (SNC). SNC is determined at any time during the year, except that for chronic and TRC violations, SNC is determined at the beginning of each quarter using the prior 6 months. Thus, chronic and TRC SNC is determined 4 times during the year and the total evaluation period covers 15 months (i.e., beginning with the last quarter of the previous year through the end of the current year). The notification shall also summarize any enforcement actions taken against the users during the same 12 month period.~~

~~(12) Notify industrial users of applicable pretreatment standards and any applicable requirements under §§ 204(b) and 405 of the Clean Water Act, being 33 U.S.C. §§ 1251 *et seq.* and subtitles C and D of the Resource Conservation and Recovery Act, being 42 U.S.C. §§ 6901 *et seq.*~~

~~(13) The Director shall maintain 1 copy of all federal statutes, rules and regulations cited in this chapter in order to allow regulated users adequate opportunity to review the applicable federal requirements that are herein incorporated by reference.~~

§ 51.199 PERMIT APPEALS PROCESS. [RESERVED]

~~(A) Any permit applicant or permittee (aggrieved party) may petition the Director to reconsider the conditions and limitations of a permit issued or amended under the authority of § 51.198(A)(1) by filing a petition for review with the Director within 20 days of receipt of the permit.~~

~~(B) Failure to submit a timely petition for review shall be deemed to be a waiver of the administrative appeal.~~

~~(C) In its petition, the aggrieved party must identify the permit provisions objected to, specify in detail the reasons for objection, and present the alternative, if any, it seeks to place in the permit.~~

~~(D) The provisions of the permit that are not objected to shall not be stayed pending the appeal.~~

~~(E) If the Director fails to act within 30 days from receipt of the petition, it shall be deemed to be denied. Decisions not to reconsider the issued or amended permit, not to issue a permit, or not to amend a permit shall be considered final administrative actions for purposes of judicial review.~~

~~(F) The aggrieved party seeking judicial review of the final permit decision may file a complaint with the Superior Court for Yavapai County, Arizona.~~

§ 51.200-CONFIDENTIAL INFORMATION. [RESERVED]

~~Information and data on a user obtained from reports, questionnaires, permit applications, permits and monitoring programs and from inspections shall be made available to the public or governmental agency without restriction unless the user specifically requests and is able to demonstrate to the satisfaction of the town that the release of the information would divulge information, processes or methods of production entitled to protection as trade secrets of the user. To claim this trade secret protection, the user must specify at the time of submitting his or her reports or information, that part he or she desires to protect. When requested by the person furnishing the report, the portions of the report which might disclose trade secrets or secret processes shall not be made available for inspection by the public but shall be made available upon written request to governmental agencies for uses related to this chapter, the National Pollution Discharge Elimination System (NPDES) permit, (or) state disposal system permit and/or the pretreatment programs; provided, however, that the portions of a report shall be available for use by the town, the state or any state agency in judicial review or enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information.~~

ACCIDENTAL DISCHARGE

§ 51.215 PERMITTEE PROVIDES PROTECTION. Each permittee shall provide protection from the accidental discharge of prohibited materials or other wastes regulated by this chapter.

§ 51.216 PERMITTEE SHALL NOTIFY TOWN OF ACCIDENTAL DISCHARGE.

For counter-measures to be taken by the town to minimize damage to the ~~CTR system~~ SANITARY SEWER SYSTEM and/or receiving waters, the permittee shall notify the town immediately upon accidentally discharging wastes in violation of this chapter. This notification shall be followed by a written statement, within 3 days of the date of the discharge or the discovery thereof, describing the

nature and quantity of regulated wastes discharged, causes of the accidental discharge, any action taken to mitigate the discharge and the measures being taken to prevent a future occurrence. The notification will not relieve permittee of liability for any expense, loss or damage to the ~~CTR system~~ SANITARY SEWER SYSTEM, any clean up, mitigation measures, or for any fines imposed on the town on account thereof and/or for any enforcement action pursuant to this occurrence.

§ 51.217 PERMITTEE WILL NOTIFY EMPLOYEES.

In order that officers, agents and employees of permittees will be informed of the town's requirements, permittees shall make available to their employees copies of this chapter together with such other wastewater information and notices which may be furnished by the town from time to time for the purpose of improving and making more effective water pollution control. A notice shall be furnished and permanently posted on the permittee's bulletin board, or other prominent location, advising officers, agents and employees who call in case of an accidental discharge in excess of the limits authorized by the permit.

§ 51.218 PERMITTEE SHALL LABEL ACCIDENTAL DISCHARGE POINTS.

Any possible connection or entry point for a hazardous and/or prohibited substance to the permittee's plumbing or drainage system shall be appropriately labeled to warn operating personnel against discharge of the substances in violation of this chapter.

HAULAGE OF NON-HAZARDOUS LIQUID WASTES

§ 51.230 PROHIBITION ON WASTES FROM INDUSTRIAL SITES DISCHARGED TO CTR SYSTEM.

(A) Haulers of non-hazardous liquid wastes (NHLW) removed from residential and non-industrial discharge commercial customers are subject to the terms and conditions for discharge as contained in this subchapter.

(B) The following NHLW wastes may be discharged into the ~~CTR system~~ SANITARY SEWER SYSTEM by waste haulers at the discharge point specified by the PUBLIC WORKS Director:

- (1) Domestic septage from residences;
- (2) Domestic septage from commercial facilities;
- (3) Septage from self-service non-drycleaning laundries;
- (4) Domestic septage from chemical toilets; and
- (5) Wastewater from swimming pools.

(C) The PUBLIC WORKS Director, at his or her discretion, shall have the authority to establish additional categories of NHLW that ~~can~~ ARE PERMITTED TO be discharged to the ~~CTR system~~

SANITARY SEWER SYSTEM. Any additional category of NHLW shall be placed on file with the Town Clerk and at each authorized discharge point.

(D) Aside from the above, any wastes removed by a hauler from nonresidential, industrial or commercial customers are specifically prohibited from being discharged to the ~~CTR system~~ SANITARY SEWER SYSTEM. SUCH UNAUTHORIZED Discharge ~~of the wastes into the CTR system will constitute~~ IS a violation and ~~will~~ SHALL subject the hauler to the penalties provided for in this chapter.

(E) Discharge by the hauler of any permitted NHLW into any manhole or cleanout, other than at the designated discharge point, ~~will constitute~~ IS a violation and will subject the hauler to the penalties provided for in this chapter.

§ 51.231 PERMIT REQUIRED.

Except as provided in § 51.232, any person transporting NHLW to the ~~CTR system~~ SANITARY SEWER SYSTEM shall first obtain from the PUBLIC WORKS Director a NHLW hauler discharge permit prior to any discharge to the facility. The ~~person shall pay an annual permit fee~~ SHALL BE PER VEHICLE, as adopted by THE TOWN COUNCIL BY resolution ~~if only 1 vehicle is used. Each additional vehicle shall be charged an annual permit fee. Fees shall be set by Council resolution and may be amended from time to time.~~ Discharge of NHLW without a permit is prohibited. IN ADDITION TO ANY OTHER REMEDIES AVAILABLE TO THE TOWN, Any person violating this section shall be liable for a permit fee ~~as adopted by resolution~~ for the first occurrence. ~~The permit fee for disposing of any NHLW into the facility without a waste hauler permit a subsequent time shall be as adopted by resolution. This is in addition to all other remedies available to the Director under this chapter.~~

§ 51.232 EXEMPTION.

The PUBLIC WORKS Director has the authority to exempt NHLW haulers from the permitting requirements of this subchapter if the PUBLIC WORKS Director determines that other safeguards are in place to protect the ~~CTR system~~ SANITARY SEWER SYSTEM, worker safety, the public and the environment. Any exemptions made pursuant to this section shall be filed with the Town Clerk.

§ 51.233 AUTHORITY OF THE PUBLIC WORKS DIRECTOR; PERMITTEE LIMITATIONS AND REQUIREMENTS.

(A) The PUBLIC WORKS Director shall develop and administer a non-hazardous liquid waste monitoring program. ~~The scope of the program is to determine the characteristics of the non-hazardous liquid waste, and to discover illegal loads, and prevent their~~ UNAUTHORIZED discharge OF NON-HAZARDOUS LIQUID WASTES INTO the ~~CTR system~~ SANITARY SEWER SYSTEM.

(B) The PUBLIC WORKS Director shall establish a NHLW policy, ~~AA copy of the NHLW policy~~ WHICH shall be on file with the Town Clerk and at ~~any~~ ALL designated discharge points.

(C) The PUBLIC WORKS Director shall issue or amend (as applicable) a permit within 60 days of receiving a COMPLETE permit application. In addition to other conditions and requirements deemed appropriate by the PUBLIC WORKS Director, each permit shall contain the following:

- (1) Specify a time period not to exceed ~~5~~-FIVE years.
- (2) Require the permittee to complete a waste tracking form (manifest) for each load of NHLW prior to discharge to the ~~CTR system~~-SANITARY SEWER SYSTEM. The manifest ~~forms~~ shall be on forms provided by, or approved by, the PUBLIC WORKS Director. The manifest shall contain information on the permittee and the source(s), quality and quantity of the NHLW, as well as a certification statement, signed by the permittee, to that effect.
- (3) Specify the allowable categories of NHLW to be discharged at the designated discharge point.
- (4) STATE THAT Prior to discharge of hauled waste, the permittee shall allow a town designated representative to sample the waste, if so required or deemed necessary, to ensure compliance with discharge limits and requirements. The permittee shall not ~~be allowed to~~ discharge the NHLW until the initial analysis is complete. The PUBLIC WORKS Director reserves the right to refuse permission to discharge any load that may not be treatable at the facility, or will inhibit, interfere or otherwise be incompatible with the operation and function of the CTR system.
- (5) Require the permittee to carry liability insurance in such amount and in such form as shall be determined by the PUBLIC WORKS Director. The insurance shall, at a minimum, ~~afford~~ PROVIDE general liability coverage, including contractual liability, in the amount of \$1 million combined single limit. Motor vehicle liability insurance shall be in the minimum amounts as outlined in A.R.S. § 28-4033. Workers compensation insurance, if applicable, shall comply with state requirements. Evidence of the insurance shall be provided to the PUBLIC WORKS Director. The requirement shall not in any manner preclude the permittee from obtaining such additional insurance coverage as may be necessary for his or her ~~own~~ protection.
- (6) Require the permittee (as “indemnitor”) to indemnify, defend and hold harmless the Town of ~~Chino Valley~~ (as indemnitee) from and against any and all claims, losses, liability, costs or expenses (including reasonable attorney’s fees) (herein collectively referred to as “claims”) arising out of bodily injury of any person (including death) or property damage to the extent that such claims are caused by the negligence, misconduct or other fault of the indemnitor, its agents, employees or contractors.
- (7) Specify the discharge limitations and requirements as deemed appropriate by the PUBLIC WORKS Director.

(D) The permittee is responsible for protecting the CTR system from any contributing discharges which would inhibit, interfere or otherwise be incompatible with the operation or maintenance of the collection system or treatment plant including the use or disposal of municipal sludge or effluent. The permittee shall comply with all requirements and conditions of its permit.

(E) The permit is nontransferable. ~~by the permittee.~~ In the event of any change in control or ownership, the permittee shall notify the PUBLIC WORKS Director. The new owner shall apply for a new permit and shall not be allowed to discharge to the CTR system until a permit is issued and all other requirements of this subchapter have been satisfied, or unless written permission is otherwise provided by the PUBLIC WORKS Director.

(F) The PUBLIC WORKS Director is authorized to take appropriate enforcement action against any person in noncompliance with this subchapter. All penalties assessed to the town of ~~Chino Valley~~ by federal and/or State agencies as a result of a violation shall be recoverable from the violator. In addition to the enforcement available to the PUBLIC WORKS Director that is contained herein, the PUBLIC WORKS Director may:

(1) Suspend for a period of up to THIRTY (30) days the permit of any hauler for the first violation of any provision of the permit or any provision of this subchapter. Following the first period of suspension, the waste hauler permit may be reinstated only after payment of the fee for reinstatement, which shall be as adopted by resolution OF THE COUNCIL.

(2) Suspend for a period of up to ONE HUNDRED EIGHTY (180) days the permit of any hauler committing a subsequent violation of a provision of the permit or a provision of this subchapter. Following the second period of suspension for a subsequent violation, the permit may be reinstated only after payment of the reinstatement fee, which shall be as adopted by resolution OF THE COUNCIL. In addition to any reinstatement fee required to be paid under this section, the hauler shall either pay or make arrangements acceptable to the PUBLIC WORKS Director to pay any expenses the town incurs by reason of the violation.

(3) A suspension may be appealed by the permit holder to the Town Council by submitting WITHIN FIFTEEN (15) DAYS OF RECEIPT OF THE NOTICE OF SUSPENSION, an appeal in writing, ~~within FIFTEEN (15) days of receiving notice of the suspension,~~ setting forth the specific grounds for the appeal. The APPEAL SHALL BE FILED WITH THE TOWN CLERK. Filing of any ~~such~~ appeal will not ~~serve to~~ stay the suspension or the fees for reinstatement. A lesser fee for reinstatement may be charged by the Town Council if it is found that the permit holder has taken substantial action to prevent further violations.

§ 51.234 MIXING OF NON-HAZARDOUS LIQUID WASTE.

Septage of different categories shall not be mixed unless the load contains only septic wastes from septic tanks and chemical toilets.

§ 51.235 HAZARDOUS LIQUID WASTE.

Regardless of origin, hazardous liquid waste (as defined in § 1004 of the Resource Conservation and Recovery Act, ~~being~~ 42 U.S.C. §§ 6901 *et seq.*) shall not be disposed of in any ~~CTR system~~ SANITARY SEWER SYSTEM component, manhole, or headworks. ~~The~~ Discharge of hazardous wastes to the headworks or NHLW discharge point by truck or other conveyance is prohibited.

§ 51.236 NON-HAZARDOUS LIQUID WASTE FEES.

(A) Fees ~~shall be charged~~ for the discharge of non-hazardous liquid wastes into the ~~CTR system~~ SANITARY SEWER SYSTEM for treatment SHALL BE AS ~~. The fees shall be set~~ ESTABLISHED by the Town Council by resolution and may have varying rates for classification and point of origin.

(B) The PUBLIC WORKS Director shall review the fees yearly and shall make ~~such~~ recommendations to Council for adjustment as he or she deems necessary. ~~The fees may be adjusted by Council resolution from time to time.~~

§ 51.237 CESSATION OF ACCEPTANCE OF NON-HAZARDOUS LIQUID WASTES.

(A) The PUBLIC WORKS Director may suspend or reduce the dumping of NHLW into the ~~CTR system~~ SANITARY SEWER SYSTEM for reasons that include, but are not limited to, temporary repairs or maintenance to the facility, inability of the ~~CTR system~~ SANITARY SEWER SYSTEM to process either the volume or strength of the NHLW stream, AND hazardous conditions to worker safety, the public and/or the environment due to discharge of a hazardous liquid or malfunctioning of any component of the ~~CTR system~~ SANITARY SEWER SYSTEM.

(B) In addition to any other remedies in this chapter, the PUBLIC WORKS Director may suspend or terminate the discharge permit for any hauler violating provisions of this subchapter OR THE TERMS OF THE PERMIT, INCLUDING NON-PAYMENT OF REQUIRED FEES.

§ 51.238 VIOLATION.

The violation or failure to follow any condition or provisions of the waste hauler permit or NHLW dumping policy or PUBLIC WORKS Director's order authorized herein shall be a violation of this chapter.

UTILITY FEES

§ 51.250 UTILITY SERVICE DEPOSITS.

(AB) UTILITY SERVICE DEPOSITS WILL BE REQUIRED OF ALL PERSONS APPLYING FOR UTILITY SERVICE, UNLESS THEY HAVE A MINIMUM 12-MONTH GOOD PAYMENT RECORD AS A UTILITY CUSTOMER OF THE TOWN. APPLICATION SHALL BE MADE IN ACCORDANCE WITH THE PROVISIONS HEREOF.

~~—(B) Utility service deposits will be required of all persons making application for utility service, except as provided in division (B)(1) and (B)(2).~~

~~—(1) Persons applying for utility service will be required to pay a deposit for utility service, unless they have a good payment record as a utility customer of the town, or can demonstrate a good payment record as a utility customer of another utility (i.e., another municipality, state public service, private water company, and the like) that is deemed by the Utilities Division to be an acceptable utility provider for credit purposes.~~

~~—(2) To demonstrate such good payment record, the applicant shall provide a letter of credit from the prior utility provider, on the utility company's letterhead, indicating a good payment record within the 24 months prior to application with the town.~~

~~—(3) The non-refundable service fee of \$25 is not considered part of the deposit and will not be waived.~~

~~—(4) The town shall retain all utility service deposits until a 12-month good payment history is achieved. No interest shall be paid on deposited amounts. The deposit shall in no way affect the town's right to discontinue service arising from nonpayment of bills as provided for in this chapter.~~

~~—(5) The Utilities Division, under the general concurrence of the Finance Director, is hereby given the power of discretion for considering special cases involving the requirement of utility deposits.~~

(AB) For the purpose of this chapter, a town utility customer with a good payment record will be defined as a customer who has not received more than ~~four~~ ONE delinquency letters in the last 12 months and has not had water service discontinued for nonpayment during the previous 24 month period.

(C) The town will refund utility service deposits or portions thereof if one of the following occurs:

(1) The town utility customer who paid a utility deposit has been a town utility customer for at least one ~~(1)~~ year following payment of the deposit and has a good payment record. If after ~~four~~ ONE year the town utility customer has not maintained a good payment record, the deposit will not be refunded until the town utility customer has achieved a good payment record for at least one ~~(1)~~ year.

(2) The town utility customer has provided written notice to the town to discontinue service and the town has received payment in full for utilities rendered, any water meter damage, or other damage to the town system for which the utility customer may be liable under this chapter. The town, at its option may apply the applicable deposit(s) to the utility customer's final bill or send the customer a check for the difference.

(D) The town utility customer shall notify the town prior to or at the time the property to which service is provided becomes vacant. The town utility customer shall be responsible for all utility usage or damage to the town's property until the town receives a vacancy notice. Thereafter, the town utility customer shall no longer be responsible for payment of metered water services ~~but, because sewer service is a non-metered service, the town utility customer shall be responsible for payment of sewer fees at the applicable base rate until such time as the town receives notice that the property is occupied by a new town utility customer, at which time the new occupant shall be responsible for payment of the utility fees and charges.~~ DISCONNECTED SEWER SERVICE LINES MAY BE PLUGGED BY THE TOWN AT ITS OPTION.

§ 51.251 WATER SYSTEM NEW SERVICE BUY-IN FEE.

(A) There shall be a mandatory water system ~~new~~ service buy-in fee for connections being served by any of the town's water production and distribution systems that are owned, operated, and maintained by the town.

(B) This ~~charge~~ FEE shall be the customer's equivalent share of the town's costs for necessary water system improvements, to be computed as follows:

(1) *Residential*. The water system ~~new~~ service buy-in fee shall be set by Council resolution per dwelling unit for a residential connection to the water system. Single-family residences, including manufactured ~~and~~ OR mobile homes AND privately owned condominiums, shall be classified as residential connections.

(2) *Commercial/industrial*~~(a)~~ The water system ~~new~~ service buy-in fee for commercial/industrial connections shall be based on water meter size AND ESTABLISHED by Council resolution. A commercial/industrial connection is hereby defined as any connection other than residential including apartments, hotel/motels, RV parks, senior mobile home parks, schools, churches and the like.

~~(b) Commercial/Industrial w~~ Water system new service buy in fees are calculated as follows: On July 1 of each year, commencing in 2003, the amount of the buy-in fee to be paid to the town pursuant to this section shall be increased by the percentage change in the annual average of the Engineering News Record (ENR) Index between the prior (2) calendar years. The Finance Director shall make the required calculation by April 1 of each year, and the amount of the hookup fees for the next 12 month period beginning July 1 of that year, as calculated by the Finance Director and reviewed by the Town Manager, shall then be fixed by the Finance Director based upon such calculation, without the necessity of further action by the Town Council. In no event shall the amount of the buy-in fees be reduced based upon a change in the ENR Index. No later than 30 days after the buy-in fees are adjusted each year as provided in this section, the Town Clerk shall cause to be published a public notice setting forth the amount of the adjusted buy in fees. The notice shall be published one time in a newspaper of general circulation in the town, provided, however, that the failure of the Town Clerk to cause the notice to be published shall not affect the validity of the adjustment to the buy-in fees as made by the Finance Director pursuant to this section. In the event the ENR Index information for the prior calendar years is unavailable by April 1, the buy-in fees as previously fixed for the prior fiscal year (July 1 to June 30) shall continue in effect until such time as the ENR Index for the prior years is available and the Finance Director makes the required calculation. Charges and/or fees imposed under this section shall be due and payable in full when construction permits for units are issued.

(3) *No transferability of fees*. All fees paid pursuant to this section shall apply to the real property upon which the fee is initially calculated. Connection fees are not transferable between properties. Structures moved from ~~4~~ONE location to another location ~~must~~ SHALL pay new connection fees for the new location, with a credit to be given for any connection fees previously paid for that location.

~~(4) Waiver of fees~~. The Public Works Director, with the approval of Town Manager, is hereby authorized to waive the provisions of division (B)(3) above regarding transfer of connection fees

between properties in the event that the Public Works Director determines that compliance with the division would result in a gross inequity in a particular situation.

~~(5) *Service connections.* Service connection to the town water system shall only be provided pursuant to an application or agreement with the property owner or applicant and the town. No such application or agreement will be finalized unless the town finds that: (a) The project or development is consistent with, conforms to, furthers the implementation of, and is not contrary to the adopted water use policy.~~

~~(b) The project or development is consistent with, conforms to, furthers the implementation of, and is not contrary to the adopted general plan.~~

~~(c) The project or development is consistent with, conforms to, furthers the implementation of, and is not contrary to any applicable adopted plan, including, but not limited to, specific area plans, circulation plans, capital improvement plans, or other growth planning or growth management plans.~~

~~(d) The application is in accord with the duly adopted town water budget.~~

~~(e) In determining compliance with the foregoing, the Town Council shall consider the overall intent and goals of the applicable plan or policy.~~

~~(f) That notwithstanding the foregoing, a variance or exception may be granted by the Town Council, where failure to do so would result in a gross inequity, as solely determined by the Town Council.~~

~~(6) *Water service lines.* Water service lines shall be installed by the consumers at their own expense. Temporary lines must be buried 2 feet and backfilled 10 feet from the meter. All service lines shall be installed at least 2 feet deep and not less than 2 feet from an open area or vault.~~

§ 51.252 WATER SERVICE CONNECTION AND METER INSTALLATION CHARGES.

The ~~consumer~~ CUSTOMER or property owner at the time of APPLYING-making application shall pay to the town water meter installation charges as set by Council resolution.

~~(A) All service connections installed by contractors shall be according to town standards and specifications. The contractor shall install meter boxes and meter sets specified by the town. Any required pressure regulating valve shall be installed and tested by the contractor. The pressure regulating valve shall be maintained by the customer.~~

(B) In the event a service connection must cross an Arizona Department of Transportation highway right-of-way, the consumer or property owner shall obtain the necessary permits directly from the Arizona Department of Transportation to make the service connection, and the consumer or the property owner shall obtain their own contractor to make the service connection. The service connection shall include the meter set and box and the service line from the meter box to the water main. The contractor will install the water main tap and expose the water main. The meter shall be installed in the box by the town.

§ 51.253 SEWER SYSTEM NEW SERVICE BUY-IN FEES

(A) There shall be a mandatory sewer system ~~new~~ service buy-in fee charged for ~~new~~ residential units or commercial/industrial connections to being served by any of the town's wastewater collection, treatment and recharge systems that are owned, operated and maintained by the town.

(B) This fee shall be the equivalent of the customer's share of the costs to the town for the construction of the wastewater treatment facilities, the recharge facility, lift stations, and sewer mains and interceptor lines. This fee shall be payable by the residential or commercial/industrial customer or property owner prior to the issuance of a new building permit or connection to the system for existing structures.

(1) *Residential.* The sewer system ~~new~~ service buy-in fee shall be set by Council resolution per residential dwelling unit for a residential connection to the sewer system, subject to annual review and revision by the Council. Single-family residences, including manufactured and mobile homes, private condominiums, shall be classified as residential. A SINGLE FAMILY HOME SHALL BE CONSIDERED TO HAVE 20 FIXTURE UNITS AND BE PRIVATELY OWNED.

(2) *Commercial/industrial.* ~~(a)~~ The sewer system ~~new~~ service buy-in fee for commercial/industrial connections shall be based on an equivalent dwelling unit (EDU). THE EDU FOR COMMERCIAL/ INDUSTRIAL USERS SHALL BE DETERMINED BY CALCULATING THE FIXTURE UNITS (AS DEFINED IN THE IPC) DIVIDED BY THE 20 FIXTURE UNITS OF A SINGLE FAMILY HOME. ~~that utilizes a calculation comparing the facility total flow, BOD and suspended solids, among other factors, to a standard single family residential unit. A commercial/industrial connection is hereby defined as any connection other than residential, including apartments, hotel/motels, RV parks, senior mobile home parks, schools, churches and the like.~~

~~(b) Commercial/industrial sewer system new service buy-in fees are calculated as follows:~~

<i>Schedule of Equivalent Dwelling Units (EDU)</i>		
Class	User Category	EDU Rate Basis
1	Single family dwelling	Per residential unit
1	Commercial property	The greater of: Per 3,000SF or 250 GPD or fraction thereof not specifically covered elsewhere herein
1	Apartment	Per residential unit
2	Bakeries, retail	Per location

+	Churches/religious	Per church/house of worship
+	Institution	Plus units for the following: School and/or daycare facilities therein
+	-	For every 30 persons or fraction thereof
	Combination use	As provided in each category
0.5	Correctional and 24 hour health care facilities	For every bed
+	Clubs, societies, service organization, recreation centers, in-door tennis, racquet ball clubs and the like	For every 4 employees, or fraction thereof, plus units for the following:
+	-	For each swimming pool facility
+	For each restaurant, diner, fountain or bar— for every 25 seats or fraction thereof, for each banquet or catering facility for every 100 seats or fraction thereof	-
+	Diners, taverns and restaurants, banquet/ catering facilities	For each restaurant, diner, fountain, or bar— for every 25 seats or fraction thereof, and/or for each

		banquet or catering facility for every 100 seats or fraction thereof
+	Hospitals	For every 2 beds or fraction thereof
0.33	Hotels and motels	Per room, plus units for the following
+	-	For each swimming pool
+	-	For each restaurant, diner, fountain or bar for every 25 seats or fraction thereof
+	-	For each banquet or catering facility, for every 100 seats or fraction thereof
0.5	-	For each washing machine regardless of capacity
+	Industrial plants, warehouses	The greater of per 12 employees or fraction thereof, or per 250 gpd of wastewater discharged or fraction thereof, in addition to

		BOD or SS in excess of 200 mg/l
0.5	Laundromats or self-service laundry	For each washing machine, regardless of capacity
1	Public buildings	Per 30 employees or fraction thereof
0.25	Rented rooms	Per room for rent
1	Schools (public or private) and day care facilities)	Per 30 students, faculty, staff, employees or fraction thereof
2	Service station, without carwash facility	Per location
3	Service station, with car wash; garages and car wash with or without service stations, including self service	Per location
1	Single family dwelling with place of business	For the residential unit plus as business use category
1	Supermarkets	Per 5 employees or fraction thereof
1	Theaters/movie house	Per 100 seating capacity, car stalls or fraction thereof

~~(3) Annual adjustment. An automatic annual adjustment shall be made for sewer buy-in fees in accordance with the provisions and methods detailed in § 51.251.~~

(4-3) *No transferability of fees.* All fees paid pursuant to this section shall apply to the real property upon which the initial fee was calculated. Connection fees are not transferable between properties. Structures moved from ONE location to another location must pay new connection fees for the new location, with a credit to be given for any connection fees previously paid for that location.

~~(5) *Waiver of fees.* The Public Works Director, with the approval of Town Manager, is hereby authorized to waive the provisions of division (C) of this section regarding transfer of connection fees between properties in the event that the Public Works Director determines that compliance with said subsection would result in a gross inequity in a particular situation.~~

~~(C) (1) Owners of residential dwelling units or businesses in existence as of the effective date of this chapter, or for which new building permits have been issued prior to the effective date of this chapter, shall be exempt for the properties from the sewer system new service hookup fees as per § [51.253](#). Also, owners who obtain a new building permit for a parcel not scheduled per the town's sewer master development plan for sewer service within 120 days of issuance of the building permit shall be exempt for the property from the sewer system new service hookup fees as per § [51.253](#). All such owners shall, however, pay a 1 time sewer system existing service hookup fee as set by Council resolution per residential dwelling unit or per commercial/ industrial location. All other property owners shall pay sewer system new service hookup fees as per § [51.253](#).~~

~~—(2) An automatic annual adjustment for this hookup fee shall be made in accordance with the requirements of § [51.251](#).~~

~~—(D) (1) The sewer system existing service hookup fee shall be paid in lump sum, within 90 days of the date the owner is notified, in writing, by the town that sewer service is available to the property, and that such property is scheduled for sewer hookup service. The owner may elect to make the payment pursuant to a time payment agreement consummated with the town's Finance Director. Time payments shall bear interest at a minimum rate of 5% per annum, with final payment due within 120 months. If the sewer system existing service connection fee or related time payments are unpaid for more than 90 days, the property shall become subject to lien until fully paid. Final payments shall become due and payable by the close of escrow for any property sold prior to receipt of the final payment by the town.~~

~~(2) Owners of residential dwelling units within the Chino Meadows subdivision for which a building permit has been issued prior to December 13, 2007, the effective date of Ordinance No. 07-697, and after August 21, 2004, shall pay the sewer system new service hookup fees as per this section. All such owners may elect to make the payment pursuant to a time payment agreement consummated with the town's Finance Director. Time payments shall bear interest at a minimum rate of 5% per annum, with final payment due within 120 months. If the sewer system new service connection fee or related time payments are unpaid for more than 90 days, the property shall become subject to lien until fully paid. Final payments shall become due and payable by the close of escrow for any property sold prior to receipt of the final payment by the town.~~

§ 51.254 FEE ADJUSTMENT FOR COMMERCIAL/ INDUSTRIAL USERS BASED ON DETERMINATION OF WASTEWATER QUALITY.

(A) The PUBLIC WORKS Director or his or her designee shall have the authority to make whatever tests are necessary to carry out a planned sampling program and to make whatever analyses are needed for all commercial and industrial users. The BOD test shall be considered the standard test; however, COD or TOC tests may be substituted in cases where it has been determined by the PUBLIC WORKS Director that the BOD test is not representative of actual wastewater loading. Wastewater characteristics shall be determined by the Department on the basis of monitored wastewater discharged, a certified statement from the user, or on the best available data as to the characteristics of the discharges.

(B) Any change in the ongoing process(es) employed by a user contributing commercial or industrial waste which results in a variation of more than 25% in ONE (+) or more of the effluent loading concentrations shall be reported to the Department within 30 days of the change.

(C) If it is determined through testing that a significant variation exists between the user's certified data and the discharge characteristics monitored by the Department, the ~~City~~ TOWN may adjust the sewer use charge based on the monitored data from the original date of certification, unless written communication has occurred notifying the Department of changes in loading and giving specific dates of changes.

(D) Where sampling and gauging of specific users is not practical for physical, economic, safety, or other reasons, the PUBLIC WORKS Director may designate values for concentrations of the wastes discharged into the sewerage system for all users in the same Standard Industrial Classification or subclassification.

§ 51.255 OTHER USER CHARGE PROVISIONS.

(A) *Biennial review.* The FINANCE Director will review, ~~not less often than every (2) years~~, the wastewater contribution of users and user classes, the total costs of operation and maintenance of the treatment works, and its approved user charge system. The FINANCE Director shall at such time recommend a revision in the sewer service charge and user classes to accomplish the following:

(1) Maintain a reasonable proportionate distribution of operation and maintenance costs among users and user classes;

(2) Generate sufficient revenue to pay the total operation and maintenance costs necessary to the proper operation and maintenance (including replacement) of the treatment works; and

(3) GENERATE SUFFICIENT FUNDS TO SUPPORT A CAPITAL IMPROVEMENT PLAN (CIP) AS APPROVED BY COUNCIL.

(34) Apply excess revenues collected from a class of users to the costs of operation and maintenance attributable to that class for the next year and adjust the rate accordingly.

~~(B) Notification of users. Each user will be notified, at least annually, in conjunction with a regular bill, of the user charge rate and that portion of the total charges which are attributable to user charges.~~

(EB) *Inconsistent agreements.* The user charge system set forth in this chapter is applicable to all agreements or contracts between the town and users including industrial users, other municipalities or federal agencies or installations, and the terms of this chapter shall take precedence over any such agreements or contracts which are inconsistent with the requirements of this chapter.

(EC) *Wastewater treatment byproducts.* All revenue from the sale of treatment-related byproducts, except recharged effluent, shall be used BY THE TOWN to offset the cost of operation and maintenance AND CIP. User charges shall be proportionally reduced for all users. Total annual revenues received from the sale of a byproduct shall be credited to the treatment works O&M cost no later than the fiscal year immediately following their receipt.

§ 51.256 OTHER SEWER SERVICE CHARGES.

In addition to the user charges described herein, the rate schedules shall be sufficient to cover the following costs:

(A) ~~A portion of~~ The annual debt service costs for retirement of sanitary sewer bonds AND/OR LOANS will be charged to all customers served directly by the town's wastewater collection system. ~~The Public Works Director, in conjunction with the Finance Director,~~ shall make recommendations to the Town Council ~~at least once every (2) years~~ as to how these costs shall be proportioned among the users. Charges to recover these costs will be called "other charges."

(B) Adequate reserve funds to allow for reasonably expected increases in the cost of providing services will be charged to all customers served directly by the town's wastewater collection system. The FINANCE Director shall make recommendations to the Town Council as to the amount of reserve funds necessary and as to how these funds shall be proportioned among the users.

(C) The costs of billing and collection and performing industrial waste services shall be charged to customers on an equitable basis. The FINANCE Director shall make recommendations to the Town Council as to how these costs shall be proportioned among the users. Charges to recover these costs will be called "billing and collection charges" and "industrial waste charges" respectively.

(D) CIP (CAPITAL IMPROVEMENT PLAN)

§ 51.257 ~~LOW INCOME CITIZEN'S RATE~~ [RESERVED].

~~The town may set a separate rate, by resolution, for sewer fees for citizens with limited incomes based on the following procedures:~~

~~(A) *Qualifications.* Any single family unit occupied by a person or persons presenting satisfactory evidence of the head of the household having an annual income not exceeding those income limits set by Town Council resolution, shall be charged an amount set by Council resolution per month for sewer use, based on the costs of serving this class. Applications shall be obtained from the Finance Department and must be submitted annually.~~

~~(B) *Applications.*~~

~~—— (1) Applications for reduced sewer user service charges shall be on forms supplied by the Finance Department, filed with or mailed to the Department. All information required to be given on the form shall be supplied and verified by the applicant. Reduced sewer user service charges shall be granted to qualifying applicants who file their applications prior to the certification of user charges to the property tax accounts. All qualifying citizens must submit new applications annually during the months of May and June in order for eligibility to be continued through the next fiscal year from July 1 through the following June 30. A change of address of a qualifying citizen terminates the special rate, but a new application by the qualifying citizen at his or her new address may be made and, when approved, the reduced rate shall be allowed.~~

(2) Any unit of government or administrative agency thereof maintaining on a regular basis data covering the qualifications required by the town for reduced sewer user service charge for citizens pertaining to tenants of its property, is permitted to apply for reduced sewer user service charges on behalf of its tenants meeting the requirements, and to set forth the qualifications of those tenants without separate verifications.

§ 51.258 RESIDENTIAL WATER RATES.

(A) Effective July 15, 2003, a monthly water charge shall be assessed against all residential consumers having a service connection with the town water mains ADOPTED BY THE TOWN COUNCIL BY RESOLUTION. ~~The~~ Water consumption shall be measured by meter.

(B) In addition to a monthly minimum fixed charge, RESIDENTIAL CUSTOMERS RECEIVING TOWN WATER SERVICE AT A LOCATION NOT LOCATED WITHIN THE TOWN BOUNDARIES (WHETHER OR NOT THE LOCATION IS WITHIN A DIFFERENT MUNICIPALITY OR UNINCORPORATED YAVAPAI COUNTY), SHALL BE CHARGED AT THE SAME RATE FOR WATER CONSUMPTION AS RESIDENTIAL CUSTOMERS LOCATED WITHIN THE TOWN BOUNDARIES. ~~a rate will be applied to the actual consumption as measured:~~

~~—— (1) Water furnished to residential consumers in incorporated municipalities other than the Town of Chino Valley shall be charged at the same rate as water furnished residential consumers with the Town of Chino Valley (inside Town of Chino Valley limits rates) plus a surcharge equal to 30% of the inside Town of Chino Valley limits rates. The surcharge shall also apply to the monthly minimum fixed charge.~~

(2) Water furnished to residential consumers in all areas other than incorporated municipalities shall be charged at the same rate as water furnished residential consumers within the Town of Chino Valley (inside Town of Chino Valley limits rates) plus a surcharge equal to 30% of the inside town of Chino Valley limits rates. The surcharge shall also apply to the monthly minimum fixed charge.

§ 51.259 COMMERCIAL AND INDUSTRIAL WATER RATES.

(A) Effective July 15, 2003, a monthly water charge shall be assessed against all commercial and industrial consumers having a service connection with the town water mains AS ADOPTED BY THE TOWN COUNCIL BY RESOLUTION. ~~The~~ Water consumption shall be measured by meter.

(B) In addition to a monthly minimum fixed charge, COMMERCIAL AND INDUSTRIAL CUSTOMERS RECEIVING TOWN WATER SERVICE AT A LOCATION NOT LOCATED WITHIN THE TOWN BOUNDARIES (WHETHER OR NOT THE LOCATION IS WITHIN A DIFFERENT MUNICIPALITY OR UNINCORPORATED YAVAPAI COUNTY), SHALL BE CHARGED AT THE SAME RATE FOR WATER CONSUMPTION AS COMMERCIAL AND INDUSTRIAL CUSTOMERS LOCATED WITHIN THE TOWN BOUNDARIES. ~~a rate will be applied to the actual consumption as measured:~~

~~———(1) Water furnished to commercial and industrial consumers in incorporated municipalities other than the Town of Chino Valley shall be charged at the same rate as water furnished commercial and industrial consumers within the town limits plus a surcharge equal to 30% of the inside town limits rates. The surcharge shall also apply to the monthly minimum fixed charge.~~

~~———(2) Water furnished to commercial and industrial consumers in all areas other than incorporated municipalities shall be charged at the same rate as water furnished commercial and industrial consumers within the Town of Chino Valley (inside Town of Chino Valley limits rates) plus a surcharge equal to 30% of the inside Town of Chino Valley limits rates. The surcharge shall also apply to the monthly minimum fixed charge.~~

§ 51.260 RATES FOR PRIVATE FIRE CONNECTIONS; USE OF UNMETERED WATER.

(A) When fire service connections are INSTALLED ~~required by applicable town code or state law provisions~~ they shall include a detector check of a type ~~to be approved by the town~~ IN CONFORMANCE WITH ITS ADOPTED BUILDING AND FIRE CODES. The indicating meter to be used with the check shall be furnished by the town.

(B) If unmetered water ~~available in this division~~ is used for other than fire protection purposes, the quantity so-used shall be estimated and ~~the same shall be charged~~ according to applicable rates. If such use ~~is continue~~~~d~~ for more than TWENTY (20) days, a recording meter ~~will~~SHALL be installed at the ~~consumer~~CUSTOMER's expense and water furnished thereafter will be charged for in accordance with applicable rates.

§ 51.261 FEES AND ASSESSMENTS DUE.

(A) All fees and assessments are due and payable on the date billed. Water service may be discontinued for the nonpayment of any of the fees, penalties or assessments set forth in this chapter. Late charges ~~shall be imposed, as set by the Finance Director with the approval of the Town Manager~~ of 1.5% per month of the unpaid balance due ~~will be imposed on bills not paid within 22-15 days after the billing date.~~

(B) ~~Because sewer service is an un-metered service, all monthly fees shall apply and accrue whether or not service is utilized.~~

(C) ~~The public works director, with approval of the town manager, shall be authorized to waive all, or any portion of the deposit fees, water and sewer monthly fees, late fees and any other miscellaneous fees. The waiver of any fees must be consistent with federal and state law. In the~~

~~event that an outstanding balance is owed from a previous account holder, the waiver of any fees shall apply only to a new account holder.~~

ENFORCEMENT

§ 51.275 INTERFERENCE WITH OR OBSTRUCTING FACILITIES.

Any person who in any manner willfully defaces, illegally uses, obstructs or interferes with the operation of any well, pump, storage tank, hydrant, valve, pipe, construction trench, or any other water works facility, or any cleanout, manhole, pipe, pump station, treatment plant, recharge facility, construction trench or any other wastewater works facility, or anyone who ~~shall~~ polluteS the potable water supply or recharge water supply of the town, or violateS any provision of this chapter shall be guilty of a misdemeanor, or a felony if the total value of the damage and expense is sufficient to reach such threshold. Any expense caused to the town for the repair, replacement or cleanup of damaged, stolen or misused water and wastewater works facilities shall be charged against and collected from the person or persons who caused the expense. The violation of any provision of this chapter, or failure to pay for damages to town facilities, shall be sufficient cause for the PUBLIC WORKS Director to discontinue town water and/or wastewater service to any property owned or used by the person or persons.

§ 51.276 AUTHORITY OF UTILITY DEPARTMENT TO TURN OFF WATER AND/OR SEWER SERVICE.

For any violation of this chapter, or for any nonpayment of water and/or sewer charges for either domestic, commercial, sprinkling or other purposes, the Utility Department has the right to turn off such service AFTER PROVIDING NOTICE TO THE CUSTOMER THAT THE SERVICE WILL BE TURNED OFF ON A SPECIFIC DATE AND THE NAME OF THE PERSON AT THE TOWN WITH WHOM THE CUSTOMER MAY DISCUSS THE VIOLATION AND PRESENT GROUNDS FOR WHY THE SERVICE SHOULD NOT BE TERMINATED ~~without further notice.~~ After it has been turned off ~~from any service pipe on account of nonpayment or violation of the chapter,~~ the service shall not be turned on until all back charges are paid, together with the payment of all fees, EXPENSES and the applicable deposit paid, if required. DISCONNECTED SEWER SERVICE LINES MAY BE PLUGGED BY THE TOWN AT ITS OPTION.

§ 51.277 RULES AND REGULATIONS TO BE ENFORCED, EXCEPTION.

The rules and regulations of this chapter are made for the benefit of TOWN ~~the consumers of water and wastewater dischargers in the town~~ CUSTOMERS and for the protection of the water supply system, wastewater system, recharge system, ~~or the town,~~ and the environment. ~~Their~~ Enforcement shall in no case be willfully ignored by any town official, employee or agent. When a strict enforcement of any rule could ~~work~~ RESULT IN a gross injustice on a consumer of water or discharger of wastewater, the Public Works-Director may, in his or her discretion and with the agreement of the Town Manager, order a suspension of the rule as to that particular case.

§ 51.278 CRIMINAL PENALTY.

Any person who violates any provision of this chapter, OTHER THAN THE SECTIONS DESIGNATED AS CIVIL VIOLATIONS IN § 51.279, shall be guilty of a misdemeanor, except for such violations as may exceed felony damage thresholds. ~~and any such EACH DAY A violation CONTINUES shall constitute a separate offense on each successive day the violation continues.~~

§ 51.279 CIVIL PENALTY.

(A) Any person who violates any provision §§ ~~51.175~~ 51.176 *et seq.*, 51.215 *et seq.* and/or 51.230 *et seq.* shall be civilly liable to the town for a sum as adopted by resolution per day for each violation. ~~For continuing violations,~~ Each day A VIOLATION CONTINUES may constitute a separate offense. In seeking the assessment of a civil penalty, the following criteria contained in A.R.S. § 49-391(C) shall be considered:

- (1) The seriousness of the violation;
- (2) The economic benefit, if any, resulting from the violation;
- (3) Any history of such, or other, violations;
- (4) Any good faith efforts to comply with the applicable requirements;
- (5) The economic impact of the penalty on the violator; and/or
- (6) Such other factors as justice may require.

(B) In addition to the civil penalty imposed herein, the person shall be liable for any civil penalty imposed on the town by other regulatory agencies as a result of the violation.

§ 51.280 REMEDIES.

(A) In addition to any civil and/or criminal penalty which may be imposed for violations of this chapter, a user shall be liable for all actual costs which may be assessed by the FINANCE Director on a user of the town's ~~sewage works~~ SANITARY SEWER SYSTEM who discharges wastes containing non-permissible quantities of prohibited substances into the ~~public sewer system~~ SANITARY SEWER SYSTEM or contaminates the town's potable water supply, storage and discharge system. The FINANCE Director is authorized to assess charges based on the extra costs incurred by the town in surveillance, sampling and testing, for additional operating and maintenance expenses, including overhead charges, and for any other action required to identify, handle, process or supplement normal activities due to the unauthorized discharge of wastes or system contamination.

(B) The FINANCE Director shall have the authority to discontinue water and/or sewer service to a user for any of the following reasons:

- (1) Failure to pay a charge assessed by the FINANCE Director for unauthorized discharges or water system contamination;

(2) Failure to correct an unauthorized discharge as required by the PUBLIC WORKS Director;

(3) Discharging any unauthorized substances, materials, water or waste as prohibited by this chapter or the FINANCE Director;

(4) Failure to correct any cross connection, source of contamination or potential source of contamination with the potable water supply; and

(5) For violation of any provision of this chapter.

(C) Before discontinuing water or sewer service as provided herein, the FINANCE Director shall give written notice to the user of the discontinuance and an opportunity to appear before the FINANCE Director on any disputed matter relative to the discontinuance of water and/or sewer service, except that if a discharge or source of contamination is a threat to the public health, safety, and welfare, the discontinuance of water and/or sewer service shall be accomplished by physically cutting and blocking the sewer connection and/or removing or locking the water meter in the off position. The actual cost for disconnecting and/or reconnecting the affected utility service shall be paid by the affected user to Utility Department.

(D) Upon notice of the final determination by the FINANCE Director of an assessment owed, the user shall tender the fee and/or charges within 10 days ordered by the FINANCE Director.

(E) Any unauthorized discharge or other threat to the public water supply not corrected, or assessment not tendered, is hereby declared to be, and is, a public nuisance which may be abated by order of a court of competent jurisdiction and its continued operation is unlawful. The remedy provided herein shall be in addition to any other remedy authorized by this chapter.

(F) THE FINANCE DIRECTOR MAY REFER TO A COLLECTION AGENCY ANY UTILITY ACCOUNT THAT IS MORE THAN 60 DAYS PAST DUE WHICH SHALL BE CALCULATED FROM THE ORIGINAL BILLING DATE

(G) THE FINANCE DIRECTOR MAY CAUSE ANY DELINQUENT SEWER ACCOUNT PAST 90 DAYS FROM THE ORIGINAL BILLING DATE TO BE SUBJECT TO A LIEN ON THE PROPERTY FOR THE FULL DELINQUENT AMOUNT PLUS ANY OTHER INCURRED COSTS.

~~§ 51.281 EFFECTIVE DATE.~~

~~The effective date of this chapter shall be from and after August 7, 2004.~~

Lien Enforcement

§ 51.290 LIEN ENFORCEMENT FOR UNPAID UTILITY USER FEES

(A) The town clerk or FINANCE ~~public works~~ director may assess and file a lien on real property for the nonpayment of utility user fees for services provided to the property if the payment of the fees is delinquent for more than ninety (90) days.

(B) Before filing the lien, the town clerk or FINANCE ~~public works~~ director shall provide written notice to the owner of the property. The notice shall be given at least THIRTY (30) days before filing the lien and shall include an opportunity for a hearing before an official, to be designated by the town council for such purposes. Subject to SUBSECTION ~~division~~ (C), below, the notice shall be either served personally on or mailed to the property owner, at the last known address by certified mail, return receipt requested, or to the address to which the tax bill for the property was last mailed as shown in the county records.

(C) If the owner does not reside on the property, the notice shall be sent to the ~~address to which the tax bill for the property was last mailed as shown in the county records~~ THE LAST KNOWN ADDRESS.

(D) If served by mail, notice shall be deemed to be complete on the date on which the notice is deposited in the United States mail.

(E) The notice shall inform the property owner that:

(1) He or she has the opportunity for a hearing regarding the delinquency before a designated town official;

(2) If a timely objection is not filed, the unpaid delinquency shall be deemed due and owing and failure to pay shall result in the town pursuing all available means of collection as authorized by the town code;

(3) If a hearing is requested and it is determined as a result of the hearing that the unpaid delinquency is due and owing, failure to pay shall result in the town pursuing all available means of collection as authorized by the town code.

(F) In the event the property owner requests a hearing, such request must be received not later than FIFTEEN (15) days from the date of the notice. The request for hearing must include copies of all documents that support the owner's position, including any documents that there is no delinquency or that the amount claimed delinquent by the town is in error. A hearing shall be scheduled and held not later than THIRTY (30) days following a request for a hearing by a property owner. The property owner shall be notified in writing of the time and date of the hearing.

(G) The hearing shall be held by a hearing officer who shall be a non-town employee retained by the town, or a town employee who has no involvement with the Utilities Division or the Finance Department. The hearing officer shall have the authority prescribed to public officers pursuant to A.R.S. § 12-2212, as may be amended from time to time.

(H) The hearing may be continued ONE ~~4~~time by the hearing officer upon the written request of either party for good cause.

(I) The hearing shall be held during regular town business hours.

(J) The hearing shall be recorded by an electronic recording device.

(K) The property owner and the town shall each be given an opportunity to present their respective cases. The town shall present its case first. Presentation by either party may include:

- (1) Sworn testimony;
- (2) Submission of evidence;
- (3) Presentation of witnesses; and
- (4) Cross examination.

The Arizona Rules of Evidence shall not apply, and the hearing officer may permit THE ADMISSION OF any evidence deemed relevant to the issues at hand ~~to be admitted.~~

(L) The hearing officer shall render a decision within FIFTEEN (15) days of the close of the hearing, ~~which decision shall be binding and final on all parties.~~ The record of the hearing and the decision by the hearing officer shall be filed with the town clerk. The hearing officer's order shall be mailed to the property owner by certified mail, return receipt requested, and notice of the order shall be deemed to be complete upon the date on which the notice is deposited in the United States mail.

(M) The hearing officer may find the following:

(1) The property owner does not owe the delinquent amount and the notice of delinquency shall be canceled;

(2) The property owner does owe the delinquent amount as noticed by the town and order that the amount be paid within TWENTY (20) days of the date the decision is rendered; or

(3) A different (lesser) amount than that which was noticed by the town is owed and delinquent and order that amount be paid within TWENTY (20) days of the date the decision is rendered.

(N) THE HEARING OFFICER'S DECISION MAY BE APPEALED BY EITHER PARTY BY FILING AN ACTION IN THE YAVAPAI COUNTY SUPERIOR COURT.

(~~NO~~) In the event no hearing is requested by the property owner, or in the event payment is not made on a delinquent amount as determined by a hearing officer after a hearing, the town shall place a lien on the property in accordance with this section.

(~~Θ~~P) The unpaid utility user fees are a lien on the property from the date of the recording of the lien in the office of the county recorder until all fees are paid in full. The lien is subject and inferior to the lien for general taxes and to all prior recorded mortgages and encumbrances of record. A sale of the property to satisfy a lien obtained under this section ~~§ 51.290~~ shall be made following a judgment of foreclosure and order of sale. The town may bring an action to enforce the lien in the Yavapai County Superior Court at any time after the recording of the lien, but failure to enforce the lien by a foreclosure lawsuit shall not affect the validity of the lien. The recorded unpaid utility user fees lien shall be prima facie evidence of the truth of all matters recited in the recording and of the regularity of all proceedings before the recording.

(~~P~~Q) Notwithstanding any of the provisions of this section ~~§ 51.290~~, any lien placed on a property pursuant to this section shall be enforceable pursuant to and in accordance with A.R.S. § 9-511.02.

ORDINANCE NO. 2022-913

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CHINO VALLEY, ARIZONA, DECLARING THE DOCUMENT ENTITLED “TOWN OF CHINO VALLEY FEBRUARY 2022 AMENDMENTS TO TITLE V: PUBLIC WORKS” AS A PUBLIC RECORD; ADOPTING THE “TOWN OF CHINO VALLEY FEBRUARY 2022 AMENDMENTS TO TITLE V: PUBLIC WORKS” BY REFERENCE; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR PENALTIES.

WHEREAS, the Town Council desires to update its property maintenance standards, its standards and requirements related to water and sewer connections, and its process to abate public nuisances, for the benefit of the Town;

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Common Council of the Town of Chino Valley, Arizona, as follows:

Section 1. The above recital is hereby incorporated as if fully set forth herein.

Section 2. That certain document entitled “Town of Chino Valley February 2022 Amendments to Title V: Public Works,” (the “2022 Amendments”) of which one paper copy and one electronic copy are maintained, in compliance with ARIZ. REV. STAT. § 44-7041, on file in the office of the Town Clerk as required by ARIZ. REV. STAT. § 9-802, and available for public use and inspection during normal business hours, is hereby declared to be a public record, and said copies are hereby ordered to remain on file with the Town Clerk.

Section 3. The Chino Valley Town Code is hereby amended by amending Chapter 50 (General Provisions) and Chapter 51 (Water and Sewers) as set forth in the 2022 Amendments, which document is hereby adopted by reference and incorporated herein by reference as if fully set forth in this Ordinance.

Section 4. All ordinances and parts of ordinances in conflict with the provisions of this Ordinance or with any part of the 2022 Amendments adopted herein by reference are hereby repealed.

Section 5. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance or any part of the 2022 Amendments adopted herein by reference is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

Section 6. The Mayor, the Town Manager, the Town Clerk, and the Town Attorney are hereby authorized and directed to take all steps necessary to carry out the purpose and intent of this Ordinance.

Section 7. Except as otherwise provided, any person found responsible for violating any provisions of this Ordinance shall be guilty of a civil violation, punishable by imposition of a civil sanction not to exceed \$500.00. Each day a violation continues shall be considered a separate violation. A person who commits a violation of this Ordinance after previously having been found responsible for committing two or more civil violations of this Ordinance within a 24-month period, whether by admission, by payment of the sanction, by default, or by judgment after hearing, shall be guilty of a class one misdemeanor. The following specific penalties are set forth in the 2022 Amendments:

§ 50.31 INTERFERENCE, DIGGING AND TAMPERING PROHIBITED.

Any person who in any way interferes with any employees of the Departments in the discharge of the employee's duties, either in the tapping a water or sewer pipe, main or lateral belonging to the town, or the cleaning, laying or connection of a pipe or main or lateral, or the inspection of a construction or discharging facility, or who digs up, or causes to be dug up, any street, alley or easement in the town for the purpose of connecting with the water or sewer system of the town without first obtaining a permit from the Department, or who, having a permit, digs up any portion of any street, alley or easement of the town for the purpose of connecting to the water or sewer system of the town and fails or neglects to place the street, alley or easement in its original or better condition, or who shall maliciously or willfully break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the municipal water and Sanitary Sewer System shall be guilty of a misdemeanor, except where the damages or/and penalties as may be assessed on the town total over \$5,000 in which case the person shall be guilty of a felony.

§ 51.077 UNAUTHORIZED CONNECTIONS WITH WATER MAINS.

No person shall connect any pipe, tube or other instrument with any main, service pipe, conduit or flume for the purpose of taking and conducting water belonging to the town, without a permit or authorized service connection from the Utility Department. Violators shall be guilty of a misdemeanor.

§ 51.120(A)(2) REMEDIES

The Public Works Director may:

After three (3) days' written notice impose a civil penalty not to exceed 1,000%/billing period on the charges for all water used beginning from the date the corrective action was required and until the corrective action has been completed by the customer to the satisfaction of the town.

§ 51.275 INTERFERENCE WITH OR OBSTRUCTING FACILITIES.

Any person who in any manner willfully defaces, illegally uses, obstructs or interferes with the operation of any well, pump, storage tank, hydrant, valve, pipe, construction trench, or any other water works facility, or any cleanout, manhole, pipe, pump station, treatment plant, recharge facility, construction trench or any other wastewater works facility, or anyone who pollutes the potable water supply or recharge water supply of the town, or violates any provision of this chapter shall be guilty of a misdemeanor, or a felony if the total value of the damage and expense is sufficient to reach such threshold. Any expense caused to the town for the repair, replacement or cleanup of damaged, stolen or misused water and wastewater works facilities shall be charged against and collected from the person or persons who caused the expense. The violation of any provision of this chapter, or failure to pay for damages to town facilities, shall be sufficient cause for the Public Works Director to discontinue town water and/or wastewater service to any property owned or used by the person or persons.

§ 51.278 CRIMINAL PENALTY.

Any person who violates any provision of this chapter, other than the sections designated as civil violations in § 51.279, shall be guilty of a misdemeanor, except for such violations as may exceed felony damage thresholds. Each day a violation continues shall constitute a separate violation.

§ 51.279 CIVIL PENALTY.

(A) Any person who violates any provision §§ 51.176 *et seq.*, 51.215 *et seq.* and/or 51.230 *et seq.* shall be civilly liable to the town for a sum as adopted by resolution per day for each violation. Each day a violation continues may constitute a separate offense. In seeking the assessment of a civil penalty, the following criteria contained in A.R.S. § 49-391(C) shall be considered:

- (1) The seriousness of the violation;
- (2) The economic benefit, if any, resulting from the violation;
- (3) Any history of such, or other, violations;
- (4) Any good faith efforts to comply with the applicable requirements;
- (5) The economic impact of the penalty on the violator; and/or
- (6) Such other factors as justice may require.

(B) In addition to the civil penalty imposed herein, the person shall be liable for any civil penalty imposed on the town by other regulatory agencies as a result of the violation.

§ 51.280(A) REMEDIES

In addition to any civil and/or criminal penalty which may be imposed for violations of this chapter, a user shall be liable for all actual costs which may be assessed by the finance Director on a user of the town's Sanitary Sewer System who discharges wastes containing non-permissible quantities of prohibited substances into the sanitary sewer system or contaminates the town's potable water supply, storage and discharge system. The finance Director is authorized to assess charges based on the extra costs incurred by the town in surveillance, sampling and testing, for additional operating and maintenance expenses, including overhead charges, and for any other action required to identify, handle, process or supplement normal activities due to the unauthorized discharge of wastes or system contamination.

PASSED AND ADOPTED by the Mayor and Common Council of the Town of Chino Valley, Arizona, this 22nd day of February, 2022.

Jack W. Miller, Mayor

ATTEST:

Erin N. Deskins, Town Clerk

APPROVED AS TO FORM:

Andrew J. McGuire, Town Attorney
Gust Rosenfeld, PLC

I hereby certify that the foregoing Ordinance No. 2022-913 was duly passed by the Council of the Town of Chino Valley, Arizona, at a meeting held on February 22, 2022, and that quorum was present, and that the vote thereon was ____ ayes and ____ nays and ____ abstentions. ____ Council members were absent or excused.

Erin N. Deskins, Town Clerk



TOWN OF CHINO VALLEY COUNCIL AGENDA ITEM STAFF REPORT

Town Council Regular Meeting

5. d.

Meeting Date: 02/22/2022
Contact Person: Maggie Tidaback, Economic Development Project Manager
 Phone: 928-636-2646 x-1201
Department: Town Manager
Estimated length of Staff Presentation: None
Physical location of item: n/a

AGENDA ITEM TITLE:

Consideration and possible action to accept the Town of Chino Valley as the Official Destination Marketing Organization for the Arizona Office of Tourism. (Maggie Tidaback, Economic Development Project Manager)

SITUATION & ANALYSIS:

The Destination Marketing Organization (DMO) purpose is coordinating tourism promotion with the Arizona Office of Tourism (AOT). AOT does not designate local DMOs across the state. The local designation lies with a municipality, county, or tribal entity and must conform to the following requirements:

- 1 - AOT recognizes only one DMO per established community and requires that a DMO must be recognized by the entity (municipal, county or tribal) leadership through official action to execute the DMO Affidavit on behalf of the entity.
- 2 - The official action may be a resolution, ordinance, contract, or other official action by the Entity (municipality, county, or tribe), and the action must be effective until July 2022 (end of the state fiscal year).
3. Renewal of DMO Affidavits will be required on an annual basis.
4. A DMO is defined as a not-for-profit organization or governmental unit that is responsible for the tourism promotion and marketing of a destination on a year round basis.
5. DMOs must have 1) a dedicated tourism and marketing budget and 2) a website/microsite and/or social media presence.

This is the first time that the Town has been eligible for this designation. The Town became eligible when we partnered with the Arizona Office of Tourism to develop and launch our Tourism Campaign "Discover Chino Valley". This designation provides free marketing on the Arizona Office of Tourism website and is designed to increase Tourism traffic to our Town. This is a great opportunity to improve Tourism with the goal of increasing revenues to our local town businesses as well as the Town.

Attachments

Designated Marketing Organization



Destination Marketing Organization Affidavit Cover Sheet

The Town of Chino Valley has been designated by the Arizona Office of Tourism as the official Destination Marketing Organization (DMO) for the purpose of coordinating tourism promotion with the Arizona Office of Tourism (AOT). AOT **does not** designate local DMOs across the state. The local designation decision lies with a **municipality, county, or tribal entity (the "Entity")**, and must conform to the following requirements:

1. AOT recognizes only one DMO per established community and requires that a DMO must be recognized by the Entity (municipal, county or tribal) leadership through official action, which also designates a representative who is authorized by the official action to execute the DMO Affidavit on behalf of the Entity.
2. The official action may be a resolution, ordinance, contract, or other official action by the Entity (municipality, county, or tribe), and the action must be effective until July 2022 (End of State Fiscal Year).
3. Renewal of DMO Affidavits will be required on an annual basis.
4. A DMO is defined as a not-for-profit organization or governmental unit that is responsible for the tourism promotion and marketing of a destination on a year-round basis.
5. DMOs must have 1) a dedicated tourism marketing budget and 2) a website/microsite and/or social media presence.

THIS PAGE INTENTIONALLY LEFT BLANK



TOWN OF CHINO VALLEY COUNCIL AGENDA ITEM STAFF REPORT

Town Council Regular Meeting

5. e.

Meeting Date: 02/22/2022
Contact Person: Erin Deskins, Town Clerk
 Phone: 928-636-2646 x-1208
Department: Town Clerk
Estimated length of staff presentation: None
Physical location of item: N/A

AGENDA ITEM TITLE:

Consideration and possible action to approve Resolution No. 2022-1199 regarding the Intergovernmental Agreement for Election Services between Yavapai County and the Town of Chino Valley for utilizing County election services, effective April 6, 2022, and remaining in effect until terminated. (Erin Deskins, Town Clerk)

RECOMMENDED ACTION:

Approve Resolution No. 2022-1199 regarding the Intergovernmental Agreement for Election Services between Yavapai County and the Town of Chino Valley for utilizing County election services, effective April 6, 2022, and remaining in effect until terminated.

SITUATION AND ANALYSIS:

Most municipalities in Arizona contract with their respective counties for certain election services. Only a few of the largest cities find that wholly conducting their own elections are cost-effective. The Town has contracted with the County for elections services for many years. The last IGA was entered into in 2018 and periodic updates are routine as state law and county policies change.

On January 18, Yavapai County informed the Town that they are terminating the current election services IGA with the Town, as it needed updating per newly required legal language and county policy. They have asked for the Town to approve the new IGA prior to February 28, 2022, as the Board of Supervisors will be approving the new IGA on April 6, 2022. The Town has the option to enter into the modified agreement or decline County services. As the long-standing arrangement with the county has been successful over the years, staff recommends entering into the new agreement.

Fiscal Impact

Attachments

Resolution 2022-1199 IGA with Yavapai County

RESOLUTION NO. 2022-1199

A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CHINO VALLEY, ARIZONA, ADOPTING THE INTERGOVERNMENTAL AGREEMENT BETWEEN THE TOWN OF CHINO VALLEY AND YAVAPAI COUNTY FOR THE PROVISION OF ELECTION SERVICES; AND AUTHORIZING THE MAYOR TO EXECUTE AND DELIVER SAID AGREEMENT.

WHEREAS, pursuant to ARIZ. REV. STAT. §§ 11-952, 16-172, and 16-205, the Town of Chino Valley wishes to enter into an intergovernmental agreement with Yavapai County (the "County"), in conjunction with the Yavapai County Recorder, for the provision of election services for all consolidated election dates set forth by A.R.S. §16-204 during the effective term of said agreement; and

WHEREAS, the County is authorized by ARIZ. REV. STAT. §11-251 and 16-205 to conduct elections and has personnel able to undertake and provide election services.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Common Council of the Town of Chino Valley, Arizona, as follows:

SECTION 1. The recitals above are hereby incorporated as if fully set forth herein.

SECTION 2. The Intergovernmental Agreement for Election Services is hereby adopted in substantially the form and substance attached hereto as Exhibit A and incorporated herein by reference.

SECTION 3. The Mayor, the Town Manager, the Town Clerk, and the Town Attorney are hereby authorized and directed to execute all documents and take all steps necessary to carry out the purpose and intent of this Resolution.

(SIGNATURES ON THE FOLLOWING PAGE)

PASSED AND ADOPTED by the Mayor and Common Council of the Town of Chino Valley, Arizona, on February 22, 2022.

Jack W. Miller, Mayor

ATTEST:

Erin N. Deskins, Town Clerk

APPROVED AS TO FORM:

Andrew J. McGuire, Town Attorney
Gust Rosenfeld, PLC

I hereby certify the above foregoing Resolution No. 2022-1199 was duly passed by the Council of the Town of Chino Valley, Arizona, at a regular meeting held on February 22, 2022, and that quorum was present thereat and that the vote thereon was _____ ayes and _____ nays and _____ abstentions. _____ Council members were absent or excused.

Erin N. Deskins, Town Clerk

EXHIBIT A
TO
RESOLUTION NO. 2022-1199

[Intergovernmental Agreement for Election Services]

See the following pages.

INTERGOVERNMENTAL AGREEMENT FOR ELECTION SERVICES

THIS INTERGOVERNMENTAL AGREEMENT FOR ELECTION SERVICES (this “Agreement”) is entered into by and between the YAVAPAI COUNTY BOARD OF SUPERVISORS and the YAVAPAI COUNTY RECORDER (collectively the “COUNTY”) and _____, (the “JURISDICTION”).

The COUNTY and the JURISDICTION may each be referred to individually as a “Party” or “party” and collectively as the “Parties or “parties.”

WHEREAS, pursuant to A.R.S. §§11-952, 15-302(A)(7) and (A)(8), 16-205(C), 16-225, or 16-408(D), the governing body of any election district authorized to conduct an election may enter into an agreement with a County Board of Supervisors and County Recorder for election services with the contracted cost of such election to be a charge against the election district; and

WHEREAS, the COUNTY is willing to provide election services to election districts wishing to conduct vote-by-mail elections, but, with the exception of state primary and general elections, will not provide election services to districts wishing to conduct vote center elections unless a vote center election is expressly required by state or federal statute; and

WHEREAS, the JURISDICTION wishes to enter into an agreement with the COUNTY for the provision of elections services subject to the terms and conditions set forth herein,

NOW, THEREFORE, THE PARTIES AGREE AS FOLLOWS:

1. **Provision of Election Services.** The COUNTY hereby agrees to provide election services to the JURISDICTION for all consolidated election dates set forth by A.R.S. §16-204 during the effective term of this Agreement. This Agreement shall apply to all categories of elections including, but not limited to, primary, general, special, and recall elections. Services to be provided by the COUNTY, and those that remain the responsibility of the JURISDICTION, are set forth in the Elections Task Schedule attached to this Agreement as Exhibit 1.
2. **Limitation on Eligible Elections.** It is understood and agreed that the services to be provided pursuant to this Agreement shall be provided exclusively for vote-by-mail elections with the exception of state primary and general elections and elections expressly required by state or federal statute to be conducted at vote centers. It shall be the responsibility of the JURISDICTION to establish the legal basis for a requirement that an election is required by state or federal statute to be conducted at vote centers. The COUNTY may, in its sole discretion, decline to provide services for any election that it concludes is not required to be conducted at vote centers. The COUNTY will not provide services for exclusively vote-by-mail elections during the state primary and general elections, or any special election called by the legislature, which requires vote centers.
3. **Cancellation of certain elections.** As provided in A.R.S. §16-410, if the number of candidates is less than or equal to the number to be elected, the Yavapai County Board of Supervisors may cancel the election no earlier than one hundred five (105) days before the election and appoint the person(s) who filed the nominating petition/paper to fill the position(s). The COUNTY shall place all such races on a Yavapai County Board of Supervisors agenda for approval of cancellation unless written notice from the JURISDICTION is received by the County Officer in Charge of Elections on or before 120 days before the election.

4. Compensation.

- a. **Fees.** The JURISDICTION shall compensate the COUNTY for election services provided pursuant to this Agreement in accordance with the fees set forth in the most current fiscal year Election/Voter Registration section of the Yavapai County Special Districts Fee Schedule (the “fee schedule”) posted online www.yavapaiaz.gov/sd. The fee schedule is for base services only. Any additional services required by the JURISDICTION will result in additional charges. Additional services include, but are not limited to, the following: court preparation, court appearances, supplemental mailings, recounts, or any service which will cause the COUNTY to incur increased costs or expenses. In the event that additional services are requested, the JURISDICTION should refer to unit and hourly pricing information as set forth on the fee schedule. The COUNTY reserves the right to adjust election service fees annually or otherwise at any time during the effective term of this Agreement notice of which will be posted on the COUNTY’s website. Revised fee schedules will supersede prior fee schedules and be incorporated into this Agreement at the time of revision.
- b. **Late Fees.** Payment in full for all costs associated with the provision of services pursuant to this Agreement shall be made no later than 30 days following the date of the election. In the event that the required payment is not made by the due date deadline specified herein, the COUNTY shall impose a late charge of 2% of the unpaid balance for each 30-day period or portion thereof following the specified deadline for which any portion of the required payment, including unpaid late charges, remains unpaid.
- c. **Termination.** Failure to make payments as required by this Section shall be deemed a material breach of this Agreement and shall be grounds for termination of this Agreement pursuant to Section 8 of this Agreement.

5. Discounts. The COUNTY has established a discounted fee rate for JURISDICTIONS that provide assistance such as providing meeting sites free of charge or rent, or other services for COUNTY-administered elections.

☐ The JURISDICTION has elected to decline to receive discounted rates.

☐ The JURISDICTION has elected to receive these discounted rates subject to the terms and conditions set forth herein and will provide the service indicated below.

- a. **Services the JURISDICTION Will Provide.** The JURISDICTION and the COUNTY agree that the following two checked services will be provided by the JURISDICTION as consideration for the COUNTY’s provision of election services at the discounted rates as set forth in the Special Districts Fee Schedule posted online at www.yavapaiaz.gov/sd.

JURISDICTION

will provide
(check 2)

Services

- ☐ The JURISDICTION agrees to serve as a ballot drop-off site for any election that the COUNTY requests. In order to provide this service, it must be mutually agreed that the JURISDICTION currently has or could potentially have an outside ballot drop box on its property as supplied by the COUNTY. By checking this box, the JURISDICTION agrees to all duties as outlined in Exhibit 2.
- ☐ The JURISDICTION agrees to provide one vote center or training site at no charge for any statewide or countywide election cycle. Vote centers and training sites must be ADA compliant and are subject to review by the COUNTY.
- ☐ The JURISDICTION agrees to provide one poll worker for the Primary Election and one poll worker for the General Election. A poll worker must be a registered voter in Yavapai County and be able to perform any of the following duties: voter check-in, ballot distribution, voter assistance, equipment setup, and/or poll worker supervision. Such workers will be trusted employees of the JURISDICTION who are eligible to serve as poll workers. Poll workers will receive from the COUNTY the normal compensation for the position worked.
- ☐ The JURISDICTION agrees to provide either a second vote center or training site, or a second poll worker, as described above.

- b. Advance Notice.** The COUNTY hereby agrees to provide the JURISDICTION with at least 30 days notice of any election where the services agreed to above are required.
- c. Discounted Fee Rates; Adjustment of Fees.** The COUNTY hereby agrees to provide election services to the JURISDICTION at the discounted fee rate for all consolidated election dates during the effective term of this Agreement. This Agreement shall apply to all categories of elections including, but not limited to primaries, generals, special, and recall elections. The COUNTY reserves the right to adjust election service fees and discounts annually or otherwise at any time during the effective term of this Agreement notice of which will be posted on the COUNTY's website. Revised schedules will supersede prior schedules and be incorporated into the Election Services Agreement in effect at the time of revision. Failure by the JURISDICTION to provide the agreed-upon services selected under this Agreement shall result in the discounted fee rate being null and void.

- 6. Conduct of Elections.** While the COUNTY will use its best efforts to provide election services pursuant to this Agreement in a capable and competent manner, it shall ultimately be the responsibility of the JURISDICTION to confirm that all legal requirements have been met and that all other activities related to a given election are carried out as required. Upon

request, the COUNTY will provide to the JURISDICTION, in advance, all forms, schedules, documents, and other information pertaining to each election conducted pursuant to this Agreement for the JURISDICTION's review and approval. The JURISDICTION may provide to the COUNTY all informational materials or other election-related documents generated by the JURISDICTION for review by the COUNTY prior to the distribution of such materials or documents.

7. **Term of Agreement.** This Agreement shall be automatically renewed for successive one-year terms **after** the initial term of this Agreement, which shall expire on December 31, 2024. Thereafter, this Agreement shall continue in full force and effect until terminated as provided herein.

8. **Termination**

a. **Unilateral Termination.** This Agreement may be terminated by either Party upon 30 days written notice to the other Party of intent to terminate and specifying the termination date, provided, however, that this Agreement may not be unilaterally terminated by either party within 90 days of the date of an election for which the COUNTY would otherwise be providing services pursuant to this Agreement. Any termination of this Agreement shall not relieve the JURISDICTION of its responsibility for costs incurred prior to the effective date of the termination.

b. **Termination by Mutual Agreement.** This Agreement may be terminated at any time by mutual agreement of the Parties.

c. **Termination for Breach.** In the event of a breach of any term or condition of this agreement, the Party claiming breach shall provide written notice to the other Party specifying the factual basis for the claim that a breach has occurred. If the breach is not remedied within fifteen (15) days after notice is mailed to the Breaching Party at the address provided herein, the Non-breaching Party may terminate this Agreement without further notice.

9. **Conflict of Interest.** This Agreement is subject to the cancellation provisions of A.R.S. §38-511, the pertinent provisions of which are incorporated into this Agreement by reference.

10. **Non-appropriation of Funds.** The parties recognize and acknowledge that the COUNTY and the JURISDICTION are governmental entities and this Agreement's validity is based upon the availability of public funding. In the event public funds are not appropriated for the performance of either or both parties' obligations under this Agreement, then the COUNTY or the JURISDICTION, as appropriate, shall notify the other party in writing of any such non-allocation of funds at the earliest possible date, and this Agreement shall automatically expire without penalty to either party. If the COUNTY's or the JURISDICTION's allocation of funds are reduced, then the scope of this Agreement may be reduced, if appropriate, or this Agreement may be cancelled without further duty or obligation.

11. **Non-Discrimination.** The Parties shall comply with the Office of the Arizona Governor Executive Order 2009-09, which mandates that all persons, regardless of race, color, religion, sex, age, national origin, or political affiliation, shall have equal access to employment

opportunities, and all other applicable State and Federal employment laws, rules, and regulations, including the Americans with Disabilities Act. The Parties shall take affirmative action to ensure that applicants for employment and employees are not discriminated against due to race, creed, color, religion, sex, national origin, or disability.

- 12. E-Verify; Government Procurement.** The Parties hereby warrant that they will, at all times during the term of this Agreement, comply with all federal immigration laws applicable to the employment of their respective employees and with the requirements of A.R.S. §§ 23-214 and 41-4401 (together the “state and federal immigration laws”). A breach of the foregoing warranty shall be deemed a material breach of this Agreement and the party who breaches may be subject to penalties up to and including termination of this Agreement.

The Parties further agree to ensure that each subcontractor that performs any work under this Agreement likewise complies with the state and federal immigration laws at all times during the term of this Agreement.

The Parties retain the legal right to inspect the papers of any contractor or subcontractor in order to verify such party’s compliance with the state and federal immigration laws.

- 13. Workers’ Compensation.** For purposes of workers’ compensation, an employee of a party to this Agreement, who works under the jurisdiction or control of, or who works within the jurisdictional boundaries of another party pursuant to this specific intergovernmental agreement, is deemed to be an employee of both the party who is his primary employer and the party under whose jurisdiction or control or within whose jurisdictional boundaries he is then working, as provided in A.R.S. §23-1022(D). The primary employer party of such employee shall be solely liable for payment of workers’ compensation benefits for the purposes of this section. Each party herein shall comply with the provisions of A.R.S. §23-1022(E) by posting the public notice required.

- 14. Indemnification.** To the fullest extent permitted by law, each Party (as “Indemnitor”) agrees to indemnify, defend, and hold harmless the other Party, its departments, officers, officials, agents, and employees (collectively “Indemnitee”) without limitation from and against any and all claims, damages, losses, liabilities, fees, fines, costs, or expenses (including, but not limited to, attorney fees, court costs, and cost of appellate proceedings) relating to, arising from, resulting from or alleged to have arisen from or resulted from this Agreement. Indemnitor’s duty to defend, indemnify, and hold harmless Indemnitee shall arise in connection with any and all claims, damages, losses, liabilities, fees, fines, or expenses, that are attributable to bodily injury, personal injury, sickness, disease, death, or damage to, or destruction of tangible or intangible property including the loss of use therefrom caused in whole or in part by any act, error, mistake or omission of Indemnitor, its departments, officers, officials, employees, agents, vendors, subcontractors or anyone for whose acts Indemnitor may be liable. Indemnitor agrees to waive all rights of subrogation against Indemnitee. The obligations under this Paragraph shall survive the termination of this Agreement.

- 15. Property Disposition Clause.** The parties do not anticipate the joint acquisition of property attributable to the exercise of each party’s duties and obligations pursuant to this Agreement. Any property acquired during the term of this Agreement shall be returned to the purchasing

party no more than thirty (30) calendar days from the effective date of termination of this Agreement.

16. Insurance. The parties shall maintain appropriate insurance. Certificates of Insurance shall be provided to a party upon request.

17. Governing Law. This Agreement shall in all respects be interpreted and construed in accordance with and governed by the laws of the State of Arizona. Any changes in governing laws, rules, and regulations that do not materially affect this Agreement will apply during the term of this Agreement and will not require an amendment.

18. Material Change in Law or Regulation. In the event of adoption of legislation, regulations, or instructions or the initiation of an enforcement action by a governmental agency, any of which materially affects the legality of this Agreement or the relationship among the parties hereto, either party may propose amendments to this Agreement to bring this Agreement into conformity with such laws. If the parties are unable to reach agreement on the renegotiation of this Agreement within thirty (30) days of the initiation of negotiations, then either party may terminate this Agreement upon written notice to the other party.

19. Compliance with Law. The parties shall comply with all applicable laws, statutes, ordinances, codes, rules and regulations, and lawful orders of public authorities in performing this Agreement, including environmental laws. Non-compliance with any election law shall be deemed a material breach of this Agreement and the party who breaches may be subject to penalties up to and including termination of this Agreement.

20. Alternative Dispute Resolution. Pursuant to A.R.S. § 12-1518, disputes under this Agreement may be resolved through the use of arbitration.

21. Waiver of Jury Trial. The parties hereby waive their respective rights to trial by jury in any action or proceeding arising out of this Agreement.

22. Notices/Contact Information. Communications regarding services provided pursuant to this Agreement shall be directed to the following:

COUNTY: Lynn Constabile Yavapai County Elections Director 1015 Fair Street, Room 228 Prescott, AZ 86305 Phone: (928) 771-3250 E-mail: web.elections@yavapaiaz.gov	JURISDICTION: Contact: _____ Title: _____ Mailing Address: _____ _____ Phone: _____ E-mail: _____
--	---

All notices under this Agreement must be in writing and sent to the appropriate person. The Parties mutually agree that email is the preferred method of providing any notice required under this Agreement. The recipient of the email shall reply to the email acknowledging receipt of the email from the sender. Notice is effective on the date of actual receipt of the email.

- 23. Implied Contract Terms.** Each provision of law and any terms required by law to be in this Agreement are a part of this Agreement as if fully stated herein.
- 24. Relationship of Parties.** Nothing contained in this Agreement shall be deemed or construed as creating a joint venture, partnership, agency, employment or fiduciary relationship between the parties. The Parties' employees shall not be considered employees of the other Party, and neither Party's personnel will, by virtue of this Agreement, be entitled or eligible, by reason of this Agreement, to participate in any benefits or privileges given or extended by the other Party to its employees.
- 25. Third Parties.** Nothing contained in this Agreement shall create a contractual relationship with or a cause of action in favor of a third party against the COUNTY or the JURISDICTION. This Agreement is not intended to benefit any third party.
- 26. Assignment.** No party to this Agreement may assign any of its rights or responsibilities under this Agreement, either voluntarily or involuntarily, whether by merger, consolidation, dissolution, operation of law, or any other manner, except with the prior written consent of the other parties. No party may delegate any performance under this Agreement, except with the prior written consent of the other parties. Any purported assignment of rights or delegation of performance in violation of this paragraph is void.
- 27. Severability/Unenforceable Provisions.** In the event that any of the provisions of this Agreement are held to be unenforceable or invalid, the validity and enforceability of the remaining provisions shall not be affected, and effect shall be given to the intent manifested by the provisions held enforceable and valid. If any of the provisions of this Agreement are inapplicable to a person or circumstance, the same provisions shall remain applicable to all other persons and circumstances.
- 28. Parol Evidence.** This Agreement is intended by the parties as a final and complete expression of their agreement. No course of prior dealings between the parties and no usage of the trade shall supplement or explain any terms used in this Agreement.
- 29. Waiver.** A party's failure or neglect to enforce any term, covenant, condition, right, or duty in this Agreement does not constitute a waiver of any term, covenant condition, right, or duty, nor is it deemed to be a waiver of that party's rights or remedies under this Agreement. A waiver or extension is only effective if it is in writing and signed by the party granting it. No single or partial exercise of any right or remedy will preclude any other or further exercise of any right or remedy. One or more waivers by a party of any term, covenant, condition, right, or duty in this Agreement shall not be construed as a waiver of a subsequent default or breach of the same covenant, term, condition, right, or duty.
- 30. Headings and Construction of Agreement.** In construing this Agreement, all headings and titles are for the convenience of the parties and for organizational purposes only and shall not

be considered in interpreting the meaning of any provision in this Agreement or considered a part of this Agreement. Whenever required by the context, each number shall include the plural, each gender shall include all genders, and unless the context otherwise requires, the word "person" shall include corporation, firm or association. This Agreement shall not be construed as if prepared by one of the parties, but rather according to its fair meaning as a whole, as if both parties had prepared it.

- 31. Execution in Counterparts.** This Agreement may be executed in any number of counterparts, each of which shall be deemed an original, but all of which when taken together shall constitute one and the same instrument. The signature page of any counterpart may be detached therefrom without impairing the legal effect of the signature(s) thereon, provided such signature page is attached to any other counterpart identical thereto. Each of the Parties may sign any number of copies of this Agreement. Each signed copy shall be deemed to be an original, but all of them together shall represent one and the same agreement.
- 32. Entire Agreement.** This Agreement contains the entire, integrated agreement of the parties and there are no oral agreements, understandings, or representations relied upon by the parties. This Agreement supersedes all prior negotiations, representations, or agreements, whether written or oral. Any modifications or amendments to this Agreement must be in writing and signed by all parties.
- 33. Legal Agreement.** This Agreement is an important, binding legal document, and each Party warrants it has had an opportunity to consult with an attorney about the terms set forth herein. By signing this Agreement, each person signing this Agreement represents and warrants that he or she is duly authorized and has the legal capacity to execute this Agreement and understands the meaning of all terms contained herein and agrees to their application and enforceability.
- 34. Binding Effect.** This Agreement shall not be legally binding upon either party until signed by the Yavapai County Recorder, the Yavapai County Chair of the Board of Supervisors, and the JURISDICTION.

APPROVALS

COUNTY:

Leslie Hoffman, Yavapai County Recorder

Date

Mary Mallory, Chair, Yavapai County Board of Supervisors

Date

ATTEST:

Kim Kapin, Clerk of the Board, Yavapai County Board of Supervisors

In accordance with A.R.S. § 11-952, this Agreement has been reviewed by the undersigned who has determined that it is in the appropriate form and is within the power and authority granted to the COUNTY.

Deputy Yavapai County Attorney

Date

JURISDICTION:

Signature

Date

Printed Name and Title

In accordance with A.R.S. § 11-952, this Agreement has been reviewed by the undersigned who has determined that it is in the appropriate form and is within the power and authority granted to the JURISDICTION.

Signature

Date

Printed Name and Title

Exhibit 1

INTERGOVERNMENTAL AGREEMENT FOR ELECTION SERVICES
ELECTIONS TASK SCHEDULE

Responsibilities for the conduct of elections pursuant to the Yavapai County Election Services Agreement are allocated as follows:

TASK	TO BE PERFORMED BY:	
	County	Jurisdiction*
If applicable, obtain pre-clearance of election changes from Department of Justice (Copy of submission to be forwarded to the COUNTY)		X
As required, publish/send Call of Election and/or Notice of Election		X
As required, publish Legal Advertising, Notices, Publicity Pamphlets, etc.		X
Notify COUNTY of intent to participate in the Election at least 150 days before Election day.		X
Within two business days of candidate filing deadline, approval or other deadlines, provide COUNTY with candidate names, rotation order, ballot language and any other ballot text required. Failure to provide required ballot information in a timely manner will cause the exclusion of race(s) from the ballot.		X
Ballot language translation (if applicable) <i>Note: COUNTY will follow the most recent Federal Register with regards to which minority languages to include on the ballot. (https://www.census.gov/programs-surveys/decennial-census/about/voting-rights/voting-rights-determination-file.html)</i>		X
Approve final ballot proof (Required JURISDICTION signoff)		X
Attend and certify official Logic and Accuracy (L&A) Test		X
If applicable, submit agenda item to County Board of Supervisors for election cancellation	X	
Order ballots (Costs included in fee schedule)	X	
If applicable, obtain vote centers, and hire and train poll workers	X	
Publish Logic & Accuracy Test notice	X	
Perform Logic & Accuracy Test	X	
Mail Vote-by-Mail Ballots and Early Ballots (Costs for return postage included in fee schedule)	X	
Process ballots, which includes testing, tabulation, and audit	X	
Perform signature verification on ballot affidavits and provisional ballots	X	
Administer Hand Count Audit, post-election L&A testing and all other audits	X	

* For a countywide election, the JURISDICTION is only responsible for its portion.

PERFORMANCE OF TASKS AS OUTLINED ABOVE MAY HAVE SIGNIFICANT IMPACTS ON THE CONDUCT OF AN ELECTION AND MAY HAVE SIGNIFICANT LEGAL CONSEQUENCES AS WELL. PARTICIPATING JURISDICTIONS ARE ADVISED TO:

1. CAREFULLY REVIEW THE ALLOCATION OF TASKS AND TO DIRECT ANY QUESTIONS TO THE COUNTY CONTACT.
2. MAINTAIN CLOSE CONTACT WITH THE YAVAPAI COUNTY ELECTIONS DEPARTMENT PRIOR TO, DURING, AND AFTER ELECTIONS.
3. REFER ANY QUESTIONS REGARDING ELECTION-RELATED LEGAL ISSUES TO THE JURISDICTION'S LEGAL COUNSEL.

Exhibit 2**INTERGOVERNMENTAL AGREEMENT FOR ELECTION SERVICES
BALLOT DROP BOXES**

JURISDICTIONS who are provided with COUNTY ballot drop boxes hereby agree to the following additional responsibilities:

1. The COUNTY will issue ballot drop box keys to the JURISDICTION. Ballot drop box keys only open the portion of the ballot drop box to allow voters to place ballots in the ballot drop box and do not allow the JURISDICTION access to or the ability to review or retrieve ballots. Ballot drop box keys remain COUNTY property and must not be duplicated. The JURISDICTION agrees to keep ballot drop box keys in a secure location and allow only authorized staff or COUNTY-designated employees access to the ballot drop box keys.
2. The JURISDICTION shall “open” all COUNTY ballot drop boxes on the first day of early voting as instructed by the COUNTY, depending on the specific election.
3. The JURISDICTION shall maintain all COUNTY ballot drop boxes and periodically check them throughout the early voting period and on election night at 7 p.m.
4. The JURISDICTION shall promptly report to the COUNTY any misuse, damage, and/or graffiti to the COUNTY ballot drop box.
5. The JURISDICTION shall “close” and secure all COUNTY ballot drop boxes from accepting any more ballots promptly at 7:00 p.m. on election night.
6. The JURISDICTION shall provide written, advance notice to the COUNTY of any additional uses of the COUNTY ballot drop boxes.
7. The JURISDICTION hereby gives permission for a COUNTY drop box, light and/or camera to be installed on the JURISDICTION’S property. All installed items remain the property of the COUNTY.
8. The JURISDICTION shall provide the COUNTY access to any surveillance of the COUNTY drop box within the JURISDICTION’S control.



**TOWN OF CHINO VALLEY
COUNCIL AGENDA ITEM STAFF REPORT**

Town Council Regular Meeting

5. f.

Meeting Date: 02/22/2022

Contact Person: Erin Deskins, Town Clerk
Phone: 928-636-2646 x-1208

Department: Town Clerk

Item Type:

AGENDA ITEM TITLE:

Consideration and possible action to approve the January 25, 2022, regular meeting minutes. (Erin N. Deskins, Town Clerk)

RECOMMENDED ACTION:

Approve the January 25, 2022, regular meeting minutes.

Attachments

1/25/22 draft minutes

DRAFT

MINUTES OF THE REGULAR MEETING OF THE TOWN COUNCIL OF THE TOWN OF CHINO VALLEY

**TUESDAY, JANUARY 25, 2022
6:00 P.M.**

CHINO VALLEY COUNCIL CHAMBERS 202 N. STATE ROUTE 89, CHINO VALLEY, AZ

Present: Mayor Jack Miller; Vice-Mayor Annie Perkins; Councilmember Tom Armstrong; Councilmember Eric Granillo; Councilmember Cloyce Kelly; Councilmember John McCafferty

Absent: Councilmember Lon Turner

Staff Town Manager Cindy Blackmore; Town Attorney Andrew McGuire(remotely); Assistant to the

Present: Town Manager Terri Denemy; IT Manager Spencer Guest; Development Services Director Laurie Lineberry; Officer Jesse Newton (Sgt at Arms); Public Works Director/Town Engineer Frank Marbury; Community Services Manager Cyndi Thomas; Senior Planner Will Dingee; Planner Bethan Heng; Audio Visual Technician Lawrence Digges; Deputy Town Clerk Sara Burchill; Town Clerk Erin N. Deskins

- 1) CALL TO ORDER, PLEDGE OF ALLEGIANCE; ROLL CALL**
- 2) INTRODUCTIONS, PRESENTATIONS, AND PROCLAMATIONS**
- 3) CALL TO THE PUBLIC**

Call to the Public is an opportunity for the public to address the Council on any issue within the jurisdiction of the Council that is not on the agenda. Public comment is encouraged. Individuals are limited to speak for three (3) minutes. The total time for Call to the Public may be up to 30 minutes per meeting. Council action taken as a result of public comment will be limited to directing staff to study the matter, scheduling the matter for further consideration and decision at a later date, or responding to criticism.

- Cheryl Main – Thanked the Council for their service. She expressed her appreciation and support for Chief Wynn and his decision to spend budgeted money for a resource officer. She also supported the relationship he was building with the students at the Chino Valley Unified School District. She marked her calendar for the dodgeball tournament.
- Rick Nichols – He was a safety officer for the Chino Valley Flyers. He provided an update on the club's status, which currently had 147 members. Most of those members were from out of town. They had a fund for improving the airport, which paid for resurfacing the runway every ten-years at an approximate cost of \$50,000. They last

resurfaced the runway two years ago. They also had plans to reseal the runway every three years. They were also working on a plan to expand the cabana and the concrete to make more room for airplanes. They really appreciated the lease they got from the Town, and they tried to take good care of the property. They contributed to the Food Bank, and they held an annual show.

4) **CURRENT EVENT SUMMARIES AND REPORTS**

This item is for information only. The Mayor, any Councilmember, or Town Manager may present a brief summary or report of current events. If listed below, there may also be a presentation on information requested by the Mayor and Council and questions may be answered. No action will be taken.

- a) Status reports by Mayor and Council regarding current events.

Mayor Miller held a moment of silence for past Councilmember Joel Baker after reporting that Mr. Baker had passed away. He had served on Town Council from March 23, 1999, through June 14, 2011. He also served as Vice Mayor from June 12, 2003, through June 14, 2011.

Councilmember Kelly thanked staff for fixing the lighting at the community center, which was used for local youth meetings and activities.

- b) Status report by Town Manager Cindy Blackmore regarding Town accomplishments, and current or upcoming projects.

5) **CONSENT AGENDA**

All those items listed below are considered to be routine and may be enacted by one motion. Any Councilmember may request to remove an item from the Consent Agenda to be considered and discussed separately.

MOVED by Vice-Mayor Annie Perkins, seconded by Councilmember Cloyce Kelly to approve Consent Agenda Items a, b, c, d, and e as written.

AYE: Mayor Jack Miller, Vice-Mayor Annie Perkins, Councilmember Tom Armstrong, Councilmember Eric Granillo, Councilmember Cloyce Kelly, Councilmember John McCafferty

6 - 0 PASSED - Unanimously

- a) Consideration and possible action to approve the Cooperative Purchasing Agreement with C & I Show Hardware and Security Systems, Inc. to provide access control and security system hardware, installation and training for the new Chino Valley Police Department Facility in an amount not to exceed \$166,701.39. (Spencer Guest, IT Manager)
- b) Consideration and possible action to approve the First Amendment Lease Agreement with Chino Valley Flyers, formerly Chino Valley Model Aviators Club. (Erin N. Deskins, Town Clerk)

- c) Consideration and possible action to appoint applicants to the Planning and Zoning Commission per recommendation of the Appointments Subcommittee. (Erin N. Deskins, Town Clerk)
- d) Consideration and possible action to adopt Resolution No. 2022-1198, approving a Call of Election for Fall 2022, designating election date, the purpose of election, the deadline for voter registration, and the location and deadline for candidates to file nomination papers. (Erin N. Deskins, Town Clerk)
- e) Consideration and possible action to approve the January 11, 2022, regular meeting minutes. (Erin N. Deskins, Town Clerk)

6) ACTION ITEMS

The Council may vote to recess the public meeting and hold an Executive Session on any item on this agenda pursuant to A.R.S. § 38-431.03(A)(3) for the purpose of discussion or consultation for legal advice with the Town Attorney. Executive sessions are not open to the public and no action may be taken in executive session.

- a) Consideration and possible action to accepting funds from the Arizona Department of Housing for the Town of Chino Valley's four-year rotational Community Development Block Grant (CDBG) funding, and authorizing the Mayor to sign said application upon completion by NACOG and Town staff. (Terri Denemy, Assistant to the Town Manager)

Recommended Action: (i) Hold public hearing.

(ii) Approve the Senior Center Renovation and Improvement Project as the Town's selected project(s) for 2022 CDBG funding.

Assistant to the Town Manager, Terri Denemy, and Community Services Manager, Cyndi Thomas, presented the following:

- The Block Grant was administered federally by the US Department of Housing and Urban Development (HUD), and on the State level the funds passed through and were administered by the Arizona Department of Housing.
- The Town worked directly with NACOG, who assisted applicants and program administrators to successfully apply and receive the funds.
- Based on a poverty and population formula, the Arizona Department of Housing determined the amount of funds allocated to each community.
- The grant was on a rotating cycle, and the Town was eligible to apply for the funds once every four-years. Based on this formula, the Town was eligible for \$348,686.
- The Town already had the first required public hearing the previous month, which provided an opportunity for the public to bring forth any projects for the Council to consider. The Town held that meeting, and no one from the public was in attendance. All the projects that were considered were brought forth by staff.
- The current meeting was the second public hearing to get public comments on the projects presented to the Council, and for the Council to select the project.
- Once a project was selected by Council, staff would put the application together and work with NACOG to ensure that all requirements were met.
- In March or April, it would be brought back to Council. Council would be asked to pass

a Resolution, authorizing the Mayor to sign the application. Once the application packet was together, it went through the grant process. By October, the contract would come back to the Town for signature. Once the contract documents were executed, construction could begin that winter.

- Eligibility for grant funds required funds to address poverty in the community. At least 51% of the persons benefiting from the project had to be low- to moderate-income or the project must aid in the prevention or elimination of slums or blight or the project must serve an urgent health need.
- Previous CDBG funded projects included the Senior Center, completed in 1985.
- Some of the projects included on the list included infrastructure projects and private purchases, which according to NACOG were not eligible because of the funding requirements. They also had CARES ACT and ARPA Funding that would cover infrastructure work.
- The project staff was recommending was the Senior Center Renovation and Improvement Project.
- By the year 2025, 30% of Arizona's population would be over the age of 60. That was up from the 16.9% in 2010. The age group 85 and over was the fastest growing age group in the state and would increase 141% by 2025. 25% of Yavapai County was over the age of 60.
- A key part of the Senior Center Mission Statement was to provide Meals on Wheels and congregate meals for the Town community. In Fiscal Year 2021, they served over 11,000 congregate meals and 16,000 Meals on Wheels. Since they were shut down for a time during that period, the congregated numbers were low. They were projected to serve 16,000 meals in both categories in the current year.
- The Senior Center Kitchen was built in 1985 and there had never been an update. They still had the original cabinets and countertops. They were also using the same ovens and dishwasher as well, which had been donated to the Center in an already used condition.
- A kitchen renovation would improve the Senior Center operations and improve the health and wellbeing of the senior population.
- The project included architectural and design services, environmental assessment, grant administration, capital item purchases, project management, construction, and contingency. For the full renovation, including the parking lot, the total budget was estimated at \$523,500. With the CDBG Grant Funds totaling \$348,686 and the \$150,000 programmed into the five-year capital plan for renovations, they could do the full renovation. There was also a Mary Campbell Grant for \$25,000, which would give them more than enough funds to do the full renovation.
- Should the Council decide to approve the allocation and the use of the Mary Campbell Grant, they could start with the design, environmental assessments, and get a final budget so that when the allocation was available, they could go right to construction.

Council and staff discussed the following:

- Members thought it was good use of the funds.
- The \$150,000 had been programmed as part of the upcoming Capital Improvement Budget.
- Senior programs automatically qualified for the grant, which meant the Town did not need to do income surveys that were normally required to ensure a project qualified.

Mayor Miller opened the public hearing. There were no public comments, and the public hearing was closed.

MOVED by Vice-Mayor Annie Perkins, seconded by Councilmember Tom Armstrong to approve the Senior Center Renovation and Improvement Project as the Town's selected project(s) for 2022 CDBG funding.

AYE: Mayor Jack Miller, Vice-Mayor Annie Perkins, Councilmember Tom Armstrong, Councilmember Eric Granillo, Councilmember Cloyce Kelly, Councilmember John McCafferty

6 - 0 PASSED - Unanimously

- b) Consideration and possible action to approve Ordinance 2022-910 for the rezoning of approximately 4.55 acres of real property from the AR-5 (Agricultural Residential 5-acre Minimum) to SR-1 (Single Family Residential 1-acre minimum). The property is located approximately 700 feet east of the intersection of North Road 1 West and West Road 1 North with an address of 836 West Road 1 North. – APN 306-23-028. (Will Dingee, Senior Planner)

Recommended Action: Approve Ordinance 2022-910 for the rezoning of approximately 4.55 acres of real property from the AR-5 (Agricultural Residential 5-acre Minimum) to SR-1 (Single Family Residential 1-acre minimum) as presented.

Senior Planner Will Dingee presented the following:

- The 4.55-acre property site location and surrounding properties were reviewed.
- The property was used as a single-family residence.
- Most surrounding properties were zoned SR-1, with several AR-5 parcels that were under the minimum required five-acres.
- The SR-1 conformed to the surrounding area and the General Plan Land Use Designation for the area of two-acres or less.
- The item was heard by the Planning Commission on December 7 and received unanimous approval. The Commission forwarded a recommendation of approval with stipulations as outlined in attachment A.

Council and staff discussed the following:

- The stipulations were reviewed:

Per the Town's Unified Development Ordinance Section 5.3.2, Table 5-1 the minimum required right of way dedications are as follows: 40' north of the section line on West Road 1 North 1.

Mayor Miller opened the item for public comment.

- Beth Allsup and Randy Stuflick – They had been unable to attend the Planning and Zoning meeting due to Covid. They forwarded their concerns, which were shared with the Commission, but they were not sure if their concerns were answered. There had been poor planning by the Town, and in the area they lived, they were getting flooded out by water coming down. Water had no place to go except onto their property and other area properties. The terrain around them had been developed over the last four years, and the water flow during that time had more than doubled, and they were now getting flooded. There seemed to be some confusion with the Public Works Director, and they were concerned by his response. They had no concerns with the development, but they wanted to ensure there would be no water flow from Messenger and Road 1 to the north. The hard pack had gone past the limit of an 18" culvert under Road 1 North.

Staff would look into the issue.

MOVED by Vice-Mayor Annie Perkins, seconded by Councilmember Tom Armstrong to approve Ordinance 2022-910 for the rezoning of approximately 4.55 acres of real property from the AR-5 (Agricultural Residential 5-acre Minimum) to SR-1 (Single Family Residential 1-acre minimum) as presented.

AYE: Mayor Jack Miller, Vice-Mayor Annie Perkins, Councilmember Tom Armstrong, Councilmember Eric Granillo, Councilmember Cloyce Kelly, Councilmember John McCafferty

6 - 0 PASSED - Unanimously

- c) Consideration and possible action to approve a conditional use permit for a Temporary Model Home Complex. The property is located at the northeast corner of the intersection of East Perkinsville Road and North Road 1 East. – APN 306-18-009H. (Will Dingee, Senior Planner)

Recommended Action: Approve a conditional use permit C-21-02 for a Temporary Model Home Complex as presented, subject to the staff report, information provided during this hearing, and the conditions in Attachment A.

Planner, Bethan Heng, presented the following:

- A location map of the subject property was reviewed. The property site location and surrounding properties were reviewed.
 - The model home sales office would be located in Phase 1 of the Perkinsville 44 project, on lot 75, 76, and 77. The office would be located in the garage on lot 76 and lot 77 would be a parking lot. Both would be converted to the original intent after use.
 - Planning and Zoning reviewed the application on January 4, 2021. The Commission unanimously voted to forward a recommendation of approval, with the stipulations as outlined.
1. No vertical construction or storage of combustible material shall occur on-site until water and sewer lines are constructed according to approved plans and authorized for use by the Town of Chino Valley and Yavapai County Development Services.
 2. All access roads must have a minimum of a dust free surface approved by Central Arizona Fire and Medical Authority.
 3. The Perkinsville 44 Final Plat must be recorded before the Conditional Use Permit can take effect.
 4. If the Perkinsville 44 Final Plat is not recorded within one (1) year of this Conditional Use Permit's approval, the Conditional Use Permit will expire
 5. The model home complex unit shall be converted back into the original single-family residence with a functional garage.

Council and staff discussed the following:

- The stipulation changes were reviewed.
- The model home would be completely built for customers to walk into.

MOVED by Vice-Mayor Annie Perkins, seconded by Councilmember Tom Armstrong to approve a conditional use permit C-21-02 for a Temporary Model Home Complex as presented, subject to the staff report, information provided during this hearing, and the conditions in Attachment A.

AYE: Mayor Jack Miller, Vice-Mayor Annie Perkins, Councilmember Tom Armstrong, Councilmember Eric Granillo, Councilmember Cloyce Kelly, Councilmember John McCafferty

6 - 0 PASSED - Unanimously

7) ADJOURNMENT

MOVED by Councilmember Eric Granillo, seconded by Councilmember Cloyce Kelly to adjourn the meeting at 6:32 p.m.

AYE: Mayor Jack Miller, Vice-Mayor Annie Perkins, Councilmember Tom Armstrong, Councilmember Eric Granillo, Councilmember Cloyce Kelly, Councilmember John McCafferty

6 - 0 PASSED - Unanimously

Jack W. Miller, Mayor

ATTEST:

Erin N. Deskins, Town Clerk

CERTIFICATION:

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Regular Meeting of the Town Council of the Town of Chino Valley, Arizona held on the _____ day of _____, 2021. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this _____ day of _____, 2021.

Erin N. Deskins, Town Clerk



TOWN OF CHINO VALLEY COUNCIL AGENDA ITEM STAFF REPORT

Town Council Regular Meeting

6. a.

Meeting Date: 02/22/2022
Contact Person: Bethan Heng, Planner
 Phone: 9286364427 x-1295
Department: Development Services
Estimated length of staff presentation: 5 minutes
Physical location of item: APN 102-01-219M

AGENDA ITEM TITLE:

Consideration and possible action to approve Ordinance No. 2022-912 to rezone approximately 6.86 acres of real property from Commercial Heavy (with a Planned Area Development Overlay) (CH/PAD) to Commercial Light (CL), for the property located north of 2625 S State Route 89, Chino Valley, Arizona, APN 102-01-219M.
 (Bethan Heng, Planner)

RECOMMENDED ACTION:

Approve Ordinance 2022-912 as presented, subject to the staff report, information provided during this hearing, and the conditions in Ordinance 2022-912.

SITUATION AND ANALYSIS:

The applicant is requesting a rezone to meet appropriate zoning for a proposed outdoor soccer complex, gym, clubhouse, and several fields. They propose using the facility to train student athletes and provide a facility for college preparation. This item went before the Planning and Zoning Commission in February 2022. The Applicant's request is in-line with the zoning of the surrounding area and conforms with the General Plan's Land Use Designation of this area.

Excerpt from the minutes of the February 1, 2022, Planning and Zoning Commission:

“CASE# Z-21-18: - This is a request by Glenn Daiutolo on behalf of O Jogo Bonito FF1, LLC, for a rezone of approximately 6.86 acres of real property from Commercial Heavy with a Planned Area Development Overlay (CH/PAD) to Commercial Light (CL), for the property located north of 2625 S State Route 89, Chino Valley, Arizona, APN 102-01-219M

“Bethan Heng, Planner, presented the staff report and shared that the Applicant was in attendance for this meeting. Heng added that after the concerns raised during the neighborhood meeting, the applicant redesigned his site plan to address those concerns and has shifted the parking further to the south. Staff is recommending APPROVAL with stipulations as stated in Attachment A.

“Applicant Glenn Daiutolo addressed the commission and stated that they believe that this project will be beneficial to the kids. Commissioner Somerville asked for clarification about the “beach”. Daiutolo stated that the sand area will provide a different type of surface for soccer training and that the separate areas are

geared in size to the correspond to the various age groups playing field sizes. Commissioner Switzer asked about perimeter landscaping. Daiutolo shared that their architect is working with the town on the landscaping plan.

“There were no comments from the public and no further questions for staff.

“Vice-Chair Pasciak had concerns about ADOT’s comments in the staff report regarding the access on S State Route 89. Public Works Director Frank Marbury answered that there will be no direct complex access from State Route 89 and that the existing driveway is for legal access to the Cell Towers. All complex entrances will be off of S Road 1 East.

“A motion was made by Commissioner Pasciak and seconded by Commissioner Somerville to approve Z-21-18, as presented. The motion carried 6-0, with Welker absent.

“Merritt made a comment regarding the commission having previously voted and approved the rezoning of this same parcel, and commented that perhaps there can be a sunset clause for properties that do not follow through with the intended project within that zoning district. He also asked about the CL to CH/PAD differences for the previous rezone. Dingee shared that the prior zoning of CL – limits RV parks to 25 or less spaces. If 26 or more spaces, the zoning district needs to be CH. The PAD was attached to that rezone so that the approved project type would be the only use placed on that property. Lineberry shared that a discussion regarding RV space numbers in both Commercial zones could be discussed at the next meeting.”

Fiscal Impact

Fiscal Impact?: N/A

If Yes, Budget Code:

Available:

Funding Source:

Attachments

ORD - 2022-912 - Soccer Complex Rezone CH/PAD to CL

ORDINANCE NO. 2022-912

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CHINO VALLEY, ARIZONA, APPROVING A CHANGE OF ZONING AND AMENDMENT TO THE OFFICIAL ZONING MAP FOR APPROXIMATELY 6.86 ACRES OF REAL PROPERTY LOCATED NORTH OF 2625 SOUTH STATE ROUTE 89, FROM CH/PAD (COMMERCIAL HEAVY WITH A PLANNED AREA DEVELOPMENT OVERLAY) TO CL (COMMERCIAL LIGHT).

WHEREAS, the Mayor and Common Council of the Town of Chino Valley (the "Town Council") desires to amend the Town of Chino Valley (the "Town") Official Zoning Map for approximately 6.86 acres of real property located north of 2625 South State Route 89, (APN 102-01-219M), from CH/PAD (Commercial Heavy with a Planned Area Development Overlay) to CL (Commercial Light) (the "Zoning Map Amendment"); and

WHEREAS, the Town Council has determined that this Zoning Map Amendment conforms with the Town of Chino Valley General Plan and any applicable specific area plan, neighborhood plan or other plan, any overlay zoning district, and the standards and design requirements contained in the Unified Development Ordinance of the Town of Chino Valley (the "UDO"); and

WHEREAS, all required public notice was provided, and all required public meetings and hearings were held, in accordance with applicable state and local laws; and

WHEREAS, the Planning and Zoning Commission recommended approval of the Zoning Map Amendment; and

WHEREAS, in accordance with Article II, Sections 1 and 2 of the Arizona Constitution, and ARIZ. REV. STAT. § 9-462.01, the Town Council has, before adopting this Ordinance, considered the individual property rights and personal liberties of the residents of the Town, along with the probable impact of this Ordinance on the cost to construct housing for sale or rent in the Town;

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Common Council of the Town of Chino Valley, Arizona, as follows:

Section 1: The recitals above are hereby incorporated as if fully set forth herein.

Section 2: The Zoning Map Amendment is hereby approved and the Official Zoning Map is hereby amended for property consisting of approximately 6.86 acres, as described in Exhibit 1 and shown on the Zoning Map in Exhibit 2, both attached hereto and incorporated herein by reference, to rezone the property from CH/PAD (Commercial Heavy with a Planned Area Development Overlay) to CL (Commercial Light), to develop an outdoor soccer complex and recreation facilities, subject to the requirements of the Chino Valley Town Code ("Town Code"), the UDO, and the following stipulations:

1. The applicant shall coordinate with the Arizona Department of Transportation for any necessary driveway or State Route 89 improvements or requirements.
2. The applicant shall coordinate with the Central Arizona Fire and Medical Authority for fire protection, access, and maneuvering requirements.
3. The applicant shall satisfy Yavapai County sewer requirements and Arizona Department of Water Resources (ADWR) water requirements.
4. The applicant shall provide grading plans and a drainage report by a civil engineer registered in Arizona, in accordance with the Town Code and all other applicable rules and regulations. The project shall detain on-site flows so that they discharge at historic rates and locations. Off-site flows on-site need to be accommodated. Ultimate buildout to be considered.
5. The applicant shall improve Road 1 East per the following standards, which are a modified combination of the Urban Arterial and Commercial standards shown in UDO 5.3.2 Table 5-1:
 - a. 50' minimum dedication West of East property line.
 - b. 14' minimum roadway half-width.
 - c. 6" vertical curb and gutter.
 - d. 5' minimum attached sidewalk.
6. The applicant shall improve Road 4 ½ South per the following Commercial standards shown in UDO 5.3.2 Table 5-1:
 - a. 30' minimum dedication from centerline.
 - b. 14' minimum roadway half-width.
 - c. 6" vertical curb and gutter.
 - d. 6' minimum detached sidewalk.
7. The applicant's street improvements must include concrete accessibility corner ramp(s) at the intersection of Road 1 East and Road 4 ½ South.
8. The applicant shall cause to be performed, and provide to the Town, a traffic impact analysis incorporating plans for the entire development prior to developing the property.

Section 3: Pursuant to ARIZ. REV. STAT. § 9-462.01(E), if the property is not developed with an outdoor soccer complex and recreation facilities within two (2) years of the effective date of this Ordinance, the Town Council may revert the zoning of the property to the prior zoning classification, CH/PAD (Commercial Heavy with a Planned Area Development Overlay).

Section 4: The Town Manager is directed, upon the effective date of this Ordinance, to cause the Official Zoning Map to reflect the Zoning Map Amendment as applicable to the property, indicating the zoning is subject to compliance with the stipulations provided herein.

Section 5: If any provision of this Ordinance is for any reason held by any court of competent jurisdiction to be unenforceable, such provision or portion hereof shall be deemed separate, distinct and independent of all other provisions, and such holding shall not affect the validity of the remaining portions of this Ordinance.

Section 6: The Mayor, the Town Manager, the Town Clerk and the Town Attorney are hereby authorized and directed to take all steps necessary to carry out the purpose and intent of this Ordinance.

PASSED AND ADOPTED by the Mayor and Common Council of the Town of Chino Valley, Arizona this 22nd day of February, 2022.

Jack W. Miller, Mayor

ATTEST:

Erin N. Deskins, Town Clerk

APPROVED AS TO FORM:

Andrew J. McGuire, Town Attorney
Gust Rosenfeld, PLC

I hereby certify the above foregoing Ordinance No. 2022-912 was duly passed by the Council of the Town of Chino Valley, Arizona, at a meeting held on February 22, 2022, and that quorum was present, and that the vote thereon was ____ ayes and ____ nays and abstentions. ____ Council members were absent or excused.

Erin N. Deskins, Town Clerk

EXHIBIT 1
TO
ORDINANCE 2022-912

[Legal Description]

LEGAL DESCRIPTION

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE COUNTY OF YAVAPAI, STATE OF ARIZONA, AND IS DESCRIBED AS FOLLOWS:

A parcel of land lying within the East half of Section 3, Township 15 North, Range 2 West, of the Gila and Salt River Base and Meridian, Yavapai County, Arizona, more particularly described as follows:

COMMENCING at the Northeast corner of said Section 3;

Thence South 01°14'54" West, along the East line of said Section 3, a distance of 2336.39 feet to the TRUE POINT OF BEGINNING;

Thence continuing South 01°14'54" West, 531.05 feet;

Thence South 89°23'00" West, 584.39 feet;

Thence North 00°37'00" West, 201.31 feet;

Thence continuing North 00°37'00" West, 329.46 feet;

Thence North 89°23'00" East, 601.67 feet to the TRUE POINT OF BEGINNING.

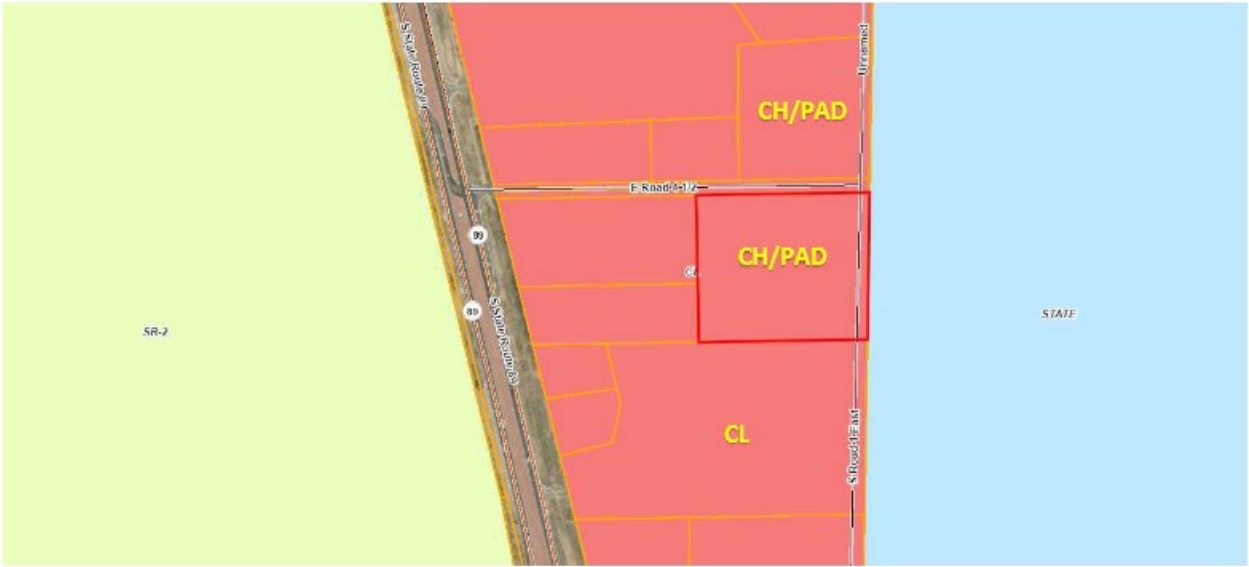
EXCEPT all minerals, except coal and iron, as reserved in the Patent to said land recorded in Book 104 of Deeds, page 81, records of Yavapai County, Arizona.

EXCEPTING therefrom the Northerly 25 feet as conveyed to the Town of Chino Valley by deed in Recording No. 2014-0057993, records of Yavapai County, Arizona.

APN: 102-01-219M

EXHIBIT 2
TO
ORDINANCE 2022-912

[Zoning Map]





TOWN OF CHINO VALLEY COUNCIL AGENDA ITEM STAFF REPORT

Town Council Regular Meeting

6. b.

Meeting Date: 02/22/2022
Contact Person: Cyndi Thomas, Community Services Manager
 Phone: 9286369114 x-1247
Department: Community Services
Estimated length of staff presentation: 5 minutes
Physical location of item: 1615 North Road 1 East

AGENDA ITEM TITLE:

Consideration and possible action to direct staff to post and publish the notice of intent to increase admission fees for the Town of Chino Valley Aquatic Facility and the written report and data in support, pursuant to A.R.S. Section 9-499.15. (Cyndi Thomas, Community Services Manager)

RECOMMENDED ACTION:

Direct staff to post and publish the Notice of Intent to Increase Admission Fees for the Town of Chino Valley Aquatic Facility and the written report and data in support, pursuant to A.R.S. Section 9-499.15.

SITUATION AND ANALYSIS:

Issue Statement

If a municipality proposes to levy or assess or change a tax or fee the municipality shall comply with A.R.S. § 9-499.15. The attached Arizona Revised Statute, A.R.S. § 9-499.15 sets forth the procedure the Town must follow to establish or increase fees.

The Town has prepared a Notice of Intent and an Aquatic Center Rate Study to document the need for a rate increase. The study reviews the current user fees, the past financial performance of the Aquatic Center, and the projected financial performance with the proposed rate increase.

The notice of intent and rate study will be posted on the Town's website for 60 days prior to the matter coming back to Council for approval, as required by A.R.S. Section 9-499.15. The fee increases will be on Council's regular meeting agenda for approval on April 26, 2022 and, if approved, will be in effect when the pool opens for the 2022 season.

Applicable "Policy"

Satisfaction of "Policy"

Summary of Issues and Staff Rationale

Historically, the Aquatic facility has been open from Memorial Day weekend until the first weekend after the start of the fall school year. The facility has always operated with multiple non-consecutive open swim sessions that were 3 to 5 hours in duration. During the past 5 years of operation an aquatic industry trend

has been to group similar activities together to accomplish several goals: improve facility safety, increase operational efficiency, increase revenues and decrease expenditures. Responding to this trend, the Aquatic Facility Management reviewed and reconfigured the then existing operational schedule relative to the new operational methodology. This approach resulted in several improvements which include: Safety with regards to appropriate staffing levels in relation to attendance; as well as water quality.

Fiscal Impact

Fiscal Impact?: No

If Yes, Budget Code:

Available:

Funding Source:

Attachments

Notice of Intent re Aquatic Center Fees

Aquatic Rate Study 2022

TOWN OF CHINO VALLEY, ARIZONA PUBLIC NOTICE

NOTICE OF INTENT TO INCREASE FEES FOR THE CHINO VALLEY AQUATIC CENTER PURSUANT TO A.R.S. § 9-499.15

Pursuant to A.R.S § 9-499.15, the Town of Chino Valley hereby gives notice that it may increase fees at the Chino Valley Aquatic Center and provides this written notice of the proposed increases. The following schedule of Chino Valley Aquatic Center fee increases are proposed:

CHINO VALLEY AQUATIC CENTER FEES				
	Current 2021 Fees	Proposed 2022 Fees	Proposed 2023 Fees	Proposed 2024 Fees
Daily Use				
Ages 0-2 Child	FREE	FREE	FREE	FREE
Ages 3-17 Child	\$3.50	\$3.75	\$4.00	\$4.25
Ages 18-54 Adult	\$4.50	\$4.75	\$5.00	\$5.25
Ages 55 & Older	\$3.50	\$3.75	\$4.00	\$4.25
Family – 5 Immediate Family Members	\$16.00	\$17.00	\$18.00	\$19.00
Season Passes				
Ages 0-2 Child	FREE	FREE	FREE	FREE
Ages 3-17 Child	\$100.00	\$110.00	\$120.00	\$130.00
Ages 18-54 Adult	\$160.00	\$170.00	\$180.00	\$190.00
Ages 55 & Older	\$100.00	\$110.00	\$120.00	\$130.00
Family – 5 Immediate Family Members	\$250.00	\$267.00	\$284.00	\$300.00
Family – Additional	\$30.00	\$35.00	\$40.00	\$45.00
Learn to Swim				
Youth - 8 sessions, 30 minutes	\$55.00	\$55.00	\$55.00	\$55.00
Adult - 4 sessions, 1 hour	\$55.00	\$55.00	\$55.00	\$55.00
Fitness Program Lessons - 9 sessions, 1 hour	\$55.00	\$55.00	\$60.00	\$65.00
Aquatic Facility Rental				
Aquatic Facility, 2 hour minimum, 1-200 guests	\$170.00	\$180.00	\$190.00	\$200.00
Lifeguards, minimum 3, 2-hour minimum, 1-200 guests	\$100.00	\$110.00	\$120.00	\$130.00
Lifeguards, minimum 3, 2-hour minimum, 200-400 guests	\$170.00	\$180.00	\$190.00	\$200.00
Slide Rental	\$60.00	N/A	N/A	N/A
*Aquatic Facility Rental is 2-hour minimum regardless of the number of guests				
** change to 5 guards 200-400 guests				

Pursuant to A.R.S § 9-499.15, a schedule of the proposed fee increases and a written report supporting the proposed increases are posted on the Town's website.

The Chino Valley Town Council will approve or disapprove these proposed rates at its regular council meeting to be held April 26, 2022, at 6:00 p.m. in the Council Chambers, 202 N. State Route 89, Chino Valley, Arizona 86323.

THE ABOVE CHINO VALLEY AQUATIC CENTER FEES WILL BECOME EFFECTIVE THIRTY (30) DAYS AFTER APPROVAL BY THE TOWN COUNCIL.

Dated this ____ day of _____, 2022.

TOWN OF CHINO VALLEY

Erin. N. Deskins, Town Clerk



Town of Chino Valley

Aquatic Center Rate Study 2022

This report is prepared to meet the requirements of ARS 9-499.15

Table of Contents

Introduction

The Town of Chino Valley last reviewed and increased its Aquatic Center rates on April 24, 2018. Resolution 18-1115 adopted the current rates.

Since the Aquatic Center opened the Town's General Fund has subsidized the operation of the facility each year. The annual operating costs subsidy averages about \$150,000 per year.

Labor costs continue to increase each year. When the Aquatic Center last raised the pool rates in 2018, the minimum wage was \$10.50 an hour. Last year, the minimum wage was raised to \$12.00 an hour. This January, the minimum wage was raised to \$12.80 an hour.

In order to keep the subsidy from increasing each year, staff is recommending a gradual rate increase over the next three years to coincide with the increases of minimum wage and generate additional funds to make capital repairs and replacements.

As the Aquatic Center ages the need to repair and replace capital items also increases. The Town has replaced the Aquatics Center roof, pool pump heater, chlorine unit, pool sweeper, resurfaced the parking lot, refinished the pool slide, and painted the showers and offices. The pool needs to be re plastered and the pool decking needs to be resurfaced.

Staff is recommending an increase in Aquatics Center user fees each year until 2024.

Current Aquatic Center User Fees

The chart below summarizes the current Aquatic Center User Fees.

Town of Chino Valley Aquatics Center Fee Schedule	
	2021 Current Fees
Daily Use	
Ages 0-2 Child	FREE
Ages 3-17 Child	\$3.50
Ages 18-54 Adult	\$4.50
Ages 55 & Older	\$3.50
Family - 5 immediate Family Members	\$16.00
Season Passes	
Ages 0-2 Child	FREE
Ages 3-17 Child	\$100.00
Ages 18-54 Adult	\$160.00
Ages 55 & Older	\$100.00
Family - 5 immediate Family Members	\$250.00
Family - Additional	\$30.00
Learn to Swim	
Youth 8 sessions, 30 minutes	\$55.00
Adult 4 sessions, 1 hour	\$55.00
Fitness Program Lessons - 9 sessions 1 hour	\$55.00
Aquatic Facility Rental	
Aquatic Facility, 2 hour minimum, 1 - 200 guests	\$170.00
Lifeguards, minimum 3, 2 hour minimum 1 - 200 guests	\$100.00
Lifeguards, minimum 3, 2 hour minimum 200-400 guests	\$170.00
Slide Rental	\$60.00
*Aquatic Facility Rental is 2 hour minimum regardless of number of guests	
** change to 5 guards 200-400 guests	

Aquatic Center Financial History

The table below summarizes the Aquatic Center operating results for the last two fiscal years and current years budget.

Town of Chino Valley						
Operating Results by Fiscal Year						
Fiscal Years Ending 6/30/20 - 6/30/22						
					Budget	
	6/30/2020		6/30/2021		6/30/2022	
Revenue						
Entrance Fees	\$27,682	55%	\$27,390	51%	\$49,000	62%
Concessions	\$5,825	11%	\$294	1%	\$1,000	1%
Program Fees	\$13,800	27%	\$13,800	26%	\$14,000	18%
Facilities Use Fees	\$3,353	7%	\$12,085	23%	\$15,500	19%
Total Revenue	\$50,660	100%	\$53,569	100%	\$79,500	100%
Revenue % Increase						
Expenditures						
Personnel	\$82,717	46%	\$51,548	33%	\$86,591	25%
Benefits	\$7,979	4%	\$5,949	4%	\$8,709	3%
Operating Expenses	\$89,728	50%	\$97,329	63%	\$128,500	37%
Capital					\$120,000	35%
Total Expenditures	\$180,424	100%	\$154,826	100%	\$343,800	100%
Net Loss	(\$129,764)		(\$101,257)		(\$264,300)	

Proposed Aquatic Center User Fees

The table below summarizes the proposed rates for the next three seasons.

Town of Chino Valley				
Aquatics Center Fee Schedule				
	2021 Current Fees	Proposed 2022 Season	Proposed 2023 Season	Proposed 2024 Season
Daily Use				
Ages 0-2 Child	FREE	FREE	FREE	FREE
Ages 3-17 Child	\$3.50	\$3.75	\$4.00	\$4.25
Ages 18-54 Adult	\$4.50	\$4.75	\$5.00	\$5.25
Ages 55 & Older	\$3.50	\$3.75	\$4.00	\$4.25
Family - 5 immediate Family Members	\$16.00	\$17.00	\$18.00	\$19.00
Season Passes				
Ages 0-2 Child	FREE	FREE	FREE	FREE
Ages 3-17 Child	\$100.00	\$110.00	\$120.00	\$130.00
Ages 18-54 Adult	\$160.00	\$170.00	\$180.00	\$190.00
Ages 55 & Older	\$100.00	\$110.00	\$120.00	\$130.00
Family - 5 immediate Family Members	\$250.00	\$267.00	\$284.00	\$300.00
Family - Additional	\$30.00	\$35.00	\$40.00	\$45.00
Learn to Swim				
Youth 8 sessions, 30 minutes	\$55.00	\$55.00	\$55.00	\$55.00
Adult 4 sessions, 1 hour	\$55.00	\$55.00	\$55.00	\$55.00
Fitness Program Lessons - 9 sessions 1 hour	\$55.00	\$55.00	\$60.00	\$65.00
Aquatic Facility Rental				
Aquatic Facility, 2 hour minimum, 1 - 200 guests	\$170.00	\$180.00	\$190.00	\$200.00
Lifeguards, minimum 3, 2 hour minimum 1 - 200 guests	\$100.00	\$110.00	\$120.00	\$130.00
Lifeguards, minimum 3, 2 hour minimum 200-400 guests	\$170.00	\$180.00	\$190.00	\$200.00
Slide Rental	\$60.00	n/a	n/a	n/a
*Aquatic Facility Rental is 2 hour minimum regardless of number of guests				
** change to 5 guards 200-400 guests				

Aquatic Center Pro Forma Projection

The table below summarizes the financial impact of the proposed fee increase. Note the Town will continue to subsidize the operation of the Aquatic Center.

Town of Chino Valley				
Operating Results				
Budget 6/30/22 and Projected 6/30/22 with Fee Increase				
	Budget 6/30/2022		Projected 6/30/22 With Fee Increase	
Revenue				
Entrance Fees	\$49,000	62%	\$53,000	61%
Concessions	\$1,000	1%	\$1,000	1%
Program Fees	\$14,000	18%	\$15,500	18%
Facilities Use Fees	\$15,500	19%	\$16,800	19%
Total Revenue	\$79,500	100%	\$86,300	100%
Revenue % Increase			9%	
Expenditures				
Personnel	\$86,591	25%	\$86,591	25%
Benefits	\$8,709	3%	\$8,709	3%
Operating Expenses	\$128,500	37%	\$128,500	37%
Capital	\$120,000	35%	\$120,000	35%
Total Expenditures	\$343,800	100%	\$343,800	100%
Net Loss	(\$264,300)		(\$257,500)	

Rate Change Calendar

Town of Chino Valley		
Aquatic Center Rate Change Calendar 2022		
Date	Item	Requirement
2/22/2022	Department Presents written report to Council	
2/22/2022	Council Adopts Notice of Intention to increase rates and hold a public hearing	At least 60 days prior to public hearing
2/23/2022	File copy of report and Notice of Intention to increase rates with the Town Clerk and post on website	At least 60 days prior to public hearing
4/26/2022	Adopt Resolution	At least 60 days after notice of intent
5/26/2022	New Rate becomes effective	30 days after adoption

Other Community Comparison

Town of Chino Valley					
Aquatics Center Fee Schedule					
	Chino Valley Proposed 2022 Season	Prescott Valley*	Williams*	Cottonwood	Cottonwood
Daily Use			Indoor Pool	Indoor Pool	Outdoor Pool
Ages 0-2 Child	\$0.00	\$4.00	7 & under \$1.00	4 & under \$0.00	4 & under \$0.00
Ages 3-17 Child	\$3.75	\$4.00	8-18 \$3.00	5-17 \$5.00	5-17 \$2.00
Ages 18-54 Adult	\$4.75	18-59 \$5.00	9-54 \$4.00	\$8.00	\$3.00
Ages 55 & Older	\$3.75	60+ \$4.00	\$3.00	\$5.00	\$2.00
Family - 5 immediate Family Members	\$17.00	n/a	\$10.00	\$20.00	n/a
Season Passes				3 Month Pass	
Ages 0-2 Child	\$0.00			4 & under \$0.00	
Ages 3-17 Child	\$110.00			5-17 \$60.00	
Ages 6-17 Youth	n/a		\$120.00	n/a	
Ages 18-54 Adult	\$170.00		\$140.00	\$95.00	
Ages 55 & Older	\$110.00		\$120.00	\$60.00	
Family - 5 immediate Family Members	\$267.00	\$320.00	\$200.00	\$178.00	
Family - Additional	\$35.00				
Learn to Swim					
Youth 8 sessions, 30 minutes	\$55.00	\$52.50	\$30.00	\$40.00	
Adult 4 sessions, 1 hour	\$55.00				
Fitness Program Lessons - 9 sessions 1 hour	\$55.00	\$4.00 per class		Entrance Fee \$5-\$8	
Private Lessons - 9 Session 1 hour	n/a	\$19.00			
Aquatic Facility Rental					
Aquatic Facility, 2 hour minimum, 1 - 200 guests	\$180.00	\$95/hr + 3 guards		*Not currently available for rent	
Lifeguards, minimum 3, 2 hour minimum 1 - 200 guests	\$110.00	\$12/hr/guard			
Lifeguards, minimum 3, 2 hour minimum	\$180.00				
*Acquatic Facility Rental is 2 hour minimum regardless of number of guests					
** change to 5 guards 200-400 guests					
*Prescott Valley is not doing a price increase for 2022					
*Williams pool is closed until further notice, prices are from 2019					

THIS PAGE INTENTIONALLY LEFT BLANK



TOWN OF CHINO VALLEY COUNCIL AGENDA ITEM STAFF REPORT

Town Council Regular Meeting

6. c.

Meeting Date: 02/22/2022
Contact Person: Will Dingee, Senior Planner
 Phone: 928-636-4427 x-1233
Department: Development Services
Estimated length of staff presentation: 5 minutes
Physical location of item: N/A

AGENDA ITEM TITLE:

Public Hearing and consideration and possible action to regarding Ordinance No. 2022-911 to amend the Town of Chino Valley Unified Development Ordinance Chapter 154, by amending Chapter 2 Definitions, Chapter 3 Zoning Districts, and Chapter 4 General Regulations, as they relate to Recreational and Medical Marijuana. (Will Dingee, Senior Planner)

RECOMMENDED ACTION:

- (i) Hold Public Hearing
- (ii) The Planning Commission had no recommendation and preferred to keep the separation distance at 500'. The ordinance is presented for Council review and Action. Ordinance No. 2022-911 as attached.

SITUATION AND ANALYSIS:

Background:

There are Two Types of Marijuana Licensing in Arizona, these are regulated by The Arizona Department of Health Services:

1. Arizona Medical Marijuana Dispensary License- A Dispensary Registration Certificate is a non-profit dispensary license that allows a licensee to grow, process and sell medical marijuana to patients.
2. Arizona Recreational Marijuana Establishment License- A Marijuana Establishment is an entity licensed by the Department to operate all the following:
 - A single retail location at which the licensee may sell marijuana and marijuana products to consumers, cultivate marijuana and manufacture marijuana products.
 - A single off-site cultivation location at which the licensee may cultivate marijuana, process marijuana and manufacture marijuana products, but from which marijuana and marijuana products may not be transferred or sold to consumers
 - A single off-site location at which the licensee may manufacture marijuana products and package and store marijuana and marijuana products, but from which marijuana and marijuana products may not be transferred or sold to consumers.

The Town of Chino Valley Town Code only allows for establishments that hold a Medical Marijuana Dispensary License or that hold both a Medical Marijuana Dispensary License and a Recreational Marijuana Establishment License, which is termed a Dual Licensee. The Town Code does not allow for establishments that only hold a Recreational Marijuana Establishment License.

This is a request to amend the Town of Chino Valley Unified Development Ordinance, Chapter 154, pertaining to marijuana facility mitigation by amending certain provisions of:

Chapter 2 related to the meaning of words and terms,
 Chapter 3 related to industrial and commercial park zoning districts,
 Chapter 4 related to landscaping,
 Chapter 4 related to medical marijuana; providing for repeal of conflicting ordinances; and providing for severability.

The primary purposes of the modifications are:

- Reconciling the UDO and Town Code provisions.
- Changes relating to measuring setbacks and landscaping related to marijuana establishments along the Peavine Trail.
- Changes to eliminate from the setback requirements residential lots that are used solely for public utility purposes.
- Updates to definitions.

On January 19, 2021, the Town Council adopted an ordinance to regulate recreational marijuana, following its legalization by the voters through proposition 207, by adding language within the Town Code. At that time, the UDO already included provisions regulating medical marijuana uses. Because the Town Council adopted the "dual licensee" approach, the existing UDO provisions covered recreational marijuana by default. However, the Town Code provisions relating to separation requirements (which were drafted to be consistent with neighboring jurisdictions) and the UDO separation requirements, were inconsistent.

This amendment addresses the following:

Setback requirements, changes the UDO to 300 feet to be consistent with the Town Code.

Exempts the Peavine Trail from the setback requirements as it is not a typical park facility. The Town has industrial zoned properties along the Peavine trail, which are the only types of properties Council has approved for the development of marijuana facilities.

Landscaping requirements for marijuana establishments adjacent to the Peavine Trail. Generally increasing the landscaping requirement to increase the buffer zone and improve aesthetics along the trail. When adjacent to the Peavine Trail a Twenty (20) foot wide landscaping strip will be required, increased from 5 foot. When the available right of way is less than 200 feet an eight (8) foot wall or fence will be required along with landscaping.

Residential lots that are used solely for public utility purposes. The recommendation is to exempt these lots from the setback requirements as they are not typical residential lots. These lots typically have conditional use permits which allow for public utility uses such as electrical substations or water/sewer facilities and would not have residential housing uses.

Defines a Dual Licensee as an entity that holds both a nonprofit medical marijuana dispensary registration and a marijuana establishment license. It also includes a number of administrative type clean up and updates of defined terms to be consistent with current terminology.

It should be noted, Planning and Zoning forwarded “No Recommendation” with a notation that the Commission would like to keep the separation distance at 500’.

Other Pertinent Documents Available Upon Request:

The proposed text amendment is reflected in Attachments A and B – Attachment A represents the language by itself and Attachment B is the proposed ordinance. Also attached are excerpts from the February 1, 2022, Planning and Zoning meeting minutes.

Fiscal Impact

Fiscal Impact?: N/A

If Yes, Budget Code:

Available:

Funding Source:

Attachments

P&Z excerpt from 02/01/2022 meeting minutes

P&Z staff report from 2/1/22

Attachement A - Proposed Language

Attachment B - Ordinance

Excerpt from the minutes of the February 1, 2022 Planning and Zoning Commission:

"CASE# T-2022-02 - *This is a request to amend the Town of Chino Valley Unified Development Ordinance Chapter 154, by amending Chapter 2 Definitions, Chapter 3 Zoning Districts, and Chapter 4 General Regulations, as they relate to Recreational and Medical Marijuana.*

"Dingee presented the staff report including a public comment letter from Bob Chilton that was received prior to the meeting and was placed in front of each commissioner. This text amendment is to modify/create new definitions, fix discrepancies in separation requirements from 500 feet to 300 feet and address proposals adjacent to the Peavine Trail and Public utility facilities with residential zoning. Staff is recommending approval for the above modifications.

"Penn asked if the separation was also for playgrounds and schools. **Dingee** said yes, and that the distance is measured from property line to property line.

"Merritt opened up the discussion for any comments from the public.

"Bob Chilton-Rain Strategies Cannabis Management and Development Company, spoke in support of the proposed ordinance. **Chilton** pointed out one area of confusion and suggested a recommendation of how the confusion could be removed. He shared a diagram on the overhead and discussed various license types. He stated that not all licenses were dual licenses and that all the licenses had the same rights. **Chilton** requested that the Commission use the proposed amendment and clarify it so it covers all licenses, keeping the goal of not having twice as many marijuana locations. He proposed the following amendment: ***Section Permitted uses #9 Medical marijuana facilities and Marijuana Facilities owned and operated by Dual Licensees (achieves the towns goal) , and off-site marijuana cultivation and manufacturing facilities, each as subject to the regulations set forth in Section 4.31.*** **Chilton** suggested that the goal should be to address all the licenses, bringing clarity to eliminate confusion.

"Larry Holt – Chino Valley Resident stated that he was a retired law enforcement officer, of 34 years including 12 years in narcotics. He stated he supported moving the 300' vs 500' to make it uniform in the code. **Holt** opposed adding anymore sales locations. He added that in his job as a narcotics officer, he had interviewed over 10,000 drug addicts and never interviewed one that didn't start with marijuana. **Holt** stated that he believes this county has a huge drug problem and was against adding any more marijuana dispensaries.

"There were no further public comments.

"Attorney Andrew McGuire stated that if the amendment with the proposed verbiage from Mr. Chilton was implemented, it would then be in conflict with the town code, and he had not been given direction by the Town Council to change the town code to provide for the type of non-dual licensing status that Mr. Chilton was advocating for. He directed the Commission to the Town Code Section 117. There is a specific prohibition in the code for operating any marijuana facilities unless it is operated by a dual licensee. That was a position adopted by many municipalities and the county. **McGuire** shared that jurisdictions in this area are all on the same page. The text amendment is trying to reconcile separation

distances and areas along the Peavine Trail. Mr. Chiltons' legitimate request, is a question for the Council and whether or not they support modification to Section 117 of the Town Code to match the UDO Code. **McGuire** concluded stating that the two codes needed to run consistently and that the discussion on this case is to match the two codes.

"**Merritt** recapped the discussion with the attorney, identifying that making any changes to the Town Code is out of the jurisdiction of the Planning & Zoning Commission. The proposal tonight is just for the Unified Development Ordinance changes.

"**Switzer** asked Attorney McGuire that if the Commission supports the proposed ordinances, would that create double dispensaries, one for medical and one for recreational. **McGuire** allowed that they can do either independently but it wouldn't expand the number of locations because they needed to hold the medical license too. **Somerville** asked how many marijuana growing facilities were located in Chino Valley. **Dingee** stated that the Town currently has five. **Somerville** followed up his question by asking if the same people who grow at these facilities can also operate a dispensary? **Chilton** shared that the cannabis rules are confusing and that cultivation locations can only sell wholesale to a dispensary that is already an operator. Medical licenses allow a retail dispensary only. Off-site licenses can only grow, extract, and infuse all in one facility. The five growing facilities in Chino Valley do not sell to anyone in the public. **Merritt** reminded Mr. Chilton that they were only considering the proposed staff report at this time.

"**Switzer** asked if the town currently has a retail dispensary. **Dingee** stated that there had been a dispensary in the southern part of town, that was no longer operating.

"**Merritt** asked for the alternate motion. **Switzer** made a motion to approve the Text Amendment T-2022-02 as reflected in Attachments A and B, subject to the staff report and information provided during this hearing, with the exception of the following items:

1. Amend Section 5 of the proposed Ordinance, Section 4.31 Marijuana Facilities, D.4 to remove the following language "unless the property within the residential zoning district is permanently used by a public utility for non-residential purposes."
2. No Amendment to Section 5 of the proposed Ordinance, Section 4.31 Marijuana Facilities, D.1-5 Separation Requirements, leaving the distances as currently written in the Chino Valley Code of Ordinances, Section 117.04(B)(2) and (3), with the distance at 500' instead of the proposed 300'.
3. Amend Chino Valley Code of Ordinances Section 117.04(B)(2) to read: Shall not be located within 300 **500** feet of a residentially-zoned property.
4. Amend Chino Valley Code of Ordinances Section 117.04(B)(3) to read: Shall not be located within 300 **500** feet of a preschool; kindergarten; elementary; secondary or high school; place of worship; public park; or community center.

"The motion was seconded by **Meadors**. **Merritt** opened up for commission discussion. Vice-Chair **Pasciak** mentioned a legal point, that it is outside the scope of the commission to amend the Chino Valley Code of Ordinances. **McGuire** concurred.

"As the alternate motion was to keep the 500' separation in the UDO and have the Chino Valley Code of Ordinances increase to 500' from 300', and the commission was unable to move that motion forward, according to Attorney McGuire, **Merritt** asked if the commission could send this case to Town Council with no recommendation, since the commission would like to see the distance remain at 500'.

Lineberry shared that the minutes of this meeting will be added to the Town Council report, for the Council to read and understand their concerns.

"**Switzer** asked if the timing on this case was critical **Lineberry** stated that it should be moved to Town Council.

"**Merritt** mentioned that he would like to table this item. **Lineberry** shared that it would be better to forward this case to Council with 'no recommendation'. **Dingee** informed the Commission that they needed to vote on the open motion. **Switzer** amended his motion to rescind the current motion.

Pasciak seconded the rescinded motion. The rescinded motion passed by a vote of 6-0, with Welker absent.

"Another motion was made by **Switzer** to forward "No Recommendation" with a notation that the Commission would like to keep the separation distance at 500'. **Pasciak** seconded the motion. The motion passed by a 6-0 vote, with Welker absent."



TOWN OF CHINO VALLEY
Planning Commission Staff Report
February 1, 2022
File Number T-2022-02
Text Amendment

PROJECT DESCRIPTION: Request to amend the Town of Chino Valley Unified Development Ordinance Chapter 154, by amending Chapter 2 Definitions, Chapter 3 Zoning Districts, and Chapter 4 General Regulations, as they relate to Recreational and Medical Marijuana

STAFF ANALYSIS:

This is a request to amend the Town of Chino Valley Unified Development Ordinance, Chapter 154, as pertaining to marijuana facility mitigation by amending certain provisions of Chapter 2 related to the meaning of words and terms, certain provisions of Chapter 3 related to industrial and commercial park zoning districts, certain provisions of Chapter 4 related to landscaping, and certain provisions of Chapter 4 related to medical marijuana; providing for repeal of conflicting ordinances; and providing for severability.

The Unified Development Ordinance (UDO) states that it “may be amended, supplemented, changed, modified or repealed when deemed necessary to best serve the public interest, health, comfort, convenience, safety and general welfare of the citizens of the Town.” This current text amendment request from staff, through direction of Town Council, is deemed necessary to best serve the public interest. The proposal is to modify Chapters 2, 3 and 4 of the UDO as it pertains to medical marijuana and recreational marijuana. The primary purposes of the modifications are:

- Reconciling the UDO and Town Code provisions with respect to recreational and medical marijuana establishments and
- Making clarifying changes relating to measuring setbacks related to marijuana establishments along the Peavine Trail.

On January 19, 2021 the Town Council adopted an ordinance to regulate recreational marijuana, following its legalization by the State of Arizona through proposition 207, by adding language within the Town Code but not the UDO. This unfortunately resulted in variations between medical and recreational marijuana in regards to separation requirements from a marijuana establishment to facilities such as schools or parks. In addition to this, changes were needed in regards to developments of marijuana establishments adjacent to the Peavine Trail relating to setback and landscaping requirements. Finally, staff is proposing a consolidation of terminology between recreational and medical marijuana in an effort to make it easier to understand and enforce.

The proposed text amendment is reflected in Attachments A and B – Attachment A represents the language by itself and Attachment B is the proposed ordinance

Staff Recommendation: Staff recommends **APPROVAL** of the text amendment to amend the Town of Chino Valley Unified Development Ordinance, Chapter 154, as pertaining to marijuana facility mitigation by amending certain provisions of Chapter 2 related to the meaning of words and terms, certain provisions of Chapter 3 related to industrial and commercial park zoning districts, certain provisions of Chapter 4 related to landscaping, and certain provisions of Chapter 4 related to medical marijuana; providing for repeal of conflicting ordinances; and providing for severability.

SUGGESTED COMMISSION MOTION: Move to **APPROVE** Text Amendment T-2022-02 as reflected in Attachment A and B, subject to the staff report and information provided during this hearing.

Effect of the Approval: By approving the Text Amendment, the Planning and Zoning Commission is recommending that the Town Council approve the text amendment to amend Chapters 2, 3 & 4 of the UDO as it relates to recreational and medical marijuana two reconcile the two codes and modify provisions relating to the Peavine Trail.

Attachments

A	B
Text Amendment Language	Text Amendment Ordinance

Prepared By:

Will Dingee
Senior Planner
wdingee@chinoaz.net
(928)636-4427, x1233

Date: January 18, 2021

Approved By:

Laurie Lineberry, AICP
Development Services Director
llineberry@chinoaz.net
(928)636-4427, x1217

Date: January 18, 2021

ORDINANCE NO. ~~2021~~2022-___

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CHINO VALLEY, ARIZONA, ADOPTING THE AMENDMENTS TO THE TOWN OF CHINO VALLEY UNIFIED DEVELOPMENT ORDINANCE REGARDING MARIJUANA FACILITY MITIGATION (FEBRUARY XX, 2022) BY REFERENCE; AMENDING THE CODE OF THE TOWN OF CHINO VALLEY, ARIZONA, TITLE XV, LAND USAGE, CHAPTER 154, UNIFIED DEVELOPMENT ORDINANCE, BY AMENDING CERTAIN PROVISIONS OF CHAPTER 2 RELATED TO THE MEANING OF WORDS AND TERMS, CERTAIN PROVISIONS OF CHAPTER 3 RELATED TO INDUSTRIAL AND COMMERCIAL PARK ZONING DISTRICTS, CERTAIN PROVISIONS OF CHAPTER 4 RELATED TO LANDSCAPING, AND CERTAIN PROVISIONS OF CHAPTER 4 RELATED TO MEDICAL MARIJUANA; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; AND PROVIDING FOR SEVERABILITY.

WHEREAS, the Arizona Medical Marijuana Act, A.R.S. § 36-2801 *et seq.*, Title 9, Chapter 17 of the Arizona Administrative Code, and the statewide ballot measure known as the “Smart and Safe Arizona Act,” which was certified as Proposition 207 and approved by voters ~~in~~at the November 3, 2020, general election ~~ballot~~, each authorize certain practices related to marijuana; and

WHEREAS, possession and use of marijuana remain prohibited under federal law pursuant to 21 U.S.C. § 841 *et seq.*, and the Mayor and Town Council of the Town of Chino Valley (the “Town Council”) has found that certain practices related to marijuana pose a threat to the health, safety, and security of the community and increase the responsibilities of law enforcement and other Town of Chino Valley departments to respond to violations of state and local laws, including building, electrical, and fire codes; and

WHEREAS, the Town Council has sought to protect public health, safety, and welfare by enacting reasonable zoning regulations related to marijuana establishments, and by prohibiting the operation of marijuana establishments by any person other than a dual licensee who operates both a medical marijuana dispensary and a marijuana establishment cooperatively in a shared location (Town Code Section 117.04(A)); and

WHEREAS, certain provisions of Chapter 117 of the Town Code (Recreational Marijuana Regulations) do not align in all places with related provisions of Chapter 154 of the Town Code (Unified Development Ordinance or “UDO”), particularly including those UDO provisions that address medical marijuana dispensaries without addressing recreational marijuana facilities; and

WHEREAS, the ~~Mayor and~~ Town Council ~~have~~has determined that zoning regulations relating to medical and recreational marijuana should be harmonized in order to clarify the legal requirements applicable to a dual-licensee who holds both a nonprofit medical marijuana dispensary registration and a marijuana establishment license, such dual-licensees being the only persons authorized to operate a marijuana establishment in the Town of Chino Valley; and

WHEREAS, that certain document entitled “Amendments to the Town of Chino Valley Unified Development Ordinance Regarding Marijuana Facility Mitigation (~~December XX, 2021~~[February 2022](#))” (the “Marijuana Facility Amendments”), one paper copy and one electronic copy maintained in compliance with A.R.S. § 44-7041 of which are on file in the office of the Town Clerk as required by A.R.S. § 9-802 and are available for public use and inspection during normal business hours, which Marijuana Facility Amendments are hereby declared to be public records, which public records are hereby referred to, adopted and made a part hereof as if fully set forth in this Ordinance and which are hereby ordered to remain on file with the Town Clerk; and

WHEREAS, in accordance with Article II, Sections 1 and 2 of the Constitution of Arizona, the Town Council has considered the individual property rights and personal liberties of the residents of the Town before adopting this ordinance; and

WHEREAS, the Town Council has considered the probable impact of this ordinance on the cost to construct housing for sale or rent, and found none.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Common Council of the Town of Chino Valley, Arizona, as follows:

Section 1. The recitals above are hereby incorporated as if fully set forth herein.

Section 2. The Chino Valley Town Code, Title XV (Land Usage) Chapter 154 (Unified Development Ordinance) is hereby amended as set forth in the Marijuana Facility Amendments, which document is hereby adopted by reference and incorporated herein by reference as if fully set forth in this Ordinance.

Section 3. Any person who violates any provision of the ~~“Amendments to the Town of Chino Valley Unified Development Ordinance Regarding Marijuana Facility Mitigation (December XX, 2021)”~~[Amendments](#) is guilty of a civil infraction punishable as set forth in Section 1.11 of the UDO, unless such violation causes such person to meet the definition of a “Habitual Offender” set forth in the UDO, in which case the person shall be guilty of a criminal misdemeanor punishable as set forth in the UDO. Any continuing violation of the ~~“Amendments to the Town of Chino Valley Unified Development Ordinance Regarding Marijuana Facility Mitigation (December XX, 2021)”~~[Amendments](#) may be abated by the Town as set forth in the UDO. Imposition of a fine or penalty assessment shall not relieve the owner of the responsibility for abatement of the violation(s) or excuse him/her from liability for any and all costs incurred by the Town for abatement.

Section 4. All ordinances and parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

Section 5. If any section, subsection, sentence, clause, phrase or portion of this Ordinance, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

Section 6. The Mayor, the Town Manager, the Town Clerk and the Town Attorney are hereby authorized and directed to take all steps necessary to carry out the purpose and intent of this Ordinance.

[Signatures on following page]

PASSED AND ADOPTED by the Mayor and Common Council of the Town of Chino Valley, Arizona, this XX day of ~~December~~February, ~~2021~~2022.

Jack W. Miller, Mayor

ATTEST:

Erin N. Deskins, Town Clerk

APPROVED AS TO FORM:

Gust Rosenfeld PLC, Town Attorney
By: Andrew J. McGuire

I hereby certify the above foregoing Ordinance No. ~~2021~~2022-*** was duly passed by the Council of the Town of Chino Valley, Arizona, at a meeting held on ~~December~~February XX, ~~2021~~2022, and that quorum was present, and that the vote thereon was _____ ayes and _____ nays and _____ abstentions. _____ Council members were absent or excused.

Erin N. Deskins, Town Clerk

**Amendments to the Town of Chino Valley
Unified Development Ordinance
Regarding
Marijuana Facility Mitigation**

~~December —, 2021~~

February —, 2022

Section 1. The Town of Chino Valley Unified Development Ordinance, Chapter 2 (Definitions) is hereby amended, by adding new definitions for Dual Licensee, Marijuana Establishment, and Marijuana Manufacturing Facility, and amending other definitions therein, with remaining definitions subsequently reordered as necessary, to read as follows (deleted text is shown in ~~strikethrough~~, and new text is shown in ALL CAPS):

DUAL LICENSEE. AN ENTITY THAT HOLDS BOTH A NONPROFIT MEDICAL MARIJUANA DISPENSARY REGISTRATION AND A MARIJUANA ESTABLISHMENT LICENSE.

~~Medical marijuana.~~ All parts of the PLANT OF THE genus cannabis whether growing or not, ~~and~~ AS WELL AS the seedS of such plant, THE RESIN EXTRACTED FROM ANY PART OF SUCH PLANT, AND EVERY COMPOUND, MANUFACTURE, SALT, DERIVATIVE, MIXTURE, OR PREPARATION OF SUCH PLANT OR ITS SEEDS OR RESIN, AND INCLUDES CANNABIS AS DEFINED IN A.R.S. § 13-3401, BUT DOES NOT INCLUDE INDUSTRIAL HEMP, THE FIBER PRODUCED FROM THE STALKS OF THE PLANT OF THE GENUS CANNABIS, OIL OR CAKE MADE FROM THE SEEDS OF THE PLANT, OR STERILIZED SEEDS OF THE PLANT THAT ARE INCAPABLE OF GERMINATION. FOR THIS ORDINANCE, THIS DEFINITION APPLIES EQUALLY TO MARIJUANA that may be administered and used by a registered qualifying patient, as that term is defined in A.R.S. § 36-2801, solely to treat or alleviate the patient's debilitating medical condition or symptoms associated with the patient's debilitating medical condition, AND TO MARIJUANA THAT MAY BE ADMINISTERED OR USED PURSUANT TO A.R.S. § 36-2852 and 2858.

~~Medical marijuana cultivation.~~ The process by which a person grows a marijuana plant for ANY use, INCLUDING USE as medical marijuana.

~~Medical marijuana cultivation facility, off-site.~~ A building, structure, or other enclosed, locked facility used for the cultivation or storage of ~~medical marijuana~~ that is physically separate and not located on the same real property as the medical marijuana dispensary ~~with which it is affiliated pursuant to A.R.S. § 36-2806(e)~~, OR MARIJUANA ESTABLISHMENT WITH WHICH IT IS AFFILIATED.

~~Medical marijuana cultivation facility, on-site.~~ A ~~medical marijuana~~ facility that is located on the same REAL property as the medical marijuana dispensary ~~with which it is affiliated pursuant to A.R.S. § 36-2806(e)~~, OR MARIJUANA FACILITY WITH WHICH IT IS AFFILIATED, whether attached or not.

MARIJUANA ESTABLISHMENT: AN ENTITY LICENSED BY THE ARIZONA DEPARTMENT OF HEALTH AND HUMAN SERVICES OR ITS SUCCESSOR AGENCY TO OPERATE A SINGLE RETAIL LOCATION AT WHICH THE LICENSEE MAY SELL MARIJUANA AND MARIJUANA PRODUCTS TO CONSUMERS, CULTIVATE MARIJUANA, AND MANUFACTURE MARIJUANA PRODUCTS.

~~Medical marijuana facilities. Medical marijuana dispensaries, medical marijuana cultivation facilities (on or off-site)~~ MARIJUANA FACILITIES. MEDICAL MARIJUANA DISPENSARIES, MARIJUANA DISPENSARIES, MARIJUANA CULTIVATION FACILITIES (ON OR OFF-SITE), MARIJUANA ESTABLISHMENTS, ~~and medical marijuana infusion facilities~~ MARIJUANA INFUSION FACILITIES, MARIJUANA MANUFACTURING FACILITIES, AND MARIJUANA TESTING FACILITIES.

~~Medical marijuana infusion facility.~~ A facility that incorporates ~~medical~~ marijuana by the means of cooking, blending, infusing, or otherwise combining ~~medical~~ marijuana into consumable, ingestible, or edible goods.

MARIJUANA MANUFACTURING FACILITY. A FACILITY THAT COMPOUNDS, BLENDS, EXTRACTS, INFUSES, OR OTHERWISE MAKES OR PREPARES A MARIJUANA PRODUCT, OR THAT PACKAGES OR STORES MARIJUANA PRODUCTS.

~~Medical marijuana facilities. NONPROFIT medical marijuana dispensaries, AS DEFINED IN A.R.S. § 36-2801 ET SEQ., AS AMENDED, INCLUDING medical RELATED marijuana cultivation facilities (on or off-site), and medical marijuana infusion facilities.~~

Section 2. The Town of Chino Valley Unified Development Ordinance, Chapter 3 (Zoning Districts), Section 3.17 (“I” – Industrial), Subsection (B) is hereby amended to read as follows (deleted text is shown in ~~strike through~~, and new text is shown in ALL CAPS):

B. Permitted Uses

1. Manufacturing.
2. Quarries.
3. Mines and associates batch plants, concrete plants and similar uses.
4. Feed lots.
5. Automobile salvage yards.

~~Ordinance No. 2021-***~~

~~December XX, 2021~~

~~Page 4245694.5~~

6. Commercial outdoor kennels.
7. Customary accessory buildings and structures provided they are incidental to a permitted use.
8. Commercial greenhouses and accessory uses.
9. Medical marijuana FACILITIES ~~dispensary~~ AND MARIJUANA FACILITIES OWNED AND OPERATED BY DUAL LICENSEES, EACH AS subject to the regulations set forth in Section 4.31.
10. ~~Medical marijuana off-site cultivation and infusion facilities, subject to the regulations set forth in Section 4.31.~~

Section 3. The Town of Chino Valley Unified Development Ordinance, Chapter 3 (Zoning Districts), Section 3.19 (“BP” – Business Park), Subsection (D) is hereby amended to read as follows (deleted text is shown in ~~striketrough~~, and new text is shown in ALL CAPS):

D. PROHIBITED USES

1. Quarries and mines.
2. Feed lots.
3. Automobile salvage yards/junkyards/storage yards.
4. Commercial outdoor kennels.
5. ~~Medical marijuana FACILITIES dispensary.~~
6. ~~Medical marijuana off-site cultivation and infusion facilities.~~
7. 6. Heavy Manufacturing such as automobile manufacturing plants.

Section 4. The Town of Chino Valley Unified Development Ordinance, Chapter 4 (General Regulations), Section 4.26 (Landscape Requirements) is hereby amended to read as follows (deleted text is shown in ~~striketrough~~, and new text is shown in ALL CAPS):

~~Ordinance No. 2021-***~~

~~December XX, 2021~~

~~Page 4245694.5~~

4.26.4 Determination of Requirements Unless Modified by the Zoning Administrator

1. Residential Subdivisions

a. Arterial/Collector Street Trees

. . .

e. WHEN A RESIDENTIAL DEVELOPMENT IS ADJACENT TO THE PEAVINE TRAIL, A TWENTY (20) FOOT WIDE LANDSCAPING STRIP IS REQUIRED FOR THE PORTION OF THE LOT THAT IS ADJACENT TO THE PEAVINE TRAIL.

2. Multiple-family, Office, Commercial and Industrial Districts

All lots improved with multi-family residential, office, commercial and industrial development shall be required to provide landscaping as set forth herein. (See paragraph 4. c. for a reduction to this requirement).

- a. Front yard landscaping. A ten (10) foot wide landscape strip is required along the property's street frontage. For properties adjacent to SR 89, a twenty (20) foot wide landscape strip is required along the property's street frontage.
- b. Side and rear yard landscaping: when adjacent to zoning other than multi - single family residential zoning, a five (5) foot wide landscape strip is required along the property's street frontage. WHEN ADJACENT TO THE PEAVINE TRAIL, A TWENTY (20) FOOT WIDE LANDSCAPING STRIP IS REQUIRED ABUTTING THE PEAVINE TRAIL FOR THE FULL LENGTH OF THE PORTION OF THE LOT BEING DEVELOPED. IN CASES WHERE THE WIDTH OF THE PEAVINE TRAIL RIGHT-OF-WAY NEXT TO THE PARCEL IS LESS THAN 200 FEET, AN EIGHT (8) FOOT TALL SCREENING FENCE OR WALL SHALL BE CONSTRUCTED BETWEEN THE NEWLY CREATED LANDSCAPING STRIP AND DEVELOPMENT.

Section 5. The Town of Chino Valley Unified Development Ordinance, Chapter 4 (General Regulations) Section 4.31 (Medical marijuana dispensaries, off-site cultivation sites, and infusion facilities) is hereby retitled and amended to read as follows (deleted text is shown in ~~strike through~~, and new text is shown in ALL CAPS):

4.31 ~~Medical marijuana dispensaries, off-site cultivation sites and infusion facilities~~

~~Ordinance No. 2021-***~~

~~December XX, 2021~~

~~Page 4245694.5~~

- A. All ~~medical~~-marijuana facilities shall comply with the regulations set forth in this section.
- B. All ~~medical~~-marijuana ~~cultivation~~-facilities shall be wholly contained within an enclosed, locked facility as defined in A.R.S. § 36-2801(6).
- C. Prior to the issuance of a certificate of occupancy, a ~~medical~~-marijuana facility shall provide written evidence of the following from the appropriate state regulatory agency:
1. The proposed facility is in compliance with all applicable state regulatory agency and state law requirements.
 2. Any application submitted to and approval granted by a State regulatory agency.
 3. In addition to the documents required in Subsections C.1. and C.2., above, an applicant for an infusion facility, whether located within a dispensary or ~~cultivation~~-OTHER MARIJUANA-Facility, shall provide certified copies of all approved permits and licenses required by Local Health Department.
 4. In addition to the documents required in Subsections C.1. and C.2., above, an applicant for a MARIJUANA ESTABLISHMENT OR MEDICAL MARIJUANA dispensary shall provide:
 - a. A complete list of the cultivation, ~~and~~-infusion, AND MANUFACTURING facilities from which the MARIJUANA FACILITY ~~dispensary~~-will receive ~~medical~~-marijuana or ~~medical~~-marijuana infused products. Said list shall include:
 - (i) The name and physical location of the cultivation,~~or~~ infusion, OR MANUFACTURING facility;
 - (ii) The number of any state license granted by the state regulating agency to the cultivation, ~~or~~ infusion, OR MANUFACTURING facility;
 - (iii) The name and contact information for each and every member of the board of directors of the cultivation, ~~and/or~~ infusion, OR MANUFACTURING facility.

- b. A copy of the operating procedures submitted to and approved by the state regulatory agency.
5. In addition to the documents required in subsections C.1. and C.2., above, an applicant for a MARIJUANA cultivation, INFUSION, OR MANUFACTURING facility shall provide a complete list of all MARIJUANA ESTABLISHMENTS OR MEDICAL MARIJUANA ~~dispensaries~~ for which the cultivation facility will cultivate ~~medical~~ marijuana, including:
- (i) The name and physical location of the FACILITY ~~dispensary~~;
 - (ii) The number of any license granted by the regulatory agency; and
 - (iii) The name and contact information for each and every member of the board of directors of the FACILITY ~~dispensary~~.
- D. The following separation requirements, AS MEASURED FROM THE LOT LINE OF THE PROPERTY BOUNDARY OF THE MARIJUANA FACILITY TO THE PROPERTY BOUNDARY LINE OF THE RELEVANT PROPERTY, shall apply to all ~~medical~~-marijuana facilities:
1. ~~Five hundred (500)~~ THREE HUNDRED (300) feet from any school, public or private.
 2. ~~Five hundred (500)~~ THREE HUNDRED (300) feet from any public park EXCEPT THE PEAVINE TRAIL, public building, or public community center.
 3. ~~Five hundred (500)~~ THREE HUNDRED (300) feet from any drug or alcohol rehabilitation facility or correctional transitional housing facility.
 4. ~~Five hundred (500)~~ THREE HUNDRED (300) feet from any residential zoning district, UNLESS THE PROPERTY WITHIN THE RESIDENTIAL ZONING DISTRICT IS PERMANENTLY USED BY A PUBLIC UTILITY FOR NON-RESIDENTIAL PURPOSES.
 5. ~~Five hundred (500)~~ THREE HUNDRED (300) feet from the nearest edge of the right-of-way of State Route 89.
- E. There shall be no retail sales, restaurant, food service, or entertainment activities within a ~~medical~~-marijuana cultivation facility.

- F. Dust, fumes, odor, or vapors emitting from any cultivation, ~~or~~ infusion, OR MANUFACTURING facility shall be mitigated to minimize impact on surrounding properties. Mitigation includes, but is not limited to, the following: ventilation of buildings, dust control, and/or installation and use of devices designed to minimize dust, fumes, odors, or vapors.
- G. All ~~medical~~-marijuana facilities shall be located in a permanent building or structure. No ~~such~~ MARIJUANA facility shall be allowed to locate in a trailer, cargo container, or motorized vehicle.
- H. The total square footage of a ~~medical~~— THE DISPENSARY PORTION OF A marijuana ~~dispensary~~ facility shall not exceed two thousand (2,000) square feet.
- I. There shall be no consumption of ~~medical~~-marijuana on the premises of any ~~medical~~ marijuana facility.
- J. Entry into limited access areas within a ~~medical~~-marijuana facility is restricted to ~~medical-marijuana-dispensary~~ agents OF THE FACILITY or persons accompanied by a ~~medical-marijuana-dispensary~~ agentS OF THE FACILITY. IN THIS SECTION, “AGENT” HAS THE MEANING SET FORTH IN A.R.S. § 36-2801(13) AND § 36-2850(17).
- K. ~~Medical~~-marijuana infusion facilities shall:
1. Be located on the same site as a MEDICAL MARIJUANA dispensary, A MARIJUANA ESTABLISHMENT, or a MARIJUANA cultivation facility.
 2. On-site infusion facilities, whether attached or free standing, shall not occupy greater than twenty (20) percent of the gross floor area of the respective MEDICAL MARIJUANA dispensary, MARIJUANA ESTABLISHMENT, or cultivation facility.
 3. There shall be no retail sales, restaurant, food service, or entertainment activities within a ~~medical~~-marijuana infusion facility.
- L. All cultivation of ~~medical~~-marijuana shall take place within an enclosed, locked structure comprised of a roof and walls that fully obscure all plants and cultivation activities from public view and in compliance with the provisions of this code and Arizona state law. There shall be no outdoor cultivation of ~~medical~~-marijuana within the corporate boundaries of the Town.

Document comparison by Workshare 10.0 on Monday, November 22, 2021
5:21:21 PM

Input:	
Document 1 ID	iManage://GRWORK01/Phoenix/4245694/4
Description	#4245694v4<Phoenix> - ORD - 2021-XXX - Recreational Marijuana UDO Amendments (004)(10.31.21)
Document 2 ID	iManage://GRWORK01/Phoenix/4245694/5
Description	#4245694v5<Phoenix> - ORD - 2022-XXX - Recreational Marijuana UDO Amendments (005)(11.22.21)
Rendering set	Standard

Legend:	
<u>Insertion</u>	
Deletion	
Moved from	
<u>Moved to</u>	
Style change	
Format change	
Moved deletion	
Inserted cell	
Deleted cell	
Moved cell	
Split/Merged cell	
Padding cell	

Statistics:	
	Count
Insertions	34
Deletions	29
Moved from	4
Moved to	4
Style change	0
Format changed	0
Total changes	71

ORDINANCE NO. 2022-____

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CHINO VALLEY, ARIZONA, ADOPTING THE AMENDMENTS TO THE TOWN OF CHINO VALLEY UNIFIED DEVELOPMENT ORDINANCE REGARDING MARIJUANA FACILITY MITIGATION (FEBRUARY XX, 2022) BY REFERENCE; AMENDING THE CODE OF THE TOWN OF CHINO VALLEY, ARIZONA, TITLE XV, LAND USAGE, CHAPTER 154, UNIFIED DEVELOPMENT ORDINANCE, BY AMENDING CERTAIN PROVISIONS OF CHAPTER 2 RELATED TO THE MEANING OF WORDS AND TERMS, CERTAIN PROVISIONS OF CHAPTER 3 RELATED TO INDUSTRIAL AND COMMERCIAL PARK ZONING DISTRICTS, CERTAIN PROVISIONS OF CHAPTER 4 RELATED TO LANDSCAPING, AND CERTAIN PROVISIONS OF CHAPTER 4 RELATED TO MEDICAL MARIJUANA; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; AND PROVIDING FOR SEVERABILITY.

WHEREAS, the Arizona Medical Marijuana Act, A.R.S. § 36-2801 *et seq.*, Title 9, Chapter 17 of the Arizona Administrative Code, and the statewide ballot measure known as the “Smart and Safe Arizona Act,” which was certified as Proposition 207 and approved by voters at the November 3, 2020, general election, each authorize certain practices related to marijuana; and

WHEREAS, possession and use of marijuana remain prohibited under federal law pursuant to 21 U.S.C. § 841 *et seq.*, and the Mayor and Town Council of the Town of Chino Valley (the “Town Council”) has found that certain practices related to marijuana pose a threat to the health, safety, and security of the community and increase the responsibilities of law enforcement and other Town of Chino Valley departments to respond to violations of state and local laws, including building, electrical, and fire codes; and

WHEREAS, the Town Council has sought to protect public health, safety, and welfare by enacting reasonable zoning regulations related to marijuana establishments, and by prohibiting the operation of marijuana establishments by any person other than a dual licensee who operates both a medical marijuana dispensary and a marijuana establishment cooperatively in a shared location (Town Code Section 117.04(A)); and

WHEREAS, certain provisions of Chapter 117 of the Town Code (Recreational Marijuana Regulations) do not align in all places with related provisions of Chapter 154 of the Town Code (Unified Development Ordinance or “UDO”), particularly including those UDO provisions that address medical marijuana dispensaries without addressing recreational marijuana facilities; and

WHEREAS, the Town Council has determined that zoning regulations relating to medical and recreational marijuana should be harmonized in order to clarify the legal requirements applicable to a dual-licensee who holds both a nonprofit medical marijuana dispensary registration and a marijuana establishment license, such dual-licensees being the only persons authorized to operate a marijuana establishment in the Town of Chino Valley; and

WHEREAS, that certain document entitled “Amendments to the Town of Chino Valley Unified Development Ordinance Regarding Marijuana Facility Mitigation (February XX, 2022)” (the “Marijuana Facility Amendments”), one paper copy and one electronic copy maintained in compliance with A.R.S. § 44-7041 of which are on file in the office of the Town Clerk as required by A.R.S. § 9-802 and are available for public use and inspection during normal business hours,

which Marijuana Facility Amendments are hereby declared to be public records, which public records are hereby referred to, adopted and made a part hereof as if fully set forth in this Ordinance and which are hereby ordered to remain on file with the Town Clerk; and

WHEREAS, in accordance with Article II, Sections 1 and 2 of the Constitution of Arizona, the Town Council has considered the individual property rights and personal liberties of the residents of the Town before adopting this ordinance; and

WHEREAS, the Town Council has considered the probable impact of this ordinance on the cost to construct housing for sale or rent, and found none.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Common Council of the Town of Chino Valley, Arizona, as follows:

Section 1. The recitals above are hereby incorporated as if fully set forth herein.

Section 2. The Chino Valley Town Code, Title XV (Land Usage) Chapter 154 (Unified Development Ordinance) is hereby amended as set forth in the Marijuana Facility Amendments, which document is hereby adopted by reference and incorporated herein by reference as if fully set forth in this Ordinance.

Section 3. Any person who violates any provision of the Marijuana Facility Amendments is guilty of a civil infraction punishable as set forth in Section 1.11 of the UDO, unless such violation causes such person to meet the definition of a “Habitual Offender” set forth in the UDO, in which case the person shall be guilty of a criminal misdemeanor punishable as set forth in the UDO. Any continuing violation of the Marijuana Facility Amendments may be abated by the Town as set forth in the UDO. Imposition of a fine or penalty assessment shall not relieve the owner of the responsibility for abatement of the violation(s) or excuse him/her from liability for any and all costs incurred by the Town for abatement.

Section 4. All ordinances and parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

Section 5. If any section, subsection, sentence, clause, phrase or portion of this Ordinance, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

Section 6. The Mayor, the Town Manager, the Town Clerk and the Town Attorney are hereby authorized and directed to take all steps necessary to carry out the purpose and intent of this Ordinance.

[Signatures on following page]

PASSED AND ADOPTED by the Mayor and Common Council of the Town of Chino Valley, Arizona, this XX day of February, 2022.

Jack W. Miller, Mayor

ATTEST:

Erin N. Deskins, Town Clerk

APPROVED AS TO FORM:

Gust Rosenfeld PLC, Town Attorney
By: Andrew J. McGuire

I hereby certify the above foregoing Ordinance No. 2022-*** was duly passed by the Council of the Town of Chino Valley, Arizona, at a meeting held on February XX, 2022, and that quorum was present, and that the vote thereon was _____ ayes and _____ nays and _____ abstentions. Council members were absent or excused.

Erin N. Deskins, Town Clerk

**Amendments to the Town of Chino Valley
Unified Development Ordinance
Regarding
Marijuana Facility Mitigation**

February __, 2022

Section 1. The Town of Chino Valley Unified Development Ordinance, Chapter 2 (Definitions) is hereby amended, by adding new definitions for Dual Licensee, Marijuana Establishment, and Marijuana Manufacturing Facility, and amending other definitions therein, with remaining definitions subsequently reordered as necessary, to read as follows (deleted text is shown in ~~striketrough~~, and new text is shown in ALL CAPS):

DUAL LICENSEE. AN ENTITY THAT HOLDS BOTH A NONPROFIT MEDICAL MARIJUANA DISPENSARY REGISTRATION AND A MARIJUANA ESTABLISHMENT LICENSE.

Medical marijuana. All parts of the PLANT OF THE genus cannabis whether growing or not, ~~and~~ AS WELL AS the seedS of such plant, THE RESIN EXTRACTED FROM ANY PART OF SUCH PLANT, AND EVERY COMPOUND, MANUFACTURE, SALT, DERIVATIVE, MIXTURE, OR PREPARATION OF SUCH PLANT OR ITS SEEDS OR RESIN, AND INCLUDES CANNABIS AS DEFINED IN A.R.S. § 13-3401, BUT DOES NOT INCLUDE INDUSTRIAL HEMP, THE FIBER PRODUCED FROM THE STALKS OF THE PLANT OF THE GENUS CANNABIS, OIL OR CAKE MADE FROM THE SEEDS OF THE PLANT, OR STERILIZED SEEDS OF THE PLANT THAT ARE INCAPABLE OF GERMINATION. FOR THIS ORDINANCE, THIS DEFINITION APPLIES EQUALLY TO MARIJUANA that may be administered and used by a registered qualifying patient, as that term is defined in A.R.S. § 36-2801, solely to treat or alleviate the patient's debilitating medical condition or symptoms associated with the patient's debilitating medical condition, AND TO MARIJUANA THAT MAY BE ADMINISTERED OR USED PURSUANT TO A.R.S. § 36-2852 and 2858.

Medical marijuana cultivation. The process by which a person grows a marijuana plant for ANY use, INCLUDING USE as medical marijuana.

Medical marijuana cultivation facility, off-site. A building, structure, or other enclosed, locked facility used for the cultivation or storage of ~~medical-marijuana~~ that is physically separate and not located on the same real property as the medical marijuana dispensary ~~with which it is affiliated pursuant to A.R.S. § 36-2806(e)~~, OR MARIJUANA ESTABLISHMENT WITH WHICH IT IS AFFILIATED.

Medical marijuana cultivation facility, on-site. A ~~medical-marijuana~~ facility that is located on the same REAL property as the medical marijuana dispensary ~~with which it is affiliated pursuant to A.R.S. § 36-2806(e)~~, OR MARIJUANA FACILITY WITH WHICH IT IS AFFILIATED, whether attached or not.

MARIJUANA ESTABLISHMENT: AN ENTITY LICENSED BY THE ARIZONA DEPARTMENT OF HEALTH AND HUMAN SERVICES OR ITS SUCCESSOR AGENCY TO OPERATE A SINGLE RETAIL LOCATION AT WHICH THE LICENSEE MAY SELL MARIJUANA AND MARIJUANA PRODUCTS TO CONSUMERS, CULTIVATE MARIJUANA, AND MANUFACTURE MARIJUANA PRODUCTS.

MARIJUANA FACILITIES. MEDICAL MARIJUANA DISPENSARIES, MARIJUANA DISPENSARIES, MARIJUANA CULTIVATION FACILITIES (ON OR OFF-SITE), MARIJUANA ESTABLISHMENTS, ~~MARIJUANA~~ INFUSION FACILITIES, MARIJUANA MANUFACTURING FACILITIES, AND MARIJUANA TESTING FACILITIES.

Medical marijuana infusion facility. A facility that incorporates ~~medical~~ marijuana by the means of cooking, blending, infusing, or otherwise combining ~~medical~~ marijuana into consumable, ingestible, or edible goods.

MARIJUANA MANUFACTURING FACILITY. A FACILITY THAT COMPOUNDS, BLENDS, EXTRACTS, INFUSES, OR OTHERWISE MAKES OR PREPARES A MARIJUANA PRODUCT, OR THAT PACKAGES OR STORES MARIJUANA PRODUCTS.

Medical marijuana facilities. NONPROFIT medical marijuana dispensaries, AS DEFINED IN A.R.S § 36-2801 ET SEQ., AS AMENDED, INCLUDING medical RELATED marijuana cultivation facilities (on or off-site), and medical marijuana infusion facilities.

Section 2. The Town of Chino Valley Unified Development Ordinance, Chapter 3 (Zoning Districts), Section 3.17 (“I” – Industrial), Subsection (B) is hereby amended to read as follows (deleted text is shown in ~~strike through~~, and new text is shown in ALL CAPS):

B. Permitted Uses

1. Manufacturing.
2. Quarries.
3. Mines and associates batch plants, concrete plants and similar uses.
4. Feed lots.
5. Automobile salvage yards.
6. Commercial outdoor kennels.
7. Customary accessory buildings and structures provided they are incidental to a permitted use.

8. Commercial greenhouses and accessory uses.
9. Medical marijuana FACILITIES—dispensary AND MARIJUANA FACILITIES OWNED AND OPERATED BY DUAL LICENSEES, EACH AS subject to the regulations set forth in Section 4.31.
- ~~10. Medical marijuana off-site cultivation and infusion facilities, subject to the regulations set forth in Section 4.31.~~

Section 3. The Town of Chino Valley Unified Development Ordinance, Chapter 3 (Zoning Districts), Section 3.19 (“BP” – Business Park), Subsection (D) is hereby amended to read as follows (deleted text is shown in ~~striketrough~~, and new text is shown in ALL CAPS):

D. PROHIBITED USES

1. Quarries and mines.
2. Feed lots.
3. Automobile salvage yards/junkyards/storage yards.
4. Commercial outdoor kennels.
5. ~~Medical marijuana FACILITIES dispensary.~~
- ~~6. Medical marijuana off-site cultivation and infusion facilities.~~
- ~~7.~~ 6. Heavy Manufacturing such as automobile manufacturing plants.

Section 4. The Town of Chino Valley Unified Development Ordinance, Chapter 4 (General Regulations), Section 4.26 (Landscape Requirements) is hereby amended to read as follows (deleted text is shown in ~~striketrough~~, and new text is shown in ALL CAPS):

4.26.4 Determination of Requirements Unless Modified by the Zoning Administrator

1. Residential Subdivisions
 - a. Arterial/Collector Street Trees
 - . . .
 - e. WHEN A RESIDENTIAL DEVELOPMENT IS ADJACENT TO THE PEAVINE TRAIL, A TWENTY (20) FOOT WIDE LANDSCAPING STRIP IS

REQUIRED FOR THE PORTION OF THE LOT THAT IS ADJACENT TO THE
PEAVINE TRAIL.

2. Multiple-family, Office, Commercial and Industrial Districts

All lots improved with multi-family residential, office, commercial and industrial development shall be required to provide landscaping as set forth herein. (See paragraph 4. c. for a reduction to this requirement).

- a. Front yard landscaping. A ten (10) foot wide landscape strip is required along the property's street frontage. For properties adjacent to SR 89, a twenty (20) foot wide landscape strip is required along the property's street frontage.
- b. Side and rear yard landscaping: when adjacent to zoning other than multi - single family residential zoning, a five (5) foot wide landscape strip is required along the property's street frontage. WHEN ADJACENT TO THE PEAVINE TRAIL, A TWENTY (20) FOOT WIDE LANDSCAPING STRIP IS REQUIRED ABUTTING THE PEAVINE TRAIL FOR THE FULL LENGTH OF THE PORTION OF THE LOT BEING DEVELOPED. IN CASES WHERE THE WIDTH OF THE PEAVINE TRAIL RIGHT-OF-WAY NEXT TO THE PARCEL IS LESS THAN 200 FEET, AN EIGHT (8) FOOT TALL SCREENING FENCE OR WALL SHALL BE CONSTRUCTED BETWEEN THE NEWLY CREATED LANDSCAPING STRIP AND DEVELOPMENT.

Section 5. The Town of Chino Valley Unified Development Ordinance, Chapter 4 (General Regulations) Section 4.31 (Medical marijuana dispensaries, off-site cultivation sites, and infusion facilities) is hereby retitled and amended to read as follows (deleted text is shown in ~~strike through~~, and new text is shown in ALL CAPS):

4.31 ~~Medical marijuana dispensaries, off-site cultivation sites and infusion facilities~~

- A. All ~~medical~~-marijuana facilities shall comply with the regulations set forth in this section.
- B. All ~~medical~~-marijuana ~~cultivation~~-facilities shall be wholly contained within an enclosed, locked facility as defined in A.R.S. § 36-2801(6).
- C. Prior to the issuance of a certificate of occupancy, a ~~medical~~-marijuana facility shall provide written evidence of the following from the appropriate state regulatory agency:
 1. The proposed facility is in compliance with all applicable state regulatory agency and state law requirements.

2. Any application submitted to and approval granted by a State regulatory agency.
3. In addition to the documents required in Subsections C.1. and C.2., above, an applicant for an infusion facility, whether located within a dispensary or ~~cultivation~~ OTHER MARIJUANA Facility, shall provide certified copies of all approved permits and licenses required by Local Health Department.
4. In addition to the documents required in Subsections C.1. and C.2., above, an applicant for a MARIJUANA ESTABLISHMENT OR MEDICAL MARIJUANA dispensary shall provide:
 - a. A complete list of the cultivation, ~~and~~ infusion, AND MANUFACTURING facilities from which the MARIJUANA FACILITY ~~dispensary~~ will receive ~~medical~~ marijuana or ~~medical~~ marijuana infused products. Said list shall include:
 - (i) The name and physical location of the cultivation, ~~or~~ infusion, OR MANUFACTURING facility;
 - (ii) The number of any state license granted by the state regulating agency to the cultivation, ~~or~~ infusion, OR MANUFACTURING facility;
 - (iii) The name and contact information for each and every member of the board of directors of the cultivation, ~~and/or~~ infusion, OR MANUFACTURING facility.
 - b. A copy of the operating procedures submitted to and approved by the state regulatory agency.
5. In addition to the documents required in subsections C.1. and C.2., above, an applicant for a MARIJUANA cultivation, INFUSION, OR MANUFACTURING facility shall provide a complete list of all MARIJUANA ESTABLISHMENTS OR MEDICAL MARIJUANA ~~dispensaries~~ for which the cultivation facility will cultivate ~~medical~~ marijuana, including:
 - (i) The name and physical location of the FACILITY ~~dispensary~~;
 - (ii) The number of any license granted by the regulatory agency; and
 - (iii) The name and contact information for each and every member of the board of directors of the FACILITY ~~dispensary~~.

D. The following separation requirements, AS MEASURED FROM THE LOT LINE OF THE PROPERTY BOUNDARY OF THE MARIJUANA FACILITY TO THE

PROPERTY BOUNDARY LINE OF THE RELEVANT PROPERTY, shall apply to all ~~medical-marijuana~~ facilities:

1. ~~Five hundred (500)~~ THREE HUNDRED (300) feet from any school, public or private.
 2. ~~Five hundred (500)~~ THREE HUNDRED (300) feet from any public park EXCEPT THE PEAVINE TRAIL, public building, or public community center.
 3. ~~Five hundred (500)~~ THREE HUNDRED (300) feet from any drug or alcohol rehabilitation facility or correctional transitional housing facility.
 4. ~~Five hundred (500)~~ THREE HUNDRED (300) feet from any residential zoning district, UNLESS THE PROPERTY WITHIN THE RESIDENTIAL ZONING DISTRICT IS PERMANENTLY USED BY A PUBLIC UTILITY FOR NON-RESIDENTIAL PURPOSES.
 5. ~~Five hundred (500)~~ THREE HUNDRED (300) feet from the nearest edge of the right-of-way of State Route 89.
- E. There shall be no retail sales, restaurant, food service, or entertainment activities within a ~~medical-marijuana~~ cultivation facility.
- F. Dust, fumes, odor, or vapors emitting from any cultivation, ~~or~~ infusion, OR MANUFACTURING facility shall be mitigated to minimize impact on surrounding properties. Mitigation includes, but is not limited to, the following: ventilation of buildings, dust control, and/or installation and use of devices designed to minimize dust, fumes, odors, or vapors.
- G. All ~~medical-marijuana~~ facilities shall be located in a permanent building or structure. No ~~such~~ MARIJUANA facility shall be allowed to locate in a trailer, cargo container, or motorized vehicle.
- H. The total square footage of a ~~medical-~~ THE DISPENSARY PORTION OF A marijuana ~~dispensary-~~facility shall not exceed two thousand (2,000) square feet.
- I. There shall be no consumption of ~~medical-~~marijuana on the premises of any ~~medical~~ marijuana facility.
- J. Entry into limited access areas within a ~~medical-marijuana~~ facility is restricted to ~~medical-marijuana-dispensary~~ agents OF THE FACILITY or persons accompanied by a ~~medical-marijuana-dispensary~~ agentS OF THE FACILITY. IN THIS SECTION, "AGENT" HAS THE MEANING SET FORTH IN A.R.S. § 36-2801(13) AND § 36-2850(17).
- K. ~~Medical-marijuana~~ infusion facilities shall:

1. Be located on the same site as a MEDICAL MARIJUANA dispensary, A MARIJUANA ESTABLISHMENT, or a MARIJUANA cultivation facility.
 2. On-site infusion facilities, whether attached or free standing, shall not occupy greater than twenty (20) percent of the gross floor area of the respective MEDICAL MARIJUANA dispensary, MARIJUANA ESTABLISHMENT, or cultivation facility.
 3. There shall be no retail sales, restaurant, food service, or entertainment activities within a ~~medical~~-marijuana infusion facility.
- L. All cultivation of ~~medical~~-marijuana shall take place within an enclosed, locked structure comprised of a roof and walls that fully obscure all plants and cultivation activities from public view and in compliance with the provisions of this code and Arizona state law. There shall be no outdoor cultivation of ~~medical~~-marijuana within the corporate boundaries of the Town.